



## IZINDABA ZABABHALI : NEWS FOR AUTHORS

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Concerns, Capacity and Cadres

Keyan Tomaselli

**ANFASA**  
Dedicated to empowering authors

### EDITORIAL TEAM

**Editor**

Keyan Tomaselli

tomasell@ukzn.ac.za

**Production Editor**

Caitlin Watson

caittiac@gmail.com

**Contributors**

Sihawu Ngubane

sihawukele.ngubane@gmail.com

Kai Horsthemke

kai.horsthemke@wits.ac.za

Andre le Roux

andre.le.roux@samro.org.za

Lee-Ann Tong

leeanntong@gmail.com

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This issue goes to press as Parliament continues to wrangle over the controversial secrecy bill. Just 16 years ago, such a bill would have been inconceivable. Where the apartheid state legitimated its censorship to protect us from threats that it constructed, the very same discourse is now being used, but now in the name of “national security”. But when the ‘national’ is often conflated with the personal, and when secrecy is applied without democratic guarantees, that’s what worries writers who can get behind the often beguiling rhetoric.

The more things change, the more they stay the same. As Sihawu argues, authors have the responsibility to take an active interest in ensuring that they contribute to the building of ANFASA, to creating critical mass, and to seeing the bigger picture. Organisations like ANFASA, the Right2Know campaign, the Freedom of Expression Institute, the SA National Editors’ Forum, amongst others, all have key roles to play in protecting freedom, in fostering the right to write, the right to read, and the right to human rights.

For me, as an academic, ANFASA could potentially serve every single academic author from every single discipline, and every single publisher. But it is incumbent upon authors who are not members to sign up. That’s why we asked academic members to recruit their colleagues who may not know about ANFASA. As Sihawu observes, the question he is so often asked, is asked often back-to-front: ‘What can ANFASA do for me?’, rather than “what can I do for and through ANFASA?” It’s now a cliché, but one is reminded of President John Kennedy’s now famous axiom: “do not ask what your country can do for you. Ask what you can do for your country.”

Kader Asmal, as we all know, was a great protector of the freedom of information and open democracy. We thank Andre le Roux for his true words in the obituary on page 8.

Regrettably, the age of hyper-individualism and self-absorption restricts some from seeing the bigger picture. If the bigger picture is restricted, so are all of us. Our individuality is thereby compromised, as is the rights of the collective. Let’s keep working, writing, reading and let’s continue to build our Association.

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## ZANA Annual General Meeting: Keynote Address Johannesburg, 21st May 2011

Professor Sihawu Ngubane

Friends, colleagues, distinguished guests of the Zimbabwe Academic and Non-Fiction Authors' Association (ZANA):

In September last year, ANFASA, the Academic and Non-Fiction Authors' Association of South Africa, hosted a Pan-African Writers Symposium in Johannesburg. This was the very first time that we, a national association representing authors, were able to welcome, to South African soil, representatives of our sister authors' associations from other countries on the African continent.

That symposium gave us a tremendous opportunity to meet colleagues from African countries and to engage with them in dialogues about the conditions in which their various authors' associations had been created and were functioning; and about some of the challenges facing the authors and their associations as well, of course, as of their successes. It was heartening to realise that the problems facing academic and non-fiction authors in South Africa are far from unique, and we were able to sympathise as delegates spoke about the lack of a reading culture in their countries, about the high prices of books, and about problems with publishing contracts.

But the symposium was definitely not just about comradeship and support for each other. It was also about gaining confidence in the ability of African authors, producers of knowledge, of information and of ideas, to take their rightful place on the global stage. We have to face the fact that African countries are all net importers of knowledge in the form of books of all kinds, of journal articles, of all forms of intellectual property. We have to acknowledge that Africa is bottom of the world league table of academic output. But we must also recognise that there are centres of academic excellence in African countries

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and that Africa has produced many distinguished philosophers, scholars, scientists, novelists, poets and commentators on the human condition.

Raising the status of African scholarship in the eyes of the world is on all our agendas. But as the English expression goes, "charity begins at home". This means that we should all look internally, at our own societies, to judge how authors are regarded, and what status they are accorded. At the Pan-African symposium, the CEO of the National Library of South Africa, John Tsebe, had something to say about this. He was recalling that he had stood on the same stage in the same venue just a few days earlier, at a ceremony to honour the renowned author Lewis Nkosi, who had recently passed away. Many illustrious figures on the local and international literary scenes had spoken about the brilliant talent that had just been lost. John saw their words of praise as "a wonderful reminder that a good literary talent is still valued and appreciated". He went on to say that in the face of all the world problems and crises it was important to find time to appreciate creativity, literary talent and academic excellence.

One of ANFASA's main objectives, therefore, is to create an awareness of authors' rights. As everyone here knows, copyright infringement is a big problem, especially for academic authors whose books are freely copied by university students. There are many reasons that students photocopy books, but the one I want to mention here is that there is generally little or no regard for the person who writes them. The public usually has a high regard for musicians and performers. Every young person can name five or six local music heroes. But can they name a single author? As I speak the South African departments of trade and industry and of arts and culture are concerned with anti-piracy campaigns and the implementation of new measures to mitigate the effects of piracy on **musicians'** livelihoods, but there are no campaigns to help **authors**. Authors in South Africa have to have day jobs. Authorship is not a profession. You cannot make a living at it.

A very hard task facing us is to convince authors



**themselves** that they are valuable members of society and that being able to write is a talent for which they should be rewarded. There is a lot of work still to be done in this respect. To start with, many authors don't even recognise the value of belonging to an authors' association. They ask: "Why should I join? What is in it for me?" At the symposium, the chairman of the Kenyan Non-Fiction Authors' Association, KENFAA, the Rev C B Peter, told us about the hard times he has in trying to persuade authors to join. They seem to see the benefits as money alone. They are reluctant to join KENFAA. Only talk of money rewards will persuade them. Less tangible rewards than money payments, things like capacity building, grants for travel and research and advice on copyright and contracts do not seem to have the same allure.

In European countries authors all belong to associations, and in Norway I believe there are several: one for academic and non-fiction authors, one for novelists, one for authors of children's books and so on. When your first book is published you are an **author**. You join an association because you are proud to be associated with authorship and to belong to the community of authors. You add your voice to the voices of other authors when it comes to issues such as amendments to copyright law or the freedom of expression. Yes, how much you are going to be paid in royalties may feature on your list, but it is nowhere near the top.

So what I mean by what I have said so far is that the rise of African academic and non-fiction authorship depends partly on how our societies regard authors. And how our societies regard authors depends partly on how authors regard themselves.

But my main purpose in this address is to offer my warmest congratulations to ZANA. In the most difficult of times it has not only continued to exist, but it is flourishing. If I may go back again to the symposium in Johannesburg last September, I must say that Virginia Phiri's words were inspirational. In telling the ZANA story, Virginia started with the group of 20 non-fiction writers who met in the Longman Zimbabwe offices in Harare in August 1996, and ended with the nearly 400 members it boasts today. Along the way, Virginia told of growing the new

association by word of mouth in the early years; of the projects introduced by the strategic plan of 1998; of ZANA's growing influence in the heyday years of the Zimbabwean International Book Fair; of the 10th anniversary in 2006 by which time it had become a "household name at universities, colleges, schools, research institutions and libraries. Its members excelled in making their mark in Mathematics, Botany, History, Physics, Geography and English publications. In appreciation of members contributions in modules, the Zimbabwe Open University became an Associate member of ZANA in 2006."

In the difficult years of 2007 and 2008, ZANA lost many members, and Virginia was faced with winding it up. But it seems that Virginia does not give up easily. She grabbed the opportunity of the Pan-African Writers' Symposium as an opportunity to revive ZANA, and motivated the local chapters to get going again. In this, Virginia was supported by Trond Andreassen and his organisation the Norwegian Non-Fiction Writers and Translators Association, the NFF, which is the very same association that enabled the creation of ANFASA.

We all owe our existence to the vision and the generosity of the NFF, and also to the pioneers like Virginia Phiri and her colleagues in ZANA. I salute them, thank them, and wish them continued strength.

As the chairman of ANFASA I was invited to say a few words of welcome to the delegates from authors' association in Zimbabwe, Botswana, Nigeria, Kenya, Tanzania, Mauritius, I hope I have not omitted any who were present who came to Johannesburg in September. One of the things I said was that I hoped the gathering would lead to lasting connections and friendships. I looked forward to regular meetings over the coming years at which we would be joined by even more, new, authors' association from yet other African countries. That is still my wish. One day there may even be a Pan-African umbrella association of all the African national associations, binding us together, increasing the power of our combined voices, and invigorating knowledge production, information provision, and the generation of ideas and creativity in Africa.



## Book Review

### Love and Arms: Violence and Justification after Levinas Helen Douglas

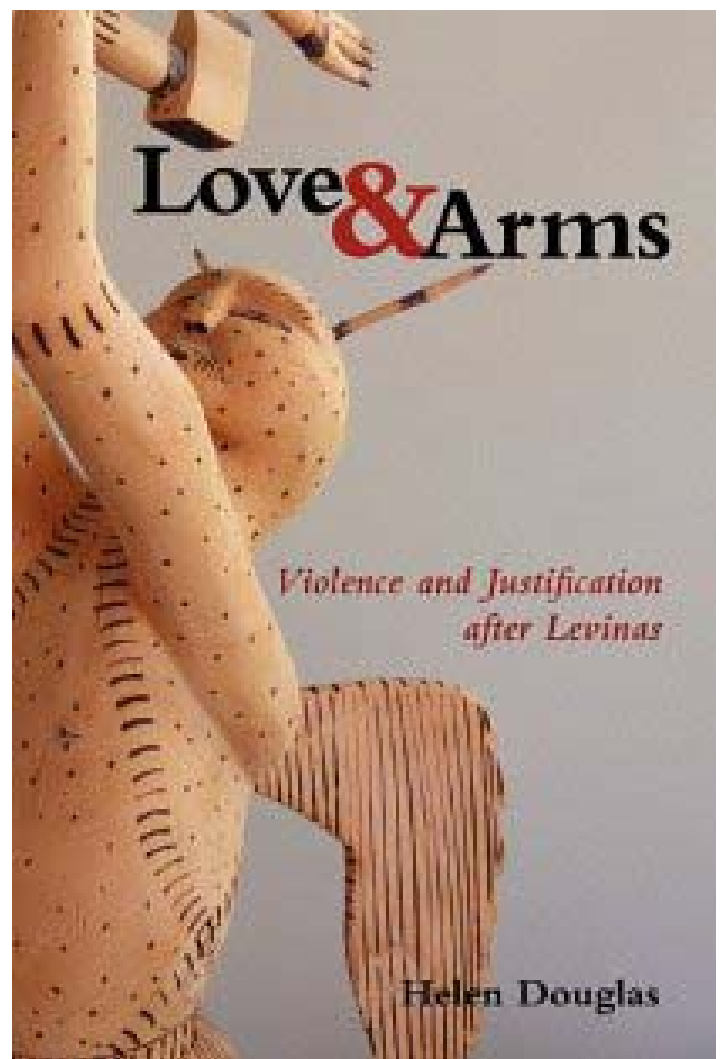
Review by Kai Horsthemke

How should we respond to violence and injustice? A famous anti-war slogan of the late 1960s stated that 'fighting for peace is like fucking for chastity'. Yet, according to an aphorism attributed in some form or other to Edmund Burke, 'All it takes for evil to triumph is for decent persons to do nothing'. If these two assertions are at all plausible, then we face the choice between incoherence/ inconsistency, on the one hand, and inefficiency, on the other. Neither is a very attractive option for those who are committed to resistance but who are unsure as to the direction their commitment should take.

This characterises the paradox of just violence, which is at the heart of Helen Douglas's book. How does one effectively resist aggression without becoming a functional cog in the perpetual cycle of violence, aggression and injustice, a vicious circle that involves not only negation of the aggressor's humanity ('he's not human'; he's a monster') but also (and importantly) the diminution of the activist's human dignity? Douglas, a Canadian with a personal history of involvement in the South African anti-apartheid struggle, draws chiefly on the thoughts and writings of Lithuanian-born, French-Jewish philosopher Emmanuel Levinas, in her attempt to make ethical sense of the dilemma. The problem is that any justification or rationalisation of a violent act tends to lose sight of what makes violence and injustice, especially violent injustice, ethically wrong in the first place. Or does it?

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The ethical problem of violence turns on the issue of justification. When, if ever, is violence justified? If it is, then what form should violence take? Is only



retributive violence justified? Or is preventive violence permissible, too? Not according to the argument advanced in the first chapter, where the paradox of just violence receives an initial exploration. 'In violently resisting unjust violence, one finds oneself ethically obligated to do the wrong thing' (p. 11). Douglas examines justification of such resistance to aggression in terms of



fairness and proportional retaliation (which explains why preventive violence cannot be condoned), social approval and conventional endorsement, and immediate retribution (as in self-defence).

Levinas occupies pride of place in chapter 2 – which is, in some sense, the most difficult chapter in this book to wade through. When Douglas expresses an awareness of ‘Levinas’s excesses’ (p. 30), she is not referring to the philosopher’s verbal intemperance, it would appear. The writer herself is prone to indulging in a fair amount of fancy etymological footwork and portentous capitalising of key nouns. Chronicling the phenomenality of contact, the chapter provides careful analysis of ‘proximity’, ‘Self’ and ‘Other’, and paves the way towards what turns out to be an important distinction: between having a face and being faceless. The development of the notion of ‘having a face’, in the sense of ‘showing’ a face, is significant in terms of being able to make sense of proximity, of ethical obligation and responsibility, and especially of justice.

With the desired groundwork done in chapter 2, Douglas then finds herself in a position to respond to the ‘question of how to struggle against violence – which is not necessarily a refusal of violence – could avoid instituting further violence’ (p. 74). Levinas’s challenge implies that there must be a way to distinguish between different kinds of violence, namely ‘between the “bad violence” of aggression and the “just violence” of resistance to aggression’ (p. 79). Both Douglas and Levinas appear to find the Burkean dictum compelling. As Douglas puts it, ‘Bad guys fight to win’ (p. 76), and a commitment to non-violence easily translates into mere non-resistance – which involves a failure to honour one’s obligations to those at the receiving end of ‘bad violence’ or aggression and which, indeed, makes them conspire in the injustice done to those ‘in proximity’.

What is a human rights activist permitted to

do, in terms of resisting – say – patriarchal laws and customs involving violence (such as clitoridectomy, virginity testing, honour killings, and the like)? What is an appropriate response to an organisation or institution perpetrating economic injustice against its employees? If I act/resist on behalf of someone else, am I not encroaching on her agency, i.e. diminishing her even further? What is the status of the violence committed by someone who performs a requested abortion following rape? And what about the violent actions of animal liberationists? The answers to these questions are contained in this book – but they are not given explicitly. While some may see this as a virtue of Douglas’s short-but-dense treatise, others may regard it as the book’s greatest shortcoming.

Take, for example, the statement: ‘Justice is only an issue in the complexities of the interhuman’ (p. 119). Is the emphasis here on ‘complexities’, or on ‘interhuman’? That is, if the interhuman were a less complex realm, would justice then cease to be an issue? Or do considerations of justice simply fail to obtain in human-nonhuman relationships? Or does Douglas mean something else entirely? (But if so, what?)

Those who seek an entry point to the work of Levinas will be richly rewarded. (The book’s Appendix contains an excerpt from Levinas’s *Otherwise than Being*.) Those who seek quick and clear answers to certain questions about matters of life and death will have to invest a considerable amount of patient detective work. Nonetheless, *Love & Arms* exhibits a combination of analytical rigour, compassion and frequently poetic commitment – a rare achievement.

*This review was published in the Mail & Guardian’s Winter Books supplement on July 15, 2011.*

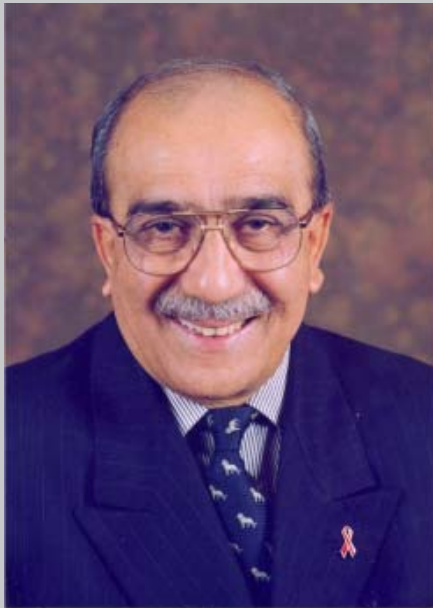
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## Tribute: Kader Asmal

R.I.P. (Real Intellectual Philosopher) and True Cultural Activist

Andre le Roux



Elder Kader Asmal, had a razor sharp wit, was a meticulous minister, a fearsome intellectual, courageous enough to speak truth to power, a man of integrity who foresaw the intellectual darkness invading our political, constitutional and cultural landscape. He was also an avid reader and academic, an honorary member (patron) of ANFASA and a cultural activist known as the “Father of The Convention on the Protection and the Promotion of the Diversity of Cultural Expressions”, for the role that he played in negotiating one of the most important international legal instruments to promote cultural diversity and the arts globally.

The first time I met Kader Asmal was in 1999. I was working for the Department of Arts, Culture Science and Technology, responsible for coordinating the cultural events around President Thabo Mbeki’s inauguration, who was taking over the reign’s from Tata Madiba. I had been working with politicians for a little while but never one like Kader.

As we who were part of the organising committee, arrived leisurely at the auspicious Union Buildings expecting to find the venue empty, there sat Minister Kader Asmal, early, long before anyone else had arrived, reading in preparation.

He proceeded to chair this meeting interrogating each and every one of us on our reports, having read, thought and in his inimical style, challenged us to satisfy his high standards of what was expected for Thabo Mbeki’s taking over the baton or “filling the big shoes” of Nelson Mandela.

Since 2007, I got to know the now MP Kader Asmal a little better, as Chairman of the South African Coalition for Cultural Diversity, formed in response to the Convention that he had fathered. In this process he urged us to challenge the state, whether officials or Ministers were in the audience or not, to deliver on the cultural mandate the ANC government had promised to the arts. This message he championed at local and international forums filling the audiences with interesting anecdotes during his “gripping performances”.

It was with deep sadness recently, while planning the next conference on cultural diversity, that the realisation set in that the father of the convention has now become the “ancestor”. Before his passing we were still debating whether he should once again present the keynote address, as we all knew it was impossible to interrupt him and get word in edgewise when he was in full intellectual cry.

Cadre Kader Asmal, we are aware that you are taking note from wherever you are. Your voice will continue to ring true at the gatherings of those responding to the challenge of promoting the arts and cultural diversity. Your presence will continue to loom large as we challenge those in power to make good on their commitments to a vibrant cultural life in our country.

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## No need to be truly original to be original

Copyright (K)wiki\* by Lee-Ann Tong

To be eligible for copyright in South Africa, the creation you made must be a work that can be categorised into one of nine possible types. These works are literary works, musical works, artistic works, cinematograph films, sound recording, broadcasts, programme-carrying signals, published editions, and computer programs. A short story or a poem would, for example, be a literary work; and a portrait or a sculpture would be categorised as an artistic work. Deciding what sort of work you have created may be relatively easy. However, among the other requirements for the subsistence of copyright in your work, is originality. The copyright legislation specifically provides that the work must be original but determining whether or not a work is, in fact, original is not always straightforward. The interpretation of what constitutes an original work is left to the courts to decide. This is not an easy task especially given the

very different types of works that are eligible for copyright. How one determines whether a novel is original may not be exactly the same as for a computer program or a piece of abstract art.

Generally, originality does not mean that the work must be completely novel. Thus, a short story about a girl and boy who fall in love and live happily ever after may not be a novel idea but the actual way in which the author interprets the idea and commits it to a material form, may result in it being original. Originality requires that the work is the result of a sufficient degree of the author's own skill, judgment and labour. Whether or not the short story has any literary merit, or is particularly creative, is irrelevant. It is possible for two authors to create identical works – and as long as the works were created independently of each other, in other words, there was no copying- both works could be eligible for copyright.

It is also possible to create a work that meets the originality requirement even though it infringes the copyright in someone else's work. The copyright legislation specifically provides that a work "shall not be ineligible for copyright by reason only that the making of the work, or the doing of an act in relation to the work, involved and infringement of copyright in some other work" (s2(3) Copyright Act 98 of 1978). Such a case would usually occur when an author makes a substantial improvement or refinement of an existing work.

So, even if your reviewer complains that the book you spent five years writing is not original, rest assured that at least it will be original enough for the copyright crowd. Keep writing!

*\*Note: this article is intended for information purposes only and is not to be construed as legal advice. If you need legal advice, contact the ANFASA office or an attorney.*

IZINDABA ZABABHALI, the ANFASA newsletter carries items of interest to the members, but it also depends on the members to make it a lively and stimulating publication. Members are encouraged to send their contributions, whether serious or humorous, contemplative or controversial.

The editors reserve the right to shorten contributions, if necessary.

Opinions expressed here are not necessarily those of the editors or of ANFASA