

**THE MEDIA AND SOCIAL CONSTRUCTION OF REALITY: A CASE  
STUDY OF THE CHARGES AGAINST JACOB ZUMA**



**By Lungisile Zamahlongwa Khuluse**

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## **DECLARATION**

Submitted in partial fulfilment of the requirements for the degree of  
MA Social Policy, in the Graduate Programme in

Social Policy, University of KwaZulu-Natal,  
South Africa.

I declare that this dissertation is my own unaided work. All citations, references and borrowed ideas have been duly acknowledged. I confirm that an external editor was not used. This dissertation is being submitted for the degree of MA Social Policy in the Faculty of Humanities, Development and Social Science, University of KwaZulu-Natal, South Africa. None of the present work has been submitted previously for any degree or examination in any other University.

**Lungisile Zamahlongwa Khuluse**

Student name

**29 February 2011**

Date

**Prof. P. M. Zulu**

Supervisor

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## **DEDICATION**

This dissertation is written in honour of my parents who against all odds did everything in their power to give their children the education they themselves did not get too far with. Ngiyabonga Gabhisa! Ngiyabonga Mavela!

I dedicate this dissertation to my family, *isisu sikaMaNzama, uKhopho ongasekho*; my Father and his sisters Sebe, Kwazi, Agnes and Frida. I would like to pass a challenge to my siblings and cousins that hard work does pay. I stand as living testimony to this working-class family that no matter where you come from or who or what your parents are, education is the way to overcome societal challenges.

## **ABSTRACT**

**T**his dissertation investigates print media reporting on the Jacob Zuma case to establish levels of bias, if any, in reporting such a high profile political case. The study is premised on the concept of social construction of reality where values and preferences could colour the perception of facts. The use of both ethnographic and quantitative content analysis allowed for the systematic investigation of the content of newspaper articles while the use of discourse analysis highlighted the importance of language use in the social construction of reality.

Under apartheid the media was critical of government both ideologically and morally. The print media had a liberal democratic ethos and generally defended the underdog. This has been carried over into the democratic dispensation. The implication of the Deputy President of the country and the brother of the Secretary of the Arms Procurement Committee in corruption hit the nerve of the press, hence the vigilant reporting on the case. The media generally painted a picture of Zuma as a corrupt man not fit to be in public office with his implication in corruption being perceived as a threat to the country's democratic ethos. The view was that this undermined democratic principles of equality, justice and accountability.

On the contrary COSATU, SACP and the ANCYL mobilised the public in support of Zuma arguing that the charges were instituted by vindictive opponents who wanted to destroy Zuma's political career. The NPA's conduct during the case including its failure to provide Zuma with a final indictment in over a year arguing that it was not prepared to continue with the case thus seeking a postponement – gave credence to the conspiracy theorists. At the end, the NPA conceded the conspiracy theory on the representation made by Zuma following leaked conversations between National Prosecuting Authority (NPA) boss Leonard McCarthy and former National Director of Public Prosecutions, Bulelani Ngcuka. This in essence brought a non-conclusive end to the saga as the allegations and the defence therefore could not be tested in a court of law.

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## **ACRONYMS**

<b>AG</b>	Auditor General
<b>ADS</b>	African Defence Systems
<b>ANC</b>	African National Congress
<b>ANCYL</b>	African National Congress Youth League
<b>ADS</b>	African Defence Systems
<b>BEE</b>	Black Economic Empowerment
<b>CEO</b>	Chief Executive Officer
<b>COSAS</b>	Congress of South African Students
<b>COSATU</b>	Congress of South African Trade Unions
<b>DA</b>	Democratic Alliance
<b>ECA</b>	Ethnographic Content Analysis
<b>FBI</b>	Federal Bureau of Investigation
<b>FF+</b>	Freedom Front Plus
<b>JZ</b>	Jacob Zuma
<b>MAT</b>	Media Appeals Tribunal
<b>MEC</b>	Member of the Executive Council
<b>M&amp;G</b>	Mail and Guardian
<b>NDPP</b>	National Director of Public Prosecutions
<b>NEC</b>	National Executive Committee
<b>NEPAD</b>	New Partnership for Africa's Development
<b>NIA</b>	National Intelligence Agency
<b>NPA</b>	National Prosecution Authority
<b>PP</b>	Public Protector
<b>SACP</b>	South African Communist Party
<b>SCA</b>	Supreme Court of Appeal
<b>Scopa</b>	Standing Committee on Public Accounts
<b>SIU</b>	Special Investigating Unit
<b>UKZN</b>	University of KwaZulu Natal
<b>USA</b>	United States of America
<b>YCL</b>	Young Communist League

## **CHAPTER 1: INTRODUCTION**

### **1.1 Statement of the problem**

This study examines the relationship between media reporting and the social construction of reality. This thesis uses the State case against Zuma as a demonstration effect. In June 2005 Jacob Zuma, the then Deputy President of South Africa was relieved from his duties by the President of the country, Thabo Mbeki. This followed a ruling in the Durban High Court where Justice Hillary Squires convicted Schabir Shaik for fraud and corruption, and in the process implicated Zuma in the corrupt relationship. Within a few days the National Director of Public Prosecutions, Vusi Pikoli charged Zuma for fraud and corruption. The media took great interest in the case and followed it closely. It is in this context that this dissertation studies the role of the media in the social construction of reality around the corruption case.

### **1.2 Historical Background of the Charges against Zuma**

The origins of the state's case against Zuma lies in the Report of the Auditor General of 2000 pointing to irregularities in the awarding of contracts in the Strategic Defence Acquisition Programme which became known as the Arms Deal. The Report of the Auditor General pointed out that there was a conflict of interests especially in the awarding of sub-contracts, and recommended that parliament investigate the issue as this could undermine the integrity of the process as well as parliament itself. In November 2000 Parliament instituted a joint investigation into the procurement process by the Auditor-General (AG), the Public Protector (PP), and the National Directorate of Public Prosecutions (NDPP).

In the subsequent investigation, the Scorpions - the investigating arm of the National Directorate of Public Prosecutions - raided offices of African Defence Systems (ADS), a subsidiary of Thompson CSF a company that had been awarded a naval subcontract for the manufacturing of combat suits by a German bidder that had won the contract. It so happened that Schabir Shaik, the CEO of ADS was also a brother to Shamin Shaik, the secretary to the Strategic Defence Acquisition Committee (Zulu, forthcoming). Also,

Schabir Shaik happened to be Jacob Zuma's financial advisor. In the course of the raid an encrypted fax (written in French) purportedly containing details of a bribe solicited by Deputy President Jacob Zuma to facilitate Thomson's access to the bid, was discovered. Subsequently Shaik was charged with fraud and corruption in 2003. However Zuma was not charged as the then National Director of Public Prosecutions claimed that although there was a *prima facie* evidence of corruption against Zuma, the prosecution did not think that the case was winnable. The media, particularly the print media took great interest in the issue especially since the issue lay at the heart of government's capacity to govern the country with integrity.

The court proceedings and the evidence led against Shaik kept the Zuma issue alive. Hence when in 2005, the Durban High Court convicted Shaik for fraud and corruption, and implicated Zuma in its findings, President Mbeki then released Zuma from his duties as Deputy President of the country. Subsequently, and within a few days, the National Prosecuting Authority (NPA) charged Zuma with fraud and corruption. This was followed by the National Working Committee of the African National Congress (ANC) which in response to Zuma's request relieved him from his duties as its Deputy President. However, this decision was overturned at the party's General Council conference in June 2007.

It was by then evident that Zuma had a strong backing in the ANC with his supporters alleging that the charges against him were politically motivated. This paved the way for Zuma's eligibility to contest the presidency of the ANC with strong support from the ANC Youth League, the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP). With the ANC almost divided into two camps i.e. those who supported Zuma and those who supported Mbeki for the presidency of the party in the then forthcoming conference at Polokwane, the stage was set for a bloody contest. This heightened media interest in the contest, and understandably so since the president of the ANC is *de facto* the president of the country. Zuma prevailed as the ANC president in Polokwane in the party's National Conference in December 2007 where he defeated the State President in the succession race.

By then Zuma had made a number of appearances in court and each time the case was postponed on grounds that the NPA had not finalised its preparations. Part of the NPA's submission was that certain documents pertinent to the case were delayed by Zuma's own appeal to the courts not to release the documents. One such appeal relates to the release of the famous encrypted fax by the Mauritian court (Zulu, upcoming). In July 2006 Judge Herbert Msimang refused the NPA's appeal for postponement of the case on the basis that the NPA had taken too long to get its preparations for the case, and struck the case from the roll. This was short lived as soon after Polokwane the NPA decided to recharge Zuma adding charges of racketeering, money laundering and tax evasion. When the NPA reinstated the charges, Zuma made an application to have the decision set aside on grounds that the prosecution had not afforded him the opportunity to present his case. Zuma argued that the charges against him were politically orchestrated to frustrate his political ambitions, and the NPA was being used by his detractors in their course. This led to the Nicholson judgment on 12 September 2009 where the judge ruled that the NPA had erred by not granting Zuma the right to be heard before recharging him. The judge decided to set the charges aside. The contention was that there had been vicarious political meddling by President Thabo Mbeki and the Minister of Justice. The judge ruled that there was evidence to support Zuma's belief in a political agenda to stigmatise him as corrupt in order to favour Mbeki in his quest for a further term of office as ANC President (Feinstein, 2009). This judgment had far reaching consequences for the ANC and the country.

The NPA appealed successfully against the Nicholson judgment and went on to reinstate the charges. All Zuma's other appeals on related issues such as the lawfulness of the raids at his home and offices of his lawyers, the release of the encrypted fax by the Mauritian court and that there was a corrupt relationship between him and Schabir Shaik were unsuccessful. The Mauritian court rejected the appeal whilst the South African Supreme Court of Appeal rejected the plea of unlawfulness of the raids and affirmed that indeed there existed a corrupt relationship between Zuma and Schabir Shaik although Justice Hilary Squires denied ever using the words. In the opinion of the Appeal Court, a corrupt relationship did exist. Finally the Constitutional Court upheld the judgment of the Court of Appeal.

All that is now history as a few days before the April 2009 elections, the NPA announced that all charges against Zuma had been dropped citing evidence of political manipulation based on a representation made by Zuma which included transcripts of telephone conversations between Bulelani Ngcuka, the former National Director of the National Prosecuting Authority and Leonard McCarthy, the chief investigator in the case against Zuma. This according to the NPA indicated a lack of integrity on its part as its independence was compromised. The contention was that the NPA could in the course of its duties, be influenced by other forces – especially that Ngcuka was in the eyes of Zuma’s supporters a hostile interested party (Zulu, forthcoming).

As a result of the schism in the ruling party, there would have been special interests served either by Zuma’s elevation or his demise given Zuma’s standing in the ruling ANC and the latter’s standing in South African politics. The media had an interest in the schism and inevitably had an interest in seeing a certain faction within the ANC winning as Berger states that the media is not aloof from social contexts and journalists inevitably bring baggage to their profession (2004).

### **1.3 Rationale and Significance of the Study**

Corruption and politics of the belly, which Sole (2005) refers to as politics of elite privilege and Castells (2000) associates with prebendalism, is the pest that undermined and paralysed development in African countries such as Mobutu Sese Seko’s Zaire. The fight against corruption has been in the post-apartheid government’s agenda since its inception given that the apartheid state was founded on racial and ethnic (Afrikaner) patronage (Sole, 2005). Under apartheid “the state system was itself in a form of institutionalised grand corruption, kept in place and in check by an authoritarian minority regime” (*ibid*, 2005: 92). Hence corruption is amongst the unfortunate legacies left behind by the apartheid regime. Sole elucidates that the corrupt culture prevalent under the apartheid regime had an impact on the nature and culture of the main liberation movement, the African National Congress (ANC), where the war situation led to a secretive culture in which trust and loyalty were prized above all other qualities (Sole, 2005). This inevitably created cliques or networks within the party which once in power, translated into networks of patronage and

rent-seeking behaviour. Nonetheless the post-apartheid government has remarkable policies, legislation<sup>1</sup> and initiatives directed to the fight against corruption.

The charges against Zuma raise concerns in that eleven years (in 2005) after democracy's inception in 1994, government had to shift focus from issues of reconstructive development, poverty alleviation and the redress of past inequities to prioritise clean governance and the fight against corrupt officials. Before going any further the starting point should be 'Who is Jacob Zuma?'

Answering this question seeks to shed light on the weight this case carried in South African politics. Between 1994 and 1999, Zuma was the KwaZulu Natal provincial Minister for Economic Affairs and Tourism; and after the 1999 general elections he became the Deputy President of the country, and leader of Government Business in Parliament. He also held high positions within the ruling party (the African National Congress - ANC) first as National Chairman until 1997 and thereafter as its Deputy President in 1999 (State vs. Schabir Shaik, 2005: 2). In 2005 he was ousted from office as Deputy President of the country following the Judge's ruling which implicated him in Schabir Shaik's corruption case. In 2007 he contested President Mbeki in the ANC's national congress in Polokwane where he was voted the president of the ruling party. He subsequently became President of the Republic of South Africa following the general elections of April 2009. By then the National Prosecuting Authority (NPA) had withdrawn the charges against him.

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<sup>1</sup> - The Public Financial Management Act rigorously sets out the fiduciary responsibilities of public-sector managers, and makes provisions for them to be held personally liable for government failure;  
- The Financial Intelligence Act obliges banks to keep records of their customers and report suspicious transactions, especially with identifying money laundering activities.  
- Legislation making provision for seizure of assets that are the proceeds of crime via the Asset Forfeiture Unit, and civil recovery of losses suffered by the state as the result of fraud and theft via the Special Investigating Unit.  
- The Promotion of Access to Information Act and Protected Disclosure Act offer whistle blowers statutory protection if they follow the right procedure.  
- The Prevention and Combating of Corrupt Activities Act makes it illegal to offer or receive gratification that has not been earned both in the private and public sectors. The Act also holds individuals in positions of authority responsible for reporting corrupt activity.  
- The Corrupt Activities Act is part of the government's Public Service Anti-Corruption Strategy that sets goals for improving and coordinating anti-corruption measures across departments (Sole, 2005: 95).

The South African media has a track record of exposing corrupt behaviour by different consecutive governments. For instance in the 1970s it is the media that exposed the Information scandal, known as Infogate where the Department of Information used state funds in secret propaganda projects aimed at portraying South Africa positively at the international sphere in the midst of apartheid. The ensuing investigation culminated in the resignation of the Minister of Information, Dr. Connie Mulder, the Prime Minister, J.B. Vorster and other government officials. Again in the post-1994 era the media played a central role in exposing venal government practices in the Oilgate scandal where there were allegations of the flow of money from the state-owned corporation, PetroSA to the ANC via Imvume Management in December 2003. Also in 2004 the media played a significant role in exposing the collusion between parliamentarians and travel agencies in the misuse of travel vouchers meant for state business for personal vacation or in exchange for cash. This was dubbed Travelgate. The current study looks at the role played by the media in once another case that threatened to undermine the integrity of government.

The media vigilantly covered the corruption case against then Deputy President Zuma as it was the first time that a person in his level of office was charged. In covering this case the media met with criticism especially from Zuma supporters who perceived media discourse as being anti-Zuma. The media was blamed for partisan politicking by Zuma supporters. The argument was that the media was impugning Zuma's integrity based on an allegation not proven in a court of law. Such criticism of the media raises questions about freedom of the press and the public's right of access to information needed to protect their rights. Was the media justified to report on this particular case? Where is the line drawn between the issue of protecting one's integrity and protecting the integrity of state institutions and holding officials accountable? This study argues that the media's inordinate interest in reporting the case stems from that this is the case that featured prominently in the schism that threatened to tear South Africa's governing party asunder and in the process sent alarms with regard to the dangers to the integrity of the state.

The study hypothesises that fact and facticity as socially constructed realities constitute a terrain of contest when stakes are high. Perceptions of propriety thus vary accordingly.

Since in this case the issues are political, vying parties tend to blame the media for bias or partisanship when the dominant discourse is uncongenial with their own. This study further hypothesises that when reporting, the media directly or indirectly mobilises bias in a specific direction thus constructing a specific reality in line with that bias, and that this can be done either intentionally or unintentionally.

#### **1.4 Research Objectives**

The principal objective of the research is to establish the role of the media in the social construction of reality.

##### **Specific Objectives:**

##### **1.4.1 To determine how the media construct social reality through:**

##### ***i. The selection of material for reporting, i.e. the themes that are highlighted***

This objective looks at aspects of the Zuma case that were highlighted in newspaper coverage. This is made possible by comparing different newspapers' themes of emphasis in the coverage of events. Differences among newspapers' or media houses' framing and priming of issues are examined. If one newspaper or newspapers belonging to one media house continuously focused on an issue that was not given much attention in other publications – what does that say about media reporting? The key questions are:

- What are the different frames within which the corruption scandal was reported?
- To what extent was coverage directed towards magnifying some facts and not others, thus influencing public opinion?

##### ***ii. The use of language, idiom and symbolism in reporting***

This aspect looks at the cues (words and phrases) used to communicate information in newspaper articles. The focus is on how the selection of specific words, figures of speech and the use of idiom, amounted to an insinuation of specific aspects of the event thereby mobilising bias in one direction or the other. “Language often tells more about people than they want to disclose, or than they know about themselves, and it can bring to light things a researcher might not think to ask” (Smith, 2000: 313). Focus is on how language is used in the construction of reality. The key question is:

## **CHAPTER 2: LITERATURE SURVEY**

### **2.1 Introduction**

The way the media reports on political news does influence public opinion on political actors, issues and events. This chapter focuses on the role of the media in two US presidential scandals (Monicagate and Watergate) and two South African cases, the Hefer Commission and the Oilgate saga. These cases are used as historical points of reference to illustrate cases where the media's conduct proved to be beyond the traditional role of informing citizens.

In the reviewed literature on the US scandals and the Hefer Commission, the dominant themes were reporting style, sources of information and public opinion. In the US scandals, the performance of the presidents involved and their known personal attributes are some of the explanatory themes identified for public attitudes and perceptions of public officials. Critics aver that both personal and professional attributes are vital for presidential and public office bearers' image building. However there are differing views in terms of the extent to which the media influences public opinion. On one front mobilisation theorists argue that the media can serve to mobilise the public to participate in politics whilst on the other, media malaise theorists argue that the media causes cynicism and disinterest in political issues because of its negativity towards government and politicians generally.

### **2.2 The Media and United States of American Presidential Scandals**

The US media played a crucial role in uncovering hypocritical and venal behaviour by consecutive presidents thus shaping the future of the country's democracy. Doster (1999) and Owen (2000) focus on similar themes in their analysis of media coverage of two US presidential scandals, the Watergate affair (an administrative scandal under President Richard Nixon which involved burglary of opposition's offices in Watergate in 1972) and Monicagate (a sex scandal that involved President Bill Clinton and Monica Lewinsky, an intern in the White House in 1995). The themes are sources, reporting style and public opinion.

### **2.2.1 Reporting Style - The New Media and Sensationalisation**

The media's coverage of both scandals was intensive and unrelentingly harsh. Owen argues that the reporting style during the Clinton scandal was characterised by the new media that treats politics as entertainment. He further point out that the communication environment within which the scandal drama was played was marked by tabloid reporting and internet gossip columns which alter the rules by which leaders, journalists and the public negotiate the public space. This influenced the traditional press as well; i.e., newspapers, television and radio. For instance in Monicagate, the *Globe* and the *National Enquirer* went further than reporting on the scandal and published information about Clinton's troubled upbringing (Owen, 2000). This raises concerns about the relevance of content to substance; that is, what would be the relevance of Clinton's upbringing in a sex scandal? A conclusion is therefore drawn that this was meant to influence public perceptions about the presidents' personality and give credence to the call for his impeachment.

By portraying the Clinton affair as a sex scandal rather than an event having important political implications, the media facilitated the public to compartmentalise their evaluation of the president. Owen argues that the public generally perceived the scandal as a "made-for-TV" drama, thus the sex scandal was seen as a personal debacle rather than a political impeachment offence. Consequently Clinton's job evaluation remained high amidst the scandal. When Clinton eventually admitted wrong-doing, two-thirds of the public deemed the publication of the grand jury testimony where Clinton admitted his guilt as highly improper on the side of the media (Owen, 2000). Even at this stage it seems that the public was indifferent about the president's sexual conduct. Public attitudes towards the media were largely negative as the public felt that the media went too far to invade people's personal lives.

### **2.2.2 Beyond the Politics of Personalities**

Although the sensationalised scandal coverage was defamatory for Clinton's persona, the entertainment frame within which the drama was played allowed him to mobilise the public in his favour by dealing with policy issues. Consequently the public based their judgment of Clinton's fitness for office on political substance instead of personal issues. Thus he

weathered the impeachment storm and maintained a high level of public approval. Owen points out that “when faced with the prospect of presidential impeachment, citizens were unwilling to allow the president’s personal foibles to force his removal from office when they strongly approved of the way he was handling his professional responsibilities” (2000: 166). This suggests that the public did not rely on the media for their decisions but understood the issues of the day clearly to enable them to sift what they regarded as immaterial and make informed judgments. Shah et al (2002) aver that the Clinton scandal was not only framed as a personal failure, a frame that largely caused cynicism. Counter-frames were presented to highlight the weaknesses of focusing on personal issues. The personality frame was denounced as partisan politicking by Clinton’s opponents. This illuminates that vying frames in the news were struggling for dominance not only in terms of circulation but also contended for resonance with members of the public, striving to serve a dual goal of efficiency and self-expression (Gamson, 1992 and Shah et al, 1996 in Shah et al, 2002: 343).

Just and Crigler (2000) introduce the themes of *prior expectations* and *policy outputs* to explain the public response to political news and events. Prior expectations refers to the public’s assessment of the president based on known attributes and the course of events over time rather than based on expectations of what presidents are or ought to be (*ibid*). The media’s representation of President Clinton was merely based on immediate events and as a result, with the release of every new piece of information, Clinton’s evaluation by the media suffered. Owen agrees with Just and Crigler on that Clinton’s opponents failed to understand that based on prior expectation, the public was more inclined to rate political effectiveness as more important than personal characterisation. Based on prior expectations, the sex scandal evoked no surprise since President Clinton had had cases of infidelity. Therefore the public already had a low expectation of his ability to withstand a moral frisk. “In a sense, Clinton’s previous moral failings... inoculated the public against the revelations in the Monica Lewinsky scandal” (Just and Crigler, 2000:191).

It becomes clear that public perceptions around the case were biased in accordance with existing presumptions, what Fischle refers to as “motivated reasoning” (2000 in Just and

Crigler, 2000: 191). Gamson (1992) and Shah et al (1996) agree with Fischle and point out that the public respond to issues that resonate with their view, as “motivated tacticians”. This is in accordance with the assertion that “In general, the press and the public are hard on what they perceive as hypocrisy” (Just and Crigler, 2000: 182). The Clinton scandal evoked no sense of betrayal, but those who were pushing for his impeachment were rather seen as opportunists wanting to advance to power.

### **2.2.3 Prior-expectations and the Watergate Affair**

Still on the front of prior-expectation, when (a Republican presidential candidate) Richard Nixon took office as President of the USA he was regarded as an earnest and a morally upright individual (Just and Crigler, 2000). Therefore the public had high expectations about his conduct as president. In 1972 an administrative scandal was exposed where President Nixon was alleged to have been involved in burglary and bugging of opposition’s offices in Watergate. During the Watergate investigations, a transcript of Nixon’s conversations in the White House was published and the public was astonished and outraged by his use of foul language and ethnic slurs (Just and Crigler, 2000). The investigation also revealed how the president was involved in the cover-up of the Watergate burglary by barring FBI investigations on the case. These revelations were inevitably defamatory for Nixon’s evaluation by both the media and the public based on both prior expectation and political substance. Dunham and Mauss described the Nixon administration as one which “had so vociferously (and sometime eloquently) espoused the “law and order” rhetoric and programmes” (1976: 470). Based on Just and Crigler’s notion that the public is hard on hypocrisy, it can be concluded that Nixon set himself up for failure by presenting himself as a principled man.

### **2.2.4 Sources of Information**

Owen (2000) argues that editors now admit that in the Clinton case they never verified the credibility of sources of information; even information from sources like the enemies of the president was not scrutinised. As a result the first ones with the details of the scandal were the most inaccurate and erroneous (*ibid*). Just and Crigler (2000) argue that media professionals’ choice of sources and those sources’ political orientation do affect the

content of the news. This suggests that the choice of sources of information determines the direction or the frame within which the story is told. On another hand Doster (1999) argues that the Watergate saga was characterised by sober reporting. It proved that the more time is given to get facts and events right, the more accurate the coverage becomes. Editors were careful about details published as people did not want to believe what was coming out and this forced newspapers to be steadily slow in explaining to the public how the president's actions such as calling off FBI investigations on the Watergate burglary and using public office to spy on opponents was a threat to the country's democracy (Just and Crigler, 2000). Conversely media reports on the Clinton case failed to mobilise the public against the president because the story was not difficult to comprehend, but it was too easy to understand, believe and then discount as a personal failure.

Just and Crigler illuminate that although the media was harsh in reporting on both cases; the scandals were of different thresholds. The Clinton affair was of a low threshold as it was centered on the presidents' sexual misconduct which can be said to be a complete personal debacle. Just and Crigler further point out that the Clinton scandal was entertaining; it was dramatic, salacious and centred on a known personality (given his earlier case of infidelity). On the other hand the Watergate affair was of a high threshold as it was about the misuse of public office and manipulation of state institutions for personal gain. In the end Clinton retained his position as President whilst Nixon ended up resigning.

This goes to suggest that a study into media coverage is not only a question of whether or not the reporting is accurate but rather focuses on factors that determine the content of the messages and the way they might change public perception. In a democracy the media ought to hold government accountable and uphold the constitution, and that is exactly what the media did in both US presidential scandals.

### **2.3 The Media in the South African Context**

The South African media has been a key instrument in monitoring and holding government accountable to the public. The following section looks at cases where the media played a significant role, bringing to life the public's right of access to information by exposing

public officials' self-fulfilment and profit-seeking tendencies that betray the poor. The first case is the publication of the 'spy story' which seeks to highlight that there is a thin line between the explicit and the implicit agenda in the news. The fact that the latter is unsaid makes it difficult to ascertain. Whether stories are covered in public interest or they are a manifestation of partisan politicking, is perceptual.

### **2.3.1 The Spy Story, Media Ethics and the Hefer Commission**

In 2003 Mr. Mac Maharaj, a former cabinet minister and Moe Shaik, a special advisor to the Minister of Foreign Affairs and a former intelligence operative of the ANC made an allegation that Mr. Bulelani Ngcuka, then National Director of Public Prosecutions was probably an apartheid spy prior to 1994. It was further alleged that Ngcuka was then abusing his office to settle scores with leaders of the ANC including Jacob Zuma, Transport Minister Mac Maharaj and the family of Moe Shaik (who back in 1989 alleged to have uncovered his hidden history) because of his obligations to the former apartheid government. This was based on an intelligence report by Moe Shaik to the ANC in 1989 that suggested that Ngcuka was probably an agent of the apartheid government, with a code name RS452.

In September 2003 the *City Press*, a Sunday national newspaper published a front page splash on the spy story. The spy allegations had vicious implications for Ngcuka since it impugned his integrity and his suitability to be the prosecutor general. The story raised doubt about whether he was conducting the investigations based on national interest or rather because a third force had influenced him and he had an obligation due to his past history. The significance of the spy allegations largely emanates from that a person in the office of National Director of Public Prosecutions ought to be of unquestionable competence and integrity. Furthermore anything that discredits the NPA or the National Director is of constitutional importance.

Following the media coverage of the story, President Thabo Mbeki instituted a public enquiry by a retired judge of appeal, Judge Joos Hefer to:

inquire into, make findings and report on the allegations by Maharaj and Shaik that the National Director of Public Prosecutions was an agent of the security services of the pre-1994 government under code name RS452 or any other name and, as a result thereof, improperly and in violation of the law, taken advantage of or misused the prosecuting authority and abused, advanced, promoted, prejudiced or undermined the right and/or interests of any person or organization (Hefer Commission Report, 2003).

The Commission learned from a self-confession that agent RS542 was Venessa Brereton and not Ngcuka; this rendered the allegations by Maharaj and Shaik fallacious. The judge said “I have not found anything showing, as a matter of probability, that he (Ngcuka) was a pre-1994 government agent. On the contrary, the probability heavily favours the opposite conclusion” (S71, Hefer Commission Report, 2004: 51). The Commission therefore concluded that Ngcuka was probably never at any time prior to 1994 an agent for the state security service. Allegations of misuse of power automatically fell away.

This case is of great importance to this study since the media played a role of a whistle blower and threw the stone first on the allegations thus giving rise to the Commission. The following section is based on Guy Berger’s (2004) analysis of the role of the media.

### **2.3.1.1 The Publication of the Story and Motives**

A *Sunday Times* journalist, Ranjeni Munusamy gave her information to the rival *City Press* editor, Vusi Mona after her editor, Mathatha Tsedu deemed the story unfit for publication although she had worked on it for five weeks. On 13 September 2003 the *City Press* published a front page story accusing Ngcuka of having been an apartheid spy. The newspaper later published Ngcuka’s off-the-record briefing made to certain editors in which he launched a contemptuous attack upon Deputy President Jacob Zuma, Schabir Shaik and Mac Maharaj (Berger, 2004).

Munusamy’s determination to run the story regardless of objections from her editor raises questions about whether she had a journalistic rationale or a personal one. According to her, she wanted the public to know that her editor, Tsedu had been blocking the story as she was convinced that Tsedu did that for political reasons as he had a close relationship with

Ngcuka and the Scorpions. Munusamy further said she believed it was in the public interest to know about the tension between Ngcuka and Zuma. Talking to the *Natal Witness* (20 September 2003), Munusamy asserted that ‘the *Sunday Times* had pursued allegations against Zuma with ferocity, so it was ethically questionable not to run those against Ngcuka’. Contrary to that Tsedu maintained that the story was not fit for publication as it was not sufficiently substantiated and the *Sunday Times* would face litigation in case the content was erroneous.

### **2.3.1.2 Sources of Information**

Munusamy’s source did not help her journalistic credence; it was Moe Shaik, a brother of Schabir, and a supporter of Jacob Zuma who were both being investigated by the Scorpions for fraud and corruption. This raises concerns that the source was driven by vengeance in running of the spy story. Another issue of concern was why the accusers were promoting the story after fourteen years of their findings (Berger, 2004). Berger highlights that the coincidence that the story was published two weeks after Ngcuka addressed editors in a press conference that damaged the reputation of Zuma and Schabir Shaik also did not help Mona and Munusamy’s journalistic credence. Those who accused Mona for having been a partisan in political battles argued that he had an anti-Ngcuka motive and used the story for equalising damage. In an affidavit to the Commission, Ngcuka said that he believed the story was intended to divert public attention from the Scorpion’s investigations of Jacob Zuma, Mac Maharaj and Schabir Shaik (Berger, 2004).

### **2.3.1.3 Media Ethics and Political Agendas**

Mona later admitted in the Commission that he had been reckless in running the story. Mona’s journalistic credibility was destroyed as in addition to being accused of overriding media ethics and being partisan in a political battle, some aspects of his evidence in the Commission were untrue and the judge considered prosecuting him for perjury. Berger notes that *The Star* then published Mona’s private business which reduced his credence to nil. This raises questions on whether *The Star* was printing discrediting stories about Mona, “thereby lending its pages to information supplied by pro-Ngcuka people” (Berger, 2004:114). The media got too involved in the squabbles between Zuma and Ngcuka that

*The Star's* conduct may be rightfully reduced to politically motivated character assassination. If *The Star* ran the articles on Mona in the public interest, the question that comes to mind is: what would be the relevance of his personal business dealings at the time when his integrity was already impugned as a result of the Hefer Commission? The answer to this question can only be perceptual. However the point that is being highlighted here is that whether media agendas are clouded by personal interest or not is hard to prove. Whichever side is taken with regard to media agendas, this is itself determined by the decision maker's worldview.

Berger's analysis highlights how newspapers allowed themselves to be used as a weapon for destroying opponents, and how they got caught up in political battles. The principle under scrutiny in Berger's work relates to that journalists are supposed to publish in the public interest and not in pursuit of private or political agendas; they should uphold the media as a credible factor that is central to democracy. Berger focuses on motives of involved media personnel in the case as he argues that motives are relevant to coverage. The study at hand differs from Berger's analysis in this regard. This dissertation focuses on the content of newspaper articles and the way that the case was reported on could have been intended to mobilise bias in favour of or against Zuma.

Berger argues that the newspapers overstepped their station and their conduct was of such low standard that "it was a case where unethical conduct undercut the role a free media ought to play in a democracy" (2004:104). Berger's analysis shows that the media is not an institution independent of the social context, so "journalists inevitably bring baggage to their profession" (*ibid*). This is echoed by Van Dijk (1991) who argues that the press does not passively participate in the reproduction of power relations. The media is argued to have a certain degree of autonomy in the portrayal of reality; the discursive and cognitive strategies of selection, emphasis, exaggeration, description, style or rhetoric have a powerful role in the final definition of various situations. "When the media get mixed with personal and political agendas, professional ethics get eroded" (Berger, 2004:103). In response to the media's conduct in the publication of the spy story, one journalist described the media as 'the intelligence organisations' cousin in the information gathering process'

(Berger, 2004:104). Berger concludes that irrespective of commendable legislation and principles for journalism, practices on the ground are messy and complex.

### **2.3.2 The Role of the Media in the Oilgate Scandal**

The *Mail and Guardian* ran a story on allegations of the flow of R11 million from the state-owned corporation, PetroSA to the ANC via Imvume Management Pty Ltd in December 2003. Imvume Management Pty Ltd is a black economic empowerment (BEE) company that got a tender to supply crude condensate to PetroSA from Glencore International AG (a Swiss company). Imvume had solicited a R15 million advance payment from PetroSA to settle its debt to Glencore International in order to facilitate the next supply of oil condensate to PetroSA's Mossel Bay refinery. The *Mail & Guardian* alleged that R11 million of that money was transferred to the ANC which was in desperate need to finance its 2004 elections campaign. The other money is alleged to have been used as follows: a) R50 000 paid to Uluntu Investments owned by Bonga Mlambo, a brother to the then Minister of Minerals and Energy, Phumzile Mlambo-Ngcuka; and b) R65 000 paid to Hartkon, a construction company renovating the Minister of Social Development's private resident. Consequently PetroSA had to channel a further R15 million with interest to Glencore International to settle the debt in order to have its supply of oil condensate. This was dubbed the Oilgate scandal. Following the newspaper exposé a Freedom Front Plus (FF+) MP, Mr. Willie Spies lodged a complaint with the Public Protector (PP) to institute an investigation on the mismanagement of public money by the management of PetroSA. A further complaint was lodged by a Democratic Alliance (DA) MP, Mr. A J Leon. The complaints alleged *inter alia* that: a) PetroSA merely used Imvume as a conduit to transfer public money to the ANC; and b) the management of PetroSA's conduct in the payment of the advance amounts to the misappropriation of public funds.

In the ensuing report the Public Protector (PP) released a report entitled '*Report on an Investigation into an Allegation of Misappropriation of Public Funds by the Petroleum Oil and Gas Corporation of South Africa, trading as PetroSA, and matters allegedly related thereto*' in 2007. The PP found that much of what was published by the *Mail & Guardian* was factually incorrect, based on incomplete information and unjustified speculation. The

report found that PetroSA's payment of an advance to Imvume was lawful and did not amount to maladministration, abuse of power or the receipt of any unlawful or improper advantage. The report further maintained that it was within PetroSA's duties to settle the debt that Imvume failed to pay, and that PetroSA acted in the public interest. However the PP said its mandate was restricted to the investigation of matters that relate to government bodies, public entities and misappropriation of public money. Therefore allegations relating to the relationship between the ANC and Imvume and the allegedly transfer of public money between the two could not be investigated. Furthermore the PP found that allegations of improper conduct by then Minister of Minerals and Energy, Phumzile Mlambo-Ngcuka and the management of PetroSA were without merit.

The *M&G* challenged the report and applied to the Pretoria High Court to have it set aside. The contention was that the PP failed to undertake a proper investigation, but rather undertook a superficial and inadequate investigation. On another front the PP's decision not to investigate all the players in the Oilgate scandal was said to be due to the PP's superficial interpretation of his mandate. The *M&G* maintained that the PP did have the jurisdiction to investigate all the allegations pertaining to the payments made to different players. The report that was produced was said to be influenced by an error of law<sup>2</sup> and this qualified for it to be set aside. The PP was also criticised for failing to comply with the requirements of procedural fairness. This emanated from that serious findings were made against the *M&G* (whose articles were the source of the allegations) without providing it an opportunity to make representations on the findings.

In July 2009 the High Court found that the Public Protector's investigation was indeed superficial and that he did misconstrue his domain of power which misled him in deciding not to investigate some aspects of the complaints. The verdict was that the 2005 report be set aside and the PP was ordered to reinvestigate all complaints and consider the findings of

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<sup>2</sup> The Public Protector was said to have misinterpreted the legislations that provide for its powers. These are:  
-The Constitution of South Africa;  
-The Public Protector Act No. 23 of 1994; and  
-Promotion of Administrative Justice Act No. 3 of 2000 (*M&G Media Limited and Others vs. the Public Protector*, 2009).

the Donen Commission<sup>3</sup>. Finally the PP was ordered to pay the costs of the complainant, the *M&G*. This case is a demonstration of media courage as the media published a series of article on events that implicated a state enterprise in the maladministration of public money in order to benefit the ruling party. The *M&G* stood by its story to the point where it went to court against the Public Protector's findings that suggested that its content was factually incorrect and unsubstantiated. This case demonstrated the significance of an independent press to hold government accountable to the citizenry in a democracy. The Pretoria High Court's decision to set aside the Public Protector's 2007 report can be said to be a demonstration of how things would remain unnoticed if South Africa did not have a vigilant, independent media.

## **2.4 The Media and Government**

### **2.4.1 The Media and Personal Lives**

In the world characterised by tabloidisation and sensationalisation, it is impossible to think of privacy. In the new media era newspapers are, driven by ratings and increasing their readership; therefore the more the drama in the content, the higher the chances of attaining this end (Just and Crigler, 2000). This results in increased invasion of privacy in the name of the public interest. Sanders (2003) argues that privacy is the greyest moral area for journalists. This suggests that there are no set boundaries of what can be regarded as private and what is public. Hannah Arendt (in Sanders, 2003) maintains that to be political means to have no private place. This argument is taken further by Belsey (1992) who argues that based on the right to information, publication of information that should be in the public domain is justified whatever the means used in information gathering. This assertion is further put into perspective by pointing out that it is justified to publish private lives, sexual morals and private behaviour of politicians if it exposes hypocrisy (Sanders, 2003). "Those who have power must uphold a certain standard of behaviour. Thus we are entitled to know if their private behaviour contradicts their public conduct on the grounds that private morals have a bearing on public ones..." (*ibid*: 86). This further suggests that publicly expounding good morals whilst one is guilty of private vice is regarded as

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<sup>3</sup> The Donen Commission was instituted by former President Thabo Mbeki to investigate the involvement of SA companies and individuals in the violation of the UN sanctions on Iraq in the Oil for Food programme.

hypocrisy. The notion of public interest becomes less complicated from this perspective, as it clarifies that public figures' private lives may have a bearing on their performance in public office. Therefore exposing their private vice is a matter of testing integrity and competence.

#### **2.4.2 The Media and Negativity towards Government**

The media does not only play the role of exposing venality and upholding democracy, it has also been criticised for causing cynicism and political disengagement amongst the public. *Media malaise theorists* argue that the media tends to be characterised by negativity and anti-institutional themes and a low opinion of politicians (Norris, 2000). As seen in the Monicagate affair, the sensationalisation of issues that are of national importance hinders public comprehension of the political or constitutional importance of events. This is regarded as the downside of the free press as it tends to focus on conflictual frames and analysis rather than factual information, and populist political reporting at the expense of detailed information and debate on policy issues and 'real news' (Norris, 2000). Newspapers are no exception as they have been criticised for 'tabloidisation' or 'infotainment' where the main focus is on sensational and dramatic aspects of crime and scandal (Norris, 2000:9).

Newton (1999) maintains that media malaise theorists blame the media for being driven by market competition and a search for a bigger audience and that circulation figures force them to dwell on dramatic news especially bad news about crime and conflict; political incompetence and corruption; and sex and scandal. Furthermore sensationalisation of political news has been blamed for eroding trust in political leaders and government institutions and dampening political participation. Blumler (1995, in Norris, 2000) clarifies that negativity towards government lies in the rival relationship between politicians and journalists. The media is used as a battlefield for ideas where politicians tailor their messages to new values and partiality whereas journalists intensify their effort to put their own perspective on political stories and expose what politicians are really up to (Norris, 2000). Norris refers to the new media's tendency as "attack journalism" and argues that it

encourages hostile campaigning where politicians attack their enemies instead of focusing on policy issues.

### **2.4.3 The Media and Mobilisation Theorists**

Contrary to that view, Norris argues that “the claims of media malaise are methodologically flawed, so that they are at best unproven...or at worst false” (2000: 20). Norris further substantiates this assertion by that malaise theorists are not confused about the news media and political campaigns and their impact on the audience, but are rather flawed on their assumption about the audience. *Mobilisation theorists* argue that the public does not passively respond to political communication but critically sift, discard and interpret the available information. Mobilisation theorists dispute that the media causes disengagement on grounds that those who are not interested in current affairs are more likely to turn over or turn off when presented with political news (Norris, 2000). The point of departure here is that the media does not always invoke cynicism but can mobilise the public towards a certain course. This highlights that those who are interested in a particular course of events follow the news to allow them not to make arbitrary decisions when expressing their preferences. Druckman (2001) refers to the informed public as the “empowered citizens” and goes on to postulate that the empowered citizenry is able to uphold its democratic right of expressing their opinions on issues. Therefore, exposure to a wide range of news sources allows the public enough knowledge to make informed political judgments. Norris maintains that those who are more interested in current affairs are knowledgeable and pay more attention to political news.

Mobilisation theorists are in line with Van Dijk’s (1991) findings in a study of racism and the press where the media’s negative reporting on the immigration of non-white refugees into Europe resulted in public resentment of the foreign group. The resentment grew out of fear that the immigrants would exacerbate unemployment and housing shortages. Van Dijk argues that the press played a principal role in sustaining resentment against non-whites in Europe as it went further and portrayed the 1985 riots which involved violence between the police and West-Indian communities as criminal acts of non-whites that were determined to undermine civil order. The media’s shift of focus from the issues of the day that triggered

the riots which entailed ethnic inequality, oppression and discrimination further enforced racism. This study shows that the media's portrayal of ethnic events resulted in the maintenance and legitimation of ethnic power relations (Van Dijk, 1991 and van Dijk, 1995).

This goes to show that there is a thin line between what the media malaise theorists and the mobilisation theorists stand for. In this instance media malaise theorists would highlight the media's focus on negative traits of non-whites as a down-side of reporting. On the contrary mobilisation theorists would argue that media reports on racism resonated with predispositions in the community and only played a role of entrenching racism.

## CHAPTER 3: THEORETICAL FRAMEWORK

*Oppression of minority interest is real in every society and is rooted in manipulation of communication and language. Those who have the most political power are those ... that dominate communication at both macro and micro levels (Hacker, 1996: 29)*

### 3.1 Introduction

This dissertation looks at the media through the lens of Lukes' (1974) theory of mobilisation of bias and the social constructionist theory of Berger and Luckmann (1966). The role the media plays in society is investigated from the perspective of the libertarian and the social responsibility normative theories. These theories combine to illuminate the normative role the media ought to play in a democracy. Therefore focus is on how the media is used as an instrument for constructing, deconstruction and reconstructing facts and ideas thus changing conceptions of the public; that is, mobilising bias.

This chapter does not give an outline of the two theories that inform this study. Berger and Luckmann pointed out that “we do violence to certain thinkers by integrating their thoughts into a theoretical formation that some of them might have found quite alien” (1971:29). This is true of the theoretical framework provided in this chapter. Talcott Parsons gave a good justification for this type of theorizing. This lies in that the interest of the work at hand “is not in the separate and discrete propositions to be found in the works of these men, but a *single* body of systematic theoretical reason” (Parsons, 1949 in Berger and Luckmann, 1971:29).

### 3.2 The Theory of Mobilisation of Bias

Bachrach and Baratz (1970) define mobilisation of bias as a set of values, beliefs, rituals, and procedures which can be exploited by beneficiaries of an unequal value-allocation to defend and promote their preferred position. The point of departure here is that those who have power can systematically use it to benefit certain groups at the expense of others. It further suggests that those who benefit are mostly a minority or elite groups and are in a preferred position to defend their vested interests. Sederberg in his thesis on shared

meaning points out that “The origins of similar response are simple to state - the behaviour is under some form of control - though they remain difficult to elaborate” (1984: 3). Sederberg goes on to clarify how a range of responses can be controlled. One way is to structure and simplify the setting and focus the issues as much as possible, the other is to control the prior socialisation of the subject in an effort to restrict the range of interpretational variance. This suggests that biases are mobilised by limiting the subjects’ options in decision making, and by making issues simple for them to understand and interpret within pre-existing lines of reasoning.

The main focus of the theory of mobilisation of bias in this dissertation is ‘who sets the agenda’; that is, who determines what is newsworthy and what gets published? Vying parties strive for their discourse to gain salience by mobilising bias in favour of their preferred viewpoints on issues and events. Emphasising or highlighting certain issues while downplaying others mobilises bias in a sense that it narrows down issues to be considered in making judgments and preferences.

### **3.2.1 The Agenda-setting Hypothesis**

In the print media, power is exercised through the organisation or coverage of news and stories which results in the mobilisation of bias in favour of some issues whilst others are kept at the periphery or are completely trivialised. Schattschneider illuminates this by asserting that “All forms of political organisation have a bias in favour of the exploitation of some kinds of conflict and the suppression of others, because organisation is the mobilisation of bias. Some issues are organised into politics while others are organised out” (1960, in Lukes, 1974: 16). Although this assertion was made in the context of political power relations; it is befitting for the organisation of newspaper content. This emanates from that other events are given prominent coverage over a number of days and make front page headlines whilst others get less attention or are completely kept out of circulation. Accordingly media professionals are better positioned to decide what is circulated and what is not; that is, they define what is newsworthy whilst excluding some aspects of events or excluding issues altogether. This is the essence of the “*agenda-setting hypothesis*” (Kenski, 1996: 70).

The agenda-setting hypothesis is premised on that those issues that get prominent attention on national news become problems that the public views as the nation's most important (Iyengar and Kinder, 1987 in Kenski, 1996, McCombs, 1972 and Nel, 2005). Druckman (2006) and Kelleher and Wolak (2006) affirm this by saying that issues that are given more media attention assume greater perceived importance and these issues will more likely be used as criteria for judgment. McCombs (1972) and Nel (2005) argue that the media is not responsible for deciding what the public thinks but the selection of news and stories sets the agenda for what people talk and think about. Watson (2003) goes on to clarify that wherever there are competing interests, rival ideologies or conflicting priorities, agendas are arenas of struggle. The point of departure here is that the media is a platform where competing views vie for a better position; and the perspective that gets salience is then understood as the dominant view. Accordingly, the agenda-setting capacity of the media makes it influential in shaping public perceptions (McCombs, in Watson, 2003). Lilleker (2006) argues that stories compete for space in newspapers, but media professionals' choice of issues that dominate has the effect on the importance that is attached to those issues.

Lilleker further points out that the agenda is the news and stories of the day and how they are reported. Agenda-setting is about making the public think about an issue in a way that is favourable to the sender of the message. Iyengar and Kinder take this further and argue that "stories positioned at the top of the broadcast are those that carry the network's agenda most effectively" (1987:143, in Kenski, 1996:71). This assertion does not suggest that the media run stories to serve certain agendas. Watson takes the argument further where he points out that "for every overt or public agenda there is a covert or hidden one" (2003:128). The former refers to issues that are covered in the public interest and the latter refers to issues that reporters or their sources may pursue for personal or political agendas. This suggests that all news stories have a hidden agenda of wanting to mobilise support in favour of a particular position. However bias may be mobilised unintentionally.

Kenski's work is in line with Van Dijk's work on the media and racism where he suggests that the definition of newsworthy events and the organisation of the news are determined

by powerful professional and social ideologies and organisational routine (Gans, 1979 & Tuchman, 1978 in van Dijk, 1991:40). He goes on to affirm that “Structures of headlines, leads, thematic organisation, the presence of explanatory background information, style, and especially the overall selection of newsworthy topics are thus indirectly controlled by the societal context of power relations” (van Dijk, 1988b in van Dijk, 1991:41). In Gaventa’s (1982) terms, the public is rendered powerless as it is out of decision-making arenas with regard to what and how events are reported.

### **3.2.1.1 Power, Information Controlling and Agenda Setting**

At this stage it becomes clear that media is a contested terrain characterised by a power struggle over knowledge production. This emanates from that media professionals’ work entails reporting on issues they regard as being of importance thus setting the agenda through the organisation of news and stories. Van Dijk (1995) specifically refers to this as social power which he defines as a social relation between the groups or institutions, involving the control by powerful groups of the actions and minds of less powerful groups. Gray (1991) argues that the powerful control of the political agenda is achieved by developing and reinforcing social values through which some kinds of conflict are accepted and others rejected. This was seen in the media’s focus on personal morality as an important attribute for presidents during the Clinton sex scandal and the Watergate burglary which can now be said to have been meant to influence the public’s conception of what presidents ought to be and do.

Lukes (1974) would argue that the organisation of news and stories serves to control information through the mass media. Gaventa in the analysis of power relations that maintain quiescence among the oppressed posits that the powerful may exercise control over their subjects by influencing, shaping or determining their wants and preferences. Dahl postulates that “leaders do not merely *respond* to the preference of constituencies; leaders also *shape* preferences” (1961:164 in Lukes, 1974: 23). Lukes poses the question: “Indeed, is it not the supreme exercise of power to get another or others to have the desires you want them to have – that is, to secure their compliance by controlling their thoughts and desires?” (1974:23). However Lukes further clarifies that control takes many subtle

forms such as the control of information through the mass media and through the process of socialisation. In the study of children's political socialisation Dunham and Mauss found that all children expressed the highest esteem for the president. The conclusion was that:

early idealisation (of presidential authority) may create latent feelings that are hard to undo or shake off. This is the major significance of the first bond to the system through the presidency. The positive feelings generated there can be expected to have lasting consequences (Dunham and Mauss, 1976: 471).

The issue of socialisation is discussed in detail in 3.3 below. This factor mitigates the extent of mobilisation by the media. From this perspective readers tend to judge media frames based on their predispositions. They tend to rebuff information that contradicts their own biases. This is in line with the argument that readers are more likely to have an opinion on familiar issues but are disempowered or unable to express their preferences on less familiar issues. Druckman (2006) clarifies that in the Clinton affair, the media primed the personality issue since it was a simple and familiar case in impeachment campaigning following the then latest scandal, the Watergate affair. This suggests that the media can also reinforce biases already held in society by focusing on and emphasising issues that readers can easily formulate preferences on based on held beliefs, values and ideals. The media can mobilise bias by trivialising issues that might be important but not easy to understand. This is what critics of the media point out that the media tend to sensationalise serious issues as entertaining and dramatic news is easy to understand and it sells papers.

A further step to understanding the control of information looks at the aspect of power and powerlessness; that is, the interrelationship between participation and consciousness. It is sometimes argued that participation is a result of consciousness or high level of political knowledge. However classic democratic theories argue that it is participation that gives rise to consciousness (Gaventa, 1982). If the latter view is adopted, then those who have no interest or limited access to current affairs become unable to engage actively with others in determining their own affairs and might not develop political consciousness of their own situation or the broader political events (Pizzorno, 1970, in Gaventa, 1982). Unconsciousness, just like powerlessness, may encourage those who are short of political education to internalise the values of the dominant group. As a result the voice of the

powerless is no longer authentic but merely echoes the dominant; that is, whatever that the media reports, the audience listens and internalises (Mueller, 1973, in Gaventa, 1982).

On the contrary, better informed citizens – whom Gaventa would refer to as empowered citizens - are capable of expressing their preferences not based on arbitrary aspects of how issues or events are described in the news. Druckman (2001) argues that citizens who engage in deliberative discussions develop stronger opinions of their own and are not influenced by media discourse. Druckman refers to the citizenry that can formulate its own opinions on issues as democratically competent citizens who are “qualified and capable to express their preferences to which government has to respond” (2001: 232). It is this *inter alia* that allows diversity of messages in the media as the ability to formulate opinions enables readers to contribute to messages in circulation. Empowered and conscious citizens tend to use the media as a platform for public debate instead of the source of information. This therefore suggests that informed citizens actively dissect messages circulated in the media in context rather than passively absorbing the dominant view. Their voice unlike their powerless counterparts’ does not echo the powerful. It is in this context that the media is a fourth estate in democratic states. The media is not merely a weapon of cooptation but messages vie for dominance and each message sets an agenda as one article cannot include every aspect of the event at hand. The decision as to which aspects or issues to focus on and which ones to marginalise or leave out is the mobilisation of bias.

On one level one may argue that it is the lack of consciousness, empowerment or competence that the audience under the media’s influence suffers from, thus unable to formulate an informed opinion on issues on their own. On another level van Dijk (1991) uses the thesis of ideology to explain power relations in the media and how conflict is prevented from arising. Ideology is defined as the basic cognitive system for the goal-directed and interest-related interpretation and representation of social reality. Ideologies are characterised by their effectiveness and functions for cognitive organisation and reproduction of groups. Van Dijk argues that power relations in society can be reproduced and legitimated through the dominant ideology. Ideologies are used to control other groups’ attitudes and their fundamental attitude-producing ideologies to ensure that they will act

out of their 'free' will in accordance with the interests of the powerful. This illuminates that the exercise of power is not coercive but rather manipulative or persuasive. This structural dominance purports to diminish the potential for resistance from non-dominant groups. This point is in tune with Lukes' theory of mobilisation of bias where quiescence is maintained by preventing the grievances of the powerless from being voiced out.

However Lukes' third-dimension of power goes beyond the use of ideology and argues that political agendas are set by distracting the powerless from perceptions of their own which results in non-decision making or inertia amongst the group that ought to resist (Gray, 1991). Lukes further asserts that quiescence is simply sustained by a series of individually chosen acts, but also, most importantly, by the socially structured and culturally patterned behaviour of groups, and practices of institutions, which may be manifested by individual inaction. On inertia Schattschneider argues that:

There is a better explanation: absenteeism reflects the suppression of the options and alternatives that reflect the needs of the non-participants. It is not necessarily true that people with the greatest needs participate in politics most actively — whoever decides what the game is about also decides who gets in the game (1960: 105, in Gaventa, 1982: 6).

The third-dimension of power is premised on that decisions are made consciously and intentionally but the bias of the system can be mobilised, created and reinforced neither consciously nor intentionally to fulfil particular individual's choices. This points out that in media discourse, bias can be mobilised unintentionally. Bachrach and Baratz aver that "our main concern is not whether the defenders of the *status quo* use power consciously, but rather if and how they exercise it and what effect it has on the political process and other actors within the system" (1970:50 in Lukes, 1974:21).

### **3.2.1.2 The Media, Hegemony and False Consensus**

Lukes' thesis of power relations and how they are maintained is closely related to Antonio Gramsci's concept of *hegemony*. In a simple sense hegemony refers to "rule by won consent" (Watson, 2003: 18). Gramsci (1937 in Grillo, 2005) argues that the state of hegemony is achieved when consensus is reached and the power of the dominant group is

accepted as legitimate. This highlights that hegemony provides the dominant group with the consent of the ruled (Watson, 2003). In the media the state of hegemony can be said to be achieved when public opinion has been wholly mobilised in favour of one perception. Once public opinion is influenced, the preferred meaning turns out to be universally agreed upon as the most natural one (Grillo, 2005). Gray (1991) argues that consistent prevalence of reality as reflected in the media allows for the enforcement of the media's agenda as the content becomes objectified. When the public start to take the prevalent content for granted, they unconsciously internalise it. This strengthens the media's mobilisation of bias through the development and maintenance of dominant images, legitimations, or ideologies. The state of hegemony is achieved when the dominant ideology becomes legitimated "by domesticating opposition, absorbing it into forms compatible with the core ideological structures" (Watson, 2003:21). It can be argued that the state of hegemony was reached in the Watergate affair. This stems from that the American citizenry was agreed on that President Nixon's conduct was an impeachment offence. Even Republican members were in accord with the generally held view.

However Gaventa (1982) refers to the state of hegemony as a false consensus since it is not based on the powerless groups' acceptance of the *status quo* but is rather based on indirect suppression of the interests of the powerless. Gaventa would argue that as a result the public's interest remains tamed or even forgotten as the media's social construction of reality is unconsciously internalised. Gaventa asserts that "power works to develop and maintain quiescence of the powerless" (1982: vii). He would further argue that the state of hegemony can never be attained in a true sense of "ruling by won consent". Convergence of public opinion can only mean that the powerless have lost the consciousness of their very wants and thus conform to those imposed on them by the powerful. He further argues that in the media the extent of power is not determined by prevailing in a struggle but is derived from the ability to predetermine the agenda of struggle. This suggests that whether one's point of view is adopted by others or not is not a measure of power in the media. Power is rather measured by one's ability to call issues into being. For example the *Mail & Guardian's* exposure of the Oilgate scandal demonstrates power as the newspaper threw the first stone and opened dialogue on the issue. The *M&G* maintained its status of 'the

powerful' by taking the matter further with the court when it was accused of publishing unsubstantiated and factually wrong content.

The question that remains unanswered is: How does the media reach the state of hegemony or false consensus? In the case of the press and racism, van Dijk (1991) argues that the media used subtle ways of reproducing and maintaining racism by focusing on the negative aspects when reporting on non-white events. This served to reinforce white resentment of non-whites who had become synonymous with crime and violence. This can be explained by what Kenski calls *the priming effect* of the media which refers to that the media has the tendency of focusing on one aspect of reality. The priming effect is based on that "by calling attention to some matters while ignoring others ... news influences the standard by which political events, governments, policy and candidates for public office are judged" (Iyengar and Kinder, 1987:63 in Kenski, 1996). Druckman (2001) specifically uses the concept of emphasis framing effect to describe this phenomenon. Druckman illuminates that media priming's greatest impact "is not in changing people's minds, but in influencing what issues citizens consider when making political assessments" (2006: 195).

What priming does is excluding or trivialising some issues. As attention is called to some sets of issues, citizens inevitably use the available information to inform their evaluation. Kenski (1996) further points out that in December 1993 to January 1994 there was extensive coverage of President Clinton's character traits and considerable time was devoted to allegations of misconduct when he was governor of Arkansas and allegations of financial misconduct in the so-called Whitewater real estate affair. The media's emphasising on the president's character while overriding policy performance, is a classic example of priming. This illuminates that magnifying certain aspects of events or personal attributes serves to direct public opinion into a certain direction in order to forge consensus.

### **3.2.2 News Organization - Layout in the Print Media**

This section will continue to answer the question pertaining to how the media prevents issues from arising. This brings up Harold Lasswell's questions as to who gets what, when and how and who gets left out and how, and how these issues are interrelated (Bachrach

and Baratz, 1970). In political communication a critical question is: who throws the stone first? This is significant since the one who gets to respond all the time is at a disadvantage. With regard to the construction of reality, one who responds plays the role of deconstructing what is already in the public domain and presenting an alternative credible description or account of events. Furthermore responding is not always effective as for example when the media gets a high threshold story, it splashes it on front pages, but when it realises that the facts were erroneous a verification of mistakes does not make headlines.

Grillo (2005) postulates that the media is a battlefield for ideas and meaning; accordingly newspapers play an important role in this regard as they allow diverse views to be expressed. The media allows for public debate and the formulation of diverse opinions on issues of day. Members of the public are allowed to voice their views in newspapers under categories such as 'Viewpoints and Analysis', 'Views and Opinions' and 'Letters'. Media professionals or, editors to be specific can then use the public space to preclude opposing views and shape beliefs in their own legitimacy at the expense of the interests of the public or even the subjects of discussion. This is explicable in that the organisation or layout of the news is biased in favour of media professionals' or their sources' agenda. The 'Opinions' and 'Views' sections are positioned in the middle of the newspaper while public views, and letters to the editor never make headlines. Furthermore, views from the public are edited and therefore not written in the language of the composer or writer of the articles but editors choose the wording of these sections. This alongside selective editing dampens the energy of the messages and may even distort the meaning. The impact of language use is discussed in length in section 3.3.1 below. These factors ensure that views that are not compatible with newspapers' agendas are tamed and kept at the periphery.

Whose voice does the 'News' section represent and in whose language is it written? Lukes' theory of mobilisation of bias sees language as objective, therefore this study will be extended to what he refers to as the third dimension of power which suggests that control over agendas and decision making can be related to language as non-objective, but dialogic and meaning producing (Hacker, 1996). The angles from which issues and events are approached take away their originality. The crux of the matter is that the politics of writing

(which refers to that every report is written from a certain perspective) inevitably catches up with media reporting. In the theory of discourse and power, Grillo argues that producing and conveying meaning through linguistic signs amounts to the speaker's attempt to select and convey preferred meaning from rival existing meanings. This points out that there can be no neutral or objective language which reflects things as they are. Therefore language use plays a significant role in the construction of meaning. Grillo argues that when we talk of what things really are, we are merely talking of what the dominant conception holds them to be. Watson (2003) articulates that agenda setting goes as far as shaping stories into discourse - a way of defining and presenting information and ideas to create preferred meaning (2003).

### **3.3 The Social Constructionist Theory**

*Mobilisation of bias moves the focus of power research further into the realm of the process of social construction of knowledge, ideas and values, rather than leaving it at the analysis of their role in power relations (Gray, 1991:11).*

A study into the social construction of reality by the media can not be undertaken outside the social constructionist theory. This is a theoretical orientation that suggests that knowledge of the world and common ways of understanding it are not derived from nature, but are produced through social interaction. Burr (1995) states that it is through daily interaction that different versions of knowledge are fabricated. In the media, when an event is selected for coverage, some attributes are highlighted whilst others are not, what follows is the social construction of that event within a certain frame. This results in a certain degree of distortion; that is, the accentuation of certain aspects provides a certain version of the story or event (Watson, 2003). The social constructionist theory is therefore grounded in Marx's argument that "a man's consciousness is determined by his social being" (*ibid*). This means that one's social outlook is determined by one's position in society or the social relations within which they live. The social constructionist theory further points out that reality is always reality from a certain perspective. This suggests that there is no objective, natural or unbiased observation, but what exists is what is perceived to exist (Burr, 1995). The social constructionist theory is premised on that reality is socially constructed and that the sociology of knowledge must analyse the process through which this occurs (Berger

and Luckmann, 1966). The sociology of knowledge is concerned with the empirical variety of knowledge in human society and also with the process by which any body of knowledge comes to be established as reality (*ibid*). Put simply, “the sociology of knowledge is concerned with the analysis of the social construction of reality” (Berger and Luckmann, 1966:15). Reality is defined as “a quality appertaining to phenomena that we recognise as having a being independent of our own volition (we cannot ‘wish them away’)” while knowledge is defined as “the certainty that phenomena are real and that they possess specific characteristics” (1971:13). Sociological interest in questions of ‘reality’ and ‘knowledge’ is justified by their social relativity. Berger and Luckmann point out that what is real to a criminal differs from what is real for a criminologist. “What is true on one side is error on the other” (*ibid*). This suggests that reality and knowledge are specific to social context.

The sociology of knowledge seeks to understand ways in which knowledge is developed, transmitted and maintained in such a way that it becomes taken for granted. Berger and Luckmann postulate that the reality of everyday life is an ordered reality. This points out that real life phenomena are prearranged in patterns that seem to be independent of human apprehension of them and impose themselves upon them.

The point of departure here is that there are power processes behind the social construction of perceptions and meaning through the control of information through the mass media (Gaventa, 1982). The greater the power, the more probable the chances are for a social construction of reality in favour of the powerful. The social construction theory here focuses on uncovering ways in which newspapers have participated in the creation of social reality about events and actors in the public domain. The current study looks at how beliefs and ideologies are created or even manipulated in power processes by looking at what is communicated and how it is communicated. In a nutshell the focus is on the media as the means of social legitimations and influencing public conception. Although the current study does not focus on the impact of newspaper content on the public, it does look at how the media sets the agenda for what the audience thinks and talk about. This is done by looking at meaning that lies beyond what is printed in the newspapers. This involves

locating the power processes behind the social construction of reality that are intended to make the audience to act or believe in a manner that it would otherwise not.

The social constructionist theory would explain the suppression of the interests of the powerless that is explained by the theory of mobilisation of bias in terms of the concept of *institutionalisation*. Berger and Luckmann would argue that any message that is repeated frequently becomes cast in pattern. This is in line with Gray's argument that the consistent prevalence of messages makes the content to be objectified. Gray goes on to say that the frequency with which the messages are conveyed has a psychological impact of narrowing choices. This largely emanate from that these messages become embedded and provide the direction for interpretation of events and decision-making. This suggests that every published story serves a purpose of putting into perspective what the involved parties have done and how that is in line with or in violation of established values, beliefs and principles. Grace (1987) argues that any description is the construction of reality.

In addition to the role of informing and teaching society, the media has assumed an undeclared role of setting societal standards of behaviour which Berger and Luckmann's concept of institutionalisation explains as controlling human conduct by channelling it to one given direction. Despite this, the social constructionist theory further argues that the diversity of socially grounded positions in the media helps mitigate the ideologising impact of the media (Berger and Luckmann, 1966). Van Dijk (1995) further points out that despite the pervasive symbolic power of the media, the audience retains minimal autonomy and independence and engages actively rather than passively in the use of the means of communication. This suggests that "at least some media users will generally be able to "resist" such persuasion" (*ibid*: 11). The media's mobilisation of bias tends to be tamed by the joggling for dominance of different messages. This study seeks to look at how the media constructed reality by looking at which aspects of the charges against Zuma were highlighted or emphasised by different actors in press coverage. The study looks at what were the dominant messages in the news.

Ideology has an impact of producing a distorted image of social reality. The social constructionist theory argues that even the news stories that purport to be a reflection of reality are actually socially constructed and are therefore guilty of being non-objective. Burr points out that “it is not possible to write about something in a completely dispassionate way; that is, taking up no personal stance at all” (1995: vii).

Grillo (2005) in a discussion of discourse and power argues that discourse has always been socially controlled and regulated and that what speakers aim at as part of their discursive activities is to impose or enforce their own conceptions, thereby strengthening their social power. This points out that the outcome of communication through the mass media ultimately amounts to the social construction of facts and events according to the perspective and or interests and aims of media professionals and their sources.

### **3.3.1 The Social Constructionist Theory on Language:**

The assertion that “language is not transparent” suggests that we should guard against common sense assumption that language is simply a medium through which thoughts and feelings are expressed (Burr, 1995:34). Grace (1987) points out that human beings possess an essential tool which makes the social construction of reality possible – language. He goes on to postulate that “not only is language the means by which the kind of reality construction is accomplished, it is also the means by which the realities, once constructed, are preserved and transmitted from person to person and from generation to generation” (ibid: 3). Grace’s thesis is based on that when discussing any subject matter one quickly arrives at a way of looking at and talking about that subject matter, and that influences everything one subsequently says about it. The isolation of objects for consideration in any analysis and the characterisation that one attaches to them once isolated is the creation of those objects. Berger and Luckmann (1971) postulate that the language used in everyday life continuously provides societies with the necessary objectifications. “Language posits the order within which these objectifications make sense and within which everyday life has meaning for humans” (ibid). The two authors go on to aver that in this way language marks the coordinates of life in society and fills life with meaningful objects.

This is premised on that the way language is used determines the way that events, experiences and consciousness are structured. This renders language important in the study of media reporting as it is assumed that the use of certain words and not others is intended to tailor events and experiences in a particular way. This is, according to social constructionist theorists, fundamental in the construction of reality about events and personalities.

Analysis of language use cannot be divorced from a study of discourse – which refers to a set of meanings, metaphors, images, stories, statements, etc. that in some way together produce a particular version of events (Burr, 1995: 48). It can therefore be inferred that the diversity of ideas is made possible by language use; that is, the discursive context within which messages are communicated allows for multiple versions of events to be presented through different ways of reporting (*ibid*). This illuminates that the language in which messages are constructed serves to construct reality about those events. Media reporting can be said to be always tilted towards a certain angle based on various discourses.

Berger and Luckmann aver that the power of language lies in that it can be detached from the ‘here and now’. This emanates from that language has a capacity to communicate meanings that are not direct expressions of subjectivity. To clarify this point, Berger and Luckmann articulate that “language provides me with a ready-made possibility for ongoing objectification of my unfolding experience” (1971: 53). Language also typifies experiences, allowing members of society to subsume them under broad categories in terms of which they have meaning not only for specific situations but for general social phenomena. Berger and Luckmann clarify that language further anonymises experiences since the typified can in principle be duplicated by anyone falling into the category in question. For example, a politician soliciting a payment in order to favour unfairly one bidder is linguistically categorised as ‘corruption’. Berger highlight that “language is capable not of constructing symbols that are highly abstracted from everyday experience, but also of “bringing back’ these symbols and appresenting them as objectively real elements of everyday life” (1971: 55).

### **3.4 The Media in the Context of South African Democracy**

*Show me a government that is satisfied with its press, then I will show you an autocracy. Show me a press that is satisfied with its government, and I will show you a lifeless and ill-informed people* - Ben Brandlee, editor of the Washington Post at the time of the Monicagate scandal, at a gala dinner hosted for delegates of the Commonwealth Press Union in October 1996 (cited in Skjerdal, 2001: 9).

#### **3.4.1 The Role of the Print Media in a Democracy:**

Democracy is a form of government and ideology that is underpinned by the liberal tradition which views human beings as free individuals with the right to self-determination (McQuail, 1993 in Oosthuizen, 2002). Access to information is fundamental for the realisation of freedom and freedom to communication. Means of communication are central to combating tyranny and protecting the populace's watchdog against the State (*ibid*). The media criticises holders of power to advance alternatives. A free press ensures that people can exercise choice, thereby extending their freedom, by openly making information about alternatives available (*ibid*). The media is the source of information that the citizenry needs, therefore freedom of the press is seen as essential to provide the free flow of diverse ideas competing for resonance with the populace (Oosthuizen, 2002). Norris points out that "journalism is often venerated as a beacon of light that help sustain democracy, a force for freedom lying between venal government and the citizens" (2000: xv).

During the transition to democracy the ANC emerged as a dominant political party. In preparation for the new South Africa, the ANC adopted a draft media charter in 1992. The charter articulated that the democratic South Africa should be founded on free flow of information and culture of open debate (Oosthuizen, 2002). It further made provisions for all citizens to take part in decision making which would be made possible by access to contesting options in order to make informed choices. "An ignorant society could not be democratic". The ANC further committed itself to media freedom. However it argues that citizens' rights to privacy, dignity and any other freedom enshrined in the Bill of Rights could not be violated in favour of the free flow of information. The ANC opposed any institutional and legislative measures restricting the free flow of information or imposing censorship over the media and other information agencies. The charter committed the media to subscribe to a standard of practice or a code of conduct created by producers and

distributors of public information, communication and advertising. The charter articulated that all communities would be allowed access to the technical means for the receipt and dissemination of information. The charter clearly opposed monopolistic practices. Support would be provided to historically disadvantaged sectors of society to ensure that they have rights to publish, broadcast and disseminate information.

The ANC's Draft Media Charter was in line with what was happening elsewhere in Africa. In 1991 a statement of principles which became known as the Windhoek Declaration<sup>4</sup> was drawn by Southern African journalists. This marked a first step towards transformation of the media as it called for an independent and pluralist media in Africa. The declaration advocated an introduction of an independent press, free from government and political control in an environment conducive to the flourishing of the widest possible diversity of opinion made possible by the end of monopolistic practices.

The ANC's Draft Media Charter did not stipulate how the changes were going to be brought about. However it marked a turning point in South African media and gave direction for media policy under democracy. South African media is premised on the social responsibility approach with regard to societal expectations of the media where the media is under private ownership and is free of external censorship. The media operates under self-regulation but there is a threat of government intervention when the media harms societal interest or transgresses its own code of conduct (Oosthuizen, 2002). The social responsibility approach limits media freedom by making provisions for obligations of the media. The media has a responsibility to society which includes setting professional standards for supply of information and balanced reporting (Oosthuizen, 2002). The Press

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<sup>4</sup> The Windhoek Declaration on 'Promoting an Independent and Pluralist African Press' declared:

1. Consistent with Article 19 of the Universal Declaration of Human Rights, the establishment, maintenance and fostering of an independent, pluralist and free press is essential to the development and maintenance of democracy in a nation, and for economic development.
2. By an independent press, we mean a press independent from governmental, political or economic control, or from control of materials and infrastructure essential for the production and dissemination of newspapers, magazines and periodicals.
3. By a pluralist press, we mean the end of monopolies of any kind and the existence of the greatest possible number of newspapers, magazines and periodicals reflecting the widest possible range of opinion within communities (Barker, 2001: 15).

Ombudsman, the Press Council and the Appeals Panel are self-regulatory mechanisms set up by the print media to settle disputes between the press and the public in South Africa.

McQuail (1993 in Oosthuizen, 2002) identifies three communication values that the media have to uphold. These are freedom, equity and order. These values articulate the media's right to publish without prior censorship, content that is free of political or economic pressure. Freedom also promotes diversity where the environment is conducive for dissident voices to express their ideas. Freedom of access allows for diverse ideas to vie for support. Order articulates that the media should ensure stability of life in society. This is evident in the South African media's commitment to reporting in a way that does not amount to hate speech and to take care with regard to the presentation of brutality and violence. Order as a value of communication limits media freedom with regard to the rights of others in society (Oosthuizen, 2002).

In South Africa the rights to information and freedom of the press are enshrined in the following legislation<sup>5</sup>, the Promotion of Access to Information Act No. 2 of 2000, Media Development and Diversity Agency Act No. 14 of 2002 and the Constitution Sections 16 and 32.

The South African media has been at the forefront of holding government accountable and exposing any conduct that betrays the poor. In 2008, The *Sunday Times* published the then MEC of Health, Manto Shabalala-Msimang's medical record arguing that it was in the public's interest to know how the MEC for Health abused her authority as she was allegedly

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<sup>5</sup> 1. The Promotion of Access to Information Act No. 2 of 2000 was promulgated to give effect to the constitutional right to access to information held by the State and any other person and that is required for the exercise or protection of any right. This legislation seeks to promote transparency, accountability and effective governance of public and private institutions and to empower everyone to effectively scrutinise and participate in decision-making by public and private bodies that affect their rights (Promotion of Access to Information Act No. 2 of 2000).

2. The Media Development and Diversity Act makes provisions for the establishment of the Media Development and Diversity Agency. The agency was established to redress exclusion and marginalisation of disadvantaged communities and persons from access to media by creating an enabling environment for media development and diversity. Media development mean the development of the media environment and infrastructure to allow historically disadvantaged communities and individuals to have access to the media as owners, managers, producers and consumers of media. (Media Development and Diversity Agency Act No. 14 of 2002).

served alcohol whilst in hospital. Prior to that there had been a public debate on the MEC's health as there were allegations in the media that the MEC was favoured over other patients who were on the waiting list for a liver transplant. This case alone demonstrates what the role of the media is in a democracy; to expose venal behaviour by government thus protecting democracy. Oosthuizen argues that the "free media will be prepared to express controversial views and to deviate from the conventional" (2002: 52). However this was in some instances seen as partisan politicking where the media has been criticised of being anti-ANC.

## **CHAPTER 4: RESEARCH METHODOLOGY AND METHODS**

### **4.1 Research Design**

The research design of this thesis is qualitative and descriptive relying on data collected through ethnographic content analysis and discourse analysis. A qualitative approach allowed for descriptive and interpretative analysis of newspaper content and also captured how the press could influence public perceptions. Literature review served as a linkage between the current study and previous research by providing the theoretical foundation and findings from related studies.

### **4.2 Data Collection**

The study at hand used archival materials available of the online database of South African media known as Sabinet<sup>6</sup>. Smith (2000) points out that using archival materials has its limitations since materials may not be available in sufficient quantities or may not constitute a representation of the targeted population.

#### **4.2.1 Sampling**

A sample of materials to be analysed was drawn from the archival newspaper database. A number of factors had to be considered since sample selection and the sample size affect the informativeness, reliability, and generalisability of the findings (Smith, 2000). This research required the selection of both a) the materials to be analysed (newspaper articles), and b) the source of that material (the publication). Smith points out that “with the exception of survey and communications research, probability sampling is not common in content-analytical studies” (2000: 319). Smith avers that sometimes it is not necessary to draw a probability sample especially if the research is explanatory or if focus is on theory formulation. The less desirable basis for using a non-probability sample is – convenience where materials are used because they are easily accessible.

In this study a ‘mixed’ methods sampling design – which has characteristics of both random and non-random sampling –was adopted. Sampling took place at three levels:

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<sup>6</sup> Sabinet search database - accessed through the UKZN website [www.ukzn.ac.za](http://www.ukzn.ac.za) under ‘Databases A-Z’ the archived newspaper articles are under the SA Media. This database is owned by the University of Free State.

a) publications or newspapers, b) issues or dates and c) articles that fall within the sampled dates. This is a stratified sampling method; however different methods were used at each stage.

At this first level two factors were taken into consideration; these are: geographic locations and the frequency of publication. A non-probability approach was taken where a purposive sampling method of newspapers was employed to ensure that the selected newspapers are relevant for the purpose of this study. The newspapers analysed are:

- a) two national Sunday newspapers - *The Sunday Times*; *City Press*;
- b) a national Friday newspaper - *The Mail and Guardian*; and
- c) two provincial (KwaZulu Natal) daily newspaper - *Daily News* and *The Witness*.

The selection of newspapers from different media houses was intended to ensure the representativeness of different media houses. This is also important for comparative purposes in the analysis. Provincial newspapers were particularly selected because most of the events around the case, particularly court appearances took place in the province of KwaZulu Natal.

Ideally a universe of articles pertaining to the corruption case would be studied, but this was impossible considering the timeframe that this study covers. It would be impossible to analyse the universe of articles in South African major newspapers between June 2005 and April 2009. Simple random or stratified sampling would cause fragmentation as reports would be removed from context. This made it clear that a purposive sampling method was the appropriate one for selecting dates to be included. News coverage of the case occurred in pockets in line with the unfolding of events in the case. Accordingly the selection of articles focused on specific landmarks or events such as the laying of charges, the raids, court appearances, court judgments, appeals and counter-appeals and reports in the build up to the final dropping of the charges by the National Prosecuting Authority. Therefore a timeline for the corruption case was used to determine which days are important in the case. Articles were then selected in groups of days around the important events. In the material that fell within the sampled dates, material pertaining to the corruption case, and

material that looked at the case in relation to the succession race in the ANC and the presidency of the country were sampled.

### **4.3 Data Treatment**

This section looks at how newspaper content was prepared for analysis. This looks at the steps taken to convert raw news-stories into data to be used in the final analysis of media reporting on the Jacob Zuma case.

#### **4.3.1 Coding**

The first step was to make annotations of all the articles sampled. From the annotations, interpretative analysis was done to abstract thematic units of analysis. This is where the articles were summarised and the key themes found in the articles were identified. Content in the articles was then assigned codes that fit them to one or more categories. Titscher, *et al* (2000) defines categories as the more or less operational definitions of variables. Sub-themes were then derived in order to refine the multifaceted main themes identified. The sub-themes were generated to highlight the key components entailed or featured in the main themes which are referred to as frames in this report.

#### **4.4 Data Analysis**

Put together the main themes and the sub-themes generated a descriptive picture of messages in newspaper articles. Interpretative analysis was then done to unravel latent emphasis, attitudes and preferences. This helped probe beyond statements to unpack implicit bias in favour of or against the subject. Interpretative analysis entailed establishing if there were judgmental stances and their nature in the coded items (Bryman, 2004). Language use was then analysed by determining the frequency of emotive words in relation to actors (i.e. the subject and the author) as a measure of the mobilisation of bias in newspaper reporting. Language analysis was also instrumental in allocating newspaper content into themes. It also facilitated the interpretation of newspaper content.

#### **4.4.1 Research Techniques**

This study employs Altheide's (1987) ethnographic content analysis (ECA), and discourse analysis as research techniques. The two research methods allowed for the analysis of both covert and overt meaning. This study focused on what messages the press highlighted and how they used language to mobilise bias.

##### **4.4.1.1 Content Analysis**

Content analysis is defined as “a research technique for the objective, systematic and quantitative description of the manifest content of communication” (Berelson, 1952:18 in Bryman, 2004: 161). Holsti defines it as “any technique for making inference by objectively and systematically identifying specified characteristics of messages” (1969: 14 in Bryman 2004: 161). Two qualities are noted: i) *objectivity* – which says there must be transparency in the procedures for assigning the raw material to categories so that the analyst's personal biases intrude as little as possible in the process; and ii) *systematic* – which means that the application of the rules is done in a consistent manner to suppress bias.

Bryman (2004) contrasts between Berelson and Holsti's definitions in this regard. The former refers to '*manifest content*' which is concerned with the apparent content of the text in question. On the other hand Holsti's definition extends the analysis to what we might call '*latent content*' which entails interpreting meanings that lie beneath the content itself. This suggests that content analysis may put emphasis on the text or themes within the text which entails searching for certain ideas within the text (Beardworth, 1980 in Bryman, 2004). The qualitative approach allowed for interpretative and descriptive analyses of trends based on context.

This study adopted Altheide's ethnographic content analysis. This method is used to document and understand the communication of meaning, as well as to verify theoretical relationships. Ethnographic content analysis does not follow a rigid procedure as quantitative content analysis. There are no clear-cut steps in conceptualisation, data collection and analysis. This method of research is based on continuous discovery. Altheide

asserts that “Like all ethnographic research, the meaning of a message is assumed to be reflected in various modes of information exchange, format, rhythm and style, e.g. aural and visual style as well as in the context of the report itself, and other nuances” (1987: 68). This suggests that ethnographic content analysis goes beyond assertions to unpack the context in which messages occur; hence ECA focuses on the reflexive narrative rather than statistical analysis of newspaper content. The description of news coverage would not be made possible by focusing only on frequencies; but ECA allowed for covert aspects to form part of the analysis and make conclusions on how the media reported on the corruption case against Zuma.

Analysis mainly focused on the main themes within which issues were reported. Bryman asserts that “when the process of coding is thematic, a more interpretative approach needs to be taken” (2004:188). This suggests that emphasis is not only on manifest content but also on latent content as well.

In the final instance interpretative analysis was employed where focus was on dispositions. Analysing dispositions wanted to establish if journalists were favourably inclined or hostile towards the subject, Jacob Zuma. This looked at stances on corruption, Zuma’s persona and his supporters, and government. This made possible the need to determine whether judgmental stances existed in newspaper content and the nature of the judgment.

#### **4.4.1.2 Discourse Analysis**

Discourse analysis is defined as a multidisciplinary approach to the study of language use and communication in their socio-cultural context (van Dijk, 1991). This method focuses on the relationship between text and context. The argument goes further to assert that “discourse analysis specifically aims to show how the cognitive, social, historical, cultural, or political contexts of language use and communication impinge on the contents, meaning, structures, or strategies of text or dialogue ...” (*ibid*: 45). This suggests that text is analysed for how, if at all power relations manifest in news organisation and how such organisation may formulate or change social cognition (*ibid*). Put simply, analysis is employed to formulate theoretical understanding of a) how language use influences beliefs or vice versa;

and b) how aspects of interaction influence how people speak (van Dijk, 1997). The crux of the matter here is who uses language, how, why and when. This helped put written communication into context in terms of what other messages were in circulation at the same time or what events the communication was derived from.

Van Dijk (1991) argues that textual analysis pays special attention to how content are formulated; that is, style, rhetoric, argumentative or narrative structures. Van Dijk would argue that the media does not convey public knowledge but expresses implicit opinions from a certain point of view about events. For him the mass media provides an ideological framework within which events are interpreted. Therefore discourse analysis allowed for the interrogation of the beliefs that lies beneath written communication. This analysis was based on the assumption that the news serves specific ways of thinking.

Language use was also of importance; therefore the frequency with which certain words occur is counted. Furthermore paragraphs that contain negative communication are counted. Cues (words and phrases) used in text are an important unit of analysis in determining the relationship between language use and beliefs. This is based on Bryman's, (2004) assertion that the use of some words rather than others can often be significant, as it may reveal the predilection for sensationalising certain events and can reveal the author's standpoint on the issue. Hansen (1995 in Bryman, 2004) suggests that the frequent occurrence of certain words suggests certain types of discourse. Analysis at this level was intended to reveal sensationalisation through the use of emotive words such as 'war', 'midget', and 'obituary' along with Zuma's name. Bryman argues that "Alternative, less dramatic terms could have been used" (2004: 188). The examination of such key accompanying words was a catalyst for a more thematic analysis.

#### **4.5 Methodological Reasoning**

This research takes place within the interpretative framework which rejects the positivist view of science being the way to understand the world well enough to be able to control it. According to this framework there is no absolute or objective truth; emphasis is on getting it right about reality or multiple realities. This suggests that the understanding of a

phenomenon can not only be achieved from observations and measurements. The interpretive tradition sees individuals as active agents who can make sense and create knowledge about their own lives (active beings with the ability to have individual judgment and perception). This tradition fits the study since it intends to establish the extent to which print media coverage socially constructed reality about the Jacob Zuma case.

Furthermore the current study is positioned within a social constructionist framework. Terre Blanche and Durrheim (1999:148) define the social constructionist theory as “the research that seeks to analyse how signs and images have power to create particular representations of people and objects”. Language is viewed as a major player in the construction of reality and the social constructionist theory warns that language is never neutral or transparent (Skjerdal, 2001). Therefore language was a major object in this study of the social construction of reality.

The use of content analysis was the most suitable approach for this study as Grillo (2005) argues that the mere activity of speaking has to be seen as the speaker’s attempt to impose, support or reinforce some preferred meanings which are closely related to and to some extent express the interests of their class. This suggests that media professionals are not aloof from the social context since their utterances are influenced by their interests whilst they are in a position to influence public opinion. Berger (2004) argues that journalists inevitably bring baggage with them to their profession. Content analysis using thematic analysis therefore allowed the interpretation of meaning that lies beyond statements. This research technique is important to this study because:

Many phenomena of interests occur largely in a form of overt verbal behaviour, including communication, socialization, interpersonal relations, attribution, moral reasoning, role-playing and stereotyping. Content analysis is able to provide information that might not be accessible by other methods. Open-ended questions for example, permit respondents to express their own constructs or their line of reasoning. Interviews are limiting in a sense that respondents may not be candid or may be unable to provide information on issues they are unaware of. However this kind of information can be obtained by means of unobtrusive methods. Unobtrusive measures are obtained from behaviour that has occurred for some other reason than the investigator’s research - Smith, 2000: 315.

Smith argues that the analysis of language permits inferences regarding subjective experiences, intentions and internal structures that influence behaviour. The argument goes on to point out that such measures are non-reactive since the participants are unaware of or unaffected by the measurement process. The use of content analysis also allows for a large body of qualitative information to be reduced to a smaller and manageable representation.

The study at hand intended to describe how the media reported on the corruption trial, and make inference on how communication variables such as reporting style, language use, priming, etc. could be used to mobilise bias. “Content analysis may reveal properties of text that might go unnoticed by the reader” (Smith, 2000: 315). White comments:

Without making a systematic inventory of all the facts of a given kind, it is difficult to realise just how important and how insidious the errors of omission are in any ordinary subjective impression of a book or personality. The errors of omission are, moreover, highly systematic errors; there is an inevitable selection of just those facts which fit most neatly into the interpreter’s unacknowledged wishes and preconceptions (1947: 441-442 in Smith, 2000: 315).

Discourse analysis was of importance to this study to analyse the influence of power relations on the content and structure of text. The employment of discourse analysis answered the question as to whether or not the preferences of writers could be identified in the text. This looked at the socio-political context within which such text was produced. Analysis here was focused on the discursive effect of the socio-political context. This study shows that the frames within which news is reported act to produce and maintain perspectives about fraud and corruption and the conduct of elected officials.

Hacker (1996) points out that in discourse analysis, the focus on language use allows researchers to even gather information about what is not said. An example of this is in van Dijk (1991) in the study of the media and racism where he revealed how ideological racism dominated television reports. Inference about ideological racism was based on that “when ethnic events are given news coverage, it is usually in relation to violence or other crises” (Hacker, 1996:40). This suggests that the use of content analysis alone would not be able to pick up that racism existed at a different level either than anti-minority reporting and denial

of equal rights. Textual analysis pays special attention to how the contents are formulated; that is, style, rhetoric, argumentative or narrative structures or conversational strategies (van Dijk, 1991:6).

#### **4.6 Limitations in Methodology**

Methodologically, the study is limited. I initially wanted to do a total of seven newspapers which would include two Zulu newspapers: *ILanga* and *UmAfrika* with the intention of establishing if the tribalism factor was featured in news reports. The Zulu newspapers were meant to show if Zulu newspapers from KwaZulu Natal - Zuma's home province - had a special way of covering issues. This aspect would add great value to the research, but it is regrettable that this goal has not been met in this thesis. The database used did not have Zulu newspapers and I figured that I would need more time to translate newspaper content before even starting with the analysis.

## **CHAPTER 5: THE MEDIA AND THE SOCIAL CONSTRUCTION OF REALITY: A CASE OF THE CHARGES AGAINST JACOB ZUMA**

This chapter answers the key questions central to this research as outlined in the objectives. It examines why the press vigilantly reported on the Zuma case. The chapter analyses the angle adopted by the print media in covering the case by looking at a) the selection of material for reporting; b) the positioning of articles as an indicator of importance afforded the content of articles; c) the phrasing of the headlines as an indicator of mobilisation of bias; and d) language use in the content of articles as an indicator of preferences and dispositions of newspapers.

### **5.1 Media Interest in the Zuma Corruption Case**

Tomaselli and Tomaselli (1987) state that “the National Party strategy (apartheid) was one of Afrikaner cultural and political exclusivity, which meant the exclusion of English-speaking elements and more particularly a legitimisation of the notion of racial purity” (1987: 61). They further elaborate that the opposition United Party was less hostile to black people and thus by default seen as opposing apartheid. The press such as the *Rand Daily Mail*, the *Weekly Mail* now *Mail & Guardian* and the *Weekend World* were a) very critical of government ideologically, and b) morally very much in defence of the underdog (*ibid*). The English press had a reputation as a liberal mouthpiece. Ideologically, the liberal democratic ethos made the print media very critical of the apartheid ideology constructed from elements of the beliefs of religious ‘chosenness’ and racial exclusivity (Tomaselli, 1987). Sole (2005) attests to that the apartheid state was built on entrenched racial and ethnic (Afrikaans) patronage. Sole goes on to say that the unjust, undemocratic system saw state institutions corrupted for self-seeking ends of maintaining white and particularly Afrikaner supremacy. Policing for example “was directed less to crime fighting than keeping blacks out of the so-called ‘white’ areas, and latterly towards combating the liberal movement” (2005: 92). At a moral level the second Steyn Commission conceded that the English press had done a good job of articulating black aspirations in the absence of a “truly independent black press” (Tomaselli and Tomaselli, 1987: 61).

The press' liberal ethos carried over to the new South Africa. With the transition from a corrupt apartheid regime to a democracy, corruption was an obvious no-go zone. However this was short-lived as in 2000 the Auditor General pointed to irregularities in the Arms Deal. The implication of the alleged actions of the then Deputy President and the brother of the Secretary to the Arms Procurement Deal Committee hit the nerve of the liberal press, thus the preoccupation and the vigilant reporting on Zuma's corruption case.

## **5.2 The Media's Perspective in Reporting the case**

Based on this thesis' understanding that reality is always reality from a certain perspective, the lenses through which various newspapers looked at the Zuma case are key to understanding how the media constructed reality and mobilised bias in favour of that reality. The print media's position on the Zuma corruption case was clearly that corruption is the evil that the people of South Africa fought so hard to overthrow to bring equality and justice for all. The press was adamant that the presence of this pest in the public domain could never be tolerated. In reporting the corruption case, the press highlighted how the allegations against Zuma were an antithesis of democratic leadership. Hence the press had a negative approach to the case and gave Zuma a name as a villain. The first part looks at the wording of newspaper headlines as an indication of attitudes and dispositions. This focuses on whether headlines indicated a favourable inclination or hostility towards Zuma. The second part looks at the content of newspaper articles by analysing the press' reaction a) to Zuma's sacking; b) his handling of the case; and its perspective on c) his supporters' reaction; and d) the ANC's reaction.

### **5.2.1 On the Implication of Zuma in Fraud and Corruption**

Following the Squires judgment that implicated Zuma in the fraud and corruption against Shaik, the print media embarked on a campaign detailing why Zuma had to be fired. The *Daily News* editorial entitled '*Where there is smoke...*' alluded to that it was improbable that the allegations against Zuma were unsubstantiated. It posited that the judgment left no doubt on that Zuma had failed the morality test espoused by the ANC in its commitment to clean governance and fighting corruption (3 June 2005: 12). The editorial clearly called for Zuma to resign to "save the country a lot of pain and embarrassment". In an article '*How*

*will Zuma go?* *The Witness* called for Zuma to be charged and for President Mbeki or the ANC to fire him in the interest of the country if he resisted to resign, as his position as Deputy President was compromised (04 June 2005 and *Daily News*, 03 June 2005). The paper further postulated that in Western democracies it would be expected that Zuma would step down to clear his name first, however in the South African context that could be seen as self-incrimination on Zuma's part (*ibid*).

A *Sunday Times* front-page story entitled '*Quit or be fired*' concurred that after the judge found that there was a 'generally corrupt' relationship between Zuma and Shaik, Zuma's continued presence in government would be an embarrassment (15 June 2005). A more unequivocal call for Zuma to resign was evident in the *Sunday Times* editorial entitled '*Now Zuma must spare us more shame*' (*ibid*). This blunt and unmasked disapproval of Zuma as a Deputy President was premised on that the judgment called "his integrity and loyalty to his country into question" (*ibid*: 20). The paper pointed out that the Shaik judgment:

    painted a picture of a slavish Zuma who was at the beck and call of his unscrupulous small-time businessman... It also tells a gulling story of how the second most important man in the ruling party was treated like a *plattelands* manual labourer by Shaik... To Shaik South Africa's deputy president was alternately a messenger boy and a mascot – *Sunday Times*, 05 June 2005: 20.

The newspapers socially constructed a reality of a man who had lost all the honour and worth. The *Sunday Times* in an article '*Getting back our morality*' further referred to Zuma as "Schabir Shaik's faithful servant" (09 July 2006: 21). These assertions by the *Sunday Times* were plainly saying that Zuma's integrity had been reduced to nil and South Africans had to choose if he is the man they wanted as the next president. The *Mail & Guardian* had a similarly scathing headline '*The deputy president's choice: jump or be pushed*' (09 June 2005). A *City Press* editorial read '*Zuma has to go*' echoed that "there is no doubt that he has been compromised beyond redemption" (05 June 2005: 18). The *Mail & Guardian* editorial '*No more Mr. President*' echoed clearly that Zuma's career was over, postulating that "the ruling indirectly indict him in such a devastating way that it is hard to think of how his political career can survive it" (09 June 2005: 16). Another *Sunday Times* headline '*Zuma's road to ruin*' clearly pointed out that Judge Squires' judgment was "a death knell

for Zuma political career” (5 June 2005: 4). This highlights that in addition to suggesting that Zuma was not worthy of the office of Deputy President, the print media clearly posited that the allegations marked an end for Zuma in politics.

A *Daily News* editorial ‘*The Zuma affair must end*’ also agreed pointing out that Zuma’s position as President Mbeki’s successor had become untenable (05 June 2005). In another editorial ‘*Zuma: the world is watching*’ the *Sunday Times* continued to put pressure on Zuma to resign (12 June 2005: 20). It becomes clear that newspapers unanimously called for Zuma to resign following the Shaik judgment in which Judge Squires implicated Zuma in fraud and corruption. To mobilise bias in favour of this, they painted a picture of a man whose reputation had been destroyed and had to be stopped from bringing the whole country down with him.

The *City Press* article entitled ‘*Light of leadership needed to rid JZ’s pals of darkness*’ (19 November 2005) called upon the ANC NEC to take a stand and defend a rule of law, adding that “it must be accepted that just as Winnie Madikizela-Mandela, Tony Yengeni and Allan Boesak and other Travelgate MPs faced their Armageddon in court, so too must Zuma” (*ibid*). The paper challenged the NEC to “decry attempts to use a political muscle, ethnicity and gullible youth to interfere with the justice system” (*ibid*: 22). Referral to other ANC leaders who had found themselves in trouble with the law was constructing a reality that pointed to the ANC government as a corrupt regime. The media was clearly saying that the ANC is at it again and the people of South Africa had to make sure that the principle of equality before the law is applied.

A *Daily News* editorial ‘*Peculiar paradox*’ was critical of that Zuma supporters had protested that he had been deposed by President Mbeki and damned by the media without being charged in a court of law yet when he got his day in court they wanted the charges to be withdrawn (*The Witness*, 2 July 2006). The paper postulated that this paradox was not unique to the Zuma case as even though national cricket captain Hansie Cronje admitted his part in match fixing racketeering, his fans maintained that he had been wrongly treated. The paper concluded that loyalty to a hero can be impervious to legal judgment (*ibid*). *The*

*Witness* saw Zuma supporters as a group that was driven by blind loyalty thus having clouded judgment in terms of what was right and wrong. The print media called on Zuma to bow his head in shame in realising what a disappointment he had been to the people of his country. The press also dismissed Zuma supporters' contention that there was a conspiracy against him and called upon them to realise that "their hero has been deemed a corrupt man by a South African court of law..." (*Sunday Times*, 05 June 2005: 20).

This frame of reference further highlighted that South Africa's reputation was at stake. The *City Press* editorial entitled '*Zuma has to go*' asserted that Mbeki had single-handedly changed the perception of the world that Africa is corrupt (5 June 2005: 18). The editorial went on to say that Mbeki had endeared himself in the international arena with his stance against corruption and that such a legacy could not be sacrificed for a man who got into relationships that "eroded every moral stature he had" (*ibid*). *The Witness* argued that Mbeki as the chief proponent of the New Partnership for Africa's Development (NEPAD), with its emphasis on good governance, accountability and peer review, could not be seen to be wavering on such issues when it is his deputy in concern (10 June 2005: 10). The article alluded to that if NEPAD has any meaning; "South Africa had to be spared of the likes of Zuma" (*ibid*). The sentiments in the press generally pointed to that Zuma was guilty and his political obituary was already written.

A former ANC MP and Parliamentary Whip, David Dalling asserted that if something was not done "we will, before we know it, have a bankrupt, self-confessed adulterous and populist president, a prisoner of the SACP and COSATU at the head of our country" (*ibid*). Such a description does not sound as a concern of a patriot seeing a beloved country being taken a step back by an undeserving president. However it speaks volumes about the extent of the press' disapproval of a Zuma presidency - what could be the relevance of Zuma's polygamy in a corruption case? The scathing attack on Zuma's persona went on to refer to Zuma as "a leader, personally bankrupt, living beyond his means on hand-outs and donations, ignorant of the economics of the country, hardly a scion of moral rectitude, followed by a horde of hangers-on, waiting for their share of largesse once he is elected" (*ibid*). Such assertions demonstrated that the press was adamant that Zuma was guilty of

corruption and undeserving of being the next president of the country. The tone and language used in these messages is evidence of the press' mobilisation of bias against a Zuma presidency. Messages in the newspapers socially constructed Zuma as a villain. *The Witness* further said that the real problem was that "this bizarre dance of the criminally accused seems to be winning and the support base within the ANC of the fallen chairman of the Anti-AIDS Council and the Moral Regeneration Campaign is a growing one" (08 September 2006: 12). The use of this paradox highlights that a man who ought to be at the forefront of instilling good morals in society, the chairman of the moral regeneration campaign was the one accused of corruption and was surprisingly getting support from the ANC and its alliance partners.

### **5.2.2 Attitudes to Zuma's Sacking**

When Mbeki axed Zuma, the press hailed the decision as a victory for democracy. *The Witness* front page headline read 'Zuma accepts his fate' (15 June 2005: 1). In another article 'The dismissal of Jacob Zuma' the paper postulated that "Zuma had to go because our national reputation for good governance, probity and public ethics demanded it (16 June 2005: 8). The *Mail & Guardian* editorial 'Zum Zum Voom' gave a lighter-note headline that makes the story rather entertaining (16 June 2005: 18). The editorial was saying Zuma had been fired and he had to 'voom' which is understood to mean he had to go. The editorial further alluded to the divisions in the ANC as a result of the Squires judgment and posited that "at issue is not Mbeki and Zuma's respective popularity contest, it is whether the nation will tolerate corruption in public office or live the dream of the Constitution" (*ibid*). The *Mail & Guardian* was mobilising bias against Zuma by suggesting that supporting Zuma was a clear betrayal of the Constitution. *The Witness* concurred, saying that the wave of support for Zuma or the current of opposition to him could not be allowed to cloud crucial principles such as that no one is above the law and that everyone accused of wrongdoing is entitled to a fair trial (02 July 2005).

The *Mail & Guardian* editorial pointed out that the Squires judgment played right into Mbeki's hands as Zuma was not his anointed successor but "the Deputy President was an architect of his own downfall" (16 June 2005: 18). This illuminated that Zuma supporters

were right on that Mbeki had not wanted Zuma as his successor but that did not mean that the corruption allegations were bogus. The paper averred that the country needed a political system with a clear distinction between the state and the party, where politicians who imperil the constitution leave office. Hence the *Sunday Times* saw Mbeki's decision to axe Zuma as a reaffirmation of the country's commitment to moral principles enshrined in the constitution (19 June 2005). *The Witness* said that Mbeki's decision sent a message that those in powerful political office have to pay high price for being linked to corruption. The *Sunday Times* wrote '*Zuma's departure is the first step in the road to national morality*', asserting that public officials must be held accountable to a higher standard of moral rectitude (19 June 2005). The paper further maintained that "unlike the legal world, the moral conduct does not always require that guilt be proven beyond reasonable doubt" (*ibid*: 20). The point of departure was that the country was not comfortable to give moral authority to a leader implicated in corruption even if no evidence of wrongdoing had been proven. This serves to explain that it did not matter whether Zuma was on trial or not but as his integrity was compromised, this warranted the axing. The print media was adamant that Zuma could not be trusted and that he was not fit to take office as president of South Africa. *The Witness* echoed that in public life one has to be above suspicion even if one has not been convicted by a court of law (16 June 2005).

*The Witness* editorial had a headline '*Zuma to be charged*' following the NPA's decision to prosecute Zuma (22 June 2005: 18) whilst the *Daily News* editorial said '*Zuma gets his day in court*' (22 June 2005: 20). When the NPA raided properties belonging to Zuma and his lawyers, the *Sunday Times* ran a headline entitled '*The key players in the raids*' which outlined the personalities that were raided and how they were linked to Zuma and the charges against him (21 August 2005: 4).

### **5.2.3 Commentary on Zuma's Reaction to the Case Against Him**

The Zuma case was zigzag in nature characterised by court rulings, appeals and counter-appeals. The press viewed Zuma's appeals and or counter-appeals as a delaying tactic intended to prevent the case from going on trial.

In 2006 the state applied for a postponement on the basis that there were new issues to be investigated since the Shaik payments continued until 2005 (*Sunday Times*, 13 November 2005). The prosecution further argued that the case could not continue since Shaik had appealed his conviction which informed the laying of the charges against Zuma. Also the 2005 search and seizures at Zuma's homes and offices were contested and the admissibility of the documents as evidence in court was not certain; and the NPA's application to access documents held in the Mauritian court was being challenged.

In response, Zuma said this move by the NPA gave rise to suspicions and said the principle – justice delayed is justice denied – should be applied to him too. He posited that “if you make criminal charges against somebody... you must have made up your mind. You can't make a big rush to charge and then the next thing you are not ready to charge” (*The Witness*, 21 July 2006: 1 and *Mail & Guardian*, 27 July 2006: 6). In an article ‘*It's an Mbeki plot*’, Zuma fingered Mbeki; the NDPP Vusi Pikoli; his predecessor Bulelani Ngcuka; and others as the people who could give an account on the case against him (*ibid*, 01 August 2006: 1). Zuma accused Ngcuka's off-the-record briefing to editors which Zuma argues intended to recruit the press into the conspiracy against him (*Mail & Guardian*, 10 August 2006). The paper concurred that “a briefing on such a sensitive issue by the person ultimately responsible for taking prosecution decisions “without fear or favour” – could only give rise to allegations of playing politics or acting in bad faith – as indeed happened” (31 August 2006: 3). Zuma further described Ngcuka's 2003 announcement that there was *prima facie* evidence against him (Zuma) but the prospect for success did not warrant a prosecution as “character assassination of the first order” (*Mail & Guardian*, 10 August 2006: 4).

The *Mail & Guardian* conceded that the case against Zuma was a mess and blamed Ngcuka and Maduna (then Minister of Justice) for being influenced by political motives when making decisions on the Zuma affair. Zuma argued that his provisional indictment was a mirror image of the charges against Shaik and highlighted that only one count of his charges related to the arms deal which meant that the case was never opened to bring light to alleged corruption in the arms deal. He further postulated that his prosecution intended to

“ostensibly legitimise a wide-ranging investigation into my conduct and financial affairs in order to find some aspect which would be used to discredit me” (*The Witness*, 01 August 2006: 1, *Mail & Guardian*, 10 August: 4).

The *Daily News* reported that the accusation against Pikoli was that he had met with Mbeki to discuss the Zuma case. Zuma argued that after the Shaik ruling, Mbeki and Pikoli stayed in the same hotel in Chile for four days and it was improbable that they never discussed whether he would be charged or not (23 August 2006). Zuma further said that if it was untenable that Mbeki would have fired him if there existed a slightest possibility of him not being charged. Amongst other reasons why Zuma’s defence team wanted the case to be withdrawn was that the prosecution had failed to comply with its duties and procedural obligations as he had not yet been served with a final indictment in over a year.

Although the press seemed to understand Zuma’s point of view, *The Witness* editorial pointed out that “It is of course desirable that the case should go to trial as soon as it possibly can, but the most important thing is that the court should be able to take into consideration all relevant evidence and come to a fair and correct decision” (22 July 2006: 9). The editorial further argued that postponements were regrettable and that it was important that the interests of both Zuma and the country be served by ensuring that the case was properly investigated to indefinitely determine the innocence or guilt of a person who aspired to be president of the country. As opposed to Zuma supporters’ outcry that ‘justice delayed is justice denied’, the press averred that it was not important that the trial be speedy, but that the investigation is done thoroughly and fully to ensure that justice is served. The *City Press* article ‘*Conspiracy theory thickens*’ posited that the NPA’s application for a postponement was not a delaying tactic but Zuma’s own application for the return of the seized documents was among the reasons why the case had to be adjourned. The press accused Zuma of using technicalities to prevent his case from going on trial.

It further argued that this was only fair for the defendant given that he was a potential presidential candidate, and that the case had to be concluded before the election of

President Mbeki's successor. As opposed to Zuma supporters' outcry that 'justice delayed is justice denied', the press argued that it was not important that the trial be speedy, but that the investigation is done thoroughly and fully to ensure that justice is served. The *City Press* article entitled '*Conspiracy theory thickens*' concurred that the application for a postponement was not a delaying tactic but Zuma's application for the return of seized documents was among the reasons why the case had to be adjourned. The article further elaborated that "after all justice delayed is not justice denied" (23 July 2006: 22). The press accused Zuma of using technicalities to prevent his case from going on trial.

The press perceived Zuma's allegations of a conspiracy theory as a tactic intended to discredit the NPA in whatever move it made. The *City Press* argued that if the NPA used the documents it could be in trouble for that, if it waited for a court to make a decision on the documents Zuma supporters would see that as 'a delaying tactic', and if the case was not over by the time of the ANC's national conference, the NPA would be accused of being in collusion with Zuma's detractors to frustrate Zuma's political ambition (*City Press*, 23 July 2006: 22).

In his response to the NPA's bid to postpone the case, Zuma made a counter-application for a case to be struck off the roll. The *Mail & Guardian* headline 'We'll put Mbeki on the stand' alluded to that his lawyers threatened to drag Mbeki to court as a defence witness to clear Zuma on the allegations since because Mbeki was the deputy president at the time of the arms deal and he (Mbeki) authored the letter interfering with Scopa's investigation into the arms deal that Zuma was accused of writing (27 July 2006: 6). In another article '*Legally lush, factually sparse*', the paper posited that this move was political rather than Zuma's quest for justice to be served (*ibid*, 10 August 2006:4). The print media further dismissed conspiracy claims as lacking substance. "Jacob Zuma has finally unveiled his conspiracy claims, and after all the hype, the evidence he presents is surprisingly insubstantial" (*ibid*). This casted doubt on Zuma's arguments especially with regard to Ngcuka's off-the-record briefing pointing out that the only public account of the briefing was by Vusi Mona whose credibility was destroyed in the Hefer Commission (*ibid*, 10 August 2006:4). The press further undermined Zuma's arguments by positing that he did

not explain why Ngcuka would engage in a conspiracy against him, nor provide evidence that Ngcuka's successor, Vusi Pikoli, also aligned himself with the plot. A hashier way of putting it is that "all Zuma offers is speculations that there might have been improper communication between Pikoli and Ngcuka ahead of Pikoli's decision to prosecute" (*ibid*). The argument in this thesis is that the press was not simply downplaying Zuma's argument but was alluding to a fact that Zuma himself later admitted that he could not prove his conspiracy claims as reported in the *City Press* article entitled '*Zuma has no proof of political conspiracy*' (27 July 2008: 1). "But this week Zuma... admitted that he cannot provide any evidence to prove his claims of political conspiracy" (*ibid*).

The *Daily News* article '*Boss slams Zuma's bid as far-fetched*' reported that NPA boss, Leonard McCarthy slammed Zuma's arguments as "scurrilous and utterly unfounded (based on) self-serving distortion of facts" (16 August 2006: 3). The *City Press* added that the application served no purpose other than to slander the NPA gratuitously (18 July 2008). The *City Press* article entitled '*Scorpions hit back at Zuma's claims of a sinister motive*' went to the extent of saying that McCarthy's response implied that "Zuma was imagining things and mistaking them for reality" (20 August 2006: 5). The paper said that "Zuma and his legal team were clutching at straws and using desperate measures to stop a fight before it begins – for fear of an imminent loss" (27 July 08: 1). This argument emanated from that "In the past 180 years, no one has managed to secure what ANC Deputy President Jacob Zuma is trying to achieve in his fraud and corruption case – a permanent stay of prosecution" (*ibid*).

The press repeatedly highlighted that if Zuma was genuine in that he wanted his day in court so that he could clear his name, why did he have a problem with the technicalities in the case instead of letting the courts clear his name once and for all. This line of argument points to that Zuma himself was responsible for the very delays he was complaining about. In its bid to have the case adjourned, the Scorpions asked why it was a problem for Zuma to wait a further five months for his day to come (*City Press*, 20 August 2006: 5). Scorpions' Wim Trangrove argued that:





If he is innocent, it is of vital importance to him, his party and the country that his innocence be established (in a full, open and public judicial enquiry). If he is guilty... then it is vitally important that his guilt is exposed for all to see. It is in nobody's interest for the judicial determination of this matter to be suppressed (*City Press*, 03 September 2006: 4).

*The Witness* editorial postulated that "in his quest for power" Zuma seemed to have forgotten a number of vital principles of a healthy democracy which are the separation of power and the independence of the judiciary from the executive and that in a true democracy nothing may stand in a way of the law and "no one, not even the exalted president-in-waiting is above the law" (25 January 2008: 8). The editorial further posited that Zuma had to understand that those in public office need to be above reproach. *The Witness* accused Zuma of exploiting every byway of the judicial process to throw up interference and using populist intimidation to force the government to withdraw the charges (15 March 2008: 9).

In an article '*Pressuring selectively*', mobilisation of bias against Zuma manifested through priming a question "What has he got to hide? To me that suggests he's guilty" (*Mail & Guardian*, 12 April 2007: 8). In an attempted to provide an answer as to why Zuma was dissatisfied about his prosecution the paper posited that Zuma saw guilt in relative terms where he believed that "the apparatus of the state was used to target some individuals and pass over some who may be 'more guilty'" (*ibid*). The *Sunday Times* argued that Zuma's defence was premised on that he was being prosecuted for a common practice among those in high office and was therefore a victim of a conspiracy (09 July 2006). The paper quickly pointed to the ANC government by alluding to that the notion of acceptable levels of wrongfulness had taken root in South Africa and it was used to justify impunity. "It is this tolerance of less than perfect that is our brand, South Africa Inc, to shift from that of a miracle nation to that of an entity whose future should be treated with caution" (*ibid*). This take on the matter looked at the saga surrounding Zuma as a reflection of the ANC government's failure to fight corruption. The *Mail & Guardian* editorial entitled '*A pretty prickle*' agreed on that the government had failed in its duties to fight corruption, pointing out that perceptions of selective justice were understandable given President Thabo Mbeki's interference in the SAPS Commissioner, Jackie Selebi's case (17 January 2008:

18). The editorial went on to say that allegations of Mbeki's communication with arms-deal bidders and middlemen further fuelled perceptions of selective justice. The *Sunday Times* went to the extent of saying President Mbeki received R30 million and gave R2 million to Zuma (3 August 2008: 1). The point of departure was that even if Zuma was not the most corrupt politician that did not mean that he should not have been prosecuted. "But the unpunished guilt of others does not mean that Zuma is innocent. The correct course is surely to press for the NPA to investigate all those who have broken the law" and further asserted that "two wrongs do not make a right" (*Mail & Guardian*, 17 January 2008: 18 and 12 April 2007: 8).

#### **5.2.4 On Zuma Supporters' Reaction**

The press posited that those who supported Zuma were in themselves corrupt. *The Witness* in an article entitled '*Goodbye Zuma – goodbye South Africa*' posited that Zuma supporters were "motivated by the lure of possible future political rewards" (08 September 2006: 12). This particular article was very harsh and frank on its disapproval of Zuma supporters as even journalists that would present Zuma's side of the story were attacked: "some friendly, well-fed reporters will give it a subtle sympathetic slant". The *Sunday Times* article '*He went out of his way to buy influence*' postulated that "It would be irresponsible – perhaps even criminal – for the ANC's leadership to allow the only voices speaking to the masses on Zuma's corruption to be those who clearly have a vested interest in ensuring that he survives and indeed becomes our President" (12 November 2006: 40). This statement was intended to challenge the Mbeki administration or even President Mbeki himself to provide leadership and protect the judicial system from attacks by Zuma backers. The statement further posited that the motivation of those who spoke in Zuma's defence was the 'you scratch my back I scratch yours' principle where the corrupt protected Zuma so that he would sweep their own misdemeanours under the carpet once he came to power.

The *Sunday Times* editorial entitled '*Zuma: the world is watching*' posited that it was surprising that organisations such as COSATU, the SACP and the ANC who represent the poor who had been victims of corruption and exploitation at the hands of those in power, had jumped to Zuma's defence (12 June 2005: 20). The editorial further questioned "Why

COSATU, ANCYL and SACP are so eager to squander their own credibility on backing a man whose morality is questionable and whose sense of judgment leave so much to be desired?”(ibid). *The Witness* concurred and went further to question the integrity of COSATU secretary general, Zwelinzima Vavi and SACP secretary general, Blade Nzimande by questioning if they did not care about corrosive consequences of sustained corruption (15 November 2006: 14). The *Sunday Times* in an article ‘Getting back our morality’ maintained that “the ugly scenes we saw on the streets of Johannesburg during the Zuma rape trial and observed in the public discourse around him clearly indicate the extent to which South Africans are prepared to blur the line between right and wrong” (09 July 2006: 21).

When Judge Chris Nicholson ruled in favour of Zuma in September 2006, the *City Press* wrote that the ruling disarmed Zuma backers who premised their campaign on victimhood (14 September 2008: 22). In this regard Zuma supporters are referred to as “the cynics who do not believe in the independence of the judiciary” (ibid).

#### **5.2.5 On the ANC Reaction to the Case**

The press went on to say that the Zuma case was the tip of the iceberg; the ANC government had failed to uphold the Constitution and adhere to clean governance. *The Witness* posited that the ANC has a record of tardiness when it comes to prosecuting its own pointing out that Tony Yengeni, Madikizela-Mandela and Alan Boesak “lived high on before they were eventually charged” (10 June 2005: 10). The paper further argued that the line between populism and accountability tended to lack definition within the ANC. “The shrill of support for Zuma from the SACP, COSATU and ANCYL is proof for that” (ibid). The *Mail & Guardian* asserted that it hoped the sacking of Zuma was an end of the ANC’s evasive and equivocal attitude to financial mismanagement within its ranks (23 June 2005: 16).

The ANC’s internal battles have, over the past 10 years, developed some characteristics that threaten hard-won democratic principles: notably, the use of legal and security apparatus to intimidate or neutralise opponents and to insulate allies – often coupled with attempts to manipulate the media in the course of such battles - *Mail & Guardian*, 12 April 2007: 8.

This suggested that what Zuma was complaining about was not a new phenomenon within the ANC. This is in line with Feinstein's (2009) argument that it is not that Zuma's misdemeanours had been unknown within the ANC but they were only exposed because he fell out of favour. Feinstein goes on to quote Mac Maharaj saying that "if you are perceived to be a friend of the President's or within his political circle, the less likelihood there is of being investigated by the Scorpions. In a certain sense, corruption and abuse are two sides of the same coin" (2009: 250).

The *Mail & Guardian* raised another factor, pointing out that in its quest to ensure Zuma's rise to the presidency at all cost, the ANC demonstrated anti-democratic attitudes. The paper alluded to that these attitudes had roots in the apartheid years where the masses saw leaders accused or convicted of crimes as victims (12 April 2007: 8). The *Mail & Guardian* argued that this phenomenon was also evident in Tony Yengeni's case, and it denies the equality of all South Africans before the law. When President Mbeki axed Zuma some ANC backbenchers said they would accompany Zuma to jail (*Mail & Guardian*, 16 June 2005: 18). In an editorial '*A pretty prickle*' the paper argued that the ANC's strong resolve to stand by Zuma imperils the independence of the judiciary and the essence of the democratic constitution (17 January 2008: 18). When Zuma won the presidency of the ABC at a party conference, the *Sunday Times* editorial had a headline '*We applaud the process, and deplore the results*' expressing its disappointment in Zuma's victory and went on to say:

Although he was the architect of his own demise, it must have strained every fibre of Mbeki's loyalty to his values to accept defeat by Zuma, a moral and intellectual midget who threatens to implode the fragile success of the new South Africa in a blast of misguided opportunism – 23 December 2007: 2.

The use of such offensive language illuminate a degree of disgruntlement in the *Sunday Times* editorial. This headline '*We applaud the process, and deplore the results*' says it all about the paper's stance on who should have won between Mbeki and Zuma. Among the paper's reasons for lamenting Zuma's victory was that "Zuma, the ANC's fallible

president has demonstrated his corruptibility in a series of arrangements with inappropriate sponsors” (ibid: 23 December 2007: 2).

The press posited that Zuma was a small fish who received a few millions of rands but the ANC harboured bigger fish who gained massive wealth from the arms deal both for their personal use and for the benefit of the party. *The Witness* article entitled ‘*Opening a can of warms*’ argued that the ANC government was using the prosecution of Zuma as a red herring to distract the media and the public from the bigger unhappy picture (5 August 2008: 6). The author quickly stated that this assertion was not in defence of Zuma. The contention was that “there is more than one player in the arms deal debacle” (ibid). The paper argued that it was natural for politicians to use any dirt that comes to hand against their opponents. *The Witness* postulated that the NPA had to offer Mbeki and Zuma indemnity from prosecution in return for their evidence to prosecute the corrupters and to achieve cancellation of those corruptly concluded deals (5 August 2008). The paper pointed out that this would be a win-win situation for Mbeki and Zuma and for the country’s democracy. This assertion was in relation to the *Sunday Times*’ allegations that President Mbeki received R30 million from a German bidder who won an R8 billion tender for sub-marines. The media alleged that the money funded ANC infrastructure and campaigns. The *Mail & Guardian* reported that equally suspicious was Mbeki’s determination to quell an independent investigation into the arms deal which entails “a sabotage of a parliamentary probe... and setting up a sweetheart enquiry to give the arms deal a clean bill of health” (27 March 2008: 28).

### **5.2.6 Reaction to Court Judgments**

In the run up to the judgment in which Judge Msimang ruled in Zuma’s favour and struck the case from the roll, *The Witness* article ‘Goodbye Zuma – or goodbye South Africa?’ clearly postulated that the country had two choices: whether to let Zuma go or to sacrifice the country’s integrity and good reputation (08 September 2006: 12). The *Mail & Guardian* editorial posited that the Shaik judgment had exposed Zuma as a party man, disdainful of the institution of democracy (16 Jun 2005: 18). *The Witness* further emphasised that the country needed to be saved from “a leadership disaster” (08 September 2006: 12). This is a

demonstration of mobilisation of bias where the press socially constructed a reality of a man who had to be stopped from undermining the country's integrity.

When Judge Msimang struck Zuma's case off the roll in September 2006, *The Witness* alluded to that Zuma supporters were celebrating without realising that the case was dismissed on procedural basis (21 September 2006, 1). The press argued that Zuma had not been acquitted therefore there was actually no need to celebrate because the NPA would reinstate the charges later. There was concern that Zuma supporters' priming of the court victory (based on technicality) while trivialising the fact that the case had not been concluded would make the re-institution of the charges to be seen as an act of political vindictiveness (*ibid*). The *City Press* article 'Zuma on the march to the top' alluded to that Zuma supporters perceived him as the hero of the moment yet Msimang's judgment actually gave the NPA more time to bring more-formulated charges against him "but those in the forefront of the Zuma campaign have conveniently chosen to emphasise that Zuma is a free man" (22 September 2006: 11). The press emphasised that it was important for the NPA to give Zuma a chance to clear his name. *The Witness* further mobilised bias against Zuma by alluding to that "Even the rand lost seven cents after his case was struck of the roll. An indication that, like Robert Mugabe of Zimbabwe, Zuma is not the darling of imperialism" (24 September 2006: 22). The institution of Social Accountability political director asserted that Judge Msimang's decision was a victory for democracy because when there were allegations against Zuma, he was charged regardless of his political power and "Now that there is evidence that Zuma's rights have been trampled upon, the judiciary protected Zuma" (*ibid*). *The Witness* postulated that "The rule of law provides better protection for Zuma (and all of us) than the homicidal invective so favoured by his supporters (13 September 2008: 16)".

While the press was critical of Zuma supporters' celebrations following the judgment, it did run some articles with a positive inclination towards Zuma. For instance, the *City Press* ran articles entitled 'Trial judge in scathing attack on NPA' and 'Song, dance in-fighting Msholozzi's defence team' (10 September 2006: 4) and *The Witness* article read 'State's case unsound foundation' (21 September 2006: 1).

In November 2006 when the full bench of SCA judges upheld the judgment and conviction of Schabir Shaik. The *Sunday Times* editorial ‘Zuma must get his day in court’ reported that the judges found that “the sustained corrupt relationship over the years had the effect that Shaik could use one of the most powerful politicians in the country when it suited him” (12 November 2006: 40 and *The Witness*, 15 November 2006: 14). *The Witness* pointed out that the judges found that Shaik took advantage of Zuma by lending him money he knew Zuma would not be able to repay in cash but only in kind (15 November 2006: 14). The judges ruled that Shaik subverted his friendship with Zuma into a relationship of patronage designed to achieve power and wealth (*ibid*). The *Sunday Times* reported that the judges found that Shaik payments to Zuma amounted to an “unlawful retainer” aimed at having Zuma undermine his constitutional duties in order to punt Shaik’s business interests (12 November 2006: 4).

The *Sunday Times* wrote “It is now time for the leaders of his party to take the difficult decisions and ensure that the failing of a corrupted man do not destroy us all” (12 November 2006: 40). The paper urged the ANC to abandon its stance on Zuma being victimised and allow due process to take its course. *The Witness* article ‘Judgment not Shaiky’ asked if the man “who allowed himself to be used for corrupt ends is the kind of man who we want to lead SA to the third phase of our prized and admired democracy?” (15 November 2006: 14). The line of argument here was that it would be even worse if Zuma was not aware of that he was being used because who wants to be led by “someone so gullible, so naïve, so vulnerable” (*ibid*)?

The *Sunday Times* concluded that corruption is a crime involving more than one person and that “Shaik had been proven to be a corrupter and Zuma, although not charged along with his former paymaster, the corruptee” (*ibid*). The crux of the matter here was that although his supporters were adamant that Zuma was not on trial, “the Appeals Court has officially declared Zuma a corrupt person” (*Sunday Times*, 12 November 2006: 40). The *Sunday Times* mobilise bias by highlighting that “this is not a position of a lower court, of Zuma’s political enemies, but a unanimous decision of five judges of the highest criminal court in

the land even though his supporters still insist he was not on trial” (*ibid*). This allusion by the *Sunday Times* was saying Zuma was as guilty as Shaik, his corrupter.

In October 2007, eleven Constitutional court judges unanimously dismissed Shaik’s application to appeal against his conviction. *The Witness* editorial ‘Zuma’s prospect’ postulated that “The judicial finality on Shaik leaves the spotlight clearly on ANC deputy president, Jacob Zuma” (04 October 2007: 16). By November 2007 the Zuma defence had suffered another blow as the SCA declared the search and seizure warrants used to raid homes and offices of Zuma and his lawyers valid (*The Witness*, 10 November 2007: 11). The press highlighted that the decision increased the likelihood of the charges being reinstated as the uncertainty of the admissibility of these documents in court was amongst the reasons why the Zuma case was struck from the roll. *The Witness* suggested that Zuma had to make a plea bargain “to avert both the prospects of prison and of an inappropriate and damaging campaign for the presidency” (15 November 2006: 14). The paper concluded that it was then “clear beyond further doubt that there is a case for Zuma to answer”, adding that it was time for the ANC to find an alternative presidential candidate (*ibid*).

Following the re-institution of the charges at the end of 2007, Zuma approached the court to have the charges declared unlawful. In September 2008 Judge Nicholson ruled in favour of Zuma and found that there had been political manipulation by former NDPP, Bulelani Ngcuka, Justice Minister Bridget Mabandla, and her predecessor Penuell Maduna. At the beginning of the ruling the judge pointed out that the issue before him had nothing to do with the guilt or innocence of Zuma but wanted to establish if there were procedural defects in the prosecution. The judge ruled that it was improbable that a mere minister could have targeted a Deputy President without the President knowing and agreeing. In an article ‘*It is all Ngcuka’s fault – Zuma judge*’ the *City Press* wrote that the judgment gave credence to the conspiracy theory (14 September 2008: 8). Ahead of the judgment Zuma supporters had said “Today is the day for Zuma. We want to see the court case against him crushed” (*Sunday Times*, 14 September 2008:6). As the judge declared the charges unlawful, the crowds erupted into jubilant singing and dancing. Following the judgment a *City Press* article entitled ‘*Truth may never be known, but Zuma still set for top job*’ alluded to that

Zuma's guilt or innocence had not been determined but it had been proven that law was sometimes an extension of politics (*ibid*). A headline 'Don't vote for the ANC under Zuma's leadership' expressed a gravest disapproval of a Zuma presidency (*ibid*, 21 September 2008: 26).

In the judgment the judge criticised Ngcuka's decision not to prosecute Zuma along with Shaik and was scathing on Ngcuka's *prima facie* pronouncement. The *City Press* reported that the judge had said that the decision not to charge Zuma with Shaik was "bizarre" (14 September 2008: 8). Justice Nicholson found that Ngcuka contravened prosecution policy and code of conduct by making a televised media statement on the Zuma case before the prosecution was instituted. During the televised media statement Justice Minister Maduna set next to Ngcuka who expressed appreciation of his support and showing political leadership (*City Press*, 14 September 2008: 6). Nicholson ruled that this signalled that the NDPP was taking advice from politicians. Ngcuka's successor, Vusi Pikoli was suspended by Mbeki quoting that his working relationship with Justice Minister Mabandla had broken down. There were speculations that Pikoli was dismissed for issuing arrest warrants on Selebi. Whether that has been proven or not, the Judge postulated that it was bad enough that the NPA was not that independent after all; the executive could dismiss the chief prosecutor. *The Witness* posited that this undermined the separation of power between the executive, the judiciary and the legislature (27 September 2008: 12). The judge ruled that Section 179 (5) of the Constitution was contravened when the charges against Zuma were reinstated. The judge ruled that Zuma should have been afforded an opportunity to make representations before the charges were re-instituted.

The NPA appealed the Nicholson ruling a few days later and the ANC asserted that such a move demonstrated that "personal pride, rather than reason, is driving the actions of the NPA" (*Mail & Guardian*, 17 September 2008). *The Witness* reported that the NPA appealed on the basis that Nicholson acted irregularly and erred in his findings of "political meddling" (*ibid*). The NPA argued that the judge was wrong to suggest that there should be a commission of enquiry into the arms deal and that Mbeki's decision to sack Zuma was

“unfair and unjust” (2 October 2008: 1). The NPA argued that neither party had raised these issues before the court.

In January 2009 a full bench of SCA judges dismissed the Nicholson judgment. The *Mail & Guardian Online* wrote that Nicholson was “red-carded for taking his eyes off the ball” (12 January 2009). The SCA ruled in favour of the NPA that Nicholson should not have injected his personal opinion to the judgment with regard to Zuma’s dismissal being “unfair and unjust”. Judge Harms was scathing on Nicholson’s finding on the political meddling and referred to it as “erroneous” “unwarranted” and “incomprehensible” (*Mail & Guardian Online*, 12 January 2009). Harms ruled that Nicholson had overstepped the limits of his duties as the findings on Mbeki and some of his cabinet members were found to have been based on the judge’s own conspiracy theory rather than evidence. *The Times Online* posited that this was a victory for former President Mbeki who was fired following Nicholson’s ruling. News24 reported that Harms had said that Nicholson’s judgment focused on issues that were not raised by Zuma “He changed the rules of the games, he took his eyes off the ball” (12 January 2009). The *Mail & Guardian Online* posited that the ruling brought prospects of South Africa having a newly president on trial for corruption (13 January 2009). The article maintained that Zuma was guilty and suggested that he could save his presidency by striking a plea bargain although that would require him to make some serious disclosures. The *Times Online* reported that Zuma’s legal team had approached the NPA to strike a deal to allow their clients to escape prosecution (13 January 2009). The *Mail & Guardian Online* further highlighted that a Zuma presidency would be faced with much destruction quoting that the ruling “rattled the markets, sending South African stocks down and leaving the rand weaker against the dollar”.

“Various intelligence agencies seemed involved in a war of the spooks, some in support of Zuma, the ANC former head of intelligence, and others on the side of Mbeki” (Feinstein, 2009:222). This involvement of state agencies that ought to be independent, illuminates that the Zuma case was not just a criminal case but a great deal of partisan politicking took place. This is the point that the NPA conceded when it finally dropped the charges against Zuma. In announcing that the charges had been dropped, Advocate Mpshe, then Acting

NDPP cited evidence of political meddling demonstrated by representations made by Zuma that included transcripts of telephone conversations between former NDPP Bulelani Ngcuka, and Leonard McCarthy, the chief investigator in the case against Zuma. This according to the NPA undermined its integrity and compromised its independence. The contention was that the NPA could in the course of its duties, be influenced by other forces – especially that Ngcuka was in the eyes of Zuma’s supporters a hostile interested party (Zulu, upcoming). The media maintained that the National Prosecuting Authority (NPA) dropped the charges based on procedural rather than an acquittal by the court of law.

This section on the media perceptions has demonstrated that the press was generally negative towards Zuma following the Shaik judgment. However when it became clear that Zuma was widely supported by the masses, the views of his supporters and his own account were widely covered and featured as headlines. The press did give Zuma’s side of the story some credit when the NPA stumbled in its handling of the case. The NPA’s bid to postpone the case in 2006 tamed the press’ reprimanding attitude towards Zuma. Also when the NPA indicted Zuma over the festive season just a few days after he won a highly contested ANC presidency, the press favoured Zuma. Messages in the newspapers were saying that after all Zuma’s complaint had credence. The press was determined to see the case concluded as it argued that South Africa needed a closure. Hence court rulings that favoured Zuma without determining his innocence or guilt got a cool reception from the media.

### **5.3 Popular Response to the Media and Supporters’ Construction of Reality**

The support that Zuma enjoyed during his case can be accounted for on three fronts a) the division in the ANC; b) the print media perceived to be white-dominated; and c) the inability of the South African electorate to formulate its own opinion on political issues. Zuma’s support in the ANC was somehow guaranteed based on the party’s culture of solidarity which dates back to the liberation struggle. This is made clear in the *Mail & Guardian* editorial which quotes a mobilising SMS by Zuma supporters saying “...let us not sacrifice our own to please those who will never support our movement” (16 June 2005: 18).

Tomaselli *et al* says culture “implies an active effort to resolve collectively experienced problems arising from contradictions in the social structure, ways in which people act out of their ‘uniformities of behaviour’ and socially identified identities, but in their own unique and often modifying way” (1987: 14). This posits that the masses came out to back their own man against the common enemy which was Zuma’s detractors and the media. Zuma supporters seemed to perceive the print media as white-dominated and thus the enemy. The argument was that the media was co-opted into the vendetta against Zuma in Ngcuka’s off-the-record briefing to editors on the allegations of corruption against Zuma back in 2003. The cultural response based on Tomaseilli’s definition was the mobilisation of support for Zuma in an attempt to change public opinion about why he was implicated in corruption. Consequently the Deputy President of the country implicated in fraud and corruption received support from the public that saw him as a casualty of faction fighting. This defied an expectation that the public would be outraged by allegations of self-seeking behaviour by those they put in power. Sole points out that “in modern politics, where the media-generated perceptions are a powerful factor, the public exposure of corruption... is an important terrain of political contest (and, via the deliberate leak, also an important tool), serving to undermine the reputation of political opponents” (2005:88). This is the angle from which Zuma supporters viewed the exposure of fraud and corruption against him. Sole affirms that “loud and frequent accusations of corruption and mismanagement from government’s opponents have been met with counter-accusations of racism and wanting the democratic state to fail” (2005: 88). In the Zuma case corruption allegations were met with counter accusations of partisanship and vindictiveness.

Irrespective of negative press coverage of the corruption case, Zuma enjoyed massive support. The questions that come to mind are what did the masses that held night vigils and demonstrated outside the courts stand to gain? Why would people support elected officials’ self-serving tendencies? Using Lukes’ (1974) and Gaventa’s (1982) theory of mobilisation of bias, this thesis argues that Zuma, as a Deputy President together with COSATU, SACP and ANCYL managed to mobilise bias thus making their constituencies echo their views. Gaventa argues that the powerful destruct their constituencies from the interests of their own. In response to the defamatory messages presented by the press, Zuma launched a

counter-mobilisation of bias of the masses in his defence. The support that Zuma enjoyed was premised on that the Zuma's political opponents fabricated the corruption case to destroy Zuma's career so that he could not play a role in the leadership of the ANC and by extension in government (*City Press*, 23 July 2006). Once the masses internalised and objectified this reality, they organised themselves into a front in defence of Zuma. According to his supporters the judgment passed in the Shaik trial that implicated Zuma in corruption was just a political ruling.

### **5.3.1 Supporters' Construction of Reality on the Case**

Advocate Willem Heath (former head of the Special Investigating Unit (SIU) established to probe corruption in the country) joined the fray of accusing the NPA of abusing the justice system for political reasons. He maintained that the Shaik trial had opened the door for "probably the grossest political foul play in an arena where politics cannot be allowed" (*The Witness*, 11 June 2005: 1). Heath alleged that the former NDPP had a political agenda when attacking Zuma when he pronounced that there was *prima facie* evidence against Zuma but the prosecution did not think the case was winnable.

When there were heightened calls for Zuma to resign as a result of the Squires judgment, his supporters maintained that he was not on trial with Shaik. Speaking to the *City Press* in an article entitled '*Charge Zuma - ANCYL*', then ANCYL president Fikile Mbalula said the Shaik judgment gave the NPA ammunition to go ahead and charge Zuma (05 June 2005: 1). The contention was that Zuma had to be given a chance to clear his name in a court of law. Zuma supporters maintained that Zuma had been "unfairly tried and found guilty by the media and opposition parties" (*The Witness*, 28 June, 2005: 2).

Critics of Mbeki's decision to fire Zuma pointed out that Mbeki had always hidden behind the 'innocent until proven guilty' principle with other government officials and parliamentarians who faced allegations of corruption and financial mismanagement. Zuma backers saw his sacking and prosecution as selective prosecution (*Mail & Guardian*, 12 April 2007: 8). COSATU vehemently criticised Mbeki's decision to release Zuma saying it was as if Zuma was presumed 'guilty until proven innocent' (*The Witness*, 29 June, 2005:

1). Shortly after his sacking Zuma addressed a press conference where he maintained his innocence and said he had been “treated unfairly” (*The Witness*, 15 June, 2005: 1). Addressing his supporters after he appeared in the Durban High Court, Zuma said:

For a period of five years my person has been subject to all types of allegations and innuendo, paraded through the media and other corridors of influence without these allegations having being (sic) tested. I have thereby been denied my constitutional right to reply and defend myself. I trust that my right to a fair trial will be observed (*The Witness*, 30 June 2005: 1).

Zuma supporters argued that his integrity was being impugned by “capitalists” and “imperialists” who did not want him to succeed Mbeki because he was close to the masses (*The Witness*, 29 June 2005:2 and 28 June 2005:2). “I feel like I am chased like a dog and treated like a witch in my own country” Zuma told his supporters ahead of his court appearance (*Daily News*, 10 October 2005: 3, *Sunday Times*, 16 October 2005: 4). The use of such emotive words can be said to have been a calculated mobilisation of bias – an appeal for sympathy from the masses. His supporters widely expressed that even if he were to be charged, he would not get a free trial, positing that “which judge in South Africa would be able to try Zuma without bias because he has been tried by the media and Squires brought his name to the matter” (*ibid*). This argument was premised on the supporters’ concern that Zuma was found guilty in absentia in the Shaik judgment.

This argument undermined and impugned the independence and integrity of the judiciary as it suggested that the trial against Zuma would be influenced by Squires’ judgment. In an article entitled ‘*JZ’s case: a matter of the courts*’ former Chief Justice, Arthur Chaskalson and George Bizos countered this view asserting that the independence of the judiciary is the pillar of the South African democracy therefore such statements had no substance and were calculated to undermine the country’s democracy (*Mail & Guardian*, 17 January 2008: 29). The two legal experts argued that rhetoric and putting pressure on the courts and threatening of mass demonstrations would not prove guilt or innocence but maintained that the Zuma case was the matter of the courts. The *Mail & Guardian* editorial alluded to that “after all it is not the NPA that will determine Zuma’s guilt or innocence; it is South Africa’s constitutionally independent judiciary. If the NPA fabricated the charges, the court

should soon expose this” (17 January 2008: 29). COSATU challenged Chaskalson and Bizos arguing that they were directing the blame to Zuma supporters while trivialising more important issues such as allegations that NDPP, Vusi Pikoli was fired for issuing arrest warrants for SAPS Commissioner, Jackie Selebi (*ibid*). COSATU further accused Chaskalson and Bizos of ignoring that the NPA spent seven years investigating Zuma without charging him and that this resulted in Zuma being tried and found guilty in a court of public opinion. COSATU’s point of departure was that Chaskalson and Bizos could not claim neutrality.

Zuma supporters were viewing the whole phenomenon of having a judgment against Zuma, him being fired and then charged as putting the cart before the horse. This line of argument cannot be dismissed as unfounded as the main argument in saying Zuma was not going to get a fair trial was based on that Judge Squires had already found him ‘guilty by association’ (*Daily News*, 15 June 2005: 1). COSATU, SACP and ANCYL mobilised bias in favour of Zuma by casting doubt on the integrity of the judiciary by suggesting that someone was out to destroy Zuma at all cost. Zuma supporters held a view that the charges against him were meant to be a justification of his dismissal (*Mail & Guardian*, 27 July 2006: 6).

When he had his first court appearance, some supporters were saying “How can a great man like this be made to stand in a courtroom in this new dispensation just like he did under apartheid” (*The Witness*, 30 June, 2005: 1). This assertion further affirmed a widely-held view amongst conspiracy theorists that the state was persecuting Zuma and that the judiciary was manipulated by Zuma’s detractors for political reasons. Zuma supporters further accentuated that Zuma should have been charged with Shaik. This discourse highlighted that the NPA had violated Zuma’s rights. Quoted in the *The Witness*, Heath said it was unfair and prejudicial that Zuma was not charged with Shaik. He further said that the findings made against Zuma could have been different if he was also on trial. Zuma’s defence concurred that if he had been charged with Shaik he would have been exonerated. The point of departure was that Zuma was not charged between 2003 and 2005

because the state did not have sufficient evidence to prosecute him but after Shaik was convicted he was charged yet there was no new evidence (*The Witness*, 29 August 2006:1).

As part of assurance of his innocence to his supporters, Zuma promised that he would tell them the “real” reason he was being implicated in corruption once “the harassment by the judiciary” was over (*The Witness*, 12 October 2005: 10). *The Witness* editorial raised an important question as to why Zuma allowed himself to be dragged to court if he knew the truth. The point highlighted was that Zuma could just provide his political spin on the course of events. For Zuma to say he would tell the truth once his trial was over was another way of mobilising bias by keeping his supporters in anticipation and assured that he was innocent.

As early as 2005 Zuma supporters were calling for the charges against him to be dropped. Among some tactics used to mobilise bias in favour of Zuma, COSATU threatened that the labour movement could decline to campaign with the ANC in the elections. This was putting pressure on the ANC leadership as it pointed to that excluding Zuma from the party’s leadership would be detrimental for the party as the masses were in favour of Zuma. Zuma’s prosecution was in the eyes of his supporters, particularly COSATU, “a systematic brutal persecution” (*Mail & Guardian*, 25 August 2005: 2). The call for the charges to be withdrawn intensified in 2006 when the NPA wanted the case to be adjourned.

Zuma supporters including Zuma himself objected the NPA’s bid to postpone the case arguing that “justice delayed is justice denied” (*The Witness*, 21 July 2006). Zuma’s lawyers argued that a delay would further prejudice their client. COSATU contended that if the case was not over by the time of the then upcoming national conference where Mbeki’s successor would be elected, Zuma’s chances would be compromised (*Mail & Guardian*, 27 July 2006: 6, *The Witness*, 31 July 2006: 1). The ANCYL argued that “it would be travesty of justice if this case was postponed again after Zuma was investigated for over five years.” (*ibid*). COSATU threatened of embarking on mass action should the court grant the NPA’s application for an adjournment. Putting such pressure further undermined the independence of the judiciary system. Court decisions should be made on

the merit of evidence presented by both parties in the case. In addition to mobilising bias, such statements from Zuma supporters threatened the country's stability.

The conspiracy theory reached its peak at this stage as the defence threatened of bringing President Mbeki to stand as a witness in Zuma's defence (*Mail & Guardian*, 27 July 2006: 6 and *Sunday Times*, 06 August 2006: 4). Zuma said that Mbeki was the "person who is ideally and obviously suited to depose to the absence of corruption in the award process. If he does so then the prosecution must revisit and rethink the allegations that I was bribed to protect the French interest against exposure for corruption in the arms deal" (*Sunday Times*, 06 August 2006: 4). The *Sunday Times* posited that dragging Mbeki to court as a defence witness would be intended to embarrass him "perhaps forcing the state to back off and withdraw the charges in the face of pressure from the presidency" (06 August 2006: 4). The call for Mbeki to be subpoenaed was said in relation to the authorship of a letter signed by Zuma addressed to Gavin Woods, a former head of the standing committee on parliamentary accounts (Scopa) in 2001 which lambasted Scopa's investigation into the arms deal. In the Shaik trial, Judge Squires found that the letter was proof that Zuma was fulfilling the conditions of the R500 000 annual bribe he received from Thomson CSF (a company that had been awarded a subcontract for the manufacturing of combat suits by a German bidder that had won the submarine contract) to protect it against arms deal investigations (*ibid*). At the time of publication of this newspaper article, it had become common course in the media that the letter was written by the president's office as President Mbeki had admitted in an interview with the *Sunday Independent* (25 February 2006) that he was the author.

Consequently, COSATU called for Mbeki to apologise for firing Zuma. The point of departure was that the clarity on that the president was the author of the letter was vindicating for Zuma whom Judge Squires found to have a 'generally corrupt' relationship with Shaik "on the basis of a letter, which turns out Zuma didn't write" (*Mail & Guardian*, 27 July 2006: 6). Such priming of the authorship of the letter while overlooking the fact that there was other evidence that implicated Zuma in corruption demonstrates a mobilising

bias in favour of Zuma. In Gaventa's (1982) terms, they were calling attention to issues that best represented their interests on the issue by keeping other issues silenced.

In September 2006 Judge Msimang refused to adjourn the case and struck it off the roll. The judge's main argument was that the decision to prosecute was anchored on an "unsound foundation". The judge said "it has dawned to us that it was inevitable that the state's effort to prosecute in the matter would flounder" (*The Witness*, 21 September 2006: 1). The judge's decision was based on that the documents seized in Zuma's properties were being contested. The judge lashed on the state for going ahead and using these documents to compile a forensic audit and the provisional indictment. Clarity on the admissibility of these documents as evidence in court was very important. Zuma supporters felt exonerated and declared that it was time for all who believe in the country's Constitution to celebrate because "Justice has triumphed" (*The Witness*, 21 September 2006: 1). COSATU quickly called for Zuma to be reinstated as deputy president of the country, a call Zuma himself refused. The *City Press* pointed out that the NPA's conduct in this case gave credence to the conspiracy theory and asked why it charged Zuma when it did not have a case against him yet (24 September 06: 22).

By November 2007 the writing was on the wall. The likelihood of the charges being reinstated was high since the search and seizure warrants used to raid homes and offices of Zuma and his lawyers had been declared valid and the Constitutional court had dismissed Shaik's application to appeal his conviction (*The Witness*, 04 October 2007 and 10 November 2007). In an article 'Zuma at Scorpion's mercy', the *Sunday Times* reported that the NDPP had met with Scorpions investigators who recommended that the charges be reinstated and extended to include charges of corruption, fraud, racketeering, money laundering and tax evasion (01 November 2007). Zuma's lawyers pointed out that the timing of the proposed re-institution of the charges would suggest "improper political motivation" (*The Witness*, 10 November 2007: 11). With the ANC National Conference set for the following month the accusations of conspiracy were understandable. On one hand the NPA is an independent entity that prosecutes without fear or favour and its decisions are not influenced by issues of one political party. On another it is difficult to

imagine that the re-instatement of the charges was a coincidence. Could this be another of the NPA's misjudgments as it happened under Ngcuka?

In 2007 Zuma was indicted over the Christmas holidays and the trial date was set for August 2008. A *Sunday Times* editorial '*Why Zuma now and not Selebi*' raised the questions as to "why would the NPA have to charge Zuma barely a week after he was elected president of the ANC? ... With the trial date set for August 2008, why has it become urgent to serve Zuma with the papers now?" (30 December 2007: 18). Zuma backers alleged that the August trial date was well calculated to disqualify Zuma for nominations when the ANC nominates its presidential candidate for the country's general elections in 2009. "The SACP is strongly of the view that the recent and past actions are nothing but the creation of conditions for comrade Zuma to be charged through the court of public opinion" (*ibid*).

His lawyers were adamant that the serving of the indictment over the festive season was peculiar especially given that it came shortly after Zuma was elected as president of the ANC in a highly contested election (*The Witness*, 29 December 2007). The *Sunday Times* front page headline '*Vendetta against Zuma*' demonstrates the level of doubt that the NPA's conduct created even in those who had wanted for the charges to be reinstated (*Sunday Times*, 30 December 2007). Zuma supporters maintained that the timing of the indictment was deliberate and aimed to "offset the victory of the Zuma camp in the Polokwane national conference" (*ibid*: 1). Zuma's lawyer asserted that "This lends credence to the long-held view that the Scorpions are influenced and their prosecution informed by political consideration" (*ibid*). COSATU echoed this line of argument saying "The timing of the indictment has all the hallmarks of vengeance, deep-seated anger and frustration by the NPA...it indicates a level of personal anger against Zuma" (*Sunday Times*, 30 December 2007: 1 and *City Press*, 30 December 2007: 1). Philip Bruin of the University of South Africa referred to the NPA's decision as a "clever political move" (*Sunday Times*, 30 December 2007: 1).

Zuma backers directly accused Mbeki of the political vendetta against Zuma. Fikile Mbalula, then ANCYL president maintained that: “The decision to charge Jacob Zuma is not a decision of the judiciary, it is the decision of the state... led by Mbeki” (*Sunday Times*, 30 December 2007: 1). The long-held view of selective prosecution reached its peak. The *Sunday Times* article ‘*Knives out as NPA goes ahead*’ postulated that the NPA’s conduct was extremely suspicious given that it was silent about the prosecution of National Police Commissioner, Jackie Selebi (30 December 2007).

“Could it be that Mpshe<sup>7</sup> is waiting for approval from president Mbeki and Justice Minister Bridget Mabandla before he can proceed on Selebi?” (*ibid*). The *Sunday Times* alluded to that there were allegations that after the defeat in Polokwane, Mbeki had become “vindictive and petulant” and that he could not defend himself against such allegations while anomalies such as the uneven-handedness in the handling of the Zuma and Selebi cases persisted (30 December 2007: 1). At this stage there were discontent voices calling for Mbeki’s removal from office.

ANC spokesperson, Jessie Duarte said that the approach used in the case against Zuma resembled one used under apartheid where political activists were charged, towards the court date, new charges would be added to keep them in jail and out of action for as long as possible (*Mail & Guardian*, 14 August 2008). Duarte further criticised the approach to the Zuma case saying that it used unusual procedures as “Police are usually presented with a crime and then they try to identify the suspect. In this case they already have a suspect. They must now scratch their heads to come up with a suitable offense” (*ibid*). “As is evident in the number of people who have turned out to support him, many ordinary people believe he deserves a fair hearing” (*ibid*). Ngcuka’s off-the-record briefing of journalists continued to be cited as an example of the state institutions relentlessly pursuing Zuma.

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<sup>7</sup> Mokotedi Mpshe was appointed as the acting National Director of Public Prosecutions after Vusi Pikoli was suspended. “It is a matter of public record that Mbeki interfered with the course of justice when he thwarted the planned arrest of Selebi, his friend and political ally, by suspending National Director of Public Prosecutions Vusi Pikoli as he was about to pounce on Selebi ” (*Sunday Times*, 30 December 2007: 18).

Subsequent to the NPA decision to reinstate the charges, Zuma applied to the Pietermaritzburg High Court to have the decision declared invalid and unconstitutional and be set aside. Zuma accused the NPA of having a 'grim resolve' to prosecute him "irrespective of the facts and circumstances" (*The Witness*, 25 January 2008: 8). The defence argued that Ngcuka's *prima facie* pronouncement had far-reaching consequences. The point of departure was that because of Ngcuka's earlier decision not to charge Zuma, Pikoli was wrong in charging Zuma as a result of the Shaik trial as this contravened his predecessor's decision. The defence's argument referenced a Constitutional principle, Section 179 (5b) which says that if the NDPP is disagreeing with another prosecutor the charges may be pressed but only after giving the accused a chance to make representations (*The Witness*, 12 September 2008: 1). The paper referred this principle as "an obscure section of the Constitution". The Zuma defence wanted the case to be declared unlawful. *The Witness* argued that if the judge ruled in favour of Zuma thereby declaring the charges unlawful that would be the death knell for the prosecution. In January 2009 Judge Harms in the SCA overturned Judge Nicholson's judgment and the ANC reiterated that the judgment would not affect its decision that Zuma was its presidential candidate for the 2009 election set for April the same year (*Mail & Guardian Online*, 12 January 2009). The Young Communist League (YCL) said the court proceedings were part of a "prolonged judicial onslaught" against Zuma (*The Times Online*, 12 January 2009). The YCL further said that "...today's judgment falls squarely within the political conspiracy matrix as initiated at the time of (former NPA boss) Bulelani Ngcuka" (*ibid*)

While the press vigilantly reported on Zuma as a villain, it did feature Zuma and his supporters' views as headlines. In the midst of calls for Zuma to resign the *City Press* front page headline 'Charge Zuma - ANCYL' expressed his supporters' frustration with calls for him to be fired without any charges being brought against him (05 June 2005) while a *Sunday Times*' headline 'Fire me, Zuma dares Mbeki' spoke of his resistance to widespread calls for his resignation (12 June 2005). Another *Sunday Times* front page headline 'Mbeki battles Zuma revolts' pointed out that Zuma has a strong grassroots support (19 June 2005). A *Daily News* front page read 'ANC stands by Zuma' while *The Witness* wrote 'ANC MPs stands by Zuma' (07 June 2005 and 09 June 2005 respectively). A *Mail &*

*Guardian* interview with Zuma was headlined '*It's been so one-sided*' giving Zuma's account on events and how the saga was covered in the news.

When Zuma got his day in court it became obvious that he commanded mass support. *The Witness* front page headline said '*Zuma in court, anger outside*' while the *Daily News* front page headline said '*Zuma holds court*' both alluding to the overwhelming support Zuma received on his appearance in court (30 June 2005). The *Mail & Guardian* wrote '*A systematic brutal prosecution of Zuma*' quoting Zuma supporters but the content of the article was actually critical of this view. The *Daily News* article '*Chased like a dog*' quoting Zuma's expression about his dissatisfaction with the way he was treated adding that he was treated like a witch. While *The Witness* wrote '*It's an Mbeki plot*' the *Sunday Times* wrote '*Twist in tale of victim and villain*' in which the zigzag of accusations and counter-accusations were explored (01 August 2006 and 06 August 2006 respectively). *The Witness* article '*Defence: Zuma would have been acquitted at Shaik Trial*' (29 August 2006).

## **5.6 Conclusion**

Headlines were catchy and dramatic and in some instances giving the saga a sensational flavour. The press managed to keep the issue on the agenda by continually suggesting that corruption in government was a betrayal to the poor and it undermined the constitution. The support that Zuma enjoyed also kept the issue alive as supporters' demonstrations outside the courts during Zuma's court appearances always made headlines. Assertions such as threats of mass demonstrations if the charges were not withdrawn and suggesting that state institutions were being abused in a conspiracy against Zuma drew attention from both the media and legal experts.

The press was primarily hostile and their approach scornful towards Zuma and his supporters to the extent that offensive language was used. The press also directed attention to the ANC government's failure in the fight against corruption. The premise was that the Zuma case was a tip of an iceberg compared to other misdemeanours the party and particularly President Mbeki had swept under the carpet. The main point of reference was

the national commissioner, Jackie Selebi's allegations of corruption. The frame that highlighted that the ANC government was corrupt would now and again refer to other ANC officials who had been charged and or found guilty of corruption. Another frame or theme that dominated the news is what I call the Zuma victimisation frame which presented the saga as one man's personal debacle.

The press completely did not give Zuma a benefit of a doubt on the allegations. It postulated that he thought he could duck going on trial just because there were other corrupt officials who were afforded impunity. The conclusion was that two wrongs do not make a right. The press socially constructed a reality of Zuma as a man whose conduct imperilled the constitution. An area where the media's judgmental stance was obvious relate to court rulings that favoured Zuma. The print media mobilised bias against Zuma by asserting that all who believe in the constitution wanted to see the case go on trial rather than being dismissed based on procedural defects. The media presented itself as a voice of justice as it openly criticised the NPA when its conduct was questionable. This created a reality that points to that the reprimanding stance against Zuma and his supporters was not personal but was merely a call for the right thing to be done. However the criticism of the NPA did not serve as a mitigating factor. While the press maintained that Zuma's concerns about a conspiracy against him had credence it did not mean that he had to walk free without going on trial.

## **CHAPTER 6: CONCLUDING REMARKS AND CONCLUSION**

### **6.1 The Role of the Media**

The South African media has over the years demonstrated the importance of having an independent press that holds government accountable. The print media's role in the Oilgate saga speaks volumes about an independent media's insistence on giving accountability meaning in South Africa, a country that is being set back by rising corruption prevalence.

### **6.2 Mobilisation of Bias and Social Construction of Reality**

This thesis argues that the South African press has a legacy of defending the underdog. Newspapers vigilantly reported on the Zuma case highlighting how his implication in corruption was an antithesis of democracy. The press' conduct was justified given the apartheid legacy of inequality in South Africa and the ANC's commitment to redress past inequities and bring equality and justice for all. Allegations of corruption against the Deputy President could not be taken lightly.

The press focused on that Zuma's implication in corruption was not good for South Africa's reputation. It was generally harsh in highlighting how Zuma's persona was against what and who presidents ought to be. This is the perspective that maintained that Judge Hillary Squires found in Shaik's verdict that there was 'a generally corrupt relationship' between Zuma and Shaik. Constant referral to the assertion that there was a 'generally corrupt relationship' was a mobilisation of bias intended to highlight that Zuma was guilty and not fit for public office. The press presented Zuma as a villain who had no credentials for being in the office of the president. This was the dominant message in newspaper reports. The print media was saying Zuma had to get his day in court and clear his name once and for all. When Zuma's defence wanted to prevent the case from going on trial by pointing to a conspiracy, the media asked how come he did not want the courts to prove his innocence if he was as innocent as he said he was.

Zuma supporters accused the press of being anti-Zuma and advancing the political agenda of Zuma's detractors in its coverage of the Zuma case. This thesis argues that the media has

a responsibility to inform the citizenry and allow the public to make informed decisions. Therefore the harsh approach adopted in reporting the Zuma corruption case was justifiable. However the use of offensive language such as referring to Zuma as a “moral and intellectual midget”, “an adulterous man” and “a prisoner of the SACP and COSATU” among other assertions used is at least judgmental and are at worst insult, and cannot be justified.

Over the years it seems that the media’s position was adamant that Zuma was a villain and had to stand the test of law in court to prove the allegations wrong. The press proved to be determined to maintain their perception of who Zuma is and what he had done wrong. However newspaper reports around the re-institution of the charges in December 2007 - shortly after Zuma won the presidency of the ANC in highly contested elections - and the serving of the indictment over the festive season were generally interpreted as giving weight to Zuma supporters’ conspiracy theory. More than in any other phase in the Zuma case, it seems that there was agreement among actors that it was improper that the NPA was adamant in fast-tracking the Zuma case whilst it was quiet about Police Commissioner, Jackie Selebi’s alleged corruption. This goes to show that the media was not scathing on Zuma for the sake of it, but did agree that the conspiracy theory had substance when the NPA’s conduct was dissatisfactory. This illumination of certain issues while trivialising others is the mobilisation of bias. The determination of the print media to find Zuma guilty is the reason why the ruling African National Congress (ANC) complained that Zuma was persecuted and found guilty in the court of public opinion.

The media clearly portrayed Zuma as a fraudster. At every stage of the case, the press was upset when court judgments did not correspond with what it had anticipated or would prefer. This research has shown that when the courts ruled in Zuma’s favour the media quickly highlighted that the decision was not an acquittal but and that Zuma had to clear his name in a court of law. Judgments in the NPA’s favour were hailed as setting a good precedence and showing other corrupt politicians that they were not above the law. The contention was that no-one, not even the president-in-waiting is above the law. The inference is that the media owed it to the people of South Africa to report on the case that

threatened the country's integrity. The Constitution grants all a right of access to information therefore the press was fulfilling their duty of bringing this write to life.

When the NPA finally dropped the charges, the press accused the ANC for perceiving itself as being equivalent to the State and therefore using state institutions for personal vindication. This accusation was justified because if those in government abuse their power by using state institutions to fight opponents, the country's democratic constitution is without meaning. The problem was not much about that Zuma was let off the hook without a case against him being concluded, but was with that the NPA's reputation was undermined. The demonstrated lack of the separation of power between the executive and the judiciary was the issue.

### **6.3 Zuma Supporters' Contending Construction of Reality**

Zuma's supporters did not believe that he was guilty of the fraud and corruption allegations he was charged for. They maintained their position irrespective of the evidence that was led in court that led to Schabir Shaik's conviction. When he was charged with rape in 2006, they were less likely to believe the authenticity of the charges either. Supporters came out in numbers to support him during the rape trial in which he was acquitted. In his supporters' eyes the rape trial was the extension of the vendetta against him. Again in the corruption trial they did not believe he had committed any crime, even if he had committed a crime they did not think he had to be prosecuted for it, since for them the case was informed by political motives. In the night vigils and demonstrations outside the courts during proceedings, supporters made pronouncements such as "We will stand behind Zuma no matter what". This kind of reasoning is what Fischle calls 'motivated reasoning'. The stance taken by Zuma supporters is in line with Trotter's (1974) analysis of the motivation behind officials who were implicated in the Watergate affair. Trotter uses the theory of *cognitive dissonance* which is premised on that once people make choices, they are subsequently motivated to believe that they have made the right choice and remain committed to that choice.

The mobilisation of bias in favour of Zuma took a well-thought out and effective turn. The *City Press* admitted that Zuma supporters had perfected mass mobilisation and had won the psychological battle (24 September 2006: 22). By alluding to that the decision to prosecute Zuma was not a legal one but a political one, Zuma supporters were able to shift the focus from the crux of the matter, i.e. whether or not Zuma was corrupt and whether his personal conduct warranted for him to be elected as the country's president. Zuma supporters' priming of the conspiracy theory succeeded in socially constructing a credible reality that the masses who accompanied Zuma to his court appearances internalised and objectified. It is hard to think that the masses outside the courts ever paused and asked themselves "what if he was guilty?" An answer to this unpleasant question would just be the same as the answer to the defensive question "why him?" The answer would be that he was being targeted by those who didn't want him to lead the ANC and the charges were motivated by vindictiveness. This became clear when the SCA upheld Justice Squires' judgment and affirmed that there was a corrupt relationship between Shaik and Zuma. While the media splashed messages pronouncing that Zuma's career was over, the ANCYL president came out and said the SCA's decision changes nothing.

#### **6.4 The Media and Social Construction of Reality**

Each social construction brings with it different values, responses and expectations. In the case of the Jacob Zuma case, multiple social realities were constructed by different groups. Those who felt that he was victimised were mostly seen outside the court during his appearances where they made it known that they believed in his innocence. The expectation of this socially constructed reality was that justice had to be done where the politically motivated charges against Zuma would be dropped. On the other hand the media seemed to be presenting a different reality about him and clearly stated that Mr. Zuma and other government officials should never think they are above the law. The existence of two disparate realities about one case goes to show that reality is always reality from a certain perspective.

### **6.5 A Dawn of a New Era for Journalism in South Africa**

As I conclude this dissertation on the role of media, the South African government is contemplating creating a Media Appeals Tribunal (MAT) to regulate the media as self-regulation is believed to have failed to ‘tame’ the media’s drive to bring news-stories in the public eye.

In a national conference in Polokwane in 2007, the ruling ANC took a resolution to investigate the possibility of establishing a Media Appeals Tribunal. The party argued that the creation of an MAT would strengthen, complement and support the current self-regulatory institutions in the public interest. The main contention of the ruling ANC in its call for transformation of the press has been that there is concentrated ownership and control of the media in the country. The party argues that an independent statutory body is required to handle complaints because the current self-regulatory mechanisms are inadequate. As a case in point of concern was that in order for a complaint to be accepted by the Press Ombudsman, the aggrieved has to agree to waive his or her constitutional right to take the issue to court if he or she disagrees with the verdict.

On another front, the Information Protection Bill has been submitted to Parliament by the Intelligence Minister to “promote transparency and accountability in governance while recognising that State information may be protected from disclosure in order to safeguard the national interest of the Republic”. The Protection of Information Bill has been criticised for being vague on what constitutes national interest which is defined as “all matters relating to the advancement of the public good; and all matters relating to the protection and preservation of all things owned or maintained for the public by the State; the survival and security of the State and the people of South Africa; and the pursuit of justice, democracy, economic growth.”

Based on research carried out by the Media Development and Diversity Agency (MDDA) in 2009, the ANC maintains that the three major media houses that dominate the print media arena (Avusa, News24 and Independent News) have profit-seeking motives. This argument is in line with Barker’s (2001) argument that the media industry that ensures

access to minorities and provides information in the local languages is required. Barker further argues that Southern African countries have failed to promote diversity of ownership and information pluralism. This points to that “with the transformation of media organisations into large scale organisations, freedom of expression has been confronted by a new threat,... stemming not from excessive use of State power, but rather from the unhindered growth of media organisations as commercial concerns.” (Barker, 2001:16). This view is premised on that an unregulated market may develop in a way which effectively reduces diversity and limits the capacity of most individuals to make their views heard (Thompson, 1995 in Barker). Gurevit (et, al, 1982 in Barker) posits that it is time that media activists in Southern Africa begin to consider the media in terms of economic determination. He goes on to say “They should recognise that the content of their media is primarily determined by the economic base of the organisations in which they are produced” (ibid: 17).

The ANC therefore argues that “There can be no real media freedom without diversity in ownership of the media...media freedom should be understood to include their (the poor) participation not merely as consumers, but as producers of news and analysis” (COSATU discussion document: Media transformation, ownership and diversity and Media Appeals Tribunal, 2010).

The media is criticised of having an anti-transformation, anti-development and anti-ANC agenda. The ruling party highlights that:

Control of the media was one of the most important tools in the apartheid arsenal, and a battery of censorship legislations played a role in helping to ensure the survival of the apartheid regime – in particular, in ensuring ongoing support from its key constituencies by keeping them in the dark...(ANC, 2010: paragraph: 49).

This suggests a contradiction in what is intended to advance democracy and what government regulation will do. How is controlling the media going to redress the issue of diversity and ownership? The proposed MAT and the Protection of Information Bill are not going to address the problems identified but will rather create new problems that could further impact the right of the South African public to access a diverse range of

independent media who can operate without fear, or prejudice (Freedom of Expression Institute, 2010 on <http://www.ngopulse.org>).

The dawn of a new era became apparent when a Sunday Times journalist, Mzilikazi wa Afrika was arrested the day after publishing a story exposing alleged irregularities in tender proceedings in the police service. The Freedom of Expression Institute maintains that wa Afrika's arrest has been interpreted as a threat to media freedom and an indication of future attempts to limit the press. Wa Afrika was released on bail and the charges have since been dropped. Kajee (2010) posits that South Africa is faced with two extremes of "throwing journalists and other free-thinkers in jail (thus effectively reverting to a police state) and letting people speak and think so freely that they abuse the rights of others".

If this country's democracy is to flourish, a vigilant media that holds public officials accountable must be preserved. Kajee argues that government officials are not above the law and they need to understand that when they take public office they give up some of their privacy rights. "Instead of portraying themselves as victims of media persecution, they should expect that citizens will judge their fitness for office. They do so based on ethics demonstrated through their behaviour" (*ibid*). With the same token the media is not above the law and it should be held accountable. This suggests that the country needs to strike a balance between the media's freedom of expression and publishing without fear or prejudice and the need for enhanced media professionalism and ethical reporting. It cannot be disputed that an alternative needs to be sought.

Barker (2001) suggests a 'regulated pluralism' as an alternative approach. This approach focuses on the regulation of market processes so that diversity and pluralism are not undermined by the concentration of economic and symbolic power. Thompson clarifies that this regulation would be premised on restrictive legislation to limit mergers, take-overs and cross ownership (1995 in Barker, 2001). This approach sounds like a possible solution to the problems identified by the ANC in its bid to quell the negative impact of monopolistic practices. Instead of a MAT and a Protection of Information Bill, South Africa needs a policy and legislative framework that would protect public interest, ensure

pluralism and promote a diverse media (*ibid*). In addition to that, and in line with the social responsibility approach to the media, government control may be exacted on the media only by coercing it to come up with stricter self-regulation measures. South Africa needs to strengthen the existing self-regulating mechanism to allow responsible reporting without fear of political interference or fear of arrest or suspension by employers as experienced in the wa Afrika incident. If the ANC's Media Appeals Tribunal is implemented in its current form, the media may never be able to vigilantly cover any corruption case in the future as the proposed Protection of Information Bill imposes a jail sentence of up to 25 years on anyone who publishes classified information. The Bill's lack of an operationalised definition of public interest and national interest will if unaddressed tame media exposés.

## **6.6 Conclusion**

The media's approach to the Zuma case is similar to that received by US's President Bill Clinton following the Monicagate affair. The media was adamant that his conduct could not be tolerated but the public stood by him and said he was a victim of those who wanted to destroy his political career. The Monicagate affair was a sexual scandal which the public felt was a personal matter therefore not warranting an impeachment. Clinton's performance based on policy issues allowed him to weather the impeachment storm. Although the media was ready to crucify Clinton for infidelity, the public was able to look beyond media reports and judge the president based on performance. The same was the case with Zuma; the press and opposition parties were ready to see him thrown into the dungeons and rotting there for fraud and corruption. However the public rallied behind him, holding night vigils on nights before his court appearances and held mass demonstrations outside courtrooms during his court proceedings. Despite the negative media coverage on the Jacob Zuma case, the voice of the powerful, Zuma as the leader of the ruling party succeeded in mobilising bias in its favour. This thesis concludes that Gaventa's (1982) thesis of mobilisation of bias has tangible meaning in the Zuma case where the voice of the powerful – that Zuma was being victimised- was internalised by the masses and they went out and supported Zuma out of their 'free will'. All the messages that were highlighting how the allegations against

Zuma were imperilling the country's democracy fell on a deaf ear and were even perceived as an extension of the vendetta against Zuma.

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**ANNEXURE A: DATA SCHEDULE**

<b>Article</b>	<b>Author</b>	<b>Date</b>	<b>Source</b>	<b>Page no.</b>
Where there is smoke...	Editorial	03/Jun/05	<i>Daily News</i>	12
How will Zuma go?	Susan Segar	04/Jun/05	<i>Natal Witness</i>	6
Quit or be fired	Brendan Boyle, Dominic Mahlangu, Sthembiso Msomi & Sabelo Ndlangisa	05/Jun/05	<i>Sunday Times</i>	1
Zuma's road to ruin	Paddy Harper	05/Jun/05	<i>Sunday Times</i>	4
Now Zuma must spare us more shame	Editorial	05/Jun/05	<i>Sunday Times</i>	20
Charge Zuma -ANCYL	Hlongwa, Jimmy Seepe and Makhudu Sefara.	05/Jun/05	<i>City Press</i>	01
Wither now Jacob Zuma?	Aubrey Matshiqi	05/Jun/05	<i>City Press</i>	17
Zuma has to go	Editorial	05/Jun/05	<i>City Press</i>	18
The Zuma affair must end	Editorial	06/Jun/05	<i>Daily News</i>	6
ANC stands by Zuma	Bheko Madlala	07/Jun/05	<i>Daily News</i>	1
No more Mr. President	Editorial	09/Jun/05	<i>M&amp;G</i>	16
The deputy president's choice: jump or be pushed	Rapulane Tabane	09/Jun/05	<i>M&amp;G</i>	3
ANC MPs sing for Zuma	Sue Segar	09/Jun/05	<i>Natal Witness</i>	1
Spotlight swings to Zuma	Sam Sole	09/Jun/05	<i>M&amp;G</i>	2
What will Mbeki do with Jacob Zuma	Duncan du Bois	10/Jun/05	<i>Natal Witness</i>	10
Heath joins the Zuma fray	Nalini Naidoo	11/Jun/05	<i>Natal Witness</i>	1
Zuma: the world is watching	Editorial	12/Jun/05	<i>Sunday Times</i>	20
Fire me, Zuma dares Mbeki	Wally Mbhele, Brendan Boyle & Charmeela Bhagawat	12/Jun/05	<i>Sunday Times</i>	1
The end of innocence	Mondli Makhanya	12/Jun/05	<i>Sunday Times</i>	21
Zuma Accepts his fate	Susan Segar	15/Jun/05	<i>Natal Witness</i>	1
Opinion on Zuma sacking	The Editor	15/Jun/05	<i>Daily News</i>	1

<b>Article</b>	<b>Author</b>	<b>Date</b>	<b>Source</b>	<b>Page no.</b>
Shockwaves at Mbeki's axing of Zuma	Sibonelo Msomi	15/Jun/05	<i>Natal Witness</i>	4
Zum Zum Voom	Editorial	16/Jun/05	<i>M&amp;G</i>	18
The dismissal of Jacob Zuma	Graham McIntosh	16/Jun/05	<i>Natal Witness</i>	8
Mbeki battles Zuma revolts	Sthembiso Msomi, Brendan Boyle & Zile George	19/Jun/05	<i>Sunday Times</i>	1
How Mbeki told Zuma its over	Makhudu Sefara	19/Jun/05	<i>City Press</i>	17
Zuma's departure is the first step in the road to national morality	Dr. Molefe Tsele	19/Jun/05	<i>Sunday Times</i>	20
Zuma to be charged	Editorial	22/Jun/05	<i>Natal Witness</i>	18
Zuma gets his day in court	Editorial	22/Jun/05	<i>Daily News</i>	20
It's been so one-sided	Vicki Robinson	23/Jun/05	<i>M&amp;G</i>	2
Mbeki's moment	Editorial	23/Jun/05	<i>M&amp;G</i>	16
Zuma protests will bring city to halt	Wonder Hlongwa & Mphumuzi Zuzile	26/Jun/05	<i>City Press</i>	1
Heath to advise Zuma	Kavith Harrilall	28/Jun/05	<i>Natal Witness</i>	2
Heath switching sides claims	Angela Quintal	28/Jun/05	<i>Daily News</i>	1
Supporters to hold night vigil for Zuma	Noloyiso Mchunu	28/Jun/05	<i>Natal Witness</i>	2
Zuma holds Court	Monica Laganparsad	29/Jun/05	<i>Daily News</i>	1
Zuma's day in court	Dries Liebenberg & Noloyiso Mchunu	29/Jun/05	<i>Natal Witness</i>	1
Zuma in court, anger outside	Noloyiso Mchunu	30/Jun/05	<i>Natal Witness</i>	1
Peculiar Paradox	Editorial	02/Jul/05	<i>Natal Witness</i>	7
The key players in the raids	Wisani wa ka Ngobeni, Dominic Mahlangu & Dumisane Lubisi	21/Aug/05	<i>Sunday Times</i>	4
Cosatu & SACP to unveil Zuma campaign	Bheko Madlala	23/Aug/05	<i>Daily News</i>	3
A systematic brutal prosecution of Zuma	Sam Sole and Sapa	25/Aug/05	<i>M&amp;G</i>	2

<b>Article</b>	<b>Author</b>	<b>Date</b>	<b>Source</b>	<b>Page no.</b>
Chased like a dog	Daily News Reporters	10/Oct/05	<i>Daily News</i>	3
Zuma's battle begins	Daily News Reporters	11/Oct/05	<i>Daily News</i>	1
"I'll tell all" – Zuma	Editorial	12/Oct/05	<i>Natal Witness</i>	10
Zuma furore	Editorial	12/Oct/05	<i>Natal Witness</i>	14
Day in court becomes campaign rally	Paddy Harper	16/Oct/05	<i>Sunday Times</i>	4
Zuma mustn't mislead public about his case	Dr Norman Mabaso	06/Nov/05	<i>City Press</i>	24
He's the man who's in touch with the people	Bongani Mthethwa & Sathentira Gavender	13/Nov/05	<i>Sunday Times</i>	5
Shaik's payments continued	Paddy Harper	13/Nov/05	<i>Sunday Times</i>	4
Corrupt or just a bit iffy	Brendon Boyle	13/Nov/05	<i>Sunday Times</i>	13
Light of leadership needed to rid JZ's pals of darkness	Unknown	19/Nov/05	<i>City Press</i>	22
Getting back our morality	Mondli Makhanya	09/Jul/06	<i>Sunday Times</i>	21
Zuma case: state seeks delay	Sharika Regchand	21/Jul/06	<i>Natal Witness</i>	1
Zuma to fight postponement	Heinz de Boer & Sharlene Packree	21/Jul/06	<i>Daily News</i>	3
Zuma trial	Editorial	22/Jul/06	<i>Natal Witness</i>	9
Conspiracy theory thickens	Khathu Mamaila	23/Jul/06	<i>City Press</i>	22
Fans' show on the road again	Zukile Majova	27/Jul/06	<i>M&amp;G</i>	4
We'll put Mbeki on the stand	Rapule Tabane & Vickie Robinson	27/Jul/06	<i>M&amp;G</i>	6
Courts will show the way	Editorial	27/Jul/06	<i>Daily News</i>	16
Mass action threat	Sibonelo Msomi, Duma Pewa & Nalini Naidoo	31/Jul/06	<i>Natal Witness</i>	1
'It's an Mbeki plot'	Sharika Regchand	01/Aug/06	<i>Natal Witness</i>	1
Top leaders present to show their support	Sibonelo Msomi	01/Aug/06	<i>Natal Witness</i>	2

<b>Article</b>	<b>Author</b>	<b>Date</b>	<b>Source</b>	<b>Page no.</b>
No fiddling about, Msimang	Jeremy Gordin	01/Aug/06	<i>Daily News</i>	1
Twist in tale of victim and villain	Paddy Harper	06/Aug/06	<i>Sunday Times</i>	4
Legally lush, factually sparse	M&G Reporters	10/Aug/06	<i>M&amp;G</i>	4
Boss slams Zuma's bid as far-fetched	Jeremy Gordin	16/Aug/06	<i>Daily News</i>	3
Scorpions hit back at Zuma's claims of sinister motive	Makhudu Sefara and Jackie Mapiloko	20/Aug/06	<i>City Press</i>	5
Forensic audit for Zuma trial almost ready	Paddy Harper	20/Aug/06	<i>Sunday Times</i>	2
Zuma attacks Mbeki	Jeremy Gordin	23/Aug/06	<i>Daily News</i>	1
Defence: Zuma would have been acquitted at Shaik trial	Sharika Regchad	29/Aug/06	<i>Natal Witness</i>	1
Zuma, Thint go for broke	Sam Sole	31/Aug/06	<i>M&amp;G</i>	3
Zuma's bid to halt graft case has no substance	Jackie Mapiloko and Makhudu Sefara	03/Sep/06	<i>City Press</i>	
Hundreds of Zuma supporters dance in Freedom Square	Sapa	05/Sep/06	<i>Natal Witness</i>	4
Goodbye Zuma- or goodbye South Africa	David Dalling	08/Sep/06	<i>Natal Witness</i>	12
Trial judge in scathing attack on NPA	Wonder Hlongwa	10/Sep/06	<i>City Press</i>	4
Song, dance and in-fighting Msholozzi's defence team	Jackie Mapiloko	10/Sep/06	<i>City Press</i>	4
The question facing Msimang	Makhudu Sefara and Jackie Mapiloko	17/Sep/06	<i>City Press</i>	20
Zuma trial ruling tomorrow	Sapa	19/Sep/06	<i>Natal Witness</i>	2
Jubilation	Nalini Naidoo, Sibonelo Msomi & Duma Pewa	21/Sep/06	<i>Natal Witness</i>	1

<b>Article</b>	<b>Author</b>	<b>Date</b>	<b>Source</b>	<b>Page no.</b>
State's case unsound foundation	Sharika Regchand	21/Sep/06	<i>Natal Witness</i>	1
Zuma saga	Editorial	22/Sep/06	<i>Natal Witness</i>	12
It won't be plain sailing	William M. Gumede	23/Sep/06	<i>Natal Witness</i>	11
Zuma on the march to the top	Khathu Mamaila	24/Sep/06	<i>City Press</i>	22
Hands off JZ- COSATU	Tumi Makgetla & Matuma Letsoalo	28/Sep/06	<i>M&amp;G</i>	2
Zuma's day in court hangs on Shaik's appeal	Jackie Mapiloko, Makhudu Sefara, Sapa	01/Oct/06	<i>City Press:</i>	2
He 'went out of his way to buy influence'	Paddy Harper	12/Nov/06	<i>Sunday Times</i>	4
Zuma must get his day in court	Editorial	12/Nov/06	<i>Sunday Times</i>	40
Judgment not Shaiky	Allister Sparks	15/Nov/06	<i>Natal Witness</i>	
COSATU's Zuma threats disgraceful	Sheila Camerer	08/Mar/07	<i>M&amp;G</i>	27
Pressuring selectively	Sam Sole	12/Apr/07	<i>M&amp;G</i>	8
War talk from Zuma defence	Paddy Harper	03/Jun/07	<i>Sunday Times</i>	15
Zuma's prospects	Editorial	04/Oct/07	<i>Natal Witness</i>	16
A Dawner for Zuma – top job won't save him	Vusumuzi kaNzapheza	14/Oct/07	<i>City Press</i>	4
Zuma Case	Editorial	10/Nov/07	<i>Natal Witness</i>	11
Zuma at Scorpion's mercy?	Makhudu Sefara	11/Nov/07	<i>City Press</i>	25
The Zuma tigh trope	Paddy Harper	11/Nov/07	<i>Sunday Times</i>	17
Charge Zuma, Scorpions advise	Paddy Harper	18/Nov/07	<i>Sunday Times</i>	4
Zuma faces more charges as new evidence surfaces	Jackie Mapiloko, Makhudu Sefara	16/Dec/07	<i>City Press</i>	2
We applaud the process, and deplore the results	Editorial	23/Dec/07	<i>Sunday Times</i>	2

<b>Article</b>	<b>Author</b>	<b>Date</b>	<b>Source</b>	<b>Page no.</b>
Trial date set for Zuma	Sapa	29/Dec/07	<i>Natal Witness</i>	1
'Vendetta against Zuma'	Dumisane Lubisi, Jackie Mapiloko, Caiphus Kgosana, Maffet Mofokeng	30/Dec/07	<i>City Press</i>	1
The case against Zuma	Paddy Harper	30/Dec/07	<i>Sunday Times</i>	1
Zuma's men target Mbeki	Paddy Harper, Brendan Boyle & Moipone Malefane	30/Dec/07	<i>Sunday Times</i>	1
Country split over Zuma corrupt	Wally Mbhele	30/Dec/07	<i>Sunday Times</i>	12
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