



## DIFFERENCE AND DEMOCRACY: RECOGNISING THE VALUE OF TOLERANCE FOR LOCAL GOVERNANCE

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Local democratic space – where citizens and the state ‘interact to hold the state accountable, shape public debate, participate in politics and express their needs and opinions’ (Horner and Puddephatt 2011: 3) – is necessarily marked by encounters with difference and with the expression of disagreement. Stakeholders engaged in processes of local governance hold diverse, often conflicting, views about how development priorities should be determined, resources allocated and responsibility assigned. As such, local democratic space invites contestation over how things should be done.



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IN A HEALTHY democracy, contestation is encouraged and mechanisms that allow for its productive negotiation and mediation are put in place. In South Africa, however, this is not the case. Here, difference and disagreement are considered to be threatening. Both citizens and the state respond negatively – often violently – to attitudes and behaviours that are not in line with their own.

These responses emerge out of a context where patterns of systematic discrimination and exclusion continue to limit the space for democratic

engagement. Indeed, Dodson argues that the ‘supposed “rainbow nation” has in reality been a strongly exclusionary space’ (2010: 4). Negative responses to difference and disagreement significantly impact on local democratic space – which can only function effectively (that is, lead to meaningful outcomes) if difference is acknowledged as central to the process of governance.

In this paper we therefore argue that tolerance is required for the effective functioning of local democratic space in South Africa. We begin by

exploring various definitions of tolerance in order to highlight both the shortcomings and possibilities of the term. Through engagement with the literature, we arrive at an understanding of tolerance that foregrounds three aspects, including mutual recognition; the acknowledgement of disagreement or contestation as an integral part of the political process; and the value of tolerance as a practice rather than an abstract value. We then briefly consider prominent, relatively current, instances of intolerance in South Africa and use these to make five key observations about the state of tolerance in the country. The paper concludes by recommending practical ways in which tolerance can be enhanced in local democratic space.

## DEFINING TOLERANCE

The notion of tolerance refers to the capacity of citizens to 'put up with' disliked others (Sullivan and Transue 1999: 630). According to Crocker, 'a tolerant person has a negative attitude toward an attitude, idea, or action and yet restrains herself in acting on this attitude. The notion of tolerance makes explicit that citizens, while strongly disapproving of the beliefs, proposals, and conduct of their fellow citizens, try to accommodate their fellow citizens – within the limits set by the intolerable – with respect to what should be done' (2004: 5). In the realm of politics, tolerance points to the willingness of citizens to extend rights to those with whom they do not agree. Tolerance is therefore crucial to the functioning of democracy – a system of governance premised on the recognition of the inherent validity of diverse, often conflicting, ways of being and doing (Crocker 2004; Habermas 2003; Mouffe 1999; Sullivan and Transue 1999). Gibson (2011: 411) uses the concept of the 'marketplace of ideas' to discuss the importance of tolerance for democracy and notes that democracy is 'a system in which institutionalised

respect for the rights of political minorities to try to become a majority must exist' (Gibson 2011: 410-411). The 'marketplace of ideas' allows for diverse, often conflicting, ways of being and doing – enacted by both political majorities and minorities – to be put forward and to vie for power. The 'marketplace of ideas' can only function, however, if all political ideas are tolerated – that is, granted the same access to the marketplace as those ideas currently dominating the system (Gibson 2011: 411).

The notion of tolerance is, of course, not without its shortcomings. Indeed, Gill, Johnstone and Williams note that 'some types of tolerance are little more than barely concealed contempt' (2012: 511). So too, Wilson shows that tolerance is often rejected because of 'its entanglement with disdain, contempt, and hierarchical conceptions of belonging' (2014: 852). Tolerance – simply imagined as the capacity to 'put up with' disliked others – is construed as permissive or condescending (Gill et al. 2012; Gray 2011). As Thomassen notes, '[tolerance], traditionally conceived, involves an asymmetrical, paternalistic relationship between a sovereign party unilaterally bestowing tolerance on the tolerated party as an act of benevolence (to be tolerant is also to have the power to be intolerant)' (2006: 440). In the South African context – where a long history of prejudice has resulted in deeply ingrained patterns of discrimination, and where struggles for equal access to rights continue – permissive or condescending tolerance is extremely dangerous, as it perpetuates a shallow form of democracy that fails to address inherent inequalities.

Given the shortcomings of tolerance, we may opt to do away with the notion altogether, focussing our attention instead on the need for respect and equality. And yet Gill et al. recognise that tolerance, if productively reframed, can 'be powerful in creating and expanding a dual space of recognition and

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disagreement which is a necessary condition for the functioning of politics' (2012: 511). Following this line of thinking, we may argue that the intention of tolerance is to ground expressions of disagreement in the recognition that all citizens have a right to participate in politics. As Habermas argues, '[the] norm of equal inclusion of every citizen must be universally recognised within a political community before we can mutually expect tolerance from one another' (2003: 3). It is through mutual recognition then that the condescending nature of tolerance is overcome, as an equal – rather than hierarchical – relationship between citizens is emphasised. Gill et al.'s understanding of tolerance as both recognition and disagreement shies away from the 'equation of tolerance with a prohibition of opposing' (2012: 515) and acknowledges conflict as an integral part of the political process. Furthermore, Wilson argues the baby of tolerance need not be thrown out with the condescending water if it is reconceptualised as a practice rather than an abstract value (2014: 853). The author describes tolerance as a means to an end, and notes that it 'creates a space for exchange...in which people with apparent incompatible views have the opportunity to hear from the alternative position' (Wilson 2014: 861).

In what follows, we draw on the debates outlined above, and understand tolerance to be, firstly, rooted in relationships of mutual recognition between citizens (whether or not their views align with those of the mainstream). Secondly, the type of tolerance we promote does not require the smoothing over of difference, but rather engages difference head on. Finally, we think of tolerance as a practice, so that

its existence is not measured by citizens' claims of tolerance, but rather by the extent to which tolerance is evident in their actions.

## MANIFESTATIONS OF INTOLERANCE IN SOUTH AFRICA

The apartheid regime institutionalised exclusion in South Africa, and left the country scarred with memories of gross intolerance and injustice. With the advent of democracy, however, came the introduction of a new set of principles – captured in the country's Constitution – that would serve as the foundation for a more inclusive society. But while the dominant rhetoric in South Africa has shifted from that of exclusion to inclusion, these new principles have not yet become embedded in the attitudes and behaviours of the state, nor in that of the citizenry. Rather, intolerance remains pervasive. In this section, we briefly consider five types of intolerance that manifest in South Africa. These include:

### XENOPHOBIA

In 2008, and again in 2015, violence against foreign nationals – particularly those from the African continent – erupted across South Africa (van Holdt et al., 2011; Landau, 2012). These instances – during which both foreign nationals and marginal South Africans (Landau, Polzer and Kabwe-Segatti 2010) were robbed, beaten, murdered, displaced – bring into sharp focus the extent to which intolerance towards difference has permeated the South African imaginary. But while eruptions of violence on a large scale are deserving of our attention and outrage, it is also necessary to note that these instances do not occur in isolation. Rather, they point to an undercurrent of anger and hatred that boils continually beneath the surface. Every day, smaller scale expressions and experiences of xenophobia contribute to the making of a hostile environment

where foreign nationals suffer ongoing discrimination, exclusion and fear (Dodson, 2010: 4). As Dodson notes, 'more quotidian expressions and experiences of xenophobia demonstrate how deeply entrenched anti-immigrant feeling is in South Africa and how it is manifest in the everyday lives of Africans from countries to the north' (2010: 4). Indeed, Landau, Ramjathan-Keogh and Singh note that 'South Africa is a highly xenophobic society, which out of fear of foreigners, does not naturally value the human rights of non-nationals' (2005: 3). While countries across the African continent have come under fire for their treatment of foreign nationals, the Institute for Security Studies reports that South Africa seems to be at the epicentre of a xenophobic thunderstorm 'leaving death and destruction in its wake' (Louw-Vaudran 2016: no page number).

### PUBLIC EXPRESSIONS OF RACISM

Early in 2016, Penny Sparrow, Mabel Jansen and Matthew Theunissen each took to social media to express racist views. In a Facebook status update, Penny Sparrow – an estate agent from KwaZulu-Natal (Munusamy 2016) – referred to black beachgoers as 'monkeys' who litter, and stated that 'letting them loose' would cause discomfort to other holidaymakers (Wicks 2016: no page number). Sparrow also expressed disbelief at the fact that these same black beachgoers – whom she described as 'wild' and having no education – also participated in politics ('This lot of monkeys just don't want to try. But think they can voice opinions about statute and get their way...'). Mabel Jansen – a High Court judge – stated in a private Facebook message to her colleague Gillian Schutte that she believed rape to be part of the culture of black men (African News Agency 2016; BBC Africa 2016). In her messages, Jansen claimed that 'gang rapes of babies, daughter and mother [is] a pleasurable pastime [for black men]'

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(BBC Africa 2016). She also attacked the mothers of sexually abused children, stating that mothers are so brainwashed that they allow crimes to be perpetrated against their children. Public outrage has followed the revelation of Jansen's racist sentiments, and she is due to come under investigation for breaking to Code of Judicial Conduct (African News Agency 2016). Finally, Matthew Theunissen used an abhorred racial slur during a Twitter outburst in which he responds to Sports Minister Fikile Mbalula's decision to ban local associations from hosting international sporting events (Feltham 2016). As with xenophobia, these seemingly extreme expressions of racism are in fact ordinary in the South African context where discrimination remains entrenched in the attitudes and behaviours of citizens.

### VIOLENCE AGAINST THE LGBT+ COMMUNITY

The pervasiveness of intolerance in South Africa is also evident in the everyday experiences of members of the LGBT+ community. The practice of corrective rape, used to 'fix' the sexual orientation of lesbian women, has become prevalent in communities across the country (Gonker 2009; Fihlani 2009; Thirikwa 2013). Gonker, drawing on Kruger, argues that the practice of corrective rape 'is motivated by the belief that lesbian women "pretend" to be men and is designed to "prove" that they are women' (Kruger 2006 cited in Gonker 2009: 14). Recent media reports also detail the brutal murder of homosexual, bisexual

and transgender men and women (Davis 2012; Fihlani 2011). While the state's position on LGBT+ issues is apparently made clear in its progressive policy and legislation, its practice attests to ongoing intolerance. Rubin (2015) recounts an instance during which a transgender woman, who has been raped for being transgender, was humiliated by hospital staff who insisted on using her male name and told her to go home and take off her dress. Because the Alteration of Sex Description and Sex Status Act, No. 49 of 2003 is not properly implemented (Rubin 2015), marginalised citizens are unable to access the rights safeguarded by the Constitution and continue to struggle for recognition.

### STATE INTOLERANCE TO CIVIC MOBILISATION

Over the last decade, South Africa has experienced an increase in community protest action (Kirsten and Von Holdt 2011; Right2Know 2015). While the specific nature of the grievances informing protest action differs from community to community, an overarching narrative of frustration with corruption and a lack of responsiveness on the part of the state is evident. According to Right2Know – a campaign aimed at promoting access to information in South Africa – the increase in community-led protests is often conflated with an increase in community-instigated violence while, in reality, these protests are largely peaceful (Right2Know 2015). Violence emerges, rather, as a key feature of the police's response to civic mobilisation (Burger 2014; Kirsten and Von Holdt 2011; Padayachee 2016; Right2Know 2015). According to Kirsten and Von Holdt, 'studies of community protests show that police actions [escalate] confrontation and tension which rapidly [take] the form of running street battles between protesters and police officers' (2011: 8). Actions taken by the police against community protestors often involve assault, torture and, in extreme cases, murder (Kirsten and Von Holdt 2011;

Right2Know 2015). Instead of engaging meaningfully with communities – acknowledging their grievances and initiating dialogue – the state increasingly meets dissent with force. This in turn, sparks further violence, as communities – provoked by the actions of the police – turn to violent tactics out of desperation (Padayachee 2016).

The state's intolerance towards civic mobilisation is also evident in instances where communities attempt to participate directly in state-driven processes. In 2015, for example, the Social Justice Coalition – working closely with Ndifuna Ukwazi and the International Budget Partnership – supported over five hundred Khayelitsha residents in developing individual submissions into the City of Cape Town's annual budget. These submissions took issue with the allocations made for water and sanitation provision in informal settlements (Notywala 2015). During her budget speech that year, the Mayor of the City of Cape Town addressed the submissions as follows:

They [the Social Justice Coalition] have spent some time constantly bringing up the same points again and again that the City was allegedly spending only R20 million on informal settlements. I can understand a mistake made once. But I cannot understand mistakes made again and again after being corrected. Indeed, we have repeatedly corrected the false claims by the SJC but they have persisted in their supposed ignorance. I can only assume some other motive or malicious intent and not an honest attempt to engage with the budget. (CoCT 2015: no page number)

While it is beyond the scope of this paper to assess the accuracy of the Social Justice Coalition's claims regarding the city's budget, we believe that the example again illustrates the state's unwillingness and inability to tolerate – that is, to recognise the validity of, and to engage in dialogue with – dissenting voices.

## INTOLERANCE WITHIN CIVIC MOBILISATION

Civic mobilisation – utilised as a means of ensuring access and accountability – is necessary in a healthy democracy. Through mobilisation processes, citizens bring their concerns to the fore, and assert their position as active participants in the political community. In some instances, however, processes of civic mobilisation also instigate – or serve as spaces for the enactment of – intolerance. In South Africa, such intolerance is evident in labour strikes during which non-strikers are harassed, intimidated or assaulted (IOL 2011; Mail & Guardian 2013; Qually 2011; Rycroft 2013; SEIFSA 2011). In these instances, violent tactics are used to silence dissenting views. The recent Rhodes Must Fall and Fees Must Fall movements have also been criticised for their intolerance towards difference. In March 2016, a collective representing the interests of transgender, gender non-conforming and intersex students disrupted an exhibition showcasing images related to the Rhodes Must Fall movement (Hendricks 2016). According to the Trans Collective, the disruption served the purpose of keeping the movement accountable to its commitment to intersectionality (Hendricks 2016). Early in 2016 – during a Fees Must Fall protest taking place at the University of Witwatersrand – feminist, queer and non-binary students also confronted leaders about misogyny within the movement (Pather 2016).

## THE STATE OF TOLERANCE IN SOUTH AFRICA

It is beyond the scope of this paper to engage in an in-depth analysis of each of the instances of intolerance set out in the previous section. We can, however, draw on these examples to make five observations about the state of tolerance in South Africa and to think about the practices that need to

shift in order for local democratic spaces to become more tolerant of difference. These observations include:

### PREJUDICE PERSISTS

While the country's Constitution guards against unfair discrimination with regards to 'race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth' (1997: 1247), the examples cited above suggest that prejudice persists in South African society. The exclusionary attitudes and practices described above limit the possibility for mutual recognition, since they do not allow for disliked others to be viewed as equal participants in the political community. If we consider then Habermas' (2003) assertion that the norm of equal inclusion forms the foundation of tolerance, it is clear that we still have a long way to go before we can consider our society truly tolerant. Before Mabel Jansen and the like can engage meaningfully with disliked others, they would first have to set aside their prejudices and acknowledge the basic rights of all citizens. As a first step towards greater tolerance, we must therefore address the persistence of prejudice and ensure that the principles set out in the Constitution permeate the behaviours of both citizens and the state.

### INTOLERANCE LEGITIMISES VIOLENCE

We have shown that, in South Africa, difference or disagreement are often taken to represent a threat to particular ways of being and doing. Homosexual or transgender individuals, for instance, challenge mainstream ideas about gender and sexuality, and should therefore – by the logic of intolerance – be punished. So too, disagreement over how state resources should be spent threaten to disrupt the existing order, and are therefore met with force. In

this way, intolerance legitimises violence against those who are disliked or disagreed with, as those who aim to uphold their own particular ways of being and doing do so by eradicating that which threatens it.

### LACK OF RECOGNITION FUELS VIOLENCE

In South Africa, violence occurs in many forms. The instances of intolerance considered above suggest that structural, cultural and physical violence feature prominently in the political and popular landscape. But while some expressions of violence are rooted in hatred, others erupt as the result of fear or frustration. Those who protest in response to discrimination and exclusion often turn to violence in desperation, and use it as a means through which to make their voices heard. Where the state fails to recognise the validity of community concerns, few other avenues offer recourse. With this statement, our intention is not to condone violence, but rather to bring attention to the fact that it emerges out of a complex set of relationships. In order to address its persistence in South Africa, it is therefore also necessary to address the significant power imbalances that have become so deeply embedded in our society.

### INTOLERANCE IS EVIDENT IN THE ACTIONS OF CITIZENS AND THE STATE

The examples of violence referred to in the previous section also show that, in South Africa, intolerance is enacted by a wide range of stakeholders. While xenophobic and homophobic attacks, racist outbursts and violent protests are undertaken by citizens, the state also continues to fuel a culture of intolerance in the country. In the case of xenophobia, the state's role in perpetuating negative stereotypes is evident in the way that it uses African foreign nationals as scapegoats for its own failure

to deliver on its promises (Landau et al. 2005). Restrictive policies and processes that diminish the safety and quality of life of migrants living in South Africa are also indicative of the intolerance enacted by the state. So too, transgender persons are discriminated against by state institutions who fail to implement the country's progressive legislation. We have also shown that state intolerance manifests as police brutality enacted against community protesters attempting to air their grievances and to see their concerns taken up by local government. Because intolerance is enacted by both citizens and the state, strategies aimed at promoting greater tolerance must take cognisance of the underlying drivers of intolerance for each of these stakeholders.

### DISSENT IS SILENCED RATHER THAN ENGAGED

The state's response to civic mobilisation, as well as the intolerance enacted by striking labourers and protesting students, indicates an alarming trend emerging in the communication between dissenting parties. By violently protecting their own interests, both citizens and the state silence those who disagree with them and, in the process, narrow the space for productive deliberation. In a Constitutional democracy, where all ideas – within the limits of the intolerable – are meant to enjoy equal validity, dissent should not be discouraged. Rather, it should form the basis for dialogue between dissenting, yet tolerant, parties who are able to recognise their own shortcomings as well as the validity of opposing views.

### RECOMMENDATIONS FOR LOCAL DEMOCRATIC SPACE

From the observations made above, we are able to draw a number of recommendations with reference to local government, political parties and community leaders. While these recommendations are by no

means comprehensive, they highlight examples of what a greater commitment to tolerance might mean in practice. As noted in the introduction, systematic exclusion has become deeply embedded within South African society. We therefore recognise that any calls for greater tolerance must be made against the backdrop of structural inequality, and must come to terms with the ongoing need to prioritise justice and transformation. Our recommendations include:

### LEAD BY EXAMPLE

If the principles of the Constitution are to become embedded in the attitudes and behaviours of all citizens, it is imperative that the state leads by example. With reference to local government, elected representatives and officials need to practice tolerance in both their institutional and personal capacity. This means that elected representatives and officials commit to inclusivity and accountability, not only as values espoused in policy and legislation, but as principles that guide their everyday practice. A commitment to tolerance also requires an ability to distance oneself from personal interests. Elected representatives and officials would therefore have to endeavour to overcome patronage politics in the interest of the public good. In a similar vein, political parties and civil society leaders are called upon to adhere to and proactively advocate the principles of the Constitution.

### ACKNOWLEDGE AND ADDRESS PREJUDICE

In the preceding sections of this paper we have shown that prejudice remains deeply embedded in South African society. While the rainbow nation discourse has offered a positive image of unity across diversity, it also represents a dangerous ignorance as it encourages a move away from difficult conversations about the root causes of intolerance and the impact of gross injustice in

the country. Rather than ignore the persistence of prejudice, citizens and the state must engage it head on. This means putting in place processes of dialogue and exchange through which prejudice may be counteracted. Visioning exercises, or other participatory planning processes, can be designed in ways that address prejudice by instigating deliberation about the makings of inclusive neighbourhoods and communities. This serves as a practical strategy for uncovering the impact of prejudice, and for exploring methods through which exclusionary attitudes and behaviours may be overcome. We also recommend that conversations about prejudice move beyond racism to consider other forms of prejudice – related to, among others, nationality, gender and sexuality – that persist in the country.

### BREAK THE CYCLE OF INTOLERANCE

We have shown that expressions of intolerance often incite further intolerance, creating a cycle of frustration, mistrust and violence. If, as recommended above, the state firmly embeds its actions in the principles set out in the Constitution, it will also take a step towards breaking this cycle and instead encouraging tolerance. In order to do this, local government must first acknowledge its own intolerance, and come to grips with its role in enacting exclusion and instigating violence. Then, it must incentivise and reward a willingness among its elected representatives and officials to engage with communities, to listen to the grievances of communities, and to negotiate outcomes that are in

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line with the needs of residents. Local government therefore takes responsibility for actively shifting its antagonistic relationship with communities towards relationships of mutual recognition.

### ENGAGE IN DELIBERATION

The shift from antagonism to mutual recognition also required deliberative processes through which difference and disagreement may be surfaced and negotiated. Along with Mouffe (1999), we acknowledge the dangers of deliberative processes that favour consensus over contestation as these run the risk of again silencing dissenting and historically excluded voices. What we promote instead is the uptake of a deliberative approach that recognises and harnesses the generative potential of contestation (see Kitching, Görgens, Masiko-Kambala and van Donk 2014) within the framework of justice and transformation. This requires a level of political maturity and personal humility that allows elected representative, officials, political parties and civil society leaders to view disagreement as a democratic imperative rather than a threat to institutional or individual interests. We therefore recommend, firstly, that existing processes for community engagement – such as Integrated Development Planning forums – be transformed into processes of meaningful engagement that enable communities to inform decision-making. Secondly, local government must facilitate and support community-based monitoring and other accountability initiatives.

### APPRECIATE TRANSGRESSIVE MODALITIES OF DEMOCRATIC ENGAGEMENT

While state-driven processes of engagement are crucial to the functioning of inclusive local democratic space, citizens must also be free to voice their concerns – whether with the actions of the state, institutions, or other citizens – through other

democratic means. Tolerance as mutual recognition is therefore enhanced when local government appreciates citizen-led processes of democratic engagement.

### ENCOURAGE STRONG COMMUNITY LEADERSHIP

While it is necessary for the state to promote greater tolerance through its actions, citizens also have a critical role to play in shifting antagonistic relationships. As mentioned above, political maturity and personal humility is essential if cycles of intolerance are to be broken. Along with a responsive state, communities therefore also need strong local leaders who encourage tolerance, guard against the employment of violent tactics, and are willing and able to engage with difference and disagreement. This means, on the one hand, that local government must recognise the role that political parties and non-governmental organisations play in cultivating community leadership. On the other hand, it also means that stakeholders who support communities through leadership training must promote tolerance as critical democratic practice.

### CONCLUSION

In this paper we have shown that tolerance is critical for the effective functioning of local democratic space, whether state-driven or citizen-led. In the South African context – where patterns of discrimination and marginalisation are perpetuated in the attitudes and actions of both citizens and the state – local democratic spaces that encourage greater tolerance hold significant potential for transformation. We have shown that tolerance need not be understood as paternalistic permissiveness, nor as an abstract value. Rather, tolerance is a productive term used to describe a practice of simultaneous recognition and disagreement. Such an understanding of tolerance

invites us to engage actively with difference and dissent, in a process of deliberation and negotiation. In light of the manifestations of intolerance explored in the paper, we have made a number of recommendations pertaining to the practice of stakeholders involved in local governance. While we have honed in on what a commitment to tolerance might mean for elected representatives and officials

in local government, political parties, and community leaders, we recognise that there are a range of other actors that also have a critical role to play in advancing tolerance in local democratic spaces. The recommendations made here are by no means comprehensive, instead, they begin to tease out what steps may be taken in attempts to give life to the principles espoused in the Constitution.

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