



**SCHOOL OF APPLIED HUMAN SCIENCES**

**“A Criminological exploration of media ethics in South African Broadcasting Corporation: Case studies of KwaZulu-Natal Province.”**

**By**

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Submitted in partial fulfilment of the  
Requirements for the degree of Master of Social Science at the University Of KwaZulu-Natal  
School Of Applied Human Sciences

DURBAN, 2019

**DECLARATION**

This is to confirm that this

Thesis is my own work which

I have never previously submitted to any other university for

Any purpose. The references used and cited have been acknowledged.

Signature of candidate.....

On the .....day of ..... 2016

## **DEDICATION**

This thesis is dedicated to every South African  
whether in the public eye or not who has ever felt violated  
in any way through inaccurate media reporting; or had  
their reputation ruined in the name of  
Public interest.

## ACKNOWLEDGEMENTS

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## **ABSTRACT**

Media keep us informed about societal issues around us including crime and as such, they enable the broadcasting of criminal cases in many ways. One of these ways is the broadcasting of court proceedings, where the offender comes into contact with the accuser and faces the law which they have broken. Media are responsible for providing the public with truthful information that does not promote any hidden agendas and that is viewer friendly. Honest and truthful information can only be observed if media houses and journalists ensure that they abide by media ethics. These are the rules and principles that govern and guide journalists in their presentation of information without the audience becoming victims of falsehoods and misleading information.

Using a thorough investigative research, this study aims at investigating and assessing media ethics in terms of covering criminal cases when it comes to radio broadcasting. The study also aims at establishing the exact codes of ethics that must be followed and their procedures before the actual broadcasting occurs. This research reviews the past literature as well as gaining more insights into the issue under discussion from the participants who work as journalists or editors. The study also theoretically links the topic to the Social Responsibility Theory, the Representation Theory, the Social Control Theory as well as the Authoritarian Theory. To further explain the linkage among these theories, a quantitative approach is applied as the methodology. The data analysis approach is also applied to ascertain whether the adopted methodology generates the desired findings regarding media ethics that are applied by journalists in their broadcast of criminal cases.

In addition the findings of the research revealed that journalist were aware that media ethics exist, most the participants highlighted that the importance of media ethics was to not only protect themselves as journalist but the audience as a whole, the findings indicated that there are regulatory bodies that governed radio stations , the most common being the Independent Communications Authority of South Africa and the broadcasting complaints commission of South Africa. This study has revealed that there are still loop holes when it comes to broadcast and there is not a lot of punitive measures that are put in place to ensure that journalist are abiding not only to ethical procedure but to the constitution as a whole.

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# CHAPTER ONE

## GENERAL INTRODUCTION

### 1.1 Introduction

News-casting (broadcasting) has emerged ever since individuals perceived the need to share information about themselves with others (Wahl-Jorgensen and Hanitzsch, 2009). Nonetheless, the investigation of news coverage is an advanced phenomenon. There are a few reasons why the investigation of news coverage is an enterprise beneficial to researchers. To start with, news shapes the way people perceive themselves, the world and each other. It is the stories of writers that build and keep up people's common substances (Wahl-Jorgensen and Hanitzsch, 2009). Along these lines, news can turn into an exclusively important type of social paste; our use of stories about current occasions, vast and little, ties us together in an envisioned group (Wahl-Jorgensen and Hanitzsch, 2009).

Wasserman (2006) states that since the advent of democracy in South Africa in the mid 1990s, the South African media have experienced a paradigm shift from a domain in which their flexibility was extremely limited by a confusing and oppressive legitimate framework to one of self-control based on established assurances of opportunity of articulation. A framework was set up through which the general society could stop objections about the exploitative journalistic lead, either at the Press Regulator (for printed media) or the Broadcasting Complaints Commission of South Africa (BCCSA) (for communicative media). Correspondingly, owing to marked improvement in the establishment of self-control mechanisms in the country, the industry experienced, alongside further professionalisation of the system through the merger between the Black Editors' Forum and the South African Conference of Editors, resulting in the inception of the South African National Editors' Forum (SANEF). This body carefully monitors media practitioners' privilege to self-regulation and considers as its obligation, the need to foster the safeguarding and advancement of media opportunity and autonomy (Wasserman, 2006).

According to Ericson (1991), the 'effects' research tradition assumes that the mass media, especially television, are the main source of people's understanding of crime and legal control. However, research indicates that people learn about crime and the legal system that controls the media from a variety of sources, mass media included (Ericson, 1991). The role media play in society is to provide information to the masses. Such information borders on critical issues facing the country and the world at large. However, it seems the media and media companies

manipulate their position to create negative influences that in turn fail to benefit the masses. In media organisations whose members are regular news sources, there are elaborate ecological, temporal and disciplinary mechanisms that control the manner in which these organisations are represented (Ericson, Baranek and Chan, 1989).

## **1.2 Problem Statement**

Criminal cases are being broadcasted now and again, for instance, in the recent coverage by the News24, the story of Thandazile Mpunzi, a 20-year-old woman who was murdered because of living with albinism, made waves in the media (Mswela, 2017). In the broadcast, both the names of the accused and the area they came from were revealed. Nonetheless, very little is known about the ethical procedures that bind the operations of media broadcasting houses with particular reference to radio. The broadcasting of criminal cases is arguably very beneficial to society in so far as it raises awareness. However, the rights of those being involved as well as the effects these cases may have on criminal activity are not taken into consideration if ethical procedures are not taken cognisant of. Media broadcasts often infringe on the rights of those who are accused, for instance, the individual's right to privacy.

A case in point is the story of Thadazile Mpunzi where the names of the suspects as well as their location were revealed without their consent. This sort of conduct can be interpreted as an example of public violence. In an article by Riches (1998), the author states that criminal justice and media coverage may compound the already complicated grief reactions as control over the child's death and her previous life is transferred from the private to the public domain. Riches (1998) also states that the presence of the media may intrude the family's privacy and reduce their chances of establishing some form of 'normal' routine. Intrusion by the media can stimulate the audience to make certain public judgments about those being accused prior to the pronouncement of a proper verdict by the relevant legal authorities.

The currently revealed case involving the assault of a Kimberley-based schoolboy by his companions at an agricultural live-in school is a reasonable case of this nature (Daily Vox Team, 2015). There can be no uncertainty, given the subject and the attached racial dimensions, that the story is newsworthy. Numerous media appropriately featured the mercilessness of the occasions; some brought up issues of brutality obtaining in the education system; and others hinted at the racial implications in the occasion (Daily Vox Team, 2015) Now and again, however, and most outstandingly, the Diamond Fields Advertiser and the Pretoria News had their horror at the wrongdoing seemingly blinded by the manner in which they treated the boy

who had been assaulted and the individuals who had witnessed and reported the attack. In this manner, they figured out how to uncover those included, particularly the casualty, to injury.

By uploading the video of the attack online for all to see, by including screen captures on their front pages and by specifically and in a roundabout way recognising those included, the media went further afield in revealing the news and helping crowds comprehend the occasion, classifying it into a canon of pornographic material (Daily Vox Team, 2015).

Another example of unethical broadcasting occurs when a broadcaster broadcasts cases without considering media ethics and the country's Constitution as seen in the Reeva Steenkamp case. The case, one of the biggest cases in South Africa, was followed and watched by many all over the world. Steyn (2013) highlights a few ethical violations that seemingly manifest in this case:

1. An accused person cannot be legally named until they have appeared in court, and to be specific, naming Oscar Pistorius at this stage was as clearly unlawful as it violated his rights.
2. Naming Oscar in connection with the case also had unintended consequences. The City Press (on Sunday) reported that Reeva's brother had heard on the radio that Oscar's girlfriend had died, and he called his father who confirmed that it was indeed her sister who has passed away. This is clearly shocking, unethical and it infringes on the rights of the Steenkamp family.
3. The South African Police Services had no right whatsoever to inform the press about this incident. Their action was clearly prejudicial to Mr Pistorius' rights and served to subvert the course of justice for the Ms. Steenkamp and her family.

Die Beeld reported extensively on Friday on the allegations surrounding the shooting and went even further to indicate that their sources in the South African Police Services had indicated that Ms. Steenkamp was shot through the bathroom door and that there were four gun shots wounds.

During the court hearing, one newspaper went further to publish the photo of Mr. Pistorius who was crying in court even though the Magistrate had ruled that no pictures should be taken during the court proceedings.

Deceptively, many journalists working for broadcast radio stations do not abide by the ethical standards that have been set for them by the South African broadcasting commission. They take advantage of being allowed to broadcast autonomously and therefore, they end up covering only the part that they feel will be of benefit to them as individual stations disregarding the fact

that this in turn has a negative effect on the perpetrator. One of these media ethics is that journalists should do no harm to parties in the news they broadcast (The Journalism Network n.d). The idea behind this is that the content being broadcasted should not have a harmful impact on the parties whether verbal or visual (images). Therefore, this study seeks to explore the link between media ethics and criminal cases reported in the news through radio as well as investigating the impact of media ethics on these criminal cases.

### **Mkhize versus Media 24 Ltd**

In the court case involving a politician based in KwaZulu-Natal, an article published by the defendant stated that the plaintiff had been involved in an assassination of a political figure. The present action involving damages was based on defamation. It was accepted by the defendant that the report was defamatory, and that the only question before the court was the quantum of damages payable (Mkhize v Media 24 Ltd [2008] JOL 21651 (N)). According to the verdict given by the court, the plaintiff was found guilty of offending the defendant through the media and was fined for the act<sup>1</sup>. The media source put the well-known individual's life under public scrutiny which resultantly tore down his reputation. This case suggests that the media source ignored one of the most important principles governing media practices, which is humanity. This principle states that News broadcasters need to be aware that the criminal cases which they broadcast are not made up and involve real people with real emotions therefore they need to be aware of the possible damage they can cause (The journalism network n.d). The Broadcasting Complaints Commission of South Africa also states, in one of its sanctions, that the content that promotes or glamourizes violence shall not be put in public media (Wits, 2015). However, this principle was also broken as Mr.

Mkhize's life was at risk of public violence.

### **The National Media Ltd and Another versus Jooste (1996)**

According to the case, the National Media Limited and another versus Jooste [1996] 2 All SA 510 (A), the respondent, who was unmarried, had given birth to a child in 1988 and she alleged that the father of her child was a well-known rugby player ("Botha"). There had been some publicity about the child and the settlement agreement regarding maintenance. In 1991, just prior to Botha's marriage to another woman, the respondent instituted proceedings in the maintenance court against him and contacted a journalist to "sell" the story of her relationship

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<sup>1</sup> The verdict given in this case was that the court could not rely on previous cases due to the different circumstances in each, it could look for guidelines in similar cases for the determination of quantum. Having regard to case authority and the facts of the present case, the court decided that an amount of R150 000 would be appropriate as a fine.

with Botha. It is reported that she entered into an agreement with the publisher of the two magazines in terms of which she would receive R5 000 upon publication of an exclusive interview (The National Media Limited and another v Jooste [1996] 2 All SA 510 (A)).

According to the agreement, the interview would only be published once she had approved the contents of the article and the photographs to be used and had agreed to the date of publication of the interview (The National Media Limited and another v Jooste [1996] 2 All SA 510 (A)). Some of the amendments she further proposed to the second draft were not implemented and as such, the article was published without the respondent's approval of the final text, on 27 June 1991. In this case, the media once again breached the ethical code by publishing a story without the respondent's approval, which is a breach of another ethical principle. By implication, this is deformation of character, which is a serious case in the constitutional law.<sup>2</sup>

### **Cases involving the South African Broadcasting Corporation (SABC) The South African Broadcasting Corporation's Thobela FM versus Matemane**

The Registrar of the Broadcasting Complaints Commission received a complaint from Mr M.J. Matemane regarding an alleged biased, hateful and foul language characteristic of the conversation between Mr Willy Mosoma, the spokesperson for Greater Sekhukhune Municipality and Mr. Boetieboetie Mogakala, the representative of Congress of the People. The broadcast occurred on the SABC's Thobela FM on 30 January 2012 at 6:35pm (The South African Broadcasting Corporation, Thobela FM v Matemane [2012] JOL 28940 (BCCSA)). The complainant stated that the radio station showed favour, an obedience and allegiance to Mr Willy Mosoma, accusing it of failing to call him to order. The complainant alleged that the radio station deliberately allowed the accused to insult and intimidate Mr Mogakala without protecting him. The language he used was allegedly obscene and foul. "We, the undersigned, being members of COPE, feel insulted and belittled. We therefore want to bring this matter

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<sup>2</sup> In this case the Court considered whether the article disclosed any private facts and held that the content of the article. The Court then discussed the concept of "privaathoudingswil", i.e. the individual's personal wish to withhold personal facts from others and held that the general sense of justice did not require the protection of a fact that the party in question had no wish to keep private. The Court found that the Respondent's willingness to disclose private facts about herself was subject to specific conditions (i.e. her approval of the final text of the article and of the date of publication) and these conditions had not been complied with.

Despite the fact that this action was not based on a breach of contract, the right to privacy encompassed the right to prescribe when and under what conditions private facts could be made public. The agreement between the parties was relevant to this claim because it determined the scope of the Respondent's willingness to withhold personal facts from others. Where the agreement was breached intentionally, the breach might be a relevant fact to consider in assessing the delictual wrongfulness of the publisher's action. The Court also dismissed the alternative defence of consent. Although the Respondent had accepted payment for the interview and thereby elected not to cancel the agreement, this election did not detract from the fact that the publication occurred in violation of the terms of consent contained in the agreement. The appeal was accordingly dismissed with costs.

under your attention, so that both the broadcaster and Mr Mosoma Willy must be given a severe dressing down or given a rap over the knuckles' (The South African Broadcasting Corporation, Thobela FM v Matemane [2012] JOL 28940 (BCCSA))<sup>3</sup>

### **Pulles versus the SABC 3 News**

The news broadcast on the respondent's television channel reportedly broadcasted an opinion indicating that without counselling, a boy who had lost his entire family to a fire accident might grow up to a cruel and callous man (Pulles v SABC 3 News [2006] JOL 17632 (BCTSA)). The complainant contended that the broadcast of the opinion was distasteful and it violated the boy's constitutional rights. The respondent conceded that the complainant was correct. According to the case of Pulles v Sabc 3 News [2006], the complainant found that the comments made by the South African Broadcasting Corporation were derogatory and added that showing the boy's face on television was a violation of his constitutional rights especially bearing in mind that he was underage (Pulles v SABC 3 News [2006] JOL 17632 (BCTSA)). The following case is proof that media ethics as well as individuals' rights are indeed being breached when it comes to broadcasting. The case is a clear testimony indicating that the news item constituted an affront to the dignity of the child.<sup>4</sup>

### **Pelser v the South African Broadcasting Corporation**

According to the case, **Pelser v SABC [2003] JOL 11619 (BCTSA)**, the question that arose in this case is whether the taking in vain of the Lord's name, which is regarded as offensive to many Christians, amounts to the contravention of the Broadcasting Code. In this case, the complaint stated that the films that were complained about contained a few instances of the taking in vain of the Lord's name in the mildest of forms and were all functional within the context. The films were no great works of art but showed people in ordinary life using this kind of language (Pelser v SABC [2003] JOL 11619 (BCTSA)). The Broadcasting Code disallows

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<sup>3</sup> The verdict in this case indicated **that** the show in question was a talk show. The two people invited onto the show were guests on the show and they both expressed their own points of view. They were each afforded equal time to respond and put their own points of view at each other. The complaint regarding balance was thus rejected.

The Commission also found no merit in the complaints regarding offensive language or hate speech. At issue, was the right of the broadcaster to broadcast material that may annoy or even offend certain people, and the right of South Africans to be exposed to such material? In deciding on such a matter, the principle of freedom of speech should be borne in mind. While some individuals are more sensitive than others, and therefore have lower levels of tolerance, it should at all times be borne in mind that the norm must be set by the average reasonable person who is not hypersensitive. The complaint was dismissed.

<sup>4</sup> The verdict **was that** the broadcast of the opinion had been a contravention of clause 38 of the Broadcasting Code. Since the respondent had co-operated, it would not be fined but was reprimanded.

the electronic media from broadcasting material that promotes contempt in terms of race, ethnicity, sexual orientation or religious persuasion and that which constitutes, and prompts hurt.

The above data collected by the researcher reflect a collection of cases that had to be reviewed by the Broadcasting Complaints Commission due to them being in breach of the Broadcasting Complaints Commission of South Africa's ethical codes as well as individuals' constitutional right (Pelsler v SABC [2003] JOL 11619 (BCTSA))<sup>5</sup>

This study focuses on the exploration of the issue of breaching of media ethics, which brings to light the issue of deformation of character. The cases cited above show instances where ethics have been breached and in turn individuals' reputation being torn down as a radio stations broadcast material without taking into consideration ethical stipulations. Goguen (2007) states that deformation of character happens when somebody puts forth a false expression about a person which causes damage on that other person. This often occurs when the announcement is distributed in the form of falsehoods, and its outcome is capable of causing hurt, and as a rule, it results in bad reputation. The issue of deformation of character is critical in this case as it states what the exact results of choosing to ignore ethical practises can be on an individual.

### **1.3 Rationale (who will benefit from the study)**

News media such as the SABC, ETV, the Mail and Guardian, Die Burger, and the City Press feature prominently as some of the essential sites for enlightening the public by talking openly about crime. Nowadays, most of the stories that feature in the print media frequently re-appear on online news aggregators such as IOL news and News24. This study is motivated by the need to find out whether journalists are aware of the constitutional rights of individuals when it comes to broadcasting as well as the ethical procedures that ought to be adhered to in order to establish whether media practitioners are abiding by these media ethics. While studies and reports of actual crime are frequent, systematic studies that reflect on how South African media

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<sup>5</sup> The verdict concluded that, where the Lord's name is used excessively and in vain in any fictional TV programme, it would seem advisable to add a further symbol. The "L" for language would not seem to suffice. It would be important to follow a consistent approach to the symbol, and consultation with the Films and Publications Board will also take place. The matter will be discussed at a workshop later this year or early in the New Year. In the meantime, it would be useful if each of the TV broadcasters could make up their minds as to whether the "P" or the "D" symbol should be used. The Commission will then consider the proposals and consider the suitability of such an additional classification symbol for TV. In so far as the films complained about are concerned, we have come to the conclusion that the instances were so mild that they did not justify a finding that they amounted to the advocacy of hatred based on religion that constituted incitement to cause harm.

construct and represent images of violent crime are either scanty or still emerging. This study attempts to fill this gap.

Furthermore, integrated crime prevention approaches entail not just preventing crime physically, but they also seek to understand the manner in which crime is framed, constructed and represented. To the extent that News media remain the main informer for the public about national issues such as crime, it is imperative for studies to investigate how these crimes are represented in the media. This study will benefit any individual who is keenly interested in exploring this topic or a topic similar to this one. The research will provide an in-depth understanding of the topic which therefore positioning it as a source of highly useful insights. The research will also be beneficial to journalists in general and those who have been part of the participants in this study.

The new information discharged by the Broadcast Research Council in South Africa (BRC) demonstrates the radio stations in the nation which were the most prevalent among the members of the audience in 2016 (The Writer, 2016). In its January to September survey, the Broadcast Research Council distributed the assessed listenership status of 39 business radio stations and 233 network stations the nation over, utilising a sample of 53,396 audience members. According to the Writer (2016), the Broadcast Research Council estimates that there are roughly 38.3 million members of the radio audience in South Africa, making it the most expended type of media in the nation, with the greatest number of audience members (60%) living in urban zones. The remaining percentage (40%) of listenership is shared equally (20% each) crosswise between little urban and country regions (The Broadcast Research Council of South Africa, 2020). The collected information demonstrates that a random assessment shows that there are 35 million individuals tuning in to radio stations in South Africa on a weekly basis, with roughly 28.6 million tuning in to these stations consistently. This penetration and pervasiveness of radio communication obtains the nation over, with even the least tune-in rate (Northern Cape) being at 80%.

#### **1.4 Objectives of the study**

- To assess media ethics and the coverage of criminal cases in broadcasting corporations;
- To examine the value of media ethics;
- To determine the challenges impeding media ethics;
- To evaluate media ethics strategies on the coverage of criminal cases in the South African Broadcasting Corporation of KwaZulu-Natal



## **1.5 Research Questions**

1. What are the main ethics that you are required to abide by as Radio host or Journalist?
2. What's are the ethics specially covering criminal cases?
3. In your opinion what is the value of the media ethics?
4. How do you make sure that you are abiding by the set ethics?
5. In your opinion do you think that the constitution limits you in any way when it comes to covering certain stories?
6. What is you understanding of deformation of character?
7. What are the legal implications for broadcasting against the prescribed media ethics?
8. What strategies do you use in the coverage of criminal cases?
9. How are the strategies put in place effective or non-effective on the coverage of criminal cases in broadcasting radio stations?
10. What challenges do you experience when it comes to broadcasting? How can these challenges be overcome?

## **1.6 Aim of the study**

To explore the practice of media ethics in selected radio stations in the South African Broadcasting Corporation in KwaZulu-Natal

## **1.7 Conceptualization of the relevant concepts**

### ***Broadcasting***

Broadcasting is the simultaneous transmission of a similar message to different recipients. In systems administration, broadcasting happens when a transmitted information parcel is gotten by all network services. Security issues may emerge during the broadcasting and prompt information misfortune if a system is assaulted by gate crashers. In non-organising or electronic telecommunication systems, the term broadcasting signifies the exchange of sound and video information among hubs and gadgets (Technopedia, 2014)

### ***Journalist***

According to Zelizer, (2004). The term refers to a person who writes news stories or articles for a newspaper or magazine publication or alternatively broadcasts them on radio or television.

### ***Media ethics***

This is a subdivision of applied ethics dealing with specific ethical principles and standards that govern media practices, including broadcast media, film, theatre, the arts, print media and the Internet (Hadzialic 2019). The field covers varied and highly controversial topics, ranging from war journalism to Benetton ad campaigns . Media ethics involve the promotion and defence of values such as a universal respect for life and the rule of law and legality. Hadzialic (2019) states that the Literature depicting specific ways in which the Internet impacts on media ethics in online journalism is scarce, thereby compromising the idea of upholding a universal code of media ethics.

### ***Mass media***

According to study.com (2013), mass media means the technology for reaching out to a mass audience. It is the main media used to reach out to most of the public audiences. Mass media platforms mainly include journals, magazines, radio, television and the Internet.

### ***Media effects***

When people think about media effects in their everyday lives, they usually limit their perspectives to negative things happening to others after being exposed to too much “bad” content (Harcup, 2019). For example, people believe that exposure to the violence in the media leads to aggression; media stories with sexual connotations influence risky sexual behaviours; and bad language leads to gross expression in people.

### ***Newsworthiness***

Newsworthiness describes the quality of being interesting enough to be reported in news bulletins (Harcup, 2019).

## **1.8 Structure of the dissertation**

### **a) Chapter One**

This chapter provides a brief background to the study and spells out the research problem; the aim of the study and research questions as well as the methodological paradigm and design employed to address these questions

### **b) Chapter Two**

Literature review:

- Provides the background information on media ethics and the different types of ethics that exist. It also reflects on cases that were broadcast unethically.

**c) Chapter Three**

This chapter provides the literature on the four theories linked to this study namely the representation theory, social responsibility theory, social control and the authoritarian theory.

**d) Chapter Four**

The chapter outlines the systematic methods that were applied to the topic when this research study was conducted. It describes the modes of data collection, paradigms, and research designs used in the study.

**d) Chapter Five**

This chapter is an analysis of the data that was collected by the researcher during interviews. It highlights the most common views that the participants had and their general feelings towards the topic.

**e) Chapter Six**

This the final chapter that provides an overall conclusion, recommendations and limitations of the study.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

Media presentations have a powerful influence on the way in which people view criminal violence. Through what they observe on television and what they listen to on radio, people gain an understanding of all the dimensions of criminality. There is a large amount of trust that is put in when it comes to believing what is being broadcasted on news channels. For this reason, it is imperative that whatever the media chooses to broadcast should be truthful and reliable, and in no way an infringement on the South African constitution. To ensure truthfulness and reliability in the information disseminated by the media, it is important to develop and implement media ethics, if they are not already in existence in the media domain.

According to Sorribes and Rovira (2011:1057), in situations that imply great social commotion, such as emergencies, the communications media must respect professional ethics as established in different professional codes of conduct and recommendations by regulatory bodies. It is important that the media ought to be very careful to avoid exaggerating their news content or creating fake news to increase their ratings. They should be aware of issues to do with invasion of privacy, the pain and suffering likely to be caused by unethical media behaviour and should be able to separate between information and opinion on the one side of the dichotomy and the accuracy of their information on the other (Sorribes and Rovira, 2011). This chapter focuses on the effect and importance of media ethics. Anything that contravenes any constitution put in place by a country can be deemed illegal; therefore, the lack of discipline on the part of the media should be a cause for concern.

#### **2.2 Brief History of Broadcasting in South Africa**

The democratisation of the broadcast media was one of the basic tenets of South Africa's freedom. According to the NAB (2014), prior to 1994, broadcasting in South Africa was the prerogative of only two licensed television operators offering five channels to an audience of around 14 million people and thirty-two licensed radio stations with an audience of over 19.8 million people (The NAB, 2014). However, a lot of changes have occurred over the past twenty years since the advent of the democratic dispensation in South Africa as evidenced by the existence of a three-tier system of broadcasting bringing into play the public, commercial and community broadcasters. In statistics revealed by the NAB (2014), there are currently 162

licensed television operators delivering television services across more than 170 channels to an audience of around 40.1 million people and over 250 licensed radio stations with a weekly audience of around 33.2 million people. This proves that South Africa has come far in terms of an improvement in the number of media institutions.

### **2.2.1 Media Ethics**

Everything that a journalist does has ethical consequences, whether to a lesser or greater degree. This is true on the grounds that everything that a journalist composes or says or fails to compose or say has an effect on individuals. The impact can either be positive or negative. Since the media have a huge impact, it is imperative that news coverage be rehearsed in a responsible and capable manner. If this does not happen, it is at this point that the media demonstrate untrustworthiness (Chiyamwaka, 2008). Bertrand (2018:9) states that in order to judge media competency in serving the public, one ought to know what services these media are supposed to provide.

In present day society, the media are renowned for broadcasting speedy and full reports on occasions occurring in the world around us. Their job is to acquire the data, break them down, translate them and then channel them through the wording available to their audiences. They should specifically watch out for the three political forces (the official, authoritative and legal executive) between election intervals (Bertrand 2018). This is just one of the functions of the media alongside other functions such as fostering social communication, reflecting an image of the world, transmitting the culture of society, selling and contributing to the promotion of happiness or entertaining the audience. Against the background of all these functions, media houses and practitioners have to adhere to ethical guidance to ensure that the information disseminated to the audience can be trusted and that the way in which it was created did no harm to any party. This is where ethics come in to protect both journalists and the audience.

Broadcasting does not only require truthfulness, but it is important that journalists adhere to the moral principles that are set for them by their ethical directorates. All broadcasting in South Africa is run by a regulator, whether it is the Broadcasting Complaints Commission of South Africa (BCCSA) or the Independent Communications Authority of South Africa. The Broadcasting Complaints Commission of South Africa was created to arbitrate and facilitate in the resolution of complaints against broadcasters who may have signed its Code of Conduct. The Commission was created to give viewers a platform where they can express their concerns regarding the programmes that are being broadcasted. Signing up with the Broadcasting

Complaints Commission of South Africa means that the broadcaster agrees to comply with the set ethical standards.

However, it is important to note that the Broadcasting Complaints Commission of South Africa was created mainly to focus on television broadcasting. Broadcasters who offer live coverage of criminal cases are those that are registered with the Commission to ensure that whatever they choose to televise would have been approved and does not violate the Commission's Code of Conduct, provided for under Section 2 of the Independent Broadcasting Authority Act No. 153 of 1993 ("the Act"). The Independent Broadcasting Authority ("the Authority") enjoys the prerogative of ensuring that broadcasting licensees adhere to the Code of Conduct acceptable to the Authority (Media Codes of Conduct, 2003).

One of the foundational principles of South Africa's democracy is freedom. This means that every individual has the right to freedom of expression. Nonetheless, this freedom is, of course, accompanied by responsibility attached to it. Constitutional protection is afforded to freedom of expression in Section 16 of the Constitution of the Republic of South Africa, which states that:

- 1) Everyone has the right to freedom of expression, which includes:
  - a. Freedom of the press and other media
  - b. Freedom to receive or impart information or ideas
  - c. Freedom of artistic creativity; and
  - d. Academic freedom and freedom of scientific research.
- 2) The right in sub-section does not extend to:
  - a. Propaganda for war;
  - b. Incitement of imminent violence;
  - c. Advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm". (Media Codes of Conduct, 2003).

According to the Constitution of the Republic of South Africa, everyone has the right to freedom of expression. However, for broadcasters, this right to freedom of expression comes with responsibilities. Media practitioners are obliged to ensure that their right to expression does not infringe on somebody else's right to protection and safety. When journalists go out into the media field, they are unaware of how the broadcast will transpire especially in cases where they are documenting live. This poses problems for the Broadcasting Complaints Commission of South Africa as the documentation may transpire resulting in the coverage of

certain situations in a manner that contravenes the Commission's ethical code of conduct. Below is what the Commission states about violence:

Licenses shall not broadcast any material, which judged within context: - (i) contains gratuitous violence in any form i.e. violence, which does not play an integral role in developing the story line, character or theme of the material as a whole. (ii) Sanctions, promotes or glamourizes violence (The Media Codes of Conduct, 2003).

### **2.3 Violence against women**

Broadcasters shall:

- i) not broadcast material which portrays, promotes or glamourizes any aspect of violence against women;
- ii) they will ensure that women are not seen as victims of violence unless the violence is integral to the story being told;
- iii) be particularly sensitive not to perpetuate the link between women in a sexual context and women as victims of violence (The Media Codes of Conduct, 2003).

For example, much of the media reporting tended to focus on President-elect Jacob Zuma's polygamous life style, centring on who would be the first lady amongst his wives and what it would cost tax payers to have such an extensive first family. Their reporting rather circumvented what should have been reflected about his views on the Constitution and women's rights.

#### **2.3.1 Violence and Hate Speech against specific groups**

It is further indicated that licenses shall not broadcast material, which, judged within contexts; sanctions, promotes or glamourizes violence based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability (The Media Code of Conduct, 2003)

Under those statutes, broadcasters are reminded that there are possibilities that people may imitate some of the dangerous violent acts which they have seen, heard or read about. Furthermore, licenses are barred from broadcasting; (a) Propaganda for war; (b) Incitement of imminent violence; or (c) Advocacy of hatred based on race, ethnicity, gender or religion, as that constitutes incitement to cause harm (The Media Code of Conduct, 2003).

Apparently, with all these legal instruments in place to govern violent acts, one may however argue that the Commission has not yet taken into consideration what should happen in cases where a criminal case is being broadcasted live whether through radio or television. In cases where a criminal case is being televised live, the broadcaster or journalist does not seem to have control over what transpires during the live documentation. There are chances that the live recording suddenly turns violent, for example, the live coverage of an illegal strike which then turns violent and ends up breaching one of the Commission's codes of conduct relating to violence.

Many lawyers have come to believe that the live broadcasting of criminal cases can somehow have an effect on the actual trial (Wright, 1964). The use of cameras and microphones in the courtroom often intimidates the witnesses and defendants. That ultimately has an effect on the trial. On seeing the microphones, witnesses may start thinking about all the people listening and how they are likely to react towards whatever they are witnessing. Hence, they may end up altering their statements and provide evidence that is not concrete before the court and therefore, this affects the trial.

The majority of the lawyers prefer writing their thoughts and experiences of the trial in newspapers to broadcasting them on radio and television. According to Wright (1964), lawyers argue that the presence of bright lights and cameras in the courtroom disrupts the trial. In response to arguments such as the one raised above, new techniques were invented to ensure that cameras were enclosed in sound proof boxes in unobtrusive parts of the courtrooms (Wright, 1964). This way, witnesses and defendants would not be seen or heard.

Today, however, there is not much of a technique that is used. Instead, the judge is the one who determines where the camera and microphone are set up.

It is important that journalists adhere to the above ethics to ensure that they avert the likelihood of complaints being raised against their work. According to Daryl (2010), judges who are hostile to the media use this rule to put cameras in the worst possible position where they are even unable to video-record the faces of the defendants or lawyers. However, other judges who consider the media just as part of the judicial process are considerate enough to allow the media process to unfold during court proceedings (Daryl, 2010). The live coverage of criminal cases aims at furnishing the public with information that is truthful and beneficial to them as part of the Broadcasting Complaints Commission of South Africa's mandate. Media attention regarding judicial proceedings has not been limited to high profile criminal cases as related civil cases have also been included (Erwin and Levenson, 1996). This means that all cases have been under spotlight. The prosecution of O.J Simpson for the murders of Ronald Goldman and



Nicole Brown Simpson is one of the well-known cases in American history in particular and the world at large.

## **2.4 Principles/Ethics of Broadcasting and Constitutional Acts**

It is important to ensure that whatever the media houses or practitioners choose to broadcast is truthful and reliable to ensure adherence to truthfulness and reliability in terms of the information from the media. Ethics ought to be implemented, if they exist in the media field. In addition, there are also laws that need to be taken into consideration. Before taking moral issues into consideration, it is important to understand the principles of Journalism as stated below. The following principles act as a guideline to ensure that ethical information is made available to the public and failure to comply with these principles is an unequivocal contravention of ethical codes of conduct and an act of disobedience.

## **2.5 The Five Core Principles of Journalism**

### **2.5.1 Truth and Accuracy**

Journalists cannot generally ensure 'truth'; however, getting the certainties right is the cardinal guideline of news-casting. It is important that journalists verify all the relevant and important facts privy to them in order to guarantee truthful and accurate broadcasting. When journalists cannot support data, they should desist from relying on conjecture (The Journalism Network, 2019). The principle of truth and accuracy, in other words, contends that the broadcasting of criminal cases should be based on factual information. However, this principle tends to be ignored where publicity is concerned.

### **2.5.2 Independence**

According to the Journalism Network (2019), writers must be free voices; they ought not to act, formally or casually, in the interest of certain interest groups whether political, corporate or social. Journalists should announce to their editors, or the audience, any of their political affiliations, monetary game plans or other individual data that may constitute an irreconcilable circumstance. Therefore, the principle of independence is very important when it comes to media ethics as criminal cases should not be broadcasted in the interest or benefit of a corporate, political or social organisation.

### **2.5.3 Fairness and Impartiality**

It is very vital that the broadcasting of criminal cases shows adherence to equality and fairness in the cases that are covered as presenting one side of the story to the audience can render them biased. Most of the stories often have more than two sides. While there is no commitment to show each side in each piece, broadcasted stories ought to be adjusted to include setting. Objectivity is not generally conceivable and may not generally be alluring (in the face, for instance, of mercilessness or cruelty). However, unbiased broadcasting builds trust and certainty (The Journalism Network, 2019). The effects of not adhering to this principle can be very detrimental to a criminal case as the audience is brainwashed into believing that there is only one side to the story and that the side is the only truth.

### **2.5.4 Humanity**

Journalists ought to do no damage. The information they disseminate or communicate to the audience might be frightful, yet they ought to know about the effect of their words and pictures on the lives of others (The Journalism Network, 2019). Newscasters need to be aware of the reality that the criminal cases they broadcast are real and involve real people with real emotions. Therefore, they need to be aware of the possible damage their broadcasting may cause. This principle is one of the most important principles that journalists should abide by. Perpetrators are humans and they too have rights, but their rights are more important than those of the victims who can possibly face re-victimisation if this ethical principle is side-lined.

### **2.5.5 Responsibility**

Beyond any doubt, polished skill and mindful reporting are simple indicators of the capacity by journalists to consider themselves responsible. When one commits mistakes, they should redress them and one's appearances of disappointment must be genuine and not pessimistic. Journalists tune in to the worries of their audience. Furthermore, journalists may not change what readers compose or say, but rather they can dependably give cures when they are unfair or unjust (The Journalism Network, 2019). Journalists can easily put 'fairy lights' on a story just to make it popular. However, there are always negative consequences to this practice once the truth comes out as it is the journalist who in turn ends up appearing bad. The negative label given can however be easily changed if responsibility is upheld and that action is taken to rectify the committed mistakes.

One originator, Jane B, who has inquired about the moral difficulties associated with advanced news coverage, addresses the issues raised by the weight put on experts to distribute before their opponents (García-Avilés, 2014). In her later work, Singer (2006:32) breaks down the effect the union has on ethical benchmarks. She argues that despite the fact that writers do not consider that merging depicts genuine ethical issues, it raises concerns identified with particular segments of open administration, including a dedication to precision, a shirking of drama, and freedom from financial weights (García-Avilés, 2014). Electronic media outlets are endeavouring to unite their specialties in the biological correspondence system. Furthermore, in the meantime, they are securing open certainty by expanding their believability pointers and enhancing straightforwardness. Moral standards, with regards to protection, must be refreshed because of the straightforwardness with which data is acquired and scattered through social systems, with a specific end goal of fortifying the believability of online media. A few examinations have shown that the most computerized media outlets have just barely begun the process of actualising codes of morals or particular principles of self-control (García-Avilés, 2014).

## **2.6 Media Ethics and Constitutional Acts**

Unlike the television, a medium which is commissioned by the Broadcasting Complaints Commission of South Africa, the radio institute is mostly regulated by the Independent Communications Authority of South Africa (ICASA), which is also the official regulatory body regulating the South African communications, broadcasting and postal services sectors. This regulatory body develops regulations for these sectors, issuing licences to telecommunications and broadcasting service providers, monitoring licensees' compliance with rules and regulations, planning and managing the radio frequency spectrum, and protecting consumers against unfair business practices and poor-quality services. The Independent Communications Authority of South Africa was established in July 2000 as a union of the South African Telecommunications Regulatory Authority (SATRA) and the Independent Broadcasting Authority (IBA) (The Independent Communications Authority of South Africa, 2019).

The Independent Communications Authority of South Africa Act No.13 of 2000 provides for the setting up of the legal framework for the merger of the Independent Broadcasting Authority Act and the South African Telecommunications Regulatory Authority to form one body that regulates broadcasting and telecommunications activities as well as accommodating the combination of new technologies. This new development came into light following revelations that technological developments in the fields of broadcasting and telecommunications had

necessitated a quick union that overtook their legal framework (The Independent Communications Authority of South Africa, 2019). There was then a sudden need for the establishment of a single body which would control both broadcasting and telecommunications at the same time within an environment free from disturbances from political and commercial interests. The Independent Communications Authority of South Africa is empowered to regulate all players in the broadcasting sector, including public, private and telecommunications (Osunkunle, 2005; and Konrad Adenauer Stiftung, 2003).

According to the Independent Communications Authority of South Africa (2012), everything done in media circles should be aimed at ensuring that all South Africans access basic communication services at affordable prices. In terms of the licence agreements, operators have to roll out services in under-serviced areas and ensure that licensees contribute to the Universal Service and Access Fund. The Independent Communications Authority of South Africa falls under Schedule 1 of the Public Finance Management Act No. 1 of 1999.

The legislation empowers the Independent Communications Authority of South Africa to grant licences, monitor licensee compliance with licence terms and conditions, develop regulations, plan and manage the radio frequency range and protect consumers of media products. The regulatory body is also authorised to handle complaints from the public concerning poor services provided by telecommunications, broadcasting and postal services licensees. It facilitates the resolution of these complaints or refers them to the Complaints and Compliance Committee. In its regulations, the Independent Communications Authority of South Africa has a developed code of conduct which all licensees should abide by. Some of these codes of conduct include:

### **2.6.1 News**

- (1) Broadcasting service licensees must report news truthfully, accurately and fairly.
- (2) News must be presented in the correct context and in a fair manner, without intentional or negligent departure from the facts, whether by:
  - (a) Distortion, exaggeration or misrepresentation;
  - (b) Material omissions; or;
  - (c) Summarisation.
- (3) Only that which may reasonably be true, having reasonable regard to the source of the news, may be presented as fact, and such fact must be broadcast fairly with reasonable regard to context and importance.

- (4) Where a report is not based on fact or is founded on opinion, supposition, rumours or allegations, it must be presented in such manner as to indicate clearly that such is the case.
- (5) Where there is reason to doubt the correctness of the report and it is practical to verify the correctness thereof, the report must be verified; where such verification is not practical, that fact must be mentioned in the report.
- (6) Where it subsequently appears that a broadcast report was incorrect in a material respect, it must be rectified forthwith, without reservation or delay. The rectification must be presented with such a degree of prominence and timing as in the circumstances may be adequate and fair so as to readily attract attention.
- (7) The identity of rape victims and other victims of sexual violence must not be divulged in any broadcast, whether as part of news or not, without the prior, valid consent of the victim concerned.
- (8) Broadcasting service licensees must advise viewers in advance of scenes or reporting of extraordinary violence, or graphic reporting on delicate subject matter such as sexual assault or court action related to sexual crimes, particularly during afternoon or early evening newscasts and updates.
- (9) Broadcasting service licensees must not include explicit or graphic language related to news of destruction, accidents or sexual violence which could disturb children or sensitive audiences, except where it is in the public interest to include such material.

One of the foundations of South Africa's democracy is freedom, which implies that every individual has the right to freedom of expression. According to Wits Journalism (2015), constitutional protection is afforded to freedom of expression in Section 16 of the Constitution of the Republic of South Africa, which states that everyone has the right to freedom of expression. This freedom encompasses:

- Freedom of the press and other media;
- Freedom to receive or impart information or ideas;
- Freedom of artistic creativity; and
- Academic freedom and freedom of scientific research

### **2.6.2 South African Constitution and the rights being infringed upon**

According to the South African Constitution, the Bill of Rights, Chapter 2: Section (1a), everyone has the right to freedom of expression (The South African Constitution, 1996). It should be underscored that freedom of expression comes with responsibilities and the constitution ensures that an individual's right should not infringe on another person's right to safety and protection. When journalists go out into the field, they are often unable to predict how the broadcast will transpire especially in cases that involve live broadcasting. This makes it problematic for the Broadcasting Complaints Commission of South Africa as live documentations can transpire naturally resulting in the coverage of material that violates the Commission's Code of Conduct.

Cited below are the commission's stipulations regarding the broadcasting of violence :

Licensees shall not broadcast any material, which, judged within context: - (i) contains gratuitous violence in any form. For example, violence; which does not play an integral role in developing the story line, character or theme of the material as a whole; (ii) sanctions, promotes or glamourizes violence (Wits Journalism, 2015). The essence behind the existence of media is to serve society in terms of access to information. Therefore, media freedom provides for independent analysis of the forces that shape society and it is this freedom which is an essential pillar of democracy. Independent analysis enables citizens to make informed judgments on the issues of the day, a role whose importance is recognised in the South African Constitution.

Section 16 of the Bill of Rights provides that:

1. (1) Everyone has the right to freedom of expression, which includes:
  1. (a) Freedom of the press and other media;
  2. (b) Freedom to receive and impart information or ideas;
  3. (c) Freedom of artistic creativity; and
  4. (d) Academic freedom and freedom of scientific research.
2. (2) The right in subsection (1) does not extend to:
  1. (a) Propaganda for war;
  2. (b) Incitement of imminent violence; or
  3. (c) Advocacy of hatred based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

The media are obliged to hold these rights in trust for the country's citizenry; and they are subject to the same rights and duties as the individual. It is everyone's duty to defend and further these rights, in recognition of the struggles that created them. The media, the public and Government are all recognised as making up the democratic state.

At all times, the work of the media is guided by public interest and it is understood to describe information of legitimate interest or importance to citizens. From the perspectives of the media practitioners, it is maintained, thus:

*“As journalists we commit ourselves to the highest standards, to maintain credibility and keep the trust of the public. This means always striving for truth, avoiding unnecessary harm, reflecting a multiplicity of voices in our coverage of events, showing a special concern for children and other vulnerable groups, exhibiting sensitivity to the cultural customs of our readers and the subjects of our reportage, and acting independently”* (The Press Code, 2016).

According to Moyo and Hlongwane (2009), the emergence of independent regulatory authorities in many countries is understood within the context of the many effects of globalisation in the communications sector. The Independent Communications Authority of South Africa (ICASA) has the prerogative to direct media communications, broadcasting and postal enterprises in the interest of the general public and guarantee moderate administrative structures of a high calibre for every single South African. According to the Independent Communications Authority of South Africa, the regulatory body has the mandate to develop regulations for these media sectors, plan and manage the radio frequency spectrum, and protect consumers against unfair business practices and poor-quality services amongst all the other functions stated above.

### **2.6.3 News values**

Defining this term is probably the hardest thing for a journalist to do, as the dilemma associated with attempting to define it confronts each journalist every single day they go about doing their work. It is impossible for newsreaders to broadcast everything, and thus journalists must decide, indeed they must know how to decide what news is and determine the news that is relevant to their readers. There is no universally agreed definition of news, as news by its nature cannot be defined owing to its relativity. The definitions often differ from broadcaster to broadcaster, from place to place and from one time to another. Thus, an attempt to seek an unfailing formula that predicts what events will become news is futile since the circumstances governing the selection that which will become news are never constant. Interestingly, what is news at present may not be news in the next hour (Whitaker, 1981).

According to Galtung and Ruge (1965), news is not about long-term processes but about short-lived events. Nel (1998) argues that news must be "new" in some way; "if the information is not new to the readers, it is not news" (Nel, 1998:20). Nel (1998) argues that the other two aspects are characteristic of news are that it must have conversational value, or in other words be talked about, and that it must have commercial value, implying that "it is, quite simply, a product". Nel (1998) emphasises the fact that newspaper stories are written with the intention of keeping the importance of readers as paramount. Many starry-eyed reporters, and even some editors, are uncomfortable with the idea that newspapers are first and foremost a business ... And editors and their newspapers give readers what they want. People buy newspapers for different reasons - for the advertisements, for the news, or for the TV guide.

In attempting to identify the nature of news, Lippmann (1965) was one of the first people in the last century to see news as a product of journalistic routines and standardised procedures. He argues that by the time it reaches its readers, the news is the result of a series of selections and choices made from news organisation conventions rather than a result of applying "objective standards" (Lippmann, 1965:10). What is suggested here is clear: with each new day, the journalist must decide which stories the readers want or need to know (Lanson and Stephens, 1994). As Crump (1974) puts it, the journalist turns into a mediator or interpreter, connecting words and activities of various gatherings of individuals with the "normal" paper reader.

Before knowing which stories to write and how to select them, journalists are required to know "news values". Nel (1998) identifies these values as follows:

- Time – journalists must know that news must be new.
- Audience - for any newspaper journalist the profile of the audience guides editors in deciding which items are newsworthy, and also the appropriate approach to adopt regarding the story.
- Consequence –the journalists' knowledge of when the reader is affected, how the reader is going to be affected and the degree to which the reader will be affected, often determine the news value of an item.
- Proximity -journalists should be aware that most events become more newsworthy the closer the action occurs to the audience.
- Peculiarity - they should know that unusual or unexpected events often hit the headlines.
- Prominence - events involving well-known people tend to make news.



- Conflict - the struggle between two forces, be it in sport, business or politics, makes news.
- Topicality - some topics are more in people's minds at one point in time than others.
- Package - news editors usually strive for a variety in tone and topic, and package stories accordingly.
- Visual appeal - strong pictures often determine whether an image appears on the front page of a newspaper or not, and a story that lacks a visual appeal may be pushed to the back of the publication regardless of its significance.

The further these criteria are considered in an event, the more likely it is to be selected as newsworthy. Equally, however, one would argue that once a news item has been selected, what makes it newsworthy according to these criteria has a tendency to be emphasised. Therefore, the reader is left with an image of the world which may be substantially different from what really happened.

#### **2.6.4 Defining crime news**

According to King (2009), like all forms of reporting, a crime news item is not just collected or discovered, but rather, it is manufactured. By choosing certain things from a huge number of potentially newsworthy materials accessible, those in charge of the altering procedure gather a final item which, regardless of its being dependant for its existence on the accessibility of suitable raw materials, does not definitely, or even generally, reflect with any accuracy the range or nature of those materials (King, 2009).

Nevertheless, current criminologists can at least sit in a newsroom and analyse how media gate keepers such as newspaper, radio or television editors select which specific pieces of news they will report on from the immense range of items that come to them from police sources, the public or those they pay to report on proceedings such as court hearings and so forth King (2009). Therefore, present day studies have, for instance, had the option to investigate moments when new crime topics are recognised and the manners by which a portion of those subjects at that point develop into completely fledged crime waves. Historians in all respects, once in a while, have such chances. For most classifications of crime and justice, journalists never know about the number or the sort of things the editorial manager or printer of an eighteenth-century paper approached; however, then decided not to report on to the general society, which is especially problematic (Ruler, 2009).

There is clear proof here pointing to the fact that the late eighteenth-century newspapers and different other wellsprings of the media, similar to their advanced counterparts, were enormously bound to report crimes including their outrageous viciousness, particularly on the off chance that they brought about concerning the victim of the victim (King, 2009). Deadly violence was clearly believed by the editors to be more newsworthy compared to theft involving violence.

On the off chance that, as it appears likely to be, the editors pursued a similar choice of arrangements when it came to channelling the numerous reports of unsolved crimes they received from victims. At that point, this will go far in helping to clarify why property crimes that included violence were enormously over-represented among the reports of unsolved crimes contrasted with their extremely little job among the indicted offenses (King, 2009). According to the above stance, reporting criminal stories is clearly a matter of popularity and a case of broadcasting the news that is favourable to the audience. Therefore, the question one can ask is whether when editors and journalist select these crime stories take into consideration the ethics and constitutional rights that protect both the audience and themselves.

### **2.6.5 Changing perspectives on news**

Having discussed the major elements South African journalists traditionally used to decide the relative importance of stories, it is important to point out that, recently, the criteria of news standards, news sources and topics, have shifted. Owing to the growing concern with current journalistic standards in South Africa, there is an increasing tendency to question the value and criteria of traditional news (Nel, 1998).

People's views on information, for example, have changed. The glut of information surrounding consumers, much of which is freely available in media such as the Internet and radio, has necessitated the need for newspapers to redefine the art of compiling and imparting information. To say that the role of the journalist is confined to just delivering information is either too limiting or too broad to satisfy the role of these media practitioners. According to Nel (1998:30), "the mission of newspapers should not just be to deliver information but rather to bring people together. For journalists this means stories need to help people relate to their neighbours, help foster a sense of community, help bring the political process, i.e. national politics and corporate politics, within the reach of the individual and the control of the electorate. It means orienting the reader within a community of humans, and not just a system of institutions."

Another important aspect pointing to a significant paradigm shift is that journalists now need to be careful about the sources from which they extract their stories. Traditionally, South African journalists tended to use as high-ranking officials as possible as news sources. Nonetheless, by simply printing statements, often from official news sources, the media "have allowed themselves to be manipulated by community leaders in politics and commerce" (Nel, 1998:31). Another danger emanates from the use of unnamed sources.

In journalism, unproven statements can easily be made into "facts" by attributing them to a source (Whitaker, 1981). Nel (1998) argues that an important component in the process of redefining news values is a renewed respect for the audience, which, in turn, creates opportunities for their voices to be heard. Interestingly, the Hefer Commission (2003) highlighted the danger emanating from journalists' use of anonymous sources for stories. The City Press story, alleging that Bulelani Ngcuka was a spy, serves as an important example in this regard.

### **2.6.6 The structure of a news story**

Nel and Greer argue that although there are many formats that can be used, news stories tend to follow the basic "inverted pyramid" structure, which is the most commonly used form of news writing. "Readers scan the story for the gist and then either decide to continue reading or skip to the next one. Editors scan the story and cut it from the bottom to fit the space available on the page" (Nel, 1998:51). Bond (1969) identifies three important parts of a news story and their functions, namely: the headline (which tells us quickly what the story covers), the first paragraph (which tells the main facts of the story) and the remainder of the story (which contains supporting information). The language of news stories is clear, precise, concise and direct. It makes use of the active voice and direct quotations, and avoids "frilly" writing (Greer, 1999).

### **2.7 A critical look at the production of news**

Clearly, South African newsrooms have certain structural requirements which journalists are required to adhere to, such as the pyramid style structure of stories as well as the tight and concise writing style necessitated by space limitations. It is also apparent that journalists are expected to select stories in terms of traditional news values. Another restraint in the news production process is the fact that most newspapers have demanding deadlines that need to be observed in order for the story to be printed. In South Africa, The Daily News, for example, has to beat the initial 6am and 7am deadlines for a page one story. Thus, when an event occurs

and a story is written, the process becomes "... a process of elimination. Any event significant or interesting enough to be labelled news, trails behind it an almost endless train of circumstances and ramifications but though it can be painful to realize, many of [the] hardwon points simply won't fit in the story" (Lanson and Stephens, 1994). One would further argue that the so-called "facts" that are available are sometimes collated into some semblance of a story, as there is simply no time to contact the relevant people to corroborate these "facts". As the deadline approaches, the journalist must have checked the facts, interviewed the people concerned, and compiled an account of what really happened into a readable form.

Hodgson (1992) posits that journalists sometimes work under immensely stressful situations. Thus, the pressure to get the news out to the public while it is still fresh is often the cause of errors (Goodwin 1983). The facts that journalists are capable of producing, sometimes add up to the "truth", but contrary, journalists seldom have time to put sufficient facts together at a given time for them to be able to tell the "truth" (Goodwin 1983). Paul and Elder (2019) argue that the media have fostered a set of myths regarding how they function and believing these myths has often acted as an impediment to the public's ability to view the news from a critical perspective. They argue that these myths include the belief that:

- Most news stories are produced through independent investigative journalism.
- News writers simply report on facts in their stories without coming to conclusions about them.
- Fact and opinion are clearly separated in the construction of the news.
- There is an objective reality (the actual "news"), which is simply "reported" or described by the news media worldwide (our news media writers reporting on this objectively; the media of foreign enemies systematically slanting and distorting it).
- What is unusual (novel, odd, bizarre) is news; and what is usual is not. It is important to note that journalists are aware of the various principles and the principle of objectivity is also important in this scenario.

### **2.7.1 Cases of Media strategies in broadcasting without complying with ethics and the constitution**

One of the main ethics mentioned by the Broadcasting Complaints Commission of South Africa, as also stated in the South African Constitution, is that media and journalists shall not use inflammatory language, hate language, or language which could provoke hate or violence. Even though the Constitution does not particularly mention media, it however, highlights the

importance of refraining from promoting violence and hate speech against specific groups (The Media Code of Conduct, 2003). The MEC and its sister organisation, the Media Experts Sub-Commissions, managed countless objections during the election campaign, a significant number of them identifying with the utilisation of inflammatory language. More was anticipated from journalists and more was given to news writers. Journalists constantly demonstrated improved exactness and greater restraint, especially regarding hostile, derogatory and disparaging detailing. Detailing, in all media during the decision timeframe, demonstrated polished skill. Similarly, critical journalists acknowledged the role played by the MEC for upgrading standards on expert reporting for writers.

Additionally, the MEC gained generous ground in recording issues to do with infringement of columnists' rights and in setting up this as a huge need for future activity in BiH (ACE, 2012).

In another case which occurred on 22 April 2009, South Africa reportedly went to the polls in hotly contested national elections. Mr Jacob Zuma of the African National Congress emerged the winner of the country's presidency. Media reports indicated that the African National Congress (ANC) just narrowly missed a two-thirds majority (Morna and Deborah 2012). While media coverage of the elections was, by and large, deemed free and fair, some critics bemoaned the lack of depth in media coverage of these elections. Media regulators such as the Freedom of Expression Institute raised concerns around the alleged absence of serious coverage of the pertinent issues involved in these elections. For instance, it was clearly evident in the media's coverage of gender issues, which constituted a mere 2.4 per cent of the election coverage.

#### **2.7.1.1 Chronology of relevant events**

The following are current issues the South African Broadcasting Corporation and other radio stations are facing in terms of failure to adhere to media ethics. In fact, media ethics have been breached and there have been consequences resulting from these breaches. It is now public knowledge that on 26 May 2016, the South African Broadcasting Corporation issued the following news editorial edict known as the Protest Policy which stated, thus: "SABC will no longer broadcast footage of destruction of public property during protests". The following was a statement made by the same media house regarding their new media policy.

The South African Broadcasting Corporation (SABC) has noted with concern the recent confusion arising from violent service delivery protests in various parts of the country. The SABC as a public service broadcaster would like to condemn the burning of public institutions and has made a decision that it will not show footage of people burning public institutions like

schools in any of its news bulletins with immediate effect. We are not going to provide publicity to such actions that are destructive and regressive.

The SABC is aware of the fact that citizens have constitutional rights to protest and voice their concerns on various issues that they are not happy with, but we also do not believe that destruction of property is the best way to voice those grievances. These actions are regrettable and viewed as regressive on the developments made after 22 years of South Africa's democracy. Continuing to promote them might encourage other communities to do the same. The SABC would like to stress that we will continue to cover news without fear or favour Wasserman, and De Beer. 2005) we will not cover people who are destroying public property” (The SABC, Thursday, 26 May 2016, Johannesburg).

The South African Broadcasting Corporation's Chief Operations Officer, Mr Hlaudi Motsoeneng stated that: "It is regrettable that these actions are disrupting many lives and as a responsible public institution we will not assist these individuals to push their agenda that seeks media attention. As a public service broadcaster, we have a mandate to educate the citizens and we therefore have taken this bold decision to show that violent protests are not necessary. We would like to encourage citizens to protest peacefully without destroying the very same institutions that are needed to restore their dignity. The SABC would like to make an appeal to other South African broadcasters and the print media to stand in solidarity with the public broadcaster not to cover the violent protests that are on the rise and in turn destroying public institutions”. In this statement, Mr Motsoeneng states that by broadcasting public violence, one would be promoting the same public violence at the same time inciting society into institutionalising this kind of behaviour.

Journalists within the South African Broadcasting Corporation were not consulted for comments regarding this new and radical policy. They were simply instructed to adhere to the Protest Policy by the Chief Operations Officer, Mr Hlaudi Motsoeneng ('Motsoeneng') and the then Acting Chief Executive Officer, Mr Jimi Matthews ('Matthews'). Arguably, the South African Broadcasting Corporation was intent on forestalling any internal or external debate on the Protest Policy. Even internal criticism of the Protest Policy by the most senior journalists in the media house was therefore met with an immediate disciplinary response. To that effect, Mr Motsoeneng stated: "If people do not adhere, get rid of them. We cannot have people who question management... This is the last time we have a meeting of this kind." Mr Matthews added: "It is cold outside. If you do not like it, you can go. You've got two choices: the door or the window". These utterances were made on 20 June 2016, when the Right2Know

Campaign challenged the appropriation of the Protest Policy, outside the workplaces of the South African Broadcasting Corporation in Johannesburg, Cape Town and Durban.

In the morning of 20 June 2016, a newsroom journal meeting was held to deliberate on which occasions would have to be included in that week's news broadcast. The gathering at the meeting included different individuals, including Mr Krige and Ms Venter. During the deliberations, Tebele declared that the three protests were supposed to be rejected as stories and not included at all by the SABC (Dlamini and Chiumbu, 2016). Krige and Venter, together with another employee, Ms Gqubule ('Gqubele'), placed on record their disagreement with the supposedly imposed decision not to cover the Right2Know protests. It was categorically stated that in any event, the Right2Know protests were not going to be covered by the South African Broadcasting Corporation. This was pursuant to the instruction given by Tebele. Three days later, on 23 June 2016, Krige, Venter and Gqubule were called into a meeting with management where they were informed of their immediate suspension. The following statements are reflective of what often happens should journalists choose to disobey or fail to comply with policies stipulated for them by their authorities. Disciplinary proceedings were instituted against all the three employees and they remain pending to date.

The suspension notices the three employees were served with on 23 June 2016 are identical in their terms and state:

**“RE NOTICE OF SUSPENSION”**

*“It has come to management's attention that you have allegedly refused to comply with an instruction pertaining to the provisions of the SABC Editorial Policy as well as the directive not to broadcast visuals / audio of the destruction of property during protest action(s) and that you distance yourself from the instruction. The above alleged offence constitutes a refusal and/or failure to comply with a reasonable and lawful instruction and same impacting negatively on the day-to-day broadcasting operations. Please be advised that management regards the alleged offence as being of a serious nature and has furthermore resolved that the potential of your presence at the workplace may interfere with the investigation into the matter, therefore, a decision was taken to suspend your services with the SABC with immediate effect pending institution of disciplinary action. Your suspension is with full remuneration. Please hand in your SABC access card, office keys, laptop, iPad Tablet and 3G card to the Human Resources Manager: News & Current Affairs, Mr Mannie Alho, before leaving the premises of the SABC. Please keep the office of the Acting Group Executive: News & Current Affairs informed of your whereabouts should you need to leave the Johannesburg area for any reason, as the SABC might need to liaise with you in respect of the institution of disciplinary action,*

*during your suspension. During the suspension period, you are not allowed to have any communication with any employee, without obtaining prior permission from the office of the Acting Group Executive: News & Current Affairs. You will be informed of the outcome of the investigation in due course.”*

According to arguments raised in this case, given the extensiveness of the right to freedom of expression, what is central to the issue is not the responsibility and rights of the South African Broadcasting Corporation as a broadcaster, but the right of the public to be informed. It is clear to the Complaints and Compliance Committee that particular focus should be placed on the need to confirm the truthfulness of the information with regard to the scenes depicting the service delivery protesters burning public property. It is the mandate of the broadcaster to inform the public and, where a breach of these duties is clear, it is advisable that Council compels the South African Broadcasting Corporation to give effect to the citizen's fundamental right to receive even offending, shocking or disturbing information as long as it enjoys the protection of Section 16 of the Constitution of the Republic of South Africa, as read with the Broadcasting Code of the Broadcasting Complaints Commission of South Africa.

The following matter is similar to the case concerning blacklisting by the SABC Freedom of Expression Institute versus Chair (The Complaints and Compliance Committee). Here, as in the case alluded to in the previous case, the head of news at the South African Broadcasting Corporation had in advance banned a category of coverage amid revelations that the courts have held that where forms of expression are cut off before reaching the public, this is known as a "prior restraint" and that such restraint would be permitted only in truly exceptional circumstances (Dlamini and Chiumbu, 2016). In the present setting, the South African Broadcasting Corporation has completely forced an outright limitation on its newsroom ignoring the fact that this action has no legal basis in the Broadcasting Act or the broadcasting licenses. Although it is true that the "prior restraint" was not imposed by an external body as was the case in the Print Media South Africa versus Minister of the Interior and Another, the effect on the newsroom is the same. In fact, at the core of the matter lies the categorical ban on such material, like the legislative ban on quoting persons listed in terms of the security legislation during the time of Apartheid.

There was no decision allowing newspapers to distribute statements by individuals, regardless of whether they were politically insignificant or otherwise. This added up to nothing else other than absolutism underpinning a domineering system. Such absolutism is totally foreign to the democratic dispensation in South Africa, basing on the need to uphold freedom of expression and, especially for this case, the right to receive information which is in the interest of the



public, the latter test not amounting to that which is "interesting to the public" but that which serves to inform the public. When the duties under the Broadcasting Act and the licences of the SABC are judged collectively, one basic message emerges: inform when it is in the public interest. The Complaints and Compliance Committee has no doubt that such constitutional provisions include the duty to inform the viewing and listening public when public buildings are set alight or destroyed as part of a service delivery protest.

One would ask as to why the public should not be informed of this action, illegal as it is, so that it may be part of an open society where the good and the bad are broadcast so that free choices may be made. In fact, the right to freedom of expression ceases to be meaningful if there is no right, and thus a duty, to be informed about matters of public interest as, in fact, the Constitution of the Republic of South Africa guarantees. In *Midi Television (Pty) Ltd versus Director of Public Prosecutions (Western Cape)*, the Supreme Court of Appeal stated that "mere conjecture or speculation that prejudice might occur will not be enough." It is understood that at the most, the argument of the South African Broadcasting Corporation, regarding the covering or broadcasting of the burning of public property, would fall within the category stated by Nugent J in the said judgment. The Court held that these principles apply and are appropriately adapted, "wherever the exercise of press freedom is sought to be restricted in protection of another right".

The Complaints and Compliance Commission found that the Public Policy was in conflict with the South African Broadcasting Corporation's duties as a public broadcaster and was invalid from its inception in terms of the Broadcasting Act (1999) as read with Sections 16, 192 and 39(2) of the Constitution of the Republic of South Africa (1996), and in terms of its licenses. The Independent Communications Authority of South Africa confirmed that the findings constituted its own decision. In essence, very little of the contents of those paragraphs were disputed elsewhere in Tebele's affidavit and his excuse that there was insufficient time is unacceptable given that nearly six days had passed since the receipt of the founding affidavit in which all these averments and their relative simplicity were made. Effectively, the applicants' version set out above is undisputed.

Responding to the idea that freedom of expression means that all views and voices are heard, formal control is often the only way of silencing certain voices (James, 2017). A far more pervasive and worrying form of silencing takes place when the views and voices of certain sections of society are persistently and systematically excluded from the media. More often than not, that is the case with gender. Evidently, the majority of the political parties in the country are led by men. Admittedly, though, South Africa's official opposition the Democratic Alliance is led by Helen Zille. Also, the spokesperson of the ruling African National Congress,

Jesse Duarte, is a woman. Very little has been said about the voters in relation to gender. There is need to question how often the media have reflected their views.

According to Gender Links' Deputy Director, Kubi Rama, during the election, media coverage was largely dominated by events, rather than issues. "The issues that are less important and the issues involving those that are not in the public eye really didn't get much play," said Rama. This observation testifies that media's coverage of events and issues is largely based on popularity.

In another case, the news channels eNCA, MultiChoice and Eyewitness News have recently submitted motions to court seeking permission to electronically monitor and broadcast the forthcoming Pistorius trial, not only by audio and photographic means, but also by a full and live television broadcast (James, 2017). To support their argument, the applicants jointly argued, in the main, that the Constitution guarantees them the right to freedom of expression and therefore, suggesting that broadcasting the case was within the confines of their constitutional rights. Supplementing their major contentions were the submissions they made indicating that the television and audio broadcasting of the trial would be of educational benefit to the general public regarding; the functionality of South Africa's justice delivery system, the general public's right to information, the fact that such proposed coverage was in accordance with the "open justice" principle and, finally, the notion that the trial was a matter of intense public interest (James, 2017).

Nonetheless, Pistorius strongly objected the application to have his trial documented, arguing that any such media coverage would deny him his constitutionally guaranteed right to a fair trial. The Olympics champion supported his opposition by submitting that the mere knowledge of the presence of audio-visual equipment (especially cameras) would inhibit not only him, but also his witnesses, particularly when they were called upon to give evidence which would have an overall effect on the outcome of the case. In addition, Pistorius further contended that his Counsel could also be inhibited when they would be questioning the prosecution and defence witnesses and, most importantly, when they would be presenting his defence to a criminal charge which could potentially lead to a minimal incarceration of fifteen years (James, 2017). In reinforcing his opposition to the electronic coverage, Pistorius passionately pleaded with the court emphasising the point that live coverage of the trial would inevitably provide the witnesses in the pending trial with opportunities to fabricate and/or adapt their own upcoming testimony (James, 2017).

## **2.8 The Effects of Media**

A question may be asked as to who might question the significance of the elements of media in the cutting-edge world. As they are frequently endowed with immense power to influence society, the media are regularly considered mindful of a considerable number of ills that characterise present day society, by the Left and the Right, North and South, by the groundbreaking and the humble, by the youthful and by the old. It is irrefutable to argue that media impact on audience and society at large. Precisely, the impact the media may have on kids is one of the issues mostly articulated in the social sciences. Undoubtedly, media produce either fortunate or unfortunate effects depending on their substance and conditions.

Generally speaking, researchers in the media field agree that the media can exert a strong influence, in the long term, if the message they disseminate is similar and mainly, if they move in the direction users want to go. In Europe, even today, the media are considered all powerful and a selective tradition that was reinforced by Marxist criticism (Negrine, 2003). Also, media are understood as powerful tools at the disposal of owners and journalists who derive various gratifications from such a belief. Quite a few people are convinced that if a message is published, it will certainly have an impact, like a bullet on a target. This partly explains the unjustified importance taken by contents analysis and semiotics. One thing is often forgotten, even in the United States, that is, for a message to exist, there have to be two persons, a sender and a receiver (Pingali, Towsley and Kurose, 1994). Now, it has been abundantly demonstrated that media consumers are not merely passive receptacles, but rather, they are capable of interpreting the message according to their personal experiences, environments, needs and desires. They are not victims of the media, but rather, they are users.

Consequently, the main influence the media exert on their audiences is apparently oversight. Oftener than not, what they do not say is arguably more influential than what they do say. Undoubtedly, media do have an important effect on audience also by supplying information, choosing what events and what people are worth reporting on. Sometimes a mere publication of a piece of news triggers action by Government even before citizens could react.

Unequivocally, media set the agenda for society. As the common phrase goes, ‘media cannot dictate what to think, but what to think about; or what not to think about.’ More precisely, media can generate what Elisabeth Noelle Neumann has often referred to as “the spiral of silence”, implying that events, people and ideas thus disappear from public consciousness. Having said that, it becomes relevant to indicate that, on issues that matter for them, people fashion their own opinions and conversely, the opinion of the majority can dictate the attitude of media (especially the commercial ones) (Pingali, Towsley and Kurose, 1994).

It has been argued in media circles that no evidence of the citizens' autonomy and of their resistance to media is as spectacular as that provided by the former Soviet Union and its satellites. According to the late Marxist concept, the media were part of the superstructure used by the economic elite to enslave the masses. Ironically, the Sovietized media were so truly enslaved that they could not do their job measured by modern media standards. In the late 1980s, the citizens peacefully overturned those props of totalitarian regimes. This signifies a positive development to those counting on media users to demand that media be ethical, maintain quality control mechanisms on their quality and therefore provide good service (Gearhart and Zhang, 2014).

Gottlieb (1990) states that if codes of ethics are ineffective in terms of securing good journalistic practices, it seems the profession would perform better. Merrill set the standard of ethical journalism as simply expecting the reporter to write a good story. As he sees it, expecting the journalist to explain the consequences of an event is empty in terms of moralizing media or journalistic practices. Merrill also called upon media reporters to abandon claims to objectivity (an obviously unobtainable goal) and be more inclined towards more realistic subjectivity which the reporters constantly work to overcome (Gottlieb, 1990).

## **2.9 The nature and extent of crime in the media**

A virtually universal finding in the available literature clearly suggests that media representations exaggerate both the levels of serious interpersonal crime in society and the risk of individuals and entities becoming crime victims (Greer, 2012). The representation of crime in the media is largely an event concerned with specific criminal cases and incidents rather than broader debates around the causes and prevention of crime or equally, policy seeking to regulate crime (Rock, 1973; Greer, 2012).

This inclination can be attributed to many reasons such as the popularity of the people involved in the case. All media forms focus devastatingly more on violent or sexual offences than they do on cases of assault or theft. This could mean that the concerns of the audience are more humanistic than material. Calculations show that the amount of news space dedicated to crime vary considerably depending on the definition of 'crime' adopted and the types of material included in and/or excluded from that foundation. Some studies, for example, may opt to only include news reports of particular criminal events or court cases (Ditton and Duffy, 1983; Smith, 1984).

In addition, news reports, may also include feature items, editorial pieces and letters to the editor (Hall et al., 1978; Ericson et al., 1987; Greer and McLaughlin, 2012). If the focus of

crime news is said to be popular as stated, journalists should really be abiding by the correct ethical procedure set and simply adhere to constitutional stipulations. As popular as criminal cases are, they are very sensitive and could result in the victimization of the victim if they are not broadcasted accordingly.

'Well-known' news outlets are commonly found to be more likely to broadcast more crime stories than they do when it comes to regular entertainment features. In the entertainment media, a normal of around 25 per cent of the United States and United Kingdom Prime Time TV programming, and around 20 per cent of film releases focus on crime (Allen et al., 1997). To them, the media are the cause not of crime itself, but of exaggerated public alarm regarding law and order, a situation that ends up generating furore and advocacy for brutal solutions. The fundamental theme raised by the radical criminologist of the 1960s and 1970s was essentially the power the mass media possess, resulting in the provocation of fears about crime and disorder (Cohen 1972; Cohen and Young, 1973; Hall et al., 1978).

Within the field of media studies, the influential 'Cultural Indicators,' is a project that has, for three decades, monitored the damaging consequences of media representations of violence for democratic institutions (Gerbner, 1995). In their ideal-typical form, these perspectives are polar opposites, sharing in common only their demonization of the media, whether as a subversive threat to law, order, and morality, or as an insidious form of social control paving the way for authoritarianism by cultivating and fostering exaggerated fears of criminality. Each school of thought has stimulated huge research industries resulting in them conducting empirical studies on media content, production and effects (Leishman and Mason, 2002).

Most of the analyses of the content of media presentations on crime have focused on news, print and broadcast, although there are also many studies on fiction. Crime and criminal justice have traditionally been providing popular and spectacular sources of entertainment prior to the advent of the mass media. Deviant news bulletins covering crime stories and representations are, and have always been, a prominent part of the content of all mass media. Many studies have attempted to estimate the proportion of media content constituting images of crime, sometimes comparing this phenomenon across media, or within the same medium over a specific period. The proportion of media content constituted by crime items clearly depends on the definitions of 'crime' used. Probably, the widest definition was that adopted by Richard Ericson and his colleagues in their pioneering study of news-making in Toronto (Ericson 1991).

The major concern of their study was 'social deviance and how journalists participate in defining and shaping it' (Ericson et al., 1987: 3). In their work, deviance was defined very broadly as 'the behaviour of a thing or person that strays from the normal not only criminal

acts, but also straying from organisational procedures and violations of common-sense knowledge'. When defined so broadly, deviance becomes the essence of news; thus, 'Deviance is the defining characteristic of what journalists regard as newsworthy' (ibid.). Stories about crime, in the narrower sense of violations of criminal law, are a more limited proportion of all news, varying from outlet to outlet according to their medium (for example radio, television or print journalism) and the market (for example, 'quality' or 'popular' journalism). Unsurprisingly, given their broad definition, Ericson et al. (1991:239-242) found that the highest proportion of news was about 'deviance and control'. This ranged from 45.3 per cent in a quality newspaper to 71.5 per cent on a quality radio station (Ericson et al., 1991: 239– 242).

According to these researches, both the medium and the market influenced the proportion of news related to deviance. Contrary to the findings of most of the other studies, they found that 'quality' broadcasting outlets had more stories on deviance owing to 'their particular emphasis on deviance and control in public bureaucracies'. Ericson et al. (1991:242) adopted a broad concept of 'violence' in which "state violence" and "state terrorism" were conceptualised in the same way as various other acts of violence perpetrated by individual citizens (ibid.: 244). These acts of violence included stories, for example, about 'harms to health and safety such as impaired driving, unsafe working environments, and unsafe living environments' (ibid.). They covered concerns that were more characteristic of 'quality' than 'popular' news outlets. Nonetheless, Ericson et al. (1991:239-242) found that in each medium, more attention has been paid to violence by popular journalism than by quality one.

## **2.10 Conclusion**

This section has provided a brief review of the relevant literature depicting the content of media representations of crime, Media Ethics and criminal justice. This chapter focused on the literature contributed by various scholars, ranging from the definition of Media Ethics, an outline of the various codes of conduct under the Independent Communications Authority of South Africa and the Broadcasting Complaints Commission of South Africa. The chapter explored the criminological aspects by looking at the South African constitution and its contribution towards the protection of the audience against the violation of their rights through broadcasting. This chapter further reviewed the various cases in which media ethics and the Constitution had been breached. With that in mind, the chapter focused on and examined the literature depicting the effects of both crime news and unethical broadcasting.

## **CHAPTER THREE**

### **THEORETICAL FRAMEWORK**

#### **3.1 Introduction**

Ethical issues are extremely subjective and relative. It is against this background that a study of this nature ought to be underpinned by significant theories that prescribe the correct media conduct (Ethics in Journalism, 2019). According to Wacker (1998), theories cautiously proffer the exact definitions in a research domain to clarify why and how the relationships are consistently tied so that specific predictions are made. Researchers can characterise a theory as a statement conveying relationships between units watched or approximated in the experimental world. These proclamations demonstrate the significance of relationships working in clarifying how and why specific phenomena will happen (Wacker, 1998). This section of the study looks at four theories, namely: the Social Control Theory, the Authoritarian Theory, the Representation Theory and the Social Responsibility Theory. These theories are relevant to this study as they provide insights into media conduct. Essentially, these four theories are proficient in so far as they are reliably utilised to decide media conduct.

#### **3.2 The Social Control Theory**

The Social Control Theory was created by Travis Hirschi in 1969 and it highlights four control bonds which explain why, on the one hand, individuals do break the law and why they refrain from breaking it on the other. The theory attempts to justify why people obey the law. The four bonds, as suggested by the theory, focus on; attachment, commitment, involvement and belief. Subjecting its analysis to the classical view of human nature, the Social Control Theory is premised on the assumption that the motivation to commit crime is distributed equally; all people are self-interested actors who seek pleasure and crime is a universally desirable way of pursuing self-interest (Crawford, 2014). The theory's fundamental principle is that the lack of self-control leads people into crime (Gottfredson, 2017). According to Özbay and Özcan (2006), Hirshi was intrigued not by clarifying the explanation behind human misconduct, but rather by the desire to clarify the explanation behind not submitting to it. At the end of the day, his theory points out what significantly bars adolescents from acting in delinquent ways. He saw misconduct or abnormality as being underestimated and thought about in terms of conformity or in terms of traditional lead as being problematic. Contrary to theoretical standpoints of most of criminological theories that imply to clarify why individuals commit

crime, the Social Control Theory supports explanations why individuals obey rules. The Social Control Theory is preoccupied with clarifications demonstrating how behaviour complies with norms which are commonly expected in the public eye (Leonard and Morris, 2017).

Human attachment stresses the importance of having social bonds between the youths and their significant other. In most cases, the significant other is seen as the parents or the family. If there is a weak bond between the youthful child and the parent, the child is at easy risk of becoming delinquent. This is caused by the lack of support and love from the parent or family (Agnew, 1985). It is argued that journalists have no strong bond with the public; therefore, they have no reason to care whether the content of their broadcasting will be harmful to the public or not.

Furthermore, the commitment bond is said to be linked to the youth's goals and aspirations (Agnaw, 1985). The theory asserts that if the youth does not have any goals or aspirations they are working towards, they are likely to become involved in delinquent behaviour, especially if they have chosen to associate themselves with drinking, smoking and drug use. In the context of this research, it has been observed that journalists have no commitment to following the rules governing media conduct. However, stressing the need for commitment helps in the development of more well-rounded individuals who are better adapted to function in society than those that choose to take the easy way out.

The third bond, involvement, is based on the belief that the youth needs to be involved in conventional activities and also have a state of mind that is actively involved in transforming one's attitude towards a better version of the self (Agnaw, 1985). The belief bond states that individuals are bound to follow or adhere to the basic rules underpinning their own personal social value systems and what they have been taught as they were growing up. If rules and regulations are stressed in an individual during the early years, young people will grow up adhering to what they are being told. If the value systems are not imparted to them or stressed at an early age, there is a higher chance that the individual youth slips into delinquency during his or her youthful years. This bond is seemingly lacking when this theory is applied to the research, as the researcher holds the belief that most of the journalists lack this bond as they have not been able to commit themselves to obeying set instructions in their older years.

The Social Control Theory is applicable to this study in relation to the general idea of the theory. Journalists are made aware of the rules and regulations of broadcasting just as much as they are made aware of the laws that govern media practices. However, the literature privy to the current study proves the contrary.



### 3.3 The Representation Theory

The theory of social representation theory, was first founded by Serge Moscovici, this theory has affected researchers from changing orders, and however is still very obscure to media researchers (Höijer, , 2011.) According to Rateau, Patrick & Moliner, Pascal & Guimelli, C. & Abric, J.C.. (2012) this theory was developed in the beginning of the 1960s. The theory offers another methodology for concentrating how the media and residents develop cultural and policy centred issues shading our age, or some specific timeframe. Quite a bit of what audiences know and care about depends on the pictures, images and accounts presented on radio, television, film, music and other media. How people build their social characters, how they come to comprehend being male, female, Black, White, Asian, Latino, Native American, even provincial or urban, is formed by the commodified writings created by media for audiences that are progressively sectioned by the social developments related to race and sexual orientation (Brooks and Hébert, 2006). Media, to put it plainly, are vital in so far as they ultimately come to speak to people's social realities.

While a few media portrayals like paper articles and television news reports may appear sensible, it should be borne in mind that they are just constructions (Dwight and Herbert, 2006). Media can just shape their own representation of the real world. What audiences see on television screens or what they read in newspapers represents other people's interpretation of the real world (Lundby, 2008). This perfectly applies to everything that is depicted in the media. Whenever the audiences see a government official or some such big names or crime stories appearing in the paper, they are seeing a built picture or a social construct of that individual or event, not the genuine article. When thinking about media, it is often interesting to consider how events, ideas and people have been represented.

Deconstructing media messages along these lines is helpful in establishing an understanding of how meaning is made in media writings (Kellner, 2003). A portrayal has a sort of double meaning. It carries with it the thought that something was there before and through the media has been represented (Hall, 2012). Additionally, a portrayal conveys with it the idea of a thing remaining in for or replacing, for instance, political pioneers remain in the place for individuals. These political pioneers fill in as representatives, where we cannot be, they can be, they remain in for the general population. Both the ideas of something imaging and depicting that which stands for something are brought together in the notion of representation (Hall, 2012).

Pink (2001) maintains that in the act of media while speaking to subjects, speaking to kinds of individuals, speaking to occasions and circumstances, demonstrates the idea of portrayal as

being the thought of giving significance. Representation is how significance is given to the things being depicted (Hall, 2012), be it pictures or words on a page representing what people consider to discuss on (Corner and Pels, 2003). On the off chance that one feels that the importance given is by one way or another twisted 35 from what it truly implies, the work on representation would be a yardstick measuring the gap between the genuine significance of an occasion or object and how it is spoken to in the media (Hall, 2012).

According to Voelklein, Corina and Howarth, Caroline (2005:7) absolutely the most regular critics of the theory of social representation is that it is excessively wide and excessively vague. Moscovici's works have been seriously criticised as being "divided and some of the time contradictory"

### **3.4 The Authoritarian Theory**

The Authoritarian Theory is premised on the understanding that all forms of communications are controlled by the governing leaders or authorities or influential officeholders. Mishra (2017) posits that the Authoritarian Theory of mass correspondence developed from the thought of Plato (407-327 B.C). The English rulers utilised this approach when the printing press was invented and was applied in the fields like editing, tax collection and making laws (Mishra, 2017). The Authoritarian Theory is dependent on power relations in society. It is a flexible theory of mass communication where it impacts on broad communications to a point where power and authority in a country overwhelm the manner in which the media reach out to their audiences (Bajracharva. 2018). The theory presupposes that media must regard what experts need and work as dictated by the desires of the authorities.

However, the theory does not claim that this occurs under the direct control of the state or managing classes. The press and the media hardly work alone, and their works are susceptible to control (Mishra, 2017). Friedman (2011) argues that people cannot exercise their power if they do not know what power holders are supposed to be doing or what instruments are available to hold them accountable. Two crucial consequences then follow from this; first, any government restriction imposed on the media's ability to broadcast any information limits equality unless it can be demonstrated that the limit is necessary to restrict the right of citizens to participate in decision that will affect them, circumstances which are very rare (Friedman, 2011). Friedman (2011) seems to believe that even though power and control are exercised by government elites and authorities, the society's rights are limited much in the same way as they are subjected to broadcasted information that is not controlled by what it wants but rather by the authorities in place.

According to this theory, the ultimate fulfilment of the person derives from the movement and advancement of the overall society. The control and the procedure of guiding the advancement and movement of society rest in the hands of an autonomous social organisation specifically the administering class. This theory is intended to progress and empower the vested interests of that specific class and that is the State (AL-Ahmed, 1987). Tyrannical governments misuse each method within their power to keep up social soundness. The utilisation of the media in their present-day framework, especially the press, with their capacity to achieve an extensive variety of groups of onlookers quickly rendered them powerful instruments in the hands of individuals who wish to keep up business as usual (ALAhmed, 1987). The media are utilised as channels for increasing governmental arrangements or making a good atmosphere and getting ready for the bolstering of the presentation of new measures or plans.

The Authoritarian Theory can be used in relation to this research topic as the problem statement emphasises the importance of adhering to media ethics before criminal cases are broadcasted. By complying with the set ethics, journalists are abiding, governed and controlled by the principles set for them by the Broadcasting Complaints Commission. Ethics are not optional and journalists are not at liberty to ignore them as there can be serious consequences meted out to them and their audiences.

Similarities in the theories lie in control and the Authoritarian Theory is based on how all media entities are controlled by the government. This means the government governs all forms of communication and nothing can be broadcasted without the government knowing about and agreeing to it.

### **3.5 The Social Responsibility Theory**

The available literature states that the Social Responsibility was an offshoot of its predecessor, the Libertarian Theory of the Press (Chikezie, 2015). Okunna and Omenugha (2012) contend that the underlying principle of the Social Responsibility Theory of the Press is that the press should be free to perform its functions as the Libertarian Theory granted it the freedom to perform, though that freedom should be exercised with responsibility. Yun (2008) argues that the Social Responsibility Theory (SRT) suggests that the press has a responsibility to the public. The theory lies between both the Authoritarian Theory and the Libertarian Theory since it adds up to media flexibility on the one hand and the outside controls on the other.

Uzuegbunam, (2015) states that the Social Responsibility Theory is based on the following principles:

- Everybody can state their views or express their conclusion about the media
- Group conclusion, consumer activity and expert morals
- Genuine interruption of perceived private rights and key social interests
- Private possession in media may give better open administration unless government needs to assume control to guarantee better media benefit to general society
- Media must assume social duty and on the off chance that they do not, government or other association will do.

The success of a journalist or a media house is dependent on the interests of the public. If society chooses to reject what the journalist or media house is putting out to them, it could mean the end of one's journalistic career (Coleman and Ross, 2010). Broadcasting content that is truthful and interesting is important as the public tends to believe whatever is put out to the public and disseminating reliable information guarantees public interest. By abiding by media ethics, journalists ensure that the content they are putting out there is reliable and not offensive to the audience (Vivian and Maurin, 2012). This is in line with what the Social Responsibility Theory states. The Social Responsibility Theory contends that protecting public interest is paramount. This theory has been reviewed as it stresses the need to protect the public from falsely broadcasted information or information that has been manipulated to gratify the interests of certain individuals.

### **3.6 Conclusion**

This chapter has indicated how media has represented information in a way that makes it appealing to the audience. Although these methods may be seen as being manipulative, they seem to be effective in gaining attention. The theories above also highlight that media has a responsibility to the public to present information that is fair and just because the focus of the study is on ethical broadcasting. The discussion of the authoritarian theory also highlighted the interaction between authority and society. It brings out the importance of ensuring that journalists always adhere to the ethical principles that are set for them.

## **CHAPTER FOUR**

### **METHODOLOGY**

#### **4.1 Introduction**

The aim of the chapter is to describe the research paradigm, design and methodology that was used in this study. The chapter describes how the data were obtained, the sampling method used, as well as the data collection and analysis techniques. A purposive sampling method was used. The data collection technique used for this research study was a process of in-depth open-ended interviews with purposively selected, voluntary radio journalists and news readers as participants. The data analysis was done thematically by highlighting the themes that emerged from the data.

#### **4.2 Location of the study**

This research study was conducted in Durban. According to an article from the Editors of The Encyclopaedia Britannica (2019). Durban was founded in 1835 on the site of Port Natal and was named after Sir Benjamin D'Urban, the governor of the Cape Colony. Durban is overlooked to the south by the Bluff (hills separating the landlocked bay from the sea) and stretches across the Umgeni River to the heights of Durban North. News casters and journalists from radio stations in Durban were interviewed about their experiences and knowledge of media ethics. The researcher interviewed journalists from three different radio stations namely Ukhozi FM, Durban Youth Radio and Gagasi FM. Ukhozi is a South African radio station located Durban and it is one of the oldest radio stations in KwaZulu-Natal and caters for the requirements of the Zulu speakers. Ukhozi is one of the largest radio station with a huge listenership and it broadcasts under the ICASA licence. On the other hand Durban Youth Radio is a community radio station which caters for a much smaller English speaking community. Gagasi FM is located in Cornubia Mall. It is one of the fastest growing radio stations with a listenership of 989 000. It is claimed to be the only isiZulu and English radio station in the country.

## **4.3 Research design**

### **4.3.1 Exploratory case study design**

Ethical broadcasting has been studied and widely written about in South Africa, both quantitatively and qualitatively. The study of violation of rights has not been limited only to the field of Criminology, but it has spread across a number of other disciplines such as Psychology, Anthropology, Media Studies and Sociology among others. The research field of ethical broadcasting by the news media on a radio broadcast environment however, is fairly new. This study in particular is interested and limited to media ethics in the broadcasting of criminal cases in radio stations.

The aim of this study is to discover the existence of media ethics and to explore whether they are observed. This study seeks to locate and explore the themes, words, meanings, pictures, symbols, ideas and any message that can be communicated that radio news readers and journalists use. The current study uses an exploratory case study design. Case studies are a well-known research design in business territory. They aim to break down explicit issues within the limits of a particular environment, circumstance or association. Case study research allows for a detailed review of new or uncertain phenomena while retaining the holistic and meaningful characteristics of real-life events. It is suggestions such as these that have seen the simple case study become recognised as more than merely a research method, but as a design in its own right.

According to Zainal (2007), case studies explore and investigate contemporary real-life phenomenon through detailed contextual analysis or conditions and their relationship. Furthermore, the case study method enables the researcher to closely examine the data within a specific context. In most cases, a case study design selects a small geographical area or a very limited number of individuals as the subjects of study. Case studies, in their true essence, explore and case study as a research method investigates contemporary real-life phenomenon through detailed contextual analysis of a limited number of events or conditions, and their relationships.

Case studies are a useful tool for research and teaching that focus on the transition between theory and practice. The arrangement has been widely used in other disciplines, and it can be used effectively in design. Breslin and Buchanan (2008) also state that the role of a case study design in this research is very relevant as the researcher will use this design to explore the different cases and events where media ethics have been broken or breeched. The research has chosen to use the case study design as they have explored different cases were media ethics

have been broken, these cases show ethics that have been breached from the different radio stations and others from the media in general the cases were found online and they highlight events were radio stations and other sources of media were taken to court because of not adhering to the set rules and regulation set for media broadcasters. The researcher choose these cases not only because they highlight and prove that ethics are indeed breeched but because also highlight the measure of punishment that are taken.

Zainal (2017:1) says case study research, through reports of past studies, allows the exploration and understanding of complex issues, this research seeks to explore and understand why Individuals so often find themselves violated and being victims to bad publicity by firstly understand broadcasters should conduct themselves and understanding the rules that govern them .In a method to explore media ethics the research collected information from various sources using interviews and data which included case studies .

#### **4.4 Research approach**

This research study adopted a qualitative research approach. It used explorative and descriptive techniques to recording the data collected in this research. The qualitative approach is “concerned with people’s perspective of their world and their experiences and therefore generates understanding rather than statistical analysis” (Maree, 2007 cited in Mthembu, 2012:16). As an outcome to this, qualitative techniques allow the researcher “to share in the understandings and perceptions of others to explore how people structure and give meaning to their daily lives” (Berg, 2007:405-406). Qualitative data collection methods are ways of finding out what people do, know, think and feel by interviewing, observing, recording, transcribing and analysing the data. The researcher used a combination of the above methods to gain a better understanding of the importance of media ethics in broadcasts and the positive or negative effects of unethical.

Conversely, qualitative research can be defined as “a method [of research] that usually emphasises words rather than quantification in the collection and analysis of data (Bryman, 2012:714). Qualitative research may rely on a small (or large) study sample, as the purpose of this method is to obtain quality data in order to gain an in-depth understanding of a specific phenomenon. However, qualitative research has been subjected to some criticism, Chamber (2012:30) states some of these critics as being:

Large amounts of data combined with deadlines and lack of time and resources

Data which are not similar or difficult to compare

- Vague analysis in which items are sorted into categories with unclear boundaries, or where developing boundaries change during analysis, or where different analysts make different decisions about categories or about what goes into them.

Norman Denzin (2012), states that a qualitative methodologist, describes the social sciences as the "art of interpretation." From this perspective, the researcher becomes the most important tool in the practice of this art. Qualitative methods do not rely on standardised instruments (Denzin, 2012). The researcher played a very important role throughout the entire research as he/she experiences the raw data (Rossman and Rallis, 2011). This is not to diminish the importance of the researcher in quantitative research, but simply to emphasise that qualitative researchers do not have the luxury of simply putting data into an instrument and results come out (Denzin, 2014).

With the researcher as the instrument, the collected data could be influenced by the researcher's characteristics, especially in the coding process (Barret, 2007). Reflexivity becomes a necessity in this case. Self-identification of the researcher helps in this regard. The identification of the qualitative researcher reveals several lenses and degrees of sensitivity that influence how the data was collected, viewed, analysed and reported on (Rossman and Rallis, 2011). This dilemma however is even more evident where interviews were used to collect the research data.

The researcher plays a very important role throughout the entire research as they experience the raw data (Rossman and Rallis, 2011). The researcher used this approach as their aim was to gain information on the effectiveness of media ethics in the context of broadcasting and the existing media ethics. It was envisaged that using this method would allow the researcher get an understanding of the underlying reasons, opinions, and motivations in relation to the topic.

The researcher sought to explore whether media ethics are effective in ensuring that information is broadcasted fairly and not in a way that will potentially harm individual constitutional rights and breach the code and conduct set for media corporations. The researcher used an explorative technique because they wanted to go out in the real world to collect information. Stebbins (2001) states that exploratory research requires lengthy periods, personal concern and long-standing interest in the topical area that sustains such fieldwork.

## **4.5 Sampling**

### **4.5.1 Unpacking the concept of sampling**

According to Salkind (2010), sampling happens when researchers examine a portion or sample of a larger group of potential participants and use the results to make statements that apply to



this broader group or population. The degree to which the research findings can be generalised or applied to the larger group or population is an indication of the external validity of the research design. The process of choosing/selecting a sample is an integral part of designing a good research. An awareness of the principles of sampling design is imperative to the development of research with strong external validity. In theory, a complete sampling method will result in a sample that is not biased (each individual in the population has an equal chance of being selected) and is reliable (Salkind, 2010).

#### **4.5.2 Study population, sample population and size**

As a form of data collection, the study population group chosen for conducting this research were radio journalists and news readers from three different radio stations. Radio journalists were the ones found suitable for this study as they are aware of media ethics and how they work. Most journalists do not work dependently but they are governed by certain commissions, the most common being ICASA and BCCSA. Three radio stations were chosen as part of the sample population. These are; Ukhozi FM, Durban Youth Radio and Gagasi FM. The participants that were interviewed in this sample included both males and females. All the participants were purposively selected. The participants were divided into groups of five, in other words, five participants were selected from each radio station. Therefore, the sample size 15 participants, in this sample size 8 of the participants were journalist and the remaining 7 were news readers. The study participants were interviewed in they own place of comfort and prior to being interviewed, they were required to complete a consent letter.

#### **4.5.3 Sampling method**

This research study used a purposive sampling method. Etikan, Musa, and Alkassim (2016) state that the purposive sampling technique, also called judgment sampling, is the deliberate choice of a participant due to the qualities they possess. It is a non-random technique that does not need underlying theories or a set number of participants. The researcher used purpose sampling technique because they were seeking a specific type of individual. Since purposive sampling is a subset of a larger population, it is non-representative. It serves specific needs and purposes. There is a specific data set in mind for the study and purposive sampling allows the researcher to focus on the specific data (Babbie, 2012). This research aims to understand media ethics and their effect. Journalists and news readers are the only individuals that are specific to the topic. Purposive sampling is a non-probability sampling method (Neuman, 1997). Such samples are not representative and therefore less desirable than probability sampling methods

(Babbie, 2012). Purposive sampling was ideal for this study because the researcher was interested in radio journalists and news readers.

#### **4.5.4 Recruitment strategy**

The recruitment strategy that was used to get participants was a direct recruitment of particular study participants. The researcher approached the radio stations and asked for the station manager and informed them about the research. Gatekeeper permission to conduct the research at the stations was granted. The participants were given the consent letter to sign, along with the questions that would be asked, to give them a clear understanding of the study, in some cases the researcher had to present the consent letter from ethics. The researcher was then introduced to the journalists who also requested a letter informing them about the study. The researcher explained that the interview was voluntary and therefore they were not supposed to feel pressured to participate.

#### **4.6 Data collection**

Huma and Nayeem (2017) state that data collection is a profoundly particular activity that is something beyond gathering data or composing a description. It includes the collection of data which is additionally analysed completely to prompt answers of research questions and assess results. The collection of data is the core of any research designs, regardless of the field of study. Any research starts with specific inquiries, which need to be answered.

According to Kumar (2011: 220), “data collection is the most important phase in research and the quality of the evaluation of the findings is entirely dependent upon the data collected.” Furthermore, Neuman (2006) adds that it is the gathering and recording of data, and it will encompass what the researcher has experienced and remembers.

##### **4.6.1 Primary and secondary data**

There are two types of data namely primary and secondary data. Primary data can be described as information that is gathered by the researcher, first hand. According to Huma and Nayeem (2017), the researcher collects such data on purpose, because no previous records of the data exist to be accessed by public. Primary data can be collected using a range of methods such as surveys, interviews, focus groups, etc. Such data is considered to be highly reliable.

Secondary data can be described as data that has been gathered and ordered by somebody and are open to people in general (Hox and Boeije, 2005). It is the information utilised by the individuals from past investigations and different sources. The essential information gathered

for one research study, becomes secondary information when it is additionally utilized for another investigation. By and large, secondary data incorporates government reports, statistics information, departmental records, and so on (Hox and Boeije, 2005). According to Hox and boeijie (2005:596) it is possible to use research collected for other purposes than research such official states and other administration records .utilizing such information is more affordable and quicker when compared to primary data. However, this research study used primary data only.

#### **4.6.2 Data collection methods**

The researcher's main method of data collection was open-ended one-on-one interviews that were conducted with the individual news readers and journalists. News readers and journalists were interviewed individually in order to gain information that is rich and flexible for data collection. According to Reja, Manfreda, Hlebec, and Vehovar (2003), close-ended questions limit the respondent to the set of alternatives being offered, while open-ended questions allow the respondent to express an opinion without being influenced by the researcher. One can state that this method of data collection was the best for the study as it is difficult to recruit busy individuals with the aim of gaining suitable information, individual interviews can be scheduled at a time and place convenient for the respondent (Gaskell 2000). Questions that were asked during the interview were set to assess the individual's knowledge of the law and the systems put in place by the station.

For this study, 15 participants were interviewed, the style of interviewing allowed the conversation to freely flow and allow for participants to relax and feel at ease when speaking about their experiences. Each interview took an average of 45 minutes. However, some were longer due to distraction. During the interviews, the researcher used an audio recorder, a mobile phone as back-up and a note book to write field notes. Once all the information was collected through the various devices, it was later transcribed. Most of the interviews took part in the radio station facilities, where an empty room was used. However, some participants explained that they were very busy and requested to be interviewed in the studio. Participants were also asked to part take in the task of keeping a pseudonym (fake name) for themselves as a fun activity to make them more comfortable with the researchers and building rapport.

#### **4.7 Data analysis**

This study employed thematic analysis. Thematic analysis is the most generally utilized subjective way to analyse interviews (Judger, 2016). The reasonable structure of the topical

investigation for the interviews that were conducted was for the most part based upon the hypothetical places of Braun and Clarke (2006). As per them, thematic analysis is a technique utilised for 'distinguishing, investigating, and detailing designs (topics) inside the information (Vaismoradi, Turunen, and Bondas 2013). The reason for choosing this method of analysing data was that 'thorough thematic analysis can deliver an insightful investigation that answers specific research inquiries' (Braun and Clarke, 2006: 88).

The researcher employed this method after having conducted all the interviews. There are six steps that one needs to follow when conducting this type of analysis.

- Familiarising yourself with your data

According to Braun and Clarke (2006), this step requires the researcher to be fully immersed and actively engaged in the data by firstly transcribing the interactions and then reading (and re-reading) the transcripts and/or listening to the recordings. This step of the thematic analysis process is the foundation phase. As a part of this step, the research has collected all the data from the interview with news readers and journalists. At this point, the key was to spend time going over the data for a clear understanding of gathered information.

- Generating initial codes

The second step focuses on being able to identify the features of the data that are interesting and meaningful (Braun and Clarke, 2006). The analyst's point of view should suggest the connection between codes, subthemes, and subjects (Braun and Clarke, 2006). In this research study, this part was included in the analysis and findings section.

- Searching for themes

This stage involves being able to identify the patterns of content that have been constantly repeated. In the proposing stage, the researcher would go through all the data from the interviews and try to identify information that has been constantly repeated by the newscasters and using that information themes are created. In Chapter 5, the researcher identified seven common themes namely:

Themes that emerged from the data analysis

- a) Factuality and honesty
  - Biasness
- b) Fair reporting
- c) Role of media ethics
- d) Deformation of character

- e) Strategies of broadcasting
- f) Constitutional limitations
- g) Broadcasting against prescribed ethics

#### **4.7.1 Reviewing themes**

Braun and Clarke (2006) state that a review of the identified themes follows where the researcher needs to question whether to combine, refine, separate, or discard initial themes. Now that the researcher has been able to identify themes, the next step is to go back to the data from the interviews and cluster information according to the theme that is most relevant to the data. It is vital that the researcher checks that information under each theme to measure its validity to the theme. According to Braun and Clarke (2006), this is usually done over two phases, where the themes need to be checked in relation to the coded extracts (phase 1), and then for the overall data set (phase 2). A thematic ‘map’ can be generated from this step.

#### **4.7.2 Defining and naming themes**

This is the last refinement of the topics and the point is to ‘...Distinguish the 'essence' of what each topic is about (Braun and Clarke, 2006:92). The researcher needs to look at the themes selected as well as the subthemes if there are any. The researcher has to ask themselves how the themes link up with the overall primary topic.

##### **• Producing the report**

Lastly, the scientist needs to change his/her investigation into an interpretable bit of composing by utilising striking and convincing concentrate cases that identify with the subjects, look into themes that relate with the research question, and literature (Braun and Clarke, 2006). As part of this stage, data collected from the analysis of the journalists and news readers was taken and compiled in a way that should convince the reader that the information gathered is useful and valid. Now the researcher can use the information from the analysis to defend the topic on media ethics.

#### **4.8 Ethical considerations**

The information provided by the participants was not be provided to any third party without their knowledge Literature gathered from the internet was collected from various search engines which can be in some cases protected , should the researcher need this information

they will request consent and all literature gathered will be referenced accordingly meaning the original authors will be acknowledged .

Information on the media ethics was taken from the internet and not an individual was required to dive into their private life and access information that was considered to be private or inappropriate for a particular audience. Individual views were gathered from open sources, in other words it was information that was willingly and knowingly put out there for free access.

The University of KwaZulu-Natal's Humanities and Social Sciences Research Ethics Committee approved this research and the researcher then proceeded to conduct this research and to collect data. Permission to interview the participants was granted by the radio stations , the researcher obtained this permission by presenting her study to the different radio stations , once the gatekeepers letter was accessed , each participant was issued every with a consent form to read, understand and sign before participating in the research. Following the ethical procedures consent was only required from the research participants as they participated in their personal capacities. Three ethical principles which were considered and crucial to the research process were autonomy, beneficence and justice (Orb, Eisenhauer and Wynaden, 2001). Autonomy includes the recognition of the participants' right to be informed about the study, the right to freely decide whether or not to participate, and the right to withdraw at any time without penalty (Orb et al., 2001). Beneficence is doing well for others and preventing harm.

#### **4.9 Methods to ensure trustworthiness**

##### **(i) Credibility**

According to Shenton, (2004) one of the key criteria tended to by positivist researchers is that of internal validity, in which they look to guarantee that their investigation measures or tests what is really proposed. Credibility can refer to the trust that can be put on the accuracy of the research findings .in this research credibility will be achieved through triangulation, which involves using multiple methods, data sources, observers, or theories in order to gain a more complete understanding of the phenomenon being studied (Shenton, 2004).

##### **(ii) Dependability**

In tending to the issue of dependability, the positivist utilizes systems to appear that, if the work were rehashed, in a similar setting, with similar strategies and with similar members, comparable outcomes would be acquired (Shenton, 2004). According to Shenton, (2004) in

order to address the dependability issue more directly, the processes within the study should be reported in detail, thereby enabling a future researcher to repeat the work, if not necessarily to gain the same results. In this study dependability can be tested by how the information found during the interviews relates with the information found in the data collected off raw data.

### **(iii) Transferability**

As Shenton (2004) pronounces transferability in qualitative research is synonymous with generalizability, or external validity, in quantitative research. Transferability is built up by securing readers with confirm that the exploration study's discoveries could be appropriate to different settings, circumstances, times, and populations. Note that you as the specialist can't demonstrate that the exploration study's discoveries will be material. Rather, your activity as the analyst is to give the proof that it could be applicable. Shenton (2004) states that transferability is not always easy to achieve as the findings of a qualitative project are specific to a small number of particular environments and individuals, it is impossible to demonstrate that the findings and conclusions are applicable to other situations and populations. One way of conducting this demonstration is for the researcher to give a thick description of the environmental context surrounding data collection .to achieve transferability in this study the researcher will give specific details about surrounding the interviews, like where the interviews take place, why that place was considered appropriate and other specific details which make the reader a richer and fuller and richer understanding of the research setting.

### **(iv) Confirmability**

According to Shenton (2004), the concept of confirmability is the qualitative investigator's comparable concern to objectivity. Shenton (2004) also states that here steps that must be taken to help ensure as far as possible that the work's findings are the result of the experiences and ideas of the informants, rather than the characteristics and preferences of the researcher. The role of triangulation in promoting such confirmability must again be emphasised, in this context to reduce the effect of investigator bias. Confirmability can be achieved in many ways. In this study, the researcher collected data/information from previous research that has been done on the topic or something similar to the topic and use this data to prove that indeed there is a problem that exist in media ethics and criminal cases. The researcher has used information that was previously found in conjunction with the new information gathered from interviews and various data bases to achieve trustworthiness and confirmability.

## **4.10 Problems/ challenges encountered**

According to Gill, Stewart, Treasure and Chadwick (2008). Unstructured interview are usually very time-consuming (often lasting several hours) and can be difficult to manage, and to participate in, as the lack of predetermined interview questions provides little guidance on what to talk about (which many participants find confusing and unhelpful). Data proved to be a bit challenging for the researcher. Some of the participants wanted to rush through the interview as journalist are always busy therefore, they would give short answers in other cases because majority were Zulu speaking the researcher had to translate the questions.

Participants also didn't feel comfortable with answering all the questions therefore we had to resort to skipping some questions, among the many issues there were two journalist who withdrew their participation in the interviews which made it extremely difficult for the researcher.

#### **4.11 Conclusion**

This chapter focused on the research methodologies that were made use of by the researcher as a way of gathering information for this study. Several techniques were used to dig deeper into the audience's perceptions of media ethics in the live broadcasting of criminal stories.



## **CHAPTER FIVE**

### **ANALYSIS AND DISCUSSION**

#### **5.1 Introduction**

This chapter outlines the responses elicited from the research participants. The data was obtained through the use of questionnaires which were organised according to the corresponding themes formulated through the thematic analysis process. According to Vaismoradi et al. (2013), thematic analysis is a systematic way of interpreting the themes emerging from the research data. The generation of themes allowed the researcher to see common trends that emerged when the participants were answering the set questions. To enable the data analysis process to take place, key ideas and the information that emerged from the accounts of the respondents were separated and categorised under themes, patterns and trends. Therefore, during the process of transcribing the conversations, the data were classified into different themes and sub-themes. The results drawn from the captured data allowed the researcher to follow up the meaningful discussion that was based on the experiences of the participants. The researcher maintained the anonymity of the participants by refraining from disclosing their names as well as the radio stations they worked for. The results are then discussed, followed by a brief evaluation of the same from which meaningful conclusions regarding the research findings are drawn.

#### **5.2 Presentation of data**

The following heading and subheading embody the themes that emerged from the data that were collected through one-on-one interviews and focus groups discussions. The data analysis that follows has adopted the use of pseudo names to protect the identities of the participants. The presented data are solicited from participants from community radio stations and other radio stations from the South African Broadcasting Corporation.

#### **Themes for data analysis are:**

- h) Factuality and Honesty
  - Bias
- i) Fair reporting
- j) Role of Media ethics
- k) Deformation of character
- l) Strategies of broadcasting

- m) Constitutional limitations
- n) Broadcasting against prescribed ethics

### 5.3 Factuality and honesty

The answers derived from this theme were mainly based on the question: *what are the main ethics that you are required to abide by as a Radio host or Journalist?* The findings indicate that most of the participants stated that it is important for all the stories that are broadcasted on air to contain all the relevant facts in order to ensure the fairness of the report. Most of the journalists highlighted the point that honesty and fairness are the most important principles underpinning the broadcasting profession. This chapter seeks to foster an understanding of the role of journalists and news readers in the promotion of media ethics. Bertrand (2018) stated that to judge whether media serve the public well, one ought to know what services they are supposed to provide.

In substantiating why honesty and truthfulness ranked the most important ethical principle, journalists reported that it promotes transparency between the media and their audience, and it also ensures that the journalist's work remains creditable and reliable. Luyolo (a radio journalist) stated that being fair when reporting was a display of the station's integrity and a display of respect for its listeners as they were giving them credible content. According to the Journalist Network (n.d), it is very vital that the broadcasting of criminal cases be characterised by equality and fairness as presenting one side of the story to the audience can make the broadcaster appear biased. The participants said that it is important that they are impartial in their reporting and that their stories are balanced and verified by the relevant authorities. Ninety per cent (90%) of the participants spoke on this theme highlighting its importance when it comes to broadcasting.

Mr Msomi from Durban Youth Radio expressed these sentiments:

*You must ensure that the story that you are reporting on has been checked to ascertain its correctness. You ought to always verify the story before you broadcast it. You must try to find the truthfulness of the story no matter how impossible it may appear. The information you disseminate to the audience should not be based on guesswork. You have to try and verify the information before putting the story on air.*

In almost a similar response, pretty said:

*Like I said before, you need to check whether the story is factual. I think if I were to allude to the example of political stories, one would be made to understand that some*

*stories can be manufactured to suit the desires of certain individuals. So, if you are careless enough to take such stories as they are, then you risk falling into that trap.*

*That is why it is important that we always check our stories before putting them on air.*

Sindi, from DYR also stated, thus:

*Your story must be balanced, true and fair. Being fair implies that the story should give every party an opportunity to respond to or be a part of your story especially if you are going to name the persons involved in it. Above all, the story must be factual.*

Another journalist had this to say:

*First of all, your story has to be factual and it has to be verified by the relevant authorities. It also needs to be balanced.*

The participant was also asked to respond to the question; *do constitutional ethics also come into play?* The journalist said the following;

*I suppose so, but the station doesn't broadcast news that could infringe on other persons' rights, as long as the story is factual and can be verified by the relevant authorities and you give the person concerned the chance to respond to the allegations if there are any and then we go ahead with publishing the story.*

Thembi, of Ukhozi FM had this to say:

*Basically, as far as broadcasting is concerned, each media house has its own ethics. So, you have to abide by them. So with this company, I know that you have to report fairly, we do not take bribes. We always have to be balanced. Let us say one is interviewing a political party, like the DA and the person being interviewed mentions the ANC in the discussion. I know that I cannot go on air with the story if I have not spoken to the ANC for them to respond. If I am working on a story about a company, I have to speak to the members of the company and the management. So basically, each company has its own ethics but Journalism ethics tell you that you have to report fairly and the most prevalent one would be avoidance of plagiarism.*

One of the journalists further unpacked issues around fair reporting, stating that in order for a story to be fair, and every person involved has to be given the chance to present their side of things. The Independent Communications Authority of South Africa (2019) further unpacks fair broadcasting by stating that Broadcasting Service licensees must report news truthfully, accurately and fairly, adding that news must be presented in its correct context and in a fair manner, without an intentional or negligent departure from the facts, whether by picking up

similar responses from the majority of the participants. The researcher wanted to gain an understanding of where the journalists were deriving their answers from. One journalist had this to say:

*Researcher: so, do you get those ethics from the media house or when you are studying journalism?*

The participant responded as follows:

*Okay, so when you are studying Journalism, they expose you to media ethics. For example, they will tell you about the illegality of plagiarism. I think the most important ethical standard stipulates that one ought to broadcast balanced stories. When you get to other media houses, however, they will sometimes have their own code of media ethics and how things should be run and how to write for each story. There are differences from the way this media house runs its affairs.*

One participant emphasised the need to get all sides of a story represented, as opposed to simply reporting on what one person has said. Even so, once all the relevant sides have been placed together, the journalist should verify whether that story is true before rushing to broadcast it.

The participant said:

*Firstly, you must be impartial. Never get one side of the story and think that you have got a story. Always give the second person the chance to respond. It does not stop there; if you are a journalist, there will always be two sides to the story, but there can also be three sides as well. There is a person who is a news-maker, then there is another person to whom the news is directed and there is an observer who will just be observing. So what I am saying is that your story must always be impartial. Do not run a one-sided story.*

Mr Msomi's view was as follows:

*Okay, I think the first ethical principle is to verify your facts. You have to verify your information. You cannot just take thing as they are. You need to make sure that the things you are reporting on really happened. You also need to verify as to when they happened, how they happened and who did them.*

MaDlala, a journalist from one of the stations, stated that reporting falsely can somehow lead to harm on the part of the individuals involved in the story. He stated that it is important that whatever is reported will not cause any harm to any one of the parties involved.

*The media ethics or rules that you have to follow are that every time, when you write about people, things that you write about them are truthful and that you do not violate people's privacy. A journalist is obliged to write something that will not cause harm to the person that they are writing about. Sometimes, if a person does not want to be identified, they have to go anonymous or one has to create pseudo names so that they can be protected from danger.*

### **5.3.1 No biased reporting**

When participants were answering the question related to the main media ethics, many of them highlighted the issue of bias when it comes to broadcasting. Participants made specific reference to the fact that as journalists, particularly news readers, it is very important that they are not biased when reporting their stories. When deciding on stories to report on, they have to be careful not to choose stories that will ultimately benefit themselves or the radio station in terms of gaining listenership. Most of the news readers stated that they had to maintain objectivity in their reporting. Nomzamo stated as follows:

*It is a requirement that I must not take any side and that when I am reporting, I must be truthful and not biased and I should avoid giving my own opinion, but rather, I must be truthful, my job is to just get the story across.*

Pretty, from the DYR, had to say:

*Okay, first of all, you need to look at both sides of the story. There is hardly any room for being biased. As a journalist, you need to research on a story before publishing it to make sure that it is factual.*

As a simple example, Mandisa had to express the following views:

*The issue of bias is a very tough one. I am just going to give you an example. During an election time, if I cover a story about the ANC at 6am or 7am at 8am, I have to make sure that I cover another story on another political party. So every weekend, every party has some sort of coverage and I ought not to be biased or unfair to one party. As journalists, we must be fair in everything that we do.*

Complementing what Mandisa said, Msomi's view was that:

*There are no differences, but what just needs to be reckoned is that if you are reporting on a story, you have to make sure that you receive all the facts and capture both sides of the story.*

## 5.4 Fair Reporting

Fair reporting was one of the issues highlighted by the participants. Although this theme relates to the theme of factuality and honesty, most the participants highlighted it in relation to the question of the value of media ethics. The participants stated that the importance of media ethics lies in that they are guidelines that direct radio journalists to report fairly. They stated that having all the facts at one's disposal was the fundamental aspect of reporting. Most of the time, and when journalists are reporting on stories particularly those that involve crime, the stories often contain sensitive information that may victimise other people involved or even sensitive listeners are not spared.

One of the journalists stated that it is rather advisable that listeners are warned before they are exposed to any sensitive information. These kinds of warnings should not only be afforded to television viewers' but they should also apply to radio listeners. In cases where a journalist is reporting on a story that involves a minor, the journalist should be careful not to name the minor on air. Nandi (a Vibe journalist) stated that anonymity is also very important as it protects the identities of both the victim as well as the perpetrator if they have not yet appeared in court. This is what Nandi said:

*Of course, a journalist must be very careful when covering criminal cases because at times, they will find that the case involves minors. If that is the case, then the journalist cannot name the people involved. Also, if the person has not appeared before the court and the journalist is aware of the fact that the person has been arrested, then the name of the individual has to be kept under concealment just to be sure that the person is really going to appear in court. Also, there may be some other cases that the journalist may need to carefully cross-check in order to report without prejudicing others. In so doing, the journalist would not jeopardise the case especially if the matter is still sub-judicare.*

Most of the interviewed journalists believed that reporting fairly was mainly about getting information, protecting the minor/s involved and not divulging the involved people's identification. To that effect, Siphon from the South African Broadcasting Corporation stated:

*When journalists are reporting, another thing they need to be wary of is the protection of the victim, as much as there is a whole lot of censorship. Whether censored or uncensored, but journalists cannot just say things like so and so was raped, just like that, and when you are dealing with death cases, sometimes it happens that the family has not yet heard about it. A case in point is the case of the DUT student. In that case,*

*the student's family had not heard that their child had passed on when social media platforms were awash with the news. Fortunately, the student's name was protected though people who were close to him were revealing his name to each other.*

According to these findings, it is very important to protect the victim involved in broadcasted news. The lack of protection can lead to secondary victimisation if no careful measures are put in place. This especially applies to cases that involve children.

### **5.5 Deformation of character**

The issue of deformation of character is very important in the study, as most of the journalists have no understanding of the effect, their unethical behaviour can have on the people involved in the stories they broadcast. In the beginning, most of the journalists appeared to be struggling to give direct answers to the theme. One of the journalists said;

*People define it in many ways. It depends on how the person is putting it across. Please try and explain to me maybe it is how the question is put across that makes it incomprehensible.*

For those journalists who were able to explain deformation of character, most of them would use examples of lived experiences in their illustrations. However, one cannot dispute the fact that some of the examples could be correct. Other findings indicated that most of the journalists had no clear understanding of what deformation of character was. This is reflected in Mandisa's response, thus:

*It is about someone saying to another that you have stolen sugar even if you have never stolen in your life. Now, if I accuse you of being a thief and you are not a thief, in the context of broadcasting, it means, for instance, President Ramaphosa dealt in shoddy deals (his was obviously a business man before he became a president). So it is me who is saying he has been involved in dodgy dealings and he has not been sincere as he appears now in your mind. I would have already accused him of being a criminal, as much as he is deemed to be the perfect president. However, with that little statement, I have already planted a seed in your mind. That is deformation, that is, if I say to you something that you are not or something that you have not done and will never do and as a journalist, I use the power of the microphone to implicate somebody in things they did not do.*

In the Jacob Zuma Case, the issue of deformation of character has been alluded to. A participant had this to say:

*The issue of ethics comes in because as the media, we are not supposed to be biased. Let us face reality as humans. We already have our own biases, for example, if am reporting on Zuma and I do not like him, I am likely to make sure that I push the agenda portraying this guy as not as innocent as he seems to be. That is also where ethics come in. However, this case, is not reflective of deformation of character because there have been developments proving that what is being said about the guy holds some degree of truth because he is now facing corruption charges involving over R 400 and something. So in that case, there is evidence that he has been involved in dodgy dealings which make him a corrupt person.*

Nozuko had this comment to make:

*My understanding of deformation of character is saying or doing something that hurts someone's character in a way that they are going to be perceived in a way that is not really true.*

One journalist from the community radio station even went on to say that it is always about the issue of protecting the person who the journalist is writing about. For example, when reporting about a child that has been raped, you have to protect them and hide their name to ensure that they do not get laughed at or stigmatised by the community. Society may say a lot about what happened to the victimised person, and a murderer protects his children so that they do not get abused at school and stuff like that.

Contrary to scholarly definitions, this journalist clearly had no understanding of the meaning of the term 'deformation of character.' The findings indicate that there might be a difference in terms of knowledge between journalists from community radio stations and those from the South African Broadcasting Corporation. This is suggested by the answers given by journalists from the community radio stations. Those from the South African Broadcasting Corporation aptly posited that the term meant tarnishing an individual's image emanating from writing or reporting in a way that embarrasses that particular individual. The following is a response from a journalist from the South African Broadcasting Corporation:

*My understanding is that defaming someone basically occurs when a journalist goes out there and writes something that is not true or something that has been based on allegations and posts it in the public media even if it is not the truth. Legally, that person has the right to sue the journalist for deformation of character. So, if a journalist defames someone publicly, the published story defames their character and if it is not true, the journalist can then be sure of being sued.*



In a simple answer one journalist said:

*It has to do with creating an image that is notorious about a particular person, which is false. This is my understanding of deformation of character.*

In response, Nandi had this view to share:

*I think it arises when a journalist is covering a story. We are talking about someone making another person look bad in the eyes of the public, and it is when a journalist is covering a story but ends up taking one side and with the other part in the story being unreachable. The journalist then ends up missing the other side of the story and then proceeds to expose the person on air negatively. The aggrieved person may end up calling and accusing the journalist of having committed deformation of character.*

## **5.6 Strategies of broadcasting**

When asked about the strategies that journalists use when it comes to broadcasting, most of the journalists seemed to be using one and the same method. According to the participants, there are set rules and regulations that journalist have to abide by when it comes to broadcasting. Many of these regulations come from the Independent Communications Authority of South Africa. A journalist stated that they have to verify their facts, and they would do this by using a trusted source. When asked about this trusted source, the journalists from most of the community radio stations stated that their trusted source was News24, which is an online data base and for crime stories, they would verify the information through liaising with the South African Police Services (SAPS). Bonsiwe, from Vibe FM, stated that:

*Where I was, there was a Magistrates' Court. So, I would go there and listen to the whole case and gather information and if a statement comes from New Castle or something, then we would call the South African Police Services from there to verify the stories in their possession. I think journalists are always verifying their stories. In KwaZulu-Natal, we have Thembeke Mhele or Coordinal or Thulani Zwane or Captain Nqubeko Gwala, so we just have to make sure that we are verifying.*

Pretty shared her strategy. She said:

*Our reporting is just factual. We report stories as they are. If we need our reporter to go out there and be in court, then it will be his angle of how to write the story. Otherwise the facts and all other necessary things remain the same. It is just the angle that changes depending on who is writing the story, the rules remain the same.*

Another journalist believed that strategies are important in that:

*They are important because they are guidelines in doing your job as a journalist. They help us to avoid infringing on other people's rights as well as distraught or disturbing other people's work as well as the loop. You must make sure that your article or news story does not, in a way, negatively affect the case or the people involved or jeopardise the evidence that is given. For instance, you cannot pre-empt some of the stuff. So, those guidelines are really necessary. In fact they must be there as guidelines.*

Many of the participants stated that anonymity was very important in their reporting strategies and they reported that they had to ensure that they are indeed anonymous in their broadcasting as it is one of the most important ethics that need to be adhered to. The emphasis put on this particular strategy stimulated the researcher's desire to probe further, encouraging the journalists to delve into particular incidents where anonymity was not preserved and this is how the participants responded:

***Researcher: let us take the Oscar Pistorius case, Oscar was named before he got tried, so how would you explain that as a journalist?***

***Participant:*** "Yes, so with public figures, it is hard to try and cover or withhold the name, but as a writer, you must be careful not to disclose the name even if everyone on social media platforms now knows about the issue. We are living in the times of social media where names are readily given. We already know who you are speaking about, a Paralympic star or blade runner. So we already knew who that person was without even mentioning the name. It was already clear who that was. As a journalist, you could not name who that person was especially if they had not appeared before the court. Even if other media are deviating from the ethical norms, because they are not accountable, but the ethics remain binding. In our case as journalists, the institution we work for will be held accountable for our negligence. We can compare ourselves to everyone else. They lack knowledge and we have it.

Another journalist had this to say:

*I was not working here at the time but the reason why Oscar Pistorius was named before he went to court was because of his popularity, even though it was wrong. However, our media house, or rather the media house I was working with before, did not name him but it should be reiterated that the reason why he was named was because he is a very famous person. I think the rules appear to change when it comes to famous persons because everyone knows where his house is, so they already knew where the crime had*

*taken place. If you just searched for it, it would be disclosed to you who owned the property. It was Oscar and so his famous personality compared with that of Bricks. Bricks' name was also mentioned before he appeared in court because he was a kind of person almost everyone knew. So if you saw him in jail you would know why he was there. In some instances, some media houses name the person because the information would already be out there, and when that happens, other media houses name the person. Thus, it becomes weird. It is like all that information will already be out there. So, if it is a famous person who has committed a crime, you can blame them but it is very tricky. I personally do not want to name them because they can sue you and you can get fired for that.*

When journalists were asked to express their opinions on the case of Oscar Pistorius, many of them indicated that Oscar and Bricks were in the public eye and that had an effect on how their trials took place. This appeared to be very shocking because constitutional rights are not based on whether one is well-known or otherwise, but they apply equally to everyone because all the citizens are equal before the law.

## **5.7 Constitutional Limitations**

As indicated by most of the interviewed journalists, it appears there are no limitations when it comes to broadcasting. The journalists felt that the constitution does not limit them when it comes to broadcasting. So, regardless of any constitutional rights, they feel that they are free to broadcast whatever they feel is relevant. For most of the participants, none of them felt that they were compelled or held back by any laws as long as they operated within the guidelines of the Independent Communications Authority of South Africa. They did not feel held back by any legal requirements. According to the Independent Communications Authority of South Africa (2019), the ICASA Act No.13 of 2000 provides for the setting up of the legal framework for the merger of the IBA Act and the South African Telecommunications Regulatory Authority (SATRA) to form one body that regulates broadcasting and telecommunications activities as well as accommodating the integration of new technologies.

Here is what some journalists felt about constitutional limits in relation to broadcasting.

*There are no constitutional limits because in journalism, there are sources. There are always people close to that person you report on. You can contact them asking them if that story is really happening. Even though they are not going to give out what you want, at least they are going to try to be close to what you are looking for. So with sources, I think journalists get everything with regards to privacy and eye-witnesses as*

*well; for example, there was the gunning down of an official. So you cannot reach out to the family members because they are still mourning. Obviously, there are people who saw what was happening and they will be able to tell you without you having to invade the family's privacy. , Yes, it limits us somehow because we want to know how the family members are feeling but you cannot go ahead and ask them.*

A journalist from a community radio station stated that as journalists, they had a forum which advocated for their rights and therefore, they felt that they could broadcast without fear of anything or anyone. The journalist stated that this forum is a pro-media initiative and it is a platform that advocates for journalists' right when it comes to broadcasting. South African National Editors' Forum's chief aim is to be a representative of and a trustworthy voice for journalism in society. It facilitates the development of diversity in newsrooms and reporting, enabling a culture of real debate and the promotion of free and independent journalism of the highest standard. The participant had this to say:

*I do not think so. I think journalists are freer since they have their own forum. Journalists have their own forum which is called SANEF, an editors' forum which protects the rights of journalists. So I do not think so, but I do feel that at some point, there could be political interference with the story.*

One journalist however, did offer a different opinion. The journalist had this to say:

*Yes, it does limit you because at times an interviewee asks for their name not to be revealed. So you have to respect the person if they ask for their name not to be revealed.*

## **5.8 Challenges Facing Journalists**

The majority of the journalists reported that they had some tough experience putting stories together. They reported that the main challenge was to get hold of individuals involved in the story. No story has one side and it is important that journalists report on both sides before airing the information. According to the Journalism Network (2019), journalists cannot generally ensure 'truth'; however, getting the certainties right is the cardinal guideline of news-casting. It is important to note that all the relevant and important facts we have guarantee truthfulness as they would have been checked. During the interview, one journalist said that he had come across cases where he could only get hold of one person involved in a story and the other one was not available to give their side of the story.

Cases that mostly involved scenarios like the one above are those involving crime and politics. Luzuko had this to say:

*Challenges are finding a balance in the story. For example, if you know that there are allegations against you and you now know that it is in the media, chances are that you are going to switch off your phone because you know that the media is going to be calling you left right and centre. So if I have not received your side of the story and I have got these allegations, now it becomes difficult for me to actually write the story because I do not have the other side of the story. So it becomes difficult and problematic sometimes when we want our stories to be balanced. If you cannot get the other side of the story, that poses a challenge. What we do in that case is that we mention that we tried in vain to link up with the other side, but the phone was unreachable. If the person involved belongs to an organisation, then we call those people in the organisation to maybe respond on the person's behalf, then in that way, we would have circumvented the challenges.*

*Sometimes when someone was compiling or rather putting together the information for the story with me, I need to read the script over and over again. Even when I am running late, I will read it. However, when I am on air, I will struggle. When there was no Internet connectivity, I had to think of the news that I had read previously and ask the people I know to send me news and that was the worst bulletin ever.*

Researcher: *Where do you get your news from and do you trust those sources?*

Participant: *News 24 and IOL. Well, when I got here that was the method I found them*  
The majority of the journalists reported that it was necessary to present all sides of the story when reporting and that contradicting this principle would lead to bias. One of the biggest challenges reported by the participants was failure to find information from all sides of the story and as such, a story ceases to be deemed honest and fair if it does not present all the sides to it. As a result of this circumstance, most of the journalists reported that they found it challenging if an individual was not available to give their side of the story. It was very interesting to hear how news readers often handled these cases. One of the participants had to say:

*Of course, sometimes you need sound because you work with time. So there is time pressure. You need certain audio before time and you cannot get hold of it. So sometimes you have to go on air with a story that is not as balanced as you would like it to be, and like I am saying, there is pressure as well since we have got our news hourly. In fact, we are obliged to keep up with fresh news every hour. So you really have to work really fast and hard.*

Researcher: *So can you get all the information that you need?*

The participant had this to say:

*Then drop the story till you get all the information that you need, but you have tried to get hold of someone and you have sent all the information and the story you feel is important and it would not jeopardise your credibility if you go on air with it, then go on air with it and state that you tried to reach to the accused but you were not successful, the phone was not answered and the messages were not returned. Then you will be safe because it will show that you really did try to reach out to them.*

Luyolo had this to say:

*Sometimes, I am affected by the deadline and if I cannot get hold of the people involved in the story, then it becomes a challenge that I have to go on air and the person involved is not found. So, sometimes I have to leave the story because I could not find the person involved.*

## **5.9 Broadcasting against prescribed ethics**

Broadcasting against the prescribed media ethics has resulted in many radio stations being sued, as it was believed that they were doing something which was against the regulations set by the Independent Communications Authority of South Africa which is the corporation that radio journalists report under. It was interesting to hear that there were measures for various breaches of these ethical standards. As a researcher, it was very strange to hear that most of the journalists made very different comments yet they all reported on one body. Nkosingphile reported that the punishment was very harsh, adding that going against stipulated guidelines is not just a minor issue especially in cases where the masses are involved: One participant had this to say:

*They are very harsh; for example, in broadcasting, you can either be sued by the South African Broadcasting Corporation or the Independent Communications Authority of South Africa. We got the license from them. So, they can either revoke your licence to broadcast, or the Broadcasting Complaints Commission of South Africa. They can convict you in terms of the wrong things you had been doing whether it was on radio or television. So, there can also be a punishment that they can subject you to as the South African Broadcasting Corporation. Although it would be a punishment that would be administered by the SABC, the measures also affect you as a journalist because you also need to be ethical. You should never do something that will plunge the organisation into disrepute. So, the severe one would be when you lose your licence or when the Broadcasting Complaints Commission of South Africa fines you or the*

*Independent Communications Authority of South Africa can even withdraw your licence.*

Most of the journalists expressed the same sentiments in terms of losing the licence to broadcast. The journalists stated that since all media houses have to append their signatures to the regulation, the regulation is the one that sanctions the administration of the punishment: A participant said:

*Like I told you before, there is press imbursement; there is also the ICASA for radio. You can report there. There are broadcasting authorities that make sure that everything that goes on air is adequately balanced and that it does not infringe on any person's rights.*

Researcher: *So, do those people work with you guys?*

According to the participants, the majority of radio stations are governed by the Independent Communications Authority of South Africa which directs how broadcasting should or should not be done. Subscribing to this commission means that the radio station has agreed to comply with all the set regulations and failure to comply results in the commission taking punitive measures such as revoking their broadcasting licence.

To that end, Nandi stated:

*As journalists, we are guided by the media rules and we cannot just behave anyhow especially in the working environment. There are certain things that we would also like to do.* Another participant expressed the following opinion:

*Every radio station or newspaper should subscribe with that press imbursement that is where you know that there is someone watching over you. This is where your readers report to if you go against your guidelines. Sometimes you have to pay especially when you are found to be operating outside of one of the broadcasting ethics or rules or laws. However, you are sometimes made to issue an official apology.*

The following is what Lindi had to say on this matter:

*That is a good question because as of now, we are approaching elections and the Independent Communications Authority of South Africa is watching everyone to ensure that there is adherence to the set ethics including the broadcasting of balanced stories when covering the elections. We cannot interview the same party for multiples of days on end. We have to give political parties balanced reporting. If we do not follow those*

*ethics, the Independent Communications Authority of South Africa will revoke the licence. We will lose our ethics. As of now, we have a certificate from the Independent Communications Authority of South Africa. That certificate certifies that we are a community radio station situated around Durban. That certificate further certifies us as Vibe FM, a community media house around Durban, covering Durban and the surrounding areas. If we do not follow the rules that are stated, the authorities will act against us. For example, they will withdraw the licence or they come by themselves and check what our code of conduct was saying the time we were applying for the licence and whether we are applying the rules set.*

Another participant commented:

*Well, fortunately, we have never had any punitive action taken against us because we try to be accurate all the time and our reporters know the rules and how to follow them. So I am not really sure what happened in that case, but I am sure in the company, it will depend on how big that case is. I think you can be given a final written warning or face dismissal.*

## **5.10 Conclusion**

The chapter dealt with the data interpretation of the study findings. The main findings were presented, discussed and analysed using thematic analysis. Themes were created with reference to the major topics that emerged from the data. The study explored the effects of media ethics in the context of broadcasting. The views and the opinion given in this chapter were those of the news readers and journalists who were directly involved in the process of broadcasting. The existence of media ethics and their importance is something that they are very aware of, and majority highlighted that honesty and truthfulness were major principles in broadcasting. In addition, the findings indicated that although participants know the major ethics to look out for, they are unaware of the damage that negative broadcast can do to an individual and what makes them mostly relax is that unethical broadcasting is not that harshly punished. However, there are recommendations on how to better handle this in chapter six.



## CHAPTER SIX

### RECOMMENDATIONS AND CONCLUSION

#### 6.1 Introduction

The following chapter is a summary of the discussion of the key components of the study. It draws on information from the analysis, the reviewed literature as well as the theoretical framework. This chapter discusses the research findings in relation to the data presented from the data analysis. This includes the reviewed literature and the theoretical framework. This section explains how the collected data link up with the main objectives of the study. The findings are reflective of the core components of the study.

#### 6.2 General conclusions

The general conclusions being discussed in this chapter were made considering the objectives of this study which are as follows:

- To assess the effectiveness of media ethics
- To assess the coverage of criminal cases in broadcasting corporations
- To explore the value of media ethics
- To explore the challenges and strategies on the coverage of criminal cases in South African Broadcasting Corporation of KwaZulu-Natal

#### 6.2 To assess Media ethics and the coverage of criminal cases in broadcasting corporations

The main aim of the research was to assess media ethics and the effect they have on broadcasting operations. This study has shown that media do indeed have a huge role to play when it comes to broadcasting and many of the things the audience watches on television screens can impact on the levels of criminality. This is why researches have stated and highlighted the importance of broadcasting truthfully and honestly. Statistics revealed by the NAB (2014) stated that currently, there are 162 licensed television operators delivering television services across more than 170 channels to an audience of around 40.1 million people and there are over 250 licensed radio stations with a weekly audience of around 33.2 million people. Basing on these high numbers, one can state that media are one of the sources

of society's greatest influences. Against the backdrop of this large amount of influence, it becomes imperative for media corporations to carefully choose what they have to broadcast for public viewing.

The reviewed literature gave a clear example of how negative broadcasting can negatively impact on society. The case of Oscar Pistorius was the centre of this argument. The City Press (on Sunday) stated that Reeva's brother heard on the radio that Oscar's girlfriend had died, and he called his father who confirmed that it was indeed her sister who had passed on. This is clearly shocking, unethical and an infringement on the rights of the Steenkamp family.

In this study, media ethics have been described as promoting and defending values such as a universal respect for life and the rule of law and legality. Broadcasting does not only require truthfulness, but it demands that journalists adhere to the moral principles set for them by their authorities. Since it has been proven that ethics do exist and are a fundamental part of broadcasting, one might have asked how these ethics are regulated and who ensures that they are adhered to. This research answers this question by stating that all broadcasting services in South Africa are run by regulators and these are the Broadcasting Complaints Commission of South Africa and the Independent Communications Authority of South Africa.

According to the literature reviewed for this study, it is however important to note that the Broadcasting Complaints Commission of South Africa was created to mainly monitor television broadcasting. The findings show that broadcasters are required to register with the Commission which ensures that broadcasters covering live criminal cases have to ensure that whatever they choose to televise has been approved and does not contravene with the Commission's code of conduct.

The findings indicated that the main regulator is the Independent Communications Authority of South Africa, which mainly regulates most of the radio stations in the study area. The reviewed literature, found through the various measures of communication, indicates that media ethics do truly exist and that they are an indispensable part of broadcasting. This was also proven by the participants' views in the earlier data capturing. In earlier literature, the Independent Communications Authority of South Africa (2019) stated that the regulator serves to develop regulations for these sectors, issues licences to telecommunications and broadcasting service providers, monitors licensee compliance with rules and regulations, plans and manages the radio frequency spectrum and protects consumers against unfair business practices and poor-quality services. Amongst an array of functions, the regulator pays careful attention to the unfair business practice and poor quality.

The findings of this study reveal a vast amount of ethical principles drawn from different aspects though they are one and the same thing. In Chapter One, the research provides cases which identify instances where media ethics have been breached. The following are a few media ethics which have been primarily identified by the researcher. These ethics focus primarily on ethical broadcasting and they state the type of content that can be broadcasted:

- Broadcasting service licensees must report news truthfully, accurately and fairly. Only that which may reasonably be true, having reasonable regard to the source of the news, may be presented as fact, and such fact must be broadcasted fairly with reasonable regard to context and importance.
- Where a report is not based on fact or is founded on opinion, supposition, rumours or allegations, it must be presented in such manner as to indicate clearly that such is the case.
- Where there is reason to doubt the correctness of the report and it is practical to verify the correctness thereof, the report must be verified. Where such verification is not practical, that fact must be mentioned in the report.
- Broadcasting service licensees must advise viewers in advance of scenes or reporting involving extraordinary violence or graphic reporting on delicate subject matter such as sexual assault or court action related to sexual crimes, particularly during afternoon or early evening newscasts and updates.
- Broadcasting service licensees must not include explicit or graphic language related to news depicting destruction, accidents or sexual violence which could disturb children or sensitive audiences, except where it is in the public interest to include such material.

The first ethic in these points highlights the importance of broadcasting fairly. Choosing to broadcast against the set ethic can result in the news being regarded as unreliable and the broadcaster ends up losing credibility and in turn, this causes harm to the people involved in the cases being broadcasted. During the interviews, most of the participants highlighted this principle as being one of the most important ones. One of the journalists highlighted that it was very important for journalists to have all the relevant facts before broadcasting. Another participant mentioned the need to ensure that the story being reported on has been checked for its correctness and that journalists always verify their stories before broadcasting them. They must try to find the truth of the story no matter how impossible it might be. The things they report on should not be based on conjecture or guesswork. They ought to try and verify the stories before putting them on air.

According to the literature taken from the analysis, a case cannot be broadcasted without all the relevant facts in place. First of all, the story has to be factual and it has to be verified by the relevant authorities and it also needs to be balanced.

Some cases are very sensitive since they involve rape. If aired, such cases can cause secondary victimisation to the victim. Where a report is not based on facts or is founded on opinion, supposition, rumours or allegations, it must be presented in such manner as to indicate clearly that such is the case. The first three points are linked with the main objective that highlights the need to broadcast fairly. This ethic can be identified as one of the most crucial when it comes to broadcasting.

Many of the cases highlighted in the research are instances that discredit the media due to the way in which they choose to broadcast. In the cases involving the SABC as identified in Chapter 1, the researcher mentioned how the SABC was found in court, battling a case of deformation. This principle seems to be highlighting most of the cases brought forward in the research. This shows that journalists still either purposefully ignore this ethic or they do not realise the damage it causes. According to the constitutional rights which were highlighted in the literature review section, the writer highlighted the core constitutional rights. When applying them to broadcasting, these rights were mainly identified as:

Everyone has the right to freedom of expression, which includes:

- Freedom of the press and other media, freedom to receive or impart information or ideas, freedom of artistic creativity; and academic freedom and freedom of scientific research.
- The right in sub-section does not extend to: Propaganda for war; Incitement of imminent violence; advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

In this case, the researcher found out that although everyone has the freedom of expression, there are subdivisions which limit this right in the context of broadcasting content that promotes violence. One thing that stands out clearly from the findings is that media are clearly not doing their part properly. Several cases of violence have been identified in the research and a case in point was the one involving Thadazile Mphanza where complaints have been brought against the broadcasting of violence.

### **6.3 The value of media ethics**

Most of the journalists interviewed for this study seemed to understand that the importance of broadcasting was to provide news that is fair and factual and with regards to what they said during their interviews, it was evident that they try their hardest to validate their stories before they take them to the people. However, the cases brought forward in this research prove that there is a loophole somehow. If journalists are on the right track, then one can question why the cases of Oscar Pistorius, the OJ Simpsons and Bricks were so publicised in a negative light. Why was Oscar named before he appeared in court during the time of his trial? Oscar denied having anything to do with his girlfriend's murder. However, before he could even appear in court, people were already making judgements. This is the same for OJ and Bricks. During the interviews, journalists stated that it is against ethical procedure to name a person before he or she has appeared in court. The South African constitution highlights the importance of an individual's privacy. It seems apparent that there are exceptions when it comes to certain individuals particularly those in the limelight.

The participants were questioned about this particular scenario. Making reference to the case of Oscar as that seemed to be one of South Africa's biggest broadcasted trial, and in their response, one of the journalists said that the reason why he was named was because he is a very famous person. I think the rules seem to change when it comes to famous persons because almost everyone knows where his house is. So, they already knew where the crime had taken place. If you just searched, it would but tell you who owns the property. Oscar's famous personality was akin to that of Bricks. Bricks' name was also mentioned before he appeared in court because he was popular and also if you saw Bricks in prison, and as a normal human being, you would naturally like to know why he was in that situation. In some instances, some media houses named the person because the information was already out there, and when it so happened that the information was out there and that all the other media houses were naming the person, it became an open secret because all the information would already be out there. This clearly indicates that rules are not being applied equally. One wonders why and how content is chosen in radio stations. However, it seems that everything is based on popularity, the personality on whom the content is, the location of the area, the severity of crime in the area and lastly who the victim is and who the perpetrator is.

Bertrand (2018) stated that this is just one function of the media alongside ensuring social communication, providing an image of the world, transmitting the culture of a people as well as selling and contributing to happiness, that is, to entertain. With all the functions of media in place, there needs to be guidance to make sure that the information out there can be trusted and the way in which it was created did no harm to anyone, ethics are observed to protect both the

journalists and the audience. However, one can question whether media ethics are truly valued the way they are meant to be.

#### **6.4 Challenges and strategies of broadcasting. Strategies on the coverage of criminal cases in the South African Broadcasting Corporation of KwaZulu-Natal**

According to the participants, one of the hardest things is putting a story together. Although in some cases the journalists would rely on a trusted source for news, in cases where they were doing the investigation themselves (often in their locality and around the area where stories would have occurred) one of the challenges that they often came across were instances where they could hardly find the other person to give their side of the story. The journalists stated that they would often have to go on air with a one-sided story. In cases where there was no one to comment, the journalists stated that they would often get the closest source to comment. Most of the participants stated that there was no real strategy to select the type of content to be broadcasted. Besides the selection of content that was factual and truthful, the literature, however, seems to disagree. According Nel (1998), there are a few ways that are used to try and identify the right content. The values are as follows:

- Time - news must be new.
- Consequence – when the reader is going to be affected, how the reader is going to be affected and to what degree is the reader going to be affected, often determine the news value of an item.
- Proximity - most events become more newsworthy the closer the action occurs to the audience.
- Peculiarity - unusual or unexpected events often hit the headlines.
- Prominence - events involving well-known people tend to make news.
- Conflict - the struggle between two forces, be it sport, business or politics, makes news.
- Topicality - some topics are more on people's minds at one time than others.
- Package - editors usually strive for a variety in tone and topic, and package stories accordingly.

These would probably be accurate in explaining why famous celebrities so easily find themselves in headlines even when they have done nothing wrong. Deformation of character is

a serious concern when it comes to media broadcasting and it seems to be the main reason why so many broadcast stations find themselves in trouble with the law and often taken to court. The findings of the study reveal that in some instances, journalists that do not correctly follow the ethics set often lead their reputation being damaged and falsely accusing someone can lead to litigation.

## **6.5 Recommendations**

Ethics are set in place for a reason and having considered the findings, it clearly stands out that they are not equally applied and not all of them are adhered to. Having carefully considered the findings, these are the recommendations that can be adopted.

- Disciplinary measures- clearly, there are inadequate punitive actions that are being taken against offenders. That is why many journalists find it so easy to ignore certain rules and regulations and work on their own terms. When journalists were assessed on action that is taken should one broadcast against set ethics, the majority of them spoke about getting their licences revoked, being sued or facing disciplinary hearing. This is clearly inadequate. Despite the fact that many broadcast radio stations have been taken to court, many of them still do the same things they got punished for. Media ethics should be applied categorically; no one should be named and shamed before he or she is found guilty. Defaming a person should be a serious criminal offence. Once a person's name is publicly dragged through the mud, it becomes very hard for society to trust that person and accept them back into the community and sometimes, the family will also suffer the consequences. There has to be a law that protects anyone who has not yet been found guilty. In this way, people's reputation would be saved.
- The findings of this study reveal that most of the broadcasted stories are based on a certain categorical level; however, looking at the findings, it does not look like there is much understanding of the effects that crime news can have on the public. The portrayal of violent crime often entices the younger generation who often find pleasure in what they see. The media personnel need to be educated on contemporary ethical issues. Even though media ethics disapproving of violence have been preached many a time through the ICASA, the BCCSA and even the South African Constitution, the country still experiences many accounts of violence including violent protests. Media still need to be made aware of the psychological damage that can occur. This can be done through developing various educational programmes. These programmes can showcase real individuals who have been affected and the challenges and difficulties they now face.

In light of the above, the problems caused by failure to adhere to media ethics will be minimised if these recommendations are taken on board.

## **6.6 Conclusion**

Journalists need to become more humane and refrain from just being observers and reporters without empathy. They ought to seriously consider what they see and what they think people want to see. In a country that is constantly fighting battles to try and decrease crime rate, there is need for journalists that conduct themselves as advocates of peace and those that bring about positive energy to our societies. Journalists need to be more sensitive to the people they serve, and they should be able to assert that whether delivered through audio, print or electronic means, the broadcast station must have human editors. The participants in this research argued that South African journalists need to reassess their attitudes and traditional ethics and re-align those that no longer serve either themselves or their communities well, and therefore develop support approaches by making sure the set ethics are adhered to in an environment characterised by equality and fairness.

The main aim of this overall research was to explore whether media ethics exist as well as to review the effects they have on broadcasting. Thus, the argument of this thesis revolved around the need to map out ethical standards that creatively seek to guide journalists into binding people together as well as exposing what is wrong between them in order to ensure that they participate in the crafting of a new moral order whose vitality has never been emphasised in the South African context.

In conclusion, the above research clearly states that there are media ethics that exist in terms of criminal radio broadcast especially those relating to court cases, and as much as these ethics exist, there is very little that has been done to ensure that they are being followed. The research has also indicated that there are adverse effects of unethical behaviour in the media fraternity but even though these effects have been identified, they are not being addressed as a matter of urgency.



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### **Case law**

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South African Broadcasting Corporation Thobela FM v Matemane [2012] JOL 28940 (BCCSA)

## APPENDICES

### Appendix 1: Gatekeepers Letter



20<sup>th</sup> March 2019

To Whom It May Concern

I have given Nontobeko Hlongwa, a student from the University of KwaZulu-Natal, permission to interview staff in our newsroom as part of her criminology and forensic studies on 20<sup>th</sup> March 2019.

Do not hesitate to contact me, for any clarity.

Kind Regards,

A handwritten signature in blue ink, appearing to read "Dries Liebenberg", with a horizontal line underneath it.

Dries Liebenberg  
Acting Assignment Editor: Radio Newsgathering  
083 309 2990

## Appendix 2: Ethical Clearance



02 May 2019

Ms Nontobeko Faith Esistancia Hlongwa (213560948)  
School of Applied Human Sciences – Criminology  
Howard College Campus

Dear Ms Hlongwa,

Protocol reference number: HSS/1258/018W

Project title: Criminological exploration of media ethics in South African Broadcasting Corporation: Case studies of KwaZulu-Natal

### Approval Notification – Expedited Approval

With regards to your response received on 27 March 2019 to our letter of 28 September 2018, the Humanities & Social Sciences Research Ethics Committee has considered the abovementioned application and the protocol have been granted **FULL APPROVAL**.

Any alteration/s to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form, Title of the Project, Location of the Study, Research Approach and Methods must be reviewed and approved through the amendment/modification prior to its implementation. In case you have further queries, please quote the above reference number.

Please note: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for a period of year from the date of issue. Thereafter Recertification must be applied for on an annual basis.

I take this opportunity of wishing you everything of the best with your study.

Yours faithfully

Dr Shamila Naidoo (Deputy Chair)

/ms

cc Supervisor: Dr Sazelo Mkhize  
cc Academic Leader Research: Dr Maud Mthembu  
cc School Administrator: Ms Ayanda Ntuli

### Humanities & Social Sciences Research Ethics Committee

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### Appendix 3: Permission Letter



#### **Request for permission to conduct research**

My name is Nontobeko Faith Eustancia Hlongwa I am a student at the University of Kwa-Zulu Natal, under the department of Criminology and Forensic Studies .I am undertaking a research on the topic “Criminological exploration of media ethics in South African Broadcasting Corporation: Case studies of KwaZulu-Natal Province”. I would like to kindly request your assistance with providing me with information, as a part of my data collection.

I am looking to interview 5 journalists from your radio station, participation is voluntary and any information provided will be treated strictly as confidential and purely for academic purpose.

#### **Objective of the study**

Broadcasting criminal cases can be said to be very beneficial to society as it raises awareness, however the rights of those involved are not taken into consideration as well as the effects these cases may have on criminal activity if ethical procedures are not taken into consideration. Broadcasts often infringes on the rights of those who are accused such as individual’s right to privacy. The main objectives of this research is to asses Media ethics and coverage of criminal cases in broadcasting corporations. The researcher seeks to understand the value of media ethics as well as to align these ethics with the South African constitution.

As a part of this research I would like to request you permission to conduct one on one interviews with preferably 5 journalist from your radio station. Participation for this study is voluntary and those who choose to take part will be given a consent form. The interviews will be treated with great confidentiality and privacy.

Looking forward to your favourable response.

---

Sincerely

Nontobeko Faith Hlongwa

School of Applied Human Sciences

Email: 213560948@stu.ukzn.ac.za

Contact: 0827940699\0638942773

