



In the Public Interest: News Values, Ethics and the Need for a New Focus in South African Journalism.

by

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I declare that this thesis is my own unaided work. It is being submitted for the degree of Doctor of Literature in the Faculty of Humanities, University of KwaZulu-Natal, Durban. It has not been submitted before for any degree or examination in any other university.

A handwritten signature in black ink, appearing to read 'Nicola-Jane Jones', written in a cursive style.

Nicola-Jane Jones
September 2004

ABSTRACT

The dramatic transition from South Africa's previous apartheid political system to a democratic dispensation, has posed unique challenges for the media. Ethical practices per se are difficult, with journalists being faced with the demanding position of having to act ethically on a tightrope between a totalitarian heritage and a newly emerging democratic nation. This thesis begins with the mapping out of a new theoretical model of ethical practice for South African journalists – a model that is open-ended, context-sensitive, and emphasises critical and creative thinking, as well as diversity and relativity in the process of moral decision-making.

Considerable debate – both nationally and internationally – currently surrounds the ethical role of journalists. In South Africa, these polarised positions have tended to emerge as the two main discourses evident in the local press: the watchdog discourse, broadly corresponding to the libertarian theory of the role of the media; and the nation-building discourse, which approximates to the egalitarian or social responsibility model. This thesis argues that the two discourses are not necessarily mutually exclusive; the theoretical framework does not exclusively support either normative theory as such, but rather facilitates the fostering of both sets of values represented by each respectively.

The case studies examined in this thesis are all underpinned by this idea. Attention is given to an examination of the violence coverage in KwaZulu-Natal, demonstrating an ethical breakdown in reporting during the years of apartheid, which shadowed journalists into the transitional period after the unbanning of the ANC and the lifting of all Emergency Regulations in 1990. The concepts of privacy and hate speech are examined, illustrating a lack in the culture of the South African press, of any concise articulation of its journalistic mission or what is expected of journalists. Finally coverage of the country's HIV/Aids pandemic is examined, the ethics involved in reporting such coverage are explored, and the ethical implications of an advocacy role vis-à-vis HIV/Aids, and reporting in general, are discussed.

The thesis ultimately attempts to map out an ethics that creatively seeks to guide journalists in both binding people together, and exposing what is wrong between them, in order that they may participate in the crafting of a new moral order.

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This thesis has been a long time coming, and the nature of the project has evolved and changed over time, partly due to a belated recognition of the necessary limitations of such a work, and partly to the realisation that a complete analysis of all the text covering the period was impractical. Furthermore, in recording what is essentially a civil war, with regard to the Natal violence, and a pandemic, where HIV/Aids is concerned, contemporary processes and events are not always clear, and the value of a short period of hindsight has been particularly helpful.

The delayed nature of the project has stretched the patience of many friends and colleagues, not to mention my family, to all of whom I am extremely grateful. My special thanks to Professor Jean-Philippe Wade and Dr Lincoln Michell for their constructive and encouraging supervision, and their unflagging interest and enthusiasm. I would also like to thank Dr Volker Hooyberg for his constant encouragement and gentle criticism.

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Introduction

Statement of the problem: media ethics in South Africa finds itself in the eye of the storm

“Journalism being what it is, even the most virtuous journalists, operating from what they see as the best of motives, inevitably will produce some morally unsatisfactory results. In either case it is worth understanding what went wrong, and how to prevent its recurrence.” – Stephen Klaidman

South African journalism and the media have been plunged into a credibility crisis. By October 2003, recent events had raised questions about accuracy and truthfulness, the use of leaked documents, off-the-record briefings, privacy, hate speech, plagiarism, conflict of interest and above all, the ethics of journalism. Accusations of plagiarism had been leveled at Darrel Bristow-Bovey, former columnist for leading publications in the Johnnic and Independent Newspaper groups, and Cynthia Vongai, editor of the South African edition of ELLE magazine, in relation to her former column, “Style Fax”, in the Sowetan. It was alleged that Vongai plagiarized an article from the Internet site www.askmen.com, while Bristow-Bovey allegedly plagiarized author Bill Bryson’s work for his novel “The Naked Bachelor” and for his columns in the Cape Times, British television personality Jeremy Paxman’s work. Bristow-Bovey denied the allegations and attributed his actions to carelessness Kupe, 2003). Both his and Vongai’s columns were discontinued.

Then there was the controversy in September 2003 over whether National Director of Public Prosecutions Bulelani Ngcuka should have briefed black editors and allegedly sought their support during his row with deputy president Jacob Zuma. Senior Sunday Times reporter Ranjeni Munusamy was suspended after she leaked a story to rival newspaper City Press about allegations that

Ngcuka was an apartheid spy. Sunday Times editor Mathatha Tsedu took the unusual step of writing a front-page editorial explaining why his paper had not run the story. Questions of accuracy and credibility were central (Tsedu, 2003). At the same time allegations surfaced about City Press editor Vusi Mona, citing him as a director of three companies hired by Mpumalanga's provincial government and being paid millions to improve that province's image. In a similar case, the Star's Metro editor Prince Hamca resigned from his post after being exposed as handling public relations for the Johannesburg City Council (Donaldson, 2003).

What these allegations have highlighted is the need to look at the way the media operates, and strengthen areas where ethics need attention, as this thesis will presuppose that this crisis was caused by a lack of ethical clarity within newsrooms. Moreover, this thesis will argue that this crisis has been a long time coming. Journalists working under the apartheid regime had to contend both with stringent legislation and the constant battle of working against the status quo, and many have undoubtedly carried the baggage of those times through to the new dispensation. Added to this, Professor Guy Berger argues that the idealism of the fight against apartheid appears to have been replaced by cynicism (Berger, 2003). It could be argued that the time is ripe for a rethink of journalistic ethics in the country, and thus this thesis will ultimately attempt to construct a new ethical framework within which meaningful decisions can take place in the current context of the media ethics crisis in South Africa. Working from the premise that the final accomplishments of journalism should be publicity (Ettema and Glasser, 1998), accountability and solidarity, this thesis will ultimately seek to conceptualize an ethical role for journalism in post apartheid South Africa.

A selection of newspaper texts from September 1987 to February 2004 are examined in this thesis. The 17 years under scrutiny is an intensely interesting period. It cannot be denied that the late 1980s were a time when the South African government faced crises in all spheres: economic, political and ideological. These times saw a beleaguered National Party government

desperately fighting for control. It saw newspapers as a constant threat capable of creating panic about this loss of control, as well as exposing the excessive repression used by the State, and thus undermining government attempts to manipulate consent and legitimacy from the white electorate.

During the transitional period from 1990 to 1994 it is interesting to note that many journalists began to perceive a “new type of censorship” (Mazwai, 1991:11), which once again posed a powerful threat to press freedom. Even before the ANC government was officially established, political activists from all black parties began to perceive any kind of criticism as destructive and anti-patriotic, and a general demand for advocacy journalism was established.¹ This demand followed the ANC into government in 1994, and has remained with them since.

However, the unbanning of the ANC and other political organizations and persons in 1990 also brought about immediate change – including sudden unanticipated freedom for the media, who appeared largely unprepared for the changes. By 1994 the media had a new government in power and consequently ostensible press freedom. However, various commissions and incidents in the years leading up to and beyond the millennium illustrate clearly both the battle of the South African nation to come to grips with the past, and the tensions without and within the media as they grappled with both their new-found freedom and sought to carve a new role for themselves in the ANC’s post-apartheid democracy.

Thesis Outline

Chapter One extends the discussion of the statement of the problem as outlined in the Introduction. It constructs a general methodological framework for moral decision-making in the context of journalistic practice. It discusses two ethical perspectives – that of the moral critic, and that of the moral agent – and then integrates them within the framework of the moral subject, the journalist at work.

In order to consolidate this, attention is then focused on the idea of practical judgement, intrinsic to the workings of this position.

Against this ethical background, Chapter One then examines the context of the ethical journalist as such, both in terms of Black et al's (1999) terms of the fundamental "guiding principles of the journalist" (truthtelling, independence, minimising harm and remaining accountable), and various practical considerations, germane to the reporting process as conceived of as a morally accountable activity.

Finally, the relevance of the foregoing considerations will be situated within the socio-political media context of post-apartheid South Africa. Following Skjerdal (2001), both the "watchdog" (liberal) and "nation-building" (social responsibility) model of the media that have traditionally informed South African media practice, will be examined. The thesis will argue that the two are not necessarily mutually exclusive; the theoretical framework does not exclusively support either normative theory as such, but rather facilitates the fostering of both sets of values represented by each respectively. In other words, Chapter One ultimately seeks to map out an ethics that creatively seeks to guide journalists in both binding people together, and exposing what is wrong between them – "an opportunity for journalists to participate in the crafting of a moral order worthy of their open and candid support". (Ettema and Glasser, 1998:201).

Chapter Two aims to understand the way in which the press in KwaZulu-Natal reported violent conflict between Inkatha and the ANC, commonly referred to as the Natal violence, from September 1987 to June 2000. It begins as a brief attempt to unravel the ideological and political construction of violence in KwaZulu-Natal presented to a largely white readership through comparative analysis of newspaper headlines and stories in the province's three major newspapers during this period. There is a brief attempt to compare news produced before the unbanning of the ANC in 1990 with stories produced in the

transitional period between 1990 and 1994, including a brief look at the Shobashobane massacre in December 1995 and the Nongoma assassinations, ending in June 2000. Although the last two categories fall outside the ambit of what is generally considered to be “Natal violence proper”, they are important as they help demonstrate the way the media is still selecting and depicting certain events, particularly where race is involved.

Thus the chapter briefly examines the ways in which the discourse of news was constructed and how this was mediated through newspaper stories over time. It will also discuss various factors that Louw (1995) argues have affected, and continue to affect, this reporting, namely:

- The legislative restrictions imposed by the previous National Party government, particularly during the States of Emergency.
- Daily journalistic practices and the functioning of the newsroom.
- The demands of market forces and the influences of newspaper ownership.
- The reporting environment outside the newsroom.

The chapter will also briefly explore the role of the media in a democracy. It will examine the ethical role played by journalists, drawing on Black et al's (1999) four guiding principles. Working from the premise that the final accomplishments of journalism should be publicity, accountability and solidarity (Ettema and Glasser, 1998), this chapter will ultimately seek to highlight the very significant breakdown in ethical journalism in that period.

Chapter Three establishes the importance of the role of the media in reporting and framing HIV/Aids issues within the context of a growing pandemic. It begins as an attempt to understand the way in which the Independent Group in South Africa reports the HIV/Aids pandemic, through unravelling the ideological and political construction of the pandemic as represented on the Independent Group's website (www.iol.co.za) from 1 January 2004 to 12 February 2004. The chapter looks for trends to help demonstrate the way in which certain events

have been selected and depicted. It briefly examines the ways in which the discourse of news was constructed and how this was mediated through the online stories. It will also examine various factors that have been argued in Chapter Two as affecting, and continuing to affect, reporting on violent conflict, in order to demonstrate how these same factors affect the coverage of HIV/Aids. The advocacy role of the media vis-à-vis HIV/Aids reporting will be briefly addressed. This chapter will ultimately attempt to map out some ethical guidelines for the coverage of HIV/Aids in South Africa.

Chapter Four is a discussion of the death of Glyn Taylor, a prominent Durban businessman who had a heart attack while with a black prostitute in May 1999. The focus in this study is on privacy, ethics and the public interest, while attempting to answer the question: should the media have reported on his infamous death at all?

Black et al (1999) point out that there are few greater conflicts than the need for free information flow versus the rights of individuals to personal privacy. This chapter argues that the public has a need for much information that others, for a variety of reasons, would like to keep private. It examines whether or not the Taylor story was an invasion of privacy and attempts to answer the question, at what point does an invasion of privacy pass from reasonable to unreasonable? It explores the issue of "newsworthy" people losing their absolute right to personal privacy, and tries to determine whether or not it was in the public interest that the details surrounding Taylor's death were published.

Following Archard (1998), the chapter explores three valuable social purposes served by gossip, which have been noted in anthropological studies. It ultimately puts forward the argument that there is value in citizens' knowing about certain activities of public officials, even though the officials may wish to restrict flow of that information; that there is value in the public's knowing about meaningful details of accidents, tragedies and crimes, even though the gathering and

distribution of such details might invade someone's sense of privacy (Black et al, 1999:238).

Ultimately this chapter attempts to illustrate the point that stories concerning the issue of privacy highlight the journalist's dilemma in balancing the competing ethical principles of truthtelling and minimising harm. It argues that the media made the right decision in running the story, balancing their potential for causing harm with the public interest factor. It argues that the standards of privacy for community and political leaders, and for ordinary people, are different, and that elected role models should be honest about who they are, particularly if their private lives are markedly different from their public pronouncements.

This chapter also argues that the media was clearly not prepared for the barrage of public criticism it received for running this story, leading to the conclusion that journalists need to reconsider their approach to their craft. In other words, the culture of the press in South Africa lacks any concise articulation of its journalistic mission or what is expected of journalists.

Chapter Five involves an in-depth analysis of whether the infamous political slogan "Kill the Farmer, Kill the Boer" constitutes hate speech, and whether in an ethical context hate speech in general, and this slogan in particular, should be reported by the media.

It attempts to answer the questions, should people be allowed to utter hate speech, and if so, should hate speech be reported in the media? This issue has been prominent in South Africa recently, following a South African Human Rights Commission (SAHRC) ruling that the political slogan "Kill the Boer, Kill the Farmer", constituted hate speech, but with the slogan continually being repeated at political rallies and other demonstrations.

The chapter argues that there is thus no doubt that the slogan "Kill the Boer, Kill the Farmer", is extraordinarily crude, perpetuates apartheid divisions and renders South Africa more inflammable – or is, in other words, definitely hate speech. It

attempts to answer the questions, at what cost should free expression be defended, and when may a government override the right to freedom of speech or expression?

Ultimately this chapter argues that hate speech in general, and this slogan in particular, should be reported, not least because failing to report similar chants can lead to distorted public images in the media. Having reached this conclusion, the problem of how an ethical journalist should go about reporting hate speech, without further inflaming a situation, is explored.

The Conclusion revisits the aim of the thesis, and reports the most important findings, including an argument for a new ethical role for South African journalists. It attempts to make a significant contribution to the ethical guidelines and practice of journalism in post-apartheid South Africa.

The importance of this study for South Africa and for KwaZulu-Natal.

Three features of South Africa's political history over the past decade make this study important. The first and most obvious is the ongoing violence, which in KwaZulu-Natal in particular has surpassed levels of violence in any other area of the country, and indeed in other countries where civil war exists. If one considers that from 1976 to 1996 more than 11600 people were killed (Jeffery, 1997), while in Northern Ireland only 3600 people died between 1969 and 1998², one questions both the lack of media attention – both national and international – given to the KwaZulu-Natal conflict, as well as the paucity of investigative journalism and academic research. Although peace talks have become a feature of the political developments in the province since 1989, they have not yet solved the violent political conflict, which many people now argue has shifted and is currently manifested in the taxi violence and “faction fighting” in rural areas such as Nongoma and Izingolweni.

The second feature of the country's recent history (which was not restricted to this province alone) was the implementation of the States of Emergency and other laws restricting the media and especially the reporting of violence until 1990. These laws were in place for five years, and it is the effect of these restrictions both on the coverage of the violence – and as I will argue, on current media coverage – which are important for this study.

Thirdly, and possibly the most important contribution this thesis could make, is in its contribution to literature on the subject of ethical media coverage in South Africa, of which there is indeed a paucity. As Cullinan (2001) points out, ethical journalism does not have a strong tradition in South Africa, and there are few media forums that discuss the question of ethics. The website <http://www.journ-aids.org> has made a valuable contribution in posting recent articles and research about ethics with regard to HIV/Aids, but apart from the notable research by Cullinan (2001), Shepperson (2002) and Stein (2003), most of the research deals with Africa in general or other aspects of HIV/Aids coverage. Where media ethics in general are concerned, barely any academic texts have contributed to this in recent years, with the most recent being that of Retief (2002).

It is important that news coverage in South Africa is ethical and accurate, as a great deal of research into specific events and trends (for example, the Natal violence, or HIV/Aids, or reporting on hate speech, and so on) relies on newspapers as a data source (Louw, 1995). One finds that with regards to the Natal violence, for example, newspaper stories were often the only accessible source of data on events. Various international scholars have criticized research methods which rely on the media and especially newspapers for information (Danzger, 1975; Franzosi, 1987; Molotch and Lester, 1974; and Snyder and Kelly, 1977). The most common criticism is that using the press means there may be systematic biases in the data, in the selection of events, description bias or researcher bias. And academic criticisms of South African newspaper

coverage in general tends to cite both political and racial reporting bias, underreporting the number of events and details about events, and even publishing rumours. The recent Human Rights Commission's report on bias in the media pointed out that even though there was an outcry within the media itself following these accusations, the media on the whole acknowledges such accusations to be true. Thus the espousal of a new ethical approach to news coverage would have positive repercussions both for readers, and for academic researchers.

Conclusion

This thesis will show that those in positions of power, both in government, society and in the media, have proved reluctant (for different reasons) to provide a full picture of events in the country. It will be argued that attempts to contextualise the violence and the Aids pandemic, both past and current, have been few, and sometimes considerable efforts have been made to prevent journalists from exploring the situation from any other angle than that favoured by the South African authorities. The thesis will show that the authorities themselves have not shown an openness to investigation even when engaged in what is considered a genuine peacekeeping operation – in fact, where the violence is concerned, the whole issue of government involvement has been, and still remains, shrouded in secrecy.

Regarding media coverage, it will be argued that news and political analysis of contentious events has been kept minimal. Only when either the media or the authorities wanted to promote a particular trend, or when national dissent has forced the issue, have such events hit the headlines. Even when events have “hijacked” the headlines in this way, they have been reported in an inadequate and impartial manner. Explanation and context have been generally omitted, and the “human angle” explored only insofar as it affects white (and because of the changing political dispensation, since 1994 middle class) South Africans, who

generally are allowed to see the worst of the “enemy’s” side and the best of their own. As a result, cause and effect disappear, and events appear to be the root of the problem, with the government’s responsibilities largely obscured.

The resulting mixture of ignorance and prejudice has made it difficult for ordinary South Africans to participate in rational discussion about how to resolve situations, and has also helped to preserve the gulf between black and white South Africans into the new dispensation. Even the ways in which the flow of information has been controlled and restricted are known to and discussed by only a handful of people, mostly journalists and academics, in themselves an elitist group.

This thesis will thus argue for some form of ethical analysis and understanding which can help turn newspaper copy from being mere objects of consumption to sites of political struggle – a struggle which accepts as its final outcome that knowledge about public affairs, and affairs which affect the public, is a right and not a privilege.

It is the contention of this thesis that in order to bring about informed changes in the media, it is necessary for the majority of people in the country to understand how and why the media works, and for academic theory and debate surrounding this issue to be made accessible to them. This would necessitate a new, ethical role for the media in which it is accepted that the ideals of publicity, accountability and solidarity (Ettema and Glasser, 1998) are the values to which they must commit. Therefore, the basic premise of this thesis is that the only legitimate activities in contemporary South Africa are those which contribute, however indirectly, to the building of a new, egalitarian society in which it is possible to live ethically, creatively and critically, and have access to information.

¹ Advocacy journalism is used in this thesis as a term meaning an “engaged” stance, such as was the case with the Rand Daily Mail, whose emphasis on exposing the evils as apartheid are largely cited for its

downfall. Many in the mainstream media see advocacy journalism as the opposite to traditional “objective” reporting. Jackson (1993) points out that although there is some overlap, for example, in both schools’ basic philosophies, such as their mutual respect for factual reporting, there are also large philosophical differences, such as the extent to which journalists ought to see themselves as mere recorders of contemporary history or as people who help shape it. Obviously, the ANC would like to see a form of advocacy journalism they prefer to describe, along with Skjerdal (2001), as nation-building, which aids government by overtly supporting its policies and their implementation – which would cause conflict with both groupings of journalists. Advocacy journalism is discussed in more detail in Chapter Five.

² Figures taken from the Northern Ireland Office Online at <http://www.nio.gov.uk/press/t/990319nim-nio.htm>, 16/11/03.

CHAPTER ONE

Decision-making in moral space: towards a methodological framework

“While the good is discovered, the just has to be constructed.” – Paul Ricoeur

Introduction

The purpose of this chapter is to construct a general methodological framework for moral decision-making in the context of journalistic practice.¹ This enterprise, by definition, involves both theory and practice. Indeed, the practical dimension is here conceived of as integral to the actual business of ethics. Taking this dimension seriously entails taking the **moral agent** seriously, a generally overlooked and somewhat neglected perspective in traditional ethical theory and contemporary applied ethics. There, emphasis has been placed on the moral **judge** or disengaged **critic**, who, as one philosopher has put it, “views the problem from ‘nowhere’ and treats it as a ‘math problem with human beings.’” (Whitbeck 1996:15) By contrast, the present study will attempt to demonstrate the ethical centrality of the concrete agent or subject of moral action, in terms of the day to day practical decisions he or she must make, in this case within the context of media practice. The latter entails careful consideration of the details and contingencies of individual situations, hence the importance, throughout this investigation, of **case studies** involving actual newspaper coverage. Michell (2003) asserts that writers in the field of applied ethics have, accordingly, drawn attention to analogies between moral problem-solving² and the challenges of **design**, in such fields as engineering and architecture. One of these writers, Caroline Whitbeck, has even depicted “ethics as design”, in order to do justice to moral problems (Whitbeck 1996:9-16). She distinguishes between merely evaluating a moral response, on the one hand, and **devising** possible courses of action, on the other. In ethical decision-making, there is seldom a single right or

wrong option, but rather **various** possible responses, some better, some worse than others. Furthermore, Michell (2003:2) points out that our approach can **improve** over time and circumstances in which we are acting morally can change. “These insights re-enforce the **flexibility, creativity and open-endedness**, required of effective moral decision-making processes.” (Ibid). Journalism, as a morally accountable enterprise, must clearly involve critical thinking, as Paul and Elder eloquently show (notably in exposing and guarding against the wiles of media bias). Yet as such it must also, very definitely, entail creative thinking. (Hence, we may now refine our concept of the discipline of ethics as the critical and creative thinking involved in moral decision-making.)

Another valuable contribution in this regard is made by the philosopher, Margaret Urban Walker, in an essay entitled “Keeping Moral Space Open – New Images of Ethics Consulting.” (1993:33-40). Walker conceives of the traditional model of ethics as somewhat mechanical, impersonal and abstract. As an alternative to this way of thinking, she invites us to consider ethics more in terms of **narratives** and **negotiation** (of and between real human beings). She concludes her investigation by proposing a shift, “from engineers and experts to architects and mediators.” (1993:39). Michell (2003) points out that one qualification needs to be made in this regard: Walker’s disparaging reference here to ethicists as engineers should not be confused with the approving reference to the **design aspect** of engineering, alluded to by Whitbeck. “Both philosophers celebrate the conceptually illuminating value of the latter.” (Michell, 2003:2).

The two ethical perspectives, mentioned above, i.e. that of the moral critic versus that of the moral agent, imply two different conceptions of morality itself and with it, two contrasting approaches to ethical decision-making. In this chapter, the purpose is to outline the main features of each of these methodological orientations, then, following Michell (2003), to consider the two founding concepts of classical ethics – namely consequence-based ethics and duty-based ethics – with a view to **integrating** them (in contradistinction to their traditional **juxtaposition**) within the framework of the moral subject or,

more specifically that of the (morally sensitive) journalist at work. In order to consolidate the latter methodological orientation, attention will then be focused on the idea of **practical judgment**, as a practical principle, intrinsic to the workings of this position.

Against this theoretical background, this thesis shall turn to the context of the ethical journalist as such, both in terms of the fundamental “guiding principles for the journalist” (truthtelling, independence, minimizing harm and remaining accountable) as presented by Black, Steele and Barney, in their Book: **Doing Ethics in Journalism** (1999), and various practical considerations, germane to the reporting process conceived of as a morally accountable activity. In addition to their four “guiding principles for the journalist”, Black et al set out ten “checkpoints” – questions that need to be asked in order to make good ethical decisions. These are as follows:

1. What do I know? What do I need to know?
2. What is my journalistic purpose?
3. What are my ethical concerns?
4. What organizational policies and professional guidelines should I consider?
5. How can I include other people, with different perspectives and diverse ideas, in the decision-making process?
6. Who are the stakeholders – those affected by my decision? What are their motivations? Which are legitimate?
7. What if the roles were reversed? How would I feel if I were in the shoes of one of the stakeholders?
8. What are the possible consequences of my actions? Short term? Long term?
9. What are my alternatives to maximize my truthtelling responsibility and minimize harm?
10. Can I clearly and fully justify my thinking and my decision? To my colleagues? To the stakeholders? To the public? (1999: 30-31)

In Chapter Three of Black, et al (1999) these questions are heuristically posed during the course of a discussion of an award-winning series of (morally

sensitive) journalistic articles on AIDS in the heartland of America. This procedure is particularly illuminating, given the gravity of the HIV/AIDS crisis in South Africa and the consequent critical survey of media coverage of this crisis, in Chapter Five of the present study.

Finally, it will be necessary to situate the relevance of the foregoing considerations within the socio-political media context of post-apartheid South Africa. Here the thesis has found a recent MA study by Skjersdal (2001) to be helpful. The latter distinguishes between two models of the media that have historically informed South African media practice, and the role of the model hereby assumed. These are the “watchdog” and “nation-building” models and correspond to the liberal and communitarian (social responsibility) traditions, respectively. Skjersdal contends that while the media were understood supposedly to perform a watchdog role under apartheid in this country, this has shifted in the new South African context, where the emphasis is now placed (in particular by government) on the nation-building role, to the detriment of the former. The crucial feature of the new scenario is clearly its status as a fledgling democracy. However, Skjersdal argues that the two are not mutually exclusive. While nation-building is obviously important in this context (our democracy itself must be developed and “built up”), the watchdog role remains imperative, also to ensure nation-building itself and the forging of a new national (and non-racial) identity. Without such a role being played by the media (i.e. as watchdog) this newly founded democracy will falter, as implied by the very ethical considerations examined in this chapter. One need only reflect on the serious instances of corruption being reported here in high places, to realise what a threat such morally unacceptable activities pose to the very fabric of our society. Part of the ethical responsibility of the media in this context involves this role of the moral watchdog. In one sense, **this** is where ethics in the media comes into play!

Consequences and duties: alternative criteria for moral judgment?

Michell (2003:3) asserts that the history of modern ethics, at least since the time of Immanuel Kant (1724-1804), may be characterised by two broad camps, each guided by a primary principle: the consideration of the **consequences** of an action, and of the **duties** governing actions, in the context of the moral evaluation of such actions. Hence the tradition of consequentialism, as denoting the former camp, and that of deontology (Greek: deonton –ontos, present participle of the verb deein, to be necessary, to behave; and logos, discourse), as “the science of duty”, denoting the latter camp. “Furthermore, between these ethical traditions there has existed a relationship of rigid exclusivity: either an action is to be judged right or wrong solely in terms of the positive or negative consequences it generates, or it is to be so judged according to the (moral) duties involved in constituting such an **obligation**, quite independently of the consequences which might follow.” (Ibid). And the question mark punctuating the sub-heading of this section, signifies a questioning of this exclusivity, to the extent that it bears implications for the way we understand morality as such. Indeed, the distinction, as it is formally sought to be maintained in ethical theory, is eventually subverted, as the ensuing analysis will make clear.

The most popular version of, and hence the focus on, consequentialism, which is always **teleological** in nature (i.e. goal or purpose-directed), is that of **utilitarianism**. According to Flew (1979: 361), although the latter has had precursors throughout the history of philosophy, and still enjoys support today, “its heyday was undoubtedly from the late 18th century through to the last quarter of the 19th”, its principal proponents being Jeremy Bentham, John Stuart Mill and Henry Sidgwick. The original formulation of utilitarianism was expressed by J.S.Mill (as quoted by Flew, *ibid*) as: “The creed which accepts as the foundation of morals, Utility or the greatest happiness principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended

pleasure and the absence of pain; by unhappiness, pain, and the privation of pleasure.”

Flew (1979:361) outlines three obvious criticisms of utilitarianism: its **difficulty of application** (the agent having to determine in advance the consequences of his or her action); its **unfairness** to the minority that must suffer the negative consequences of “moral” decisions and its **one-sidedness** in only attending to actions and their consequences, never to motives or intentions.

Michell (2003:4) argues that in time a theoretical refinement developed within the utilitarian camp, leading to what are now known as the subdivisions of **act utilitarianism** and **rule utilitarianism**. “In essence, the latter provides for a greater degree of **flexibility** or **generalisation**. Instead of every act having to comply with the utility principle, an act could be generalised as a rule, with only the latter having to comply with the principle.” He points out that this sub-distinction within utilitarianism is significant in the present context, on two counts. Firstly, the shift to (rule) generalisability is akin to the alignment in Kant with **universalisability**, and hence the subversion of the exclusivity between the two theoretical camps, as will be elaborated upon presently. Secondly, the shift to a more general application of the utility principle in the form of rule utilitarianism signifies a similar kind of “liberation” from the traditional confines of moral theory, as that to be outlined in the next three sections of the present chapter.

The most significant representative of the deontological, or duty-based ethical camp, is Kant (1959:39), whose famous **categorical imperative** expressed for him the basic moral law: “Act only according to that maxim by which you can at the same time will that it should become a universal law.” Michell (2003) points out that this moral duty was, for Kant, the only basis for the moral evaluation of any action, i.e. **independently of any consequences it might produce**. And significantly, what the categorical imperative boils down to, is the now familiar principle of universalisability, in terms of which, one's moral decisions must be able to serve as an example for everyone to follow, at all times and in all places.

In a penetrating analysis of Kant's ethical theory, recently undertaken by the American philosopher, Robert Almeder (2000: 58-70), two serious objections to Kantianism are outlined: the objection from conflict in duties and that from justice. Very simply, when we are to be guided by (moral) duties, which one are we to follow when there are more than one (and when they conflict with one another, as is often the case)? Furthermore, what if my "duty-bound" action results in manifestly unjust consequences? Kant does not provide an explicit reply to either of these objections. Almeder (2000: 68), however, interestingly points out that:

...in response to both the above objections, there are some thoughtful philosophers who tend to construe Kant's anticonsequentialism only in terms of the view that the morality of an act is not to be viewed **solely** by **its** consequences. They then argue that Kant was in fact a rule-utilitarian of a sophisticated sort because he consistently insists that, provided it is willed properly, that act is right which one could make a rule out of; and, presumably, whether a rule can be made out of the act (whether the maxim of the act can be universalized) is ultimately a function of whether the general consequences of so acting are as a rule productive of the greatest good for all those affected by the act.

Michell (2003) argues that in fact, Kant has here been "deconstructed": deontology has been "sub-verted" by utilitarianism – albeit in a modified form – after all. Given conflicting duties (including those of justice), the Kantian may now appeal to an **overriding duty** and make of it his or her universalisable maxim. And ipso facto, this deconstructive critique may also be applied to the theoretical exclusivity traditionally thought to hold between consequentialist and deontological ethical theories in general!

Two conceptions of ethical deliberation

Michell (2003) asserts that the institution of ethical theory and practice, both in its formal and informal capacities, is ultimately to monitor, advise and pronounce upon what is right and what is wrong with and in social and individual behaviour. But what precisely are the nature and the basis of ethical

deliberation? How do we conceive of the role of the ethicist? At what point in the evolution of action is ethical investigation or moral evaluation typically engaged? Plausible answers to these questions are provided in an insightful article by Margaret Urban Walker (1993:33-40), "Keeping Moral Space Open: New Images of Ethical Consulting." What emerges from the latter are two distinct pictures of morality, and accordingly two different conceptions of ethical practice: the **traditional** or philosophical conception, and a more engaged, contextualized, **applied** conception.³

Corresponding to these conceptions are two respective sets of secondary characteristics of the role of the ethicist. Michell (2003) asserts that according to the (classical) philosophical understanding, this role is viewed as theoretical, impersonal, systematic, law-like, abstract, formalistic. Its principal focus is on actions that have already taken place and their evaluative classification in terms of fixed (moral) principles. An alternative orientation, articulated and developed by Walker, sees ethical analysis as proactive, preceding the completion and even the commencement of human actions. Michell (2003) argues that such analysis is thus more practical, personal, case-oriented, concrete, dynamic, flexible and creative in nature. Rather than focusing simply on actions on hand, it also contemplates the planning of action, before it happens. As another philosopher, Caroline Whitbeck (1996: 9), writing in a similar vein, puts it: "One must **devise** possible courses of action as well as evaluate them."

Linked to the evaluative model is a tendency to understand moral problems in terms of (multiple-choice) **dilemmas**, where the solution is clear-cut, one option or another, plain and simply – black or white. The revised model, by contrast, conceives of moral problems as essentially and necessarily **open-ended**.

A further distinction between the two orientations is that of **stand-point**: traditional ethics adopting one of spectator or critic, and the revised orientation one of **agent**, or the subject of moral decision-making. The difference is between detachment and involvement, respectively.

Michell (2003) argues that in order to probe the heart of ethical deliberation, the relationship between **ethical principles** and moral decision-making needs to be examined. (Here a theoretical contest rages between “principlism” and “situationism”, which cuts across the distinction between ethical orientations.) This will be conducted in a later section of the present chapter, which reflects on a penetrating analysis by Onora O’Neill (2001:15-23). Although all three of the above-mentioned philosophers are operating within the field of bioethics, in the clinical context, what is pertinent here is that they are all engaged in **applied ethics** and how this is to be done. “Media ethics is also a branch of applied ethics.” (Michell, 2003:6). And the same theoretical and philosophical principles and insights at issue in the shift from a purely philosophical frame of reference, to that of the clinical context, apply here, in the shift to the field of journalism.

To return to Walker (1993:35-36) and her development of an alternative conception of ethics, she invites us to think about moral thinking in terms of two master metaphors: **narrative** and **negotiation**. Walker (1993:35) elaborates as follows:

The idea is that a story, or better, **history** is the basic form of representation for moral problems; we need to know who the parties are, how they understand themselves and each other, what terms of relationship have brought them to this morally problematic point, and perhaps what social or institutional frames shape or circumscribe their options.

The difference in emphasis of the revised ethical orientation is clearly portrayed. The focus is here on the **stories** of peoples’ lives, actual **happenings** in terms of, and as, daily life experiences. Moreover, these happenings occur in contexts of living human **relationships**, creating further segments of “the narrative”. Not only do journalists have a responsibility to be accurate in their narrating – part of their being **critical** thinkers – but they also contribute to the **creative** telling of their society’s story as a whole, and as such, to that of every individual reader in that society. Similarly, the process of **negotiation**, as a challenge of resolving

interpersonal (moral) conflicts, necessitates critical as well as creative thinking skills, on the part of the journalist. A third term deployed by Walker, to highlight the design or creative aspect of the revised ethical orientation, is the metaphor of the (ethical consultant as) **architect**.

Revised interpretations of the four guiding principles for journalists (Black et al, 1999:28) are hereby implied and called for. Take the primary principle: "To Seek Truth and to Report it as Fully as Possible." Such seeking will no longer be a purely philosophical quest, comparable to the plotting of mathematical functions. On the contrary, truth will be the truth of peoples' lives, the accurate recording of their actual life experiences, circumstances, joys and pains; the faithful portrayal of the relationships – and their threats – that make our (ordinary) concrete lives meaningful, happy or sad. Truth here is not an abstraction, but a concrete responsibility, to act in a certain way, to do very specific things in a given historical situation. "Truth is the cornerstone on which a journalist should base a value system." (Bugeja, 1996:67).

Bugeja (1996) discusses another basic concept about truth that applies to journalism: appropriate and inappropriate disclosures. These are aspects of truth related to discretion. This is part of the responsibility of truth-telling, as disclosing the whole truth (or all the facts) to the *wrong audience*, or the right audience on the *wrong occasion*, can be just as unethical as lying.

Black et al's other three guiding principles, likewise, change in complexion. To "Minimize Harm" is to be mindful of actual human beings and their material, emotional and spiritual good; to be concerned to protect and guard it and to resist any threat to it – in the very acts of journalistic practice and at all times, even before they occur. Harm to human good is not only explicit, but may also be **implicit**. Failing to report events or realities of profound human significance (e.g. in the contexts of the KwaZulu Natal violence in the 1980s or the contemporary AIDS crisis) is (implicitly) to **harm** this good.

The “Act Independently” principle is a call for a definite kind of action, literal action, such as writing a story, not action as a theoretical construct. To act independently, moreover, is to be true to oneself as a journalist, to have the courage of your convictions. Journalistic acts should retain integrity; wholeness in this respect, honest wholeness maintained by the journalist him- or herself. Again others, and our relations with others, come into play. A journalist should not allow others to tell his or her stories, whether by direct manipulation or indirectly, by means of influence or any other interest. Bugeja (1996:229) describes this as the “need to avoid being unduly influenced by those who would use their power or position to counter the public interest”. Success in this respect requires a moral and **practical** balance, between faithfulness to our own principles and professional (journalistic) compliance. In a recent article on readers’ trust in the profession and how this has been soiled by the Ngcuka saga⁴, journalist Phylcia Oppelt (**Sunday Times**, December 14 2003: 20) succinctly expressed something of this balance as follows:

We are being asked questions about trust and integrity; whether we are capable of speaking truth while attempting some kind of impartiality. For this, as far as I am concerned, is the cornerstone of what we do.

“Speaking truth” here is speaking it as understood and believed in by the journalist. The impartiality here is that of a certain professional immunity to subjective influences, irnpessionable factors that could sway the journalist and her decisions. Oppelt (ibid) goes on to say that “each edition of our newspaper carries information that we vouch for as being truthful and that we ask our readers to trust and believe.”

These words amply depict the real responsibility real journalists have towards their readers, and the role they play in their life stories, squarely situated in the flow of media practice.

The above logically entails the fourth guiding principle for journalists: accountability. Reporters are to be accountable to the reading public, as well as to their employers. Once again, the thrust here is **practical**, being

answerable to real people for everyday working decisions. Telling the stories, which ones and how to tell them, is what people in the media are accountable for, to each other and to everyone else concerned. Bugeja (1996:46) points out that it is important to acknowledge that although the various media serve segments of society in different ways, they all aspire to do so responsibly, emphasising the public's interest or the public's right to know or be informed in a truthful manner. "Equally as important are the individual journalists who aspire to live up to these standards, earning the public's trust."

All of the foregoing perspectives and sentiments are a far cry from (mainline) philosophical ethics, where the whole context of discourse and analysis is essentially theoretical and abstract in nature. Relevant as it may be, as the background and main spring of applied ethics, Michell (2003:9) points out that philosophical ethics operates strictly in terms of concepts and their logical implications, universal principles and the principle of universalisability itself, formal judgments and conceptual distinctions, all **abstracted** from real (natural) life situations and the human actors within them. "This is not to suggest that there is no longer a place for the "pure" ethics of the traditional orientation. As already conceded, such ongoing conceptual analysis fuels and provides depth to the various fields of 'applied' ethics, including media ethics, engaged in the day to day activities and moral challenges of living our working lives. Yet the two orientations, and their respective perspectives, remain distinct. A particular kind of ethics is called for, in the heat of professional practice and the decisions which formulate and culminate in them." Media ethics may set up something of a model in terms of which other professionals can become philosophically involved. The thesis now turns to a closer investigation of what solvers of moral problems can learn from the solving of **design** problems in engineering.

Ethics as design

The above insights of Walker harmonise with the observations made by Whitbeck (1996:9-16). The latter further serve to portray ethics as a practical

activity and to strengthen the link between ethics and professional decision-making. Michell (2003) points out that both writers highlight the traditionally neglected dimension of **creativity** in ethics.⁵ Whitbeck (1996: 11) makes the point that “for interesting or substantive engineering design problems, there is rarely, if ever, a uniquely correct solution or response, or indeed, any predetermined number of correct responses.” Later she refines this point by noting that two solutions to a design problem may each have different advantages, without one necessarily being better than the other. In the moral domain, likewise, each of two decisions may have its own advantages, without any necessity of one excluding the other. Indeed, each may be more advisable in a different situation. Creative and context-sensitive thinking is thus called for. Furthermore, although a unique solution might not hold for a design problem, Whitbeck (ibid) concedes that some may be unacceptable, and that one **may** be better than others. The same may be true of moral problems and **their** possible solutions. And this need not hint of ethical relativism, but rather the limited scope of our knowledge in given situations, a point that will resurface presently. “So ethicists are like design engineers, insofar as both must weigh up different decisions, or solutions to their problems, that each generates creatively. Moral decisions are themselves creative products, wrought by trial and error, and which remain open-ended. The morally accountable journalist too is required to be creative in his or her decision-making. Mistakes may well be made and progress in moral excellence necessarily remains on-going. Hence, the crucial values of wisdom and experience, in the journalistic context.” (Michell, 2003:10).

A further characteristic of solutions, both to design and moral problems, is that, according to Whitbeck (1996:12), they must do all of the following: achieve the desired performance or end; conform to given specifications; be reasonable secure against any form of miscarriage and be consistent with existing background constraints. In other words, in neither professional context is creativity unbounded, but always operates within constraints and in terms of criteria. This clearly also holds for moral decision-making in the media, where for example, creative thinking is constrained to conform to the “balance” mentioned in the previous section: between telling the truth and

remaining impartial. This kind of moral criterion is, accordingly, applicable throughout the course of the ensuing study. The discourse of journalists – or the lack of such discourse – must be weighed in the moral balances. In so doing, a working ethical framework for journalists is also consolidated.

On the basis of the above discussion, Whitbeck (1996: 13-14) draws four moral lessons, which also offer valuable insights for ethical journalism. The first lesson is that we should “begin by considering the uncertainties in the situation.” Before we can **define** what our problem actually is – a vital step in the overall decision-making process – we are confronted with and need to take account of the many unknowns, unpredictables and indeterminates that help constitute the moral context. Uncertainties of the kind faced by journalists will frequently be considered throughout this study. Uncertainties, however, should not paralyse our response. Absolute certainty may never come! As Whitbeck (1996: 13) cautions: “the advice to act only when one is certain is a license to avoid action.”

“The second lesson from engineering design for moral problems”, drawn by Whitbeck (ibid), “is that the development of possible solutions is separate from definition of the problem and may require more information.” Here an **open-ended** format does more justice to the moral decision-making process than a multiple-choice format, as noted earlier in this chapter. In the case of an actual moral problem in journalism – e.g. the Glyn Taylor case, discussed in Chapter Four below – there would be numerous details to get familiar with, various persons (and the relationships in terms of which they live their lives) to become acquainted with. Knowledge of all these factors would be necessary before making a moral decision. Yet information, and its critical processing, is not enough. The “uncritical” element of “brainstorming” possible solutions, is a vital aspect of the moral decision-making process. As Whitbeck (ibid) says: “brainstorming requires an uncritical atmosphere in which people can present half-baked ideas that may later be refined or combined.” Such activity, of course, flies in the face of “traditional ethics”, where a strictly critical or “adversarial format” is promoted and maintained. Journalists, nevertheless, who are involved in the **real world**, experiment, play with ideas, adapt and

modify the concepts – pondering their respective consequences – that go into their moral decisions.

The third lesson to be learnt, according to Whitbeck (1996: 14), and perhaps the one journalists can most identify with, “concerns acting under pressure.” Whitbeck (ibid) continues: “It is often important to begin by pursuing several possible solutions simultaneously, so that one will not be at a loss if one meets insurmountable obstacles, but still avoid spreading one’s energies too broadly.” Here the features of **flexibility** and adaptability are highlighted in the ethical orientation taking form in the present chapter. The flexible nature of this orientation contrasts with the static nature of an ethic that selects one solution and doggedly pursues it and it alone.

Whitbeck’s final lesson further highlights the **dynamic** character, common to both the problem situations under discussion. It teaches us that in such situations “further implications” may yet unfold. “the problem”, Whitbeck (1996: 14) observes, “not only requires classification, but even changes and develops over the course of time or is replaced by others.” Thus, in the actual world of daily events in which journalists must work, things change.

Circumstances change. The problem being faced might itself simply cease to exist, at least as we know it. Think of the problem of apartheid! Or, as is often the case, the problem may change its format, different aspects thereof coming to the surface. At any rate, things do not remain static. Nor do problems or other challenges. Journalists need to be attuned to this flux of events and to adapt their strategy accordingly. And to the extent that the journalist succeeds in meeting this arduous challenge, he or she is to be hailed as a moral hero.

Principles and judgment

The purpose of this brief investigation into the nature and role of general principles in moral judgment is to anticipate and pre-empt a possible misunderstanding of the thesis’ “revised” ethical orientation. The theoretical conflict involved, however, may occur in the traditional orientation as well.

The thesis will be guided here by the insightful analysis of Onora O'Neill (2001: 15-23): "Practical Principles and Practical Judgment." According to O'Neill (2001:15):

Those who deny that general principles are important for moral deliberation have mostly misunderstood how principles work. Principles do not give us algorithms for living. They identify broad requirements we must live up to, but they do not actually tell us what to do. We are left instead to craft responses that honour our general commitments using the materials of the case at hand.

Again one may note a concurrence with the creative thinking required for moral judgment, in her idea of (the moral agent's) needing to "craft responses." As the contemporary French philosopher, Paul Ricoeur (2001: 60) has said (of the **challenge**) of justice: "The idea of the just is **constructed**...whereas good is... **discovered**..."(my emphasis).⁶ This dimension of ethical practice may help to account for the generally twofold nature of the present investigation of recent South African journalism, including as it does, both conceptual and discourse analysis.

As for principles themselves, O'Neill distinguishes two theoretical positions, dubbed "principlists" and "situationists" respectively. The former over-emphasise the role of ethical principles, while the latter⁷ seek to replace them with a focus on "...cases, case studies, or specific situations, relationships, practices, or norms..." (O'Neill 2001: 16) It now becomes evident that our "revised orientation" of "ethics as design" could conceivably be confused with situationism, as here defined (i.e in terms of a focus on case studies, specific situations, relationships, etc.⁸) This potential confusion, however, calls for immediate correction. For how could one evaluate cases, or deliberate on moral decisions with regard to them, if not in the light of general (ethical) principles? This does not imply a reversion to the absolutisation of principles, just as "situationism" (as we would be committed to some form of this concept, on our revised interpretation of moral decision-making) need not entail moral judgment without principles.⁹ Important in this regard is an accurate understanding of the concept of a principle as such. As O'Neill has

noted, “principles do not give us algorithms for living.” An algorithm is defined by Berlinski (2000:xviii) as “a finite procedure, written in a fixed symbolic vocabulary, governed by precise instructions, moving in discrete steps...whose execution requires no insight, cleverness, intuition, intelligence or perspicuity, and that sooner or later comes to an end.” (as quoted by O’Neill 2001:22) This is precisely not the kind of principle an ethical principle is. An algorithm is a (pure) mathematical concept, which O’Neill (2001:23) further clarifies as follows: “True algorithms are found only in formal systems that abstract from everything that they do not determine.” Accordingly, moral decision-making simply does not function along algorithmic lines. As Michell (2003:13) points out, ethical principles do not **determine** moral decisions (as algorithms would) but rather **guide** them. “Crucial in this respect is the idea that ethical principles are fundamentally **indeterminate** – they do not and cannot prescribe or dictate to us precisely what to do in any given situation.” As O’Neill (2001: 15) puts it, “they identify broad requirements we must live up to, but do not actually tell us what to do.” Flexibility and open-endedness are what moral decision-making is all about, but in the light of guiding ethical principles.¹⁰

This is why, paradoxically, although unique moral solutions are rare, every moral problem, faced by a journalist, is itself unique. **As such**, all moral problems have different repertoires of solutions, which may change over time, and on which **improvements** can be made. Indeed, in the last section of her analysis, O’Neill (2001: 22) acknowledges what she calls “remainders”. She recognises that “practical judgment is clearly always difficult and often not wholly successful.” And moral agents, she warns, “will realize that, in the world as it is, they cannot avoid a degree of moral failure.” Some moral requirements are simply unmeetable. These may have “remainders” – which **remain** to be done when what **can** be done **has** been done – and which may call for appropriate “expressions of attitude such as regret or remorse.” (O’Neill 2001: 22) In addition to “attitudinal responses”, O’Neill (ibid) mentions “more active responses which might include expressions of apology, commitment to reform, the provision of compensation, forms of restitution, making good, and the like.” Michell (2003:15) argues that in this sense, a

journalist's moral task may never be complete, and may involve him or her in an on-going process of "making good". "One might even say that an important aspect of the journalist's task in general consists in just such a process, as wrongs are exposed and thus set on the path of being righted. Perhaps the vocation of a journalist is essentially an **ethical** vocation!"

Media ethics as critical thinking

As noted in the introduction, media ethics does not only involve creative thing but also critical thinking about – or as – moral decisions in journalism. As such, it exposes and alerts us to the logic behind bias and propaganda in the news media, which is simple and constant the world over. Each society and culture has a unique world view. This colours what they see and how they see it. News media in the cultures of the world reflect the world view of the culture they write for. But the truth of what is happening in the world is much more complicated than what appears true to any culture. As Putnam (1981:201) puts it, "every fact is value loaded and every one of our values loads some fact". Ettema and Glasser (1998) argue that social institutions as well as language maintain the reality of this world. So the world presents journalists with "hard facts" along with procedures for verifying these facts. For example, a journalist collecting information about a "hard news" event such as a fire, would gather facts such as, for example, origin, extent of damage and fatalities, because "the institutions and the language of our technical age lead them to see all fires (or, at least, fires in which they have no personal interest) as a discrete occurrence of brief duration with scientifically defined causes and legally defined effects". (Ettema and Glasser, 1998:136). Some facts, such as fatalities, have, in Putnam's words, "clear empirical test conditions" (in other words, a count of bodies), while other facts, such as origins, have what might be called "clear bureaucratic test conditions" (like the official report by arson investigators). (Putnam, 1981:159). When asked to defend the "truth" of particular stories, journalists may cite their careful adherence to procedures involved in gathering facts, but don't usually address the question of how and why the world has been divided into these particular facts and not others to

describe the fires. In other words, journalists “never question the schemes of description in which they live and work” (Ettema and Glasser, 1998:136).

Thus to be a critical reader of the news media in any society, one must come to terms with this truth and read accordingly. Critical thinking is a complex of skills that reverses what is natural and instinctive in human thought.

Paul and Elder (2002) argue that the uncritical mind is unconsciously driven to identify truth in accordance with the following tacit maxims:

- It's true if I believe it.
- It's true if **we** believe it.
- It's true if **we want** to believe it.
- It's true if it **serves our vested interests** to believe it.

They argue that the critical mind consciously seeks the truth in accordance with the following “instinct-correcting” maxims:

- I believe it, but it may not be true.
- **We** believe it, but we may be wrong.
- We **want** to believe it, but we may be prejudiced by our desire.
- It **serves our vested interest** to believe it, but our vested interest has nothing to do with the truth.

Mainstream news coverage in a society operates with the following maxims:

- This is how it appears to us from our point of view; therefore, this is the way it is.
- These are the facts that support our way of looking at this; therefore, these are the most important facts.
- These countries are friendly to us; therefore, these countries deserve praise.
- These countries are unfriendly to us; therefore, these countries deserve criticism.

- These are the stories most interesting or sensational to our readers, therefore, these are the most important stories in the news.

(Paul and Elder, 2002: Preface letter)

Not only do the mass media tend to foster what Paul and Elder call “egocentric” thinking but also “sociocentric” thinking. The key insight is this: the major media in all countries present events in the world in terms that presuppose or imply the “correctness” of the ideology (or ideologies) dominant in the country. News reporters and editors operate within a system of economic imperatives and constraints that dominate their work. Their audience is captive of an enculturated conception of the world, while mainstream news is consequently invariably based on a sociocentric view of the world.

Principles of application: media ethics in action

At the beginning of this chapter ten good questions journalists can ask in order to make good ethical decisions were listed. In the light of the above analysis, these questions become all the more relevant to our deliberations. Following Michell (2003), these questions are now briefly integrated with the principles discussed under a revised ethical orientation.

1. What do I know? What do I need to know? On the analogy of moral problems and design problems, the need for **information** was highlighted. Just as the solving of a design problem requires the gathering of all sorts of relevant facts, so the “solving” of a moral problem requires attention to every possible detail of the case at hand. We need to know these details before we can make a moral decision.
2. What is my journalistic purpose? Michell (2003:17) states that from the design analogy, “we have learnt of the vital requirement of **problem definition**. What, as a journalist, do I want to achieve? What must be accomplished, in the public interest? These are indispensable

questions the journalist must ask in the decision-making process. We cannot begin to move meaningfully unless we know where we are going!"

3. What are my ethical concerns? Ethical concerns, as we have seen, concern persons, the relationships between them and their lived situations. All these must be explored in determining our moral obligations as journalists. Furthermore, these factors may change. Differing solutions to the moral problem may suggest themselves accordingly. One may in the future be able to – or obliged to – improve on the solution one comes up with. And ethical concerns of the journalist are guided and coordinated by the four guiding principles for the journalist, discussed earlier.
4. What organisational policies and professional guidelines should I consider? This question, as a moral consideration for journalists, arose in the discussion of **balance**. The journalist must walk a tightrope, balancing between his or her personal convictions and the professional requirements applicable in the situation concerned. The critical principle of **impartiality** is also a fundamental consideration for the journalist, in all morally sensitive situations, as will be powerfully brought home in the next chapter, when the problem of objectivity in journalism is examined.
5. How can I include other people, with different perspectives and diverse ideas, in the decision-making process? As has already been noted, the solving of a moral problem for a journalist, involves getting to know (at least something of) the people involved in the case concerned. Until this point they have probably been strangers. Yet now information concerning them, their circumstances and significant relationships must become part of the decision-making process. These may be people from different backgrounds and holding different views from one's own. Here the journalist needs, once again, to be impartial and creative. This is what media ethics requires in practice.
6. Who are the stakeholders – those affected by my decision? Much like the previous question, this one requires the journalist to be imaginative and creative, envisaging the actual people upon whom my decision

may impact, and how they might be affected. Again, information is needed and a creative construction of the framework of its significance and implications for all concerned.

7. What if the roles were reversed? How would I feel if I were in the shoes of one of the other stakeholders? Here again, an **ethical imagination** is called for. To put yourself into someone else's shoes is an imaginative act! But again, as Michell (2003) notes in the distinction between the classical orientation of ("pure") ethics and that of **applied** ethics, there is a world of difference between abstract recognition and a genuine, felt **empathy**. As Black et al (1999:62) express it:
"Recognition can be a detached intellectual process. Compassion and empathy are emotional processes, calling for journalists to imagine themselves subjected to similar intense reporting." Here empathy with the situations, feelings and motivations of the stakeholders, is called for. This disposition also clearly precludes as **biased** approach of the kind exposed and warned against in the next chapter of this study, dealing with news coverage of the Natal violence in the 1980s and 1990s.
8. What are the possible consequences of my actions? Short term? Long term? Once again, ethical imagination is required, to answer this question. We need to project ourselves into the near, as well as distant future. What will things be like, **as a result of** my decision? Will people be better off or worse off? It is part of the responsibility of media ethics, for a journalist to be able to answer these questions before he or she makes a morally sensitive decision. Indeed, the decision taken – e.g. whether or how to report a given story – must be justifiable in terms of these answers. As we saw in the beginning, consequences of an action are a vital consideration in the moral evaluation of that action. And again, these terms necessarily exclude bias in a morally accountable approach to news reporting, at least in principle.
9. What are my alternatives to maximise my truthtelling responsibility and minimise harm? Journalists can identify with what may be termed the "urgency of truth". One of the lessons learnt from the "design analogy" was the need to act under time pressure. As Black et al (1999:62) point

out: "...deals with certain sources may be struck by journalists", in order to gain greater access to information. Throughout the reporting and writing process, these and other choices constantly need to be made for gathering and presenting information. Furthermore, given the principle of maximising truth-telling, the suggestion of propaganda (of the kind involved in the violence reporting, to be discussed in the next chapter) remain an anathema for the morally accountable journalist.

10. Can I clearly and fully justify my thinking and decision? To my colleagues? To the stakeholders? To the public? As this revised ethical orientation entails, moral decision-making is a **critical** as well as a creative process. One may thus define ethics as critical and creative thinking about moral (or value) questions. Michell (2003:20) argues that ethics must, of necessity, be critically – and self-critically – accountable. "This is not only a requirement for ethics to qualify as a philosophical activity but also as a human responsibility, one worthy of the dignity of being human. Accordingly, cogent arguments, admissible and coherent evidence for one's decisions, are incumbent on the "good" journalist, not only in the technical sense of the term but also in its **moral** sense." This is intrinsically part of being **morally accountable** (note, one of the "guiding principles") for one's decisions as a journalist. She or he must always be able to give accurate and relevant reasons for what has been decided. She may turn out to be wrong, but at the time, as she understood all that was pertinent to the case at hand, and according to her own moral convictions, she is justified! Part of this justification, as this thesis has now come to understand, moreover, might well entail an ongoing "making good" for the harm caused and the moral remainders left by the (defective) decision taken. As the thesis has also seen, this is all part of the grand vocation of journalists generally, not only to right their own wrongs, but those of society, of which they are part, or at least to be in progress towards that moral goal.

Post-apartheid South Africa as media-ethical context: four theories of the press and beyond

In keeping with the spirit of the foregoing analysis, the final stage of the latter calls for a concrete **context**. The whole point this thesis has been making about ethics is that it is not practiced in the abstract. It has to do with our everyday lives, the things that matter to us as ordinary human beings: what we long for, what shatters our dreams, what makes us angry, what makes people commit murder. The context of the present study, broadly speaking, is post-apartheid South Africa.

The dramatic transition from the notorious apartheid political system to a democratic dispensation, poses unique challenges for the media. Ethical practice per se is difficult. Having to act ethically on a tight rope between a totalitarian heritage and a newly emerging democracy, with its culture of human rights, makes this challenge all the more demanding. What would an appropriate media ethics for this time and place look like? Before this thesis can attend to the “post” of “post-apartheid”, it must consider “apartheid”. It needs to reflect upon the media-ethical implications of the shift from apartheid to its “post situation”. Clearly the political, and hence the media, agenda has changed fundamentally. But in what respects? And how can our present analysis and the proposed model of ethical deliberation shed light on our path ahead?

According to Dennis McQuail (2001:153), a significant moment in the development of theorising about the media (really the newspaper press) occurred through the publication of a small textbook by three American authors (Siebert et al., 1956), which set out to describe the then current alternative “theories of the press”, concerning the relation between press and society. In recent years it has been subject to extensive review, criticism and effective refutation, not only because of the near demise of one of the “four theories” – that of Soviet Communism – but for other inadequacies (Nerone, 1995). The other three “theories” presented are “authoritarian”, “libertarian”

and “social responsibility”, respectively. Several commentators, including McQuail (1983) have suggested that we need to have a category for “development theory” alongside the liberal and Marxist variants. McQuail (2001) believes that this would recognise the fact that societies undergoing a transition from underdevelopment and colonialism to independence often lack the money, infrastructure, skills and audiences to sustain an extensive free-market media system. “A more positive version of media theory is needed which focuses on national and developmental goals as well as the need for autonomy and solidarity with other nations in a similar situation.” (McQuail, 2001:155). He argues that in certain circumstances, it may be legitimate for government to allocate resources selectively and to restrict journalistic freedom in some ways, with social responsibility coming before media rights and freedoms. In practice, many media systems in the developing world still qualify for the “authoritarian” label, as is clearly the case currently in Zimbabwe.

However, McQuail (2001) believes that while many ideas have been floated to improve the original typification of press theories, the attempt to formulate consistent and coherent “theories of the press” in this way, “is bound to break down sooner or later. This is partly because of the ideological content of all such theory and the bias (whether open or unwitting) of all commentators. It also stems from the complexity and incoherence of media systems and thus the impossibility of matching a theory with a type of society. This approach has been unable to cope with the diversity of media and changing technology and times.” (Ibid, 155). However, he argues that there is much agreement on the basic ideas of how the media should contribute in the working of a democratic society, being expected to promote at least four main goals:

- Maintaining a constant surveillance of events, ideas and persons active in public life, leading both to a flow of information to the public and exposing violations of the moral and social order;
- Providing an independent and radical critique of the society and its institutions;

- Encouraging and providing the means for access, expression and participation by as many different actors and voices as is necessary or appropriate;
- Contributing to shared consciousness and identity and real coherence of the community as a whole as well as its component groups.

McQuail (2001) argues that we cannot expect all media to contribute equally or at all to these main goals, and beyond that we have to recognise divergent streams of thinking that cannot really co-exist. Nordenstreng (1997) has sketched the outlines of five different normative theory “paradigms” that lead to different kinds of normative prescription, which McQuail (2001: 161) summarises as follows:

- *A liberal-pluralist paradigm.* This is based on the old libertarian theory as presented above, with an emphasis on the individual, and defining the public interest as what interests the public. Accountability to society is achieved by way of the media market and some forms of minimal self-regulation, with a minimal role for the state.
- *A social-responsibility paradigm.* Here, the right to freedom of publication is accompanied by obligations to the wider society that go beyond self-interest. A “positive” notion of freedom, involving some social purpose, is envisaged. This favours communitarian over individualist political theory.
- *A critical paradigm.* Media are regarded as strategically located at the nexus of social structures, and freedom of expression is articulated in terms of repressive or hegemonic powers (of the state and business) on the one hand, and the oppressed masses on the other. Media have a potential for emancipation, but only in forms that escape from dominant institutional control.
- *An administrative paradigm.* This has its origins in the elite bourgeois press of the 19th century and exalts the notion of an objective journalism “of record” that draws on authoritative sources to provide reliable information on matters of significance. It expresses both ideals of journalistic professionalism and also the requirements of an efficient

bureaucratic state. It has an information-technocratic bias and looks to benefit and please managerial and political elites rather than the masses.

- *A cultural negotiation paradigm.* The origins of this lie predominantly in attention to pre-modern and agrarian society and to grass-roots movements, in liberation theology and in cultural studies. The paradigm rejects a universal rationality as well as ideals of bureaucratic-professional competence and efficiency. It emphasises the rights of subcultures with their particularistic values and promotes inter-subjective understanding and a real sense of community.

For the sake of clarity, two distinct theoretical approaches are identified in this study – the “watchdog discourse” and the “nation-building discourse” – which in their synthesis shed valuable critical light on the South African media debate under discussion.¹¹ The former – with which journalists themselves tend to identify – broadly corresponds to the libertarian theory of the role of the media (a functionalist approach), while the latter – typifying the position of the government – approximates to the egalitarian or social responsibility, more latterly developmental, model (the critical approach). With regard to the press, a functionalist perspective typically provides descriptive accounts of how newspapers and magazines operate in relation to specific social functions such as surveillance of the environment, correlation of parts of society, transmission of social heritage and entertainment (de Beer, 1998). A functional analysis within the South African context has been offered by de Beer (1989), who measures the South African press against Siebert et al.’s four normative theories. The critical approach, however, has a much more eclectic composition, emerging from leftist sociological criticism (the Frankfurt School), literary criticism, structuralism (notably Louis Althusser), and later being incorporated into cultural studies (notably Stuart Hall and the Birmingham School). Tomaselli and Louw (1993) argue that this approach has paved the way for a realist paradigm within media studies, as opposed to positivist and idealist approaches. (Skjerdal, 2000). Thus the critical paradigm, by its very nature, tends to be holistic. The ANC government of post-apartheid South Africa, on the other hand, appears to have fixated on the

developmental aspect of the media's social-responsibility role, to the exclusion of any other aspect.

Should the media be a watchdog or a lapdog? Is it a comforting pet or should it have teeth? Do we (or the government) perhaps want both roles, functioning in different contexts? The present study outlines the respective theoretical positions, against the political backdrop of a developing country, with its own special needs, blended with the (often too costly) challenge of democracy. Various challenges to a media ethics for a post-apartheid South Africa are examined: the issues of privacy, violence, hate speech and media coverage of the HIV/AIDS pandemic, concentrated as it is in the sub-Saharan region.

The theoretical framework this thesis has here outlined does not exclusively support either normative theory as such, but rather facilitates the fostering of both sets of values represented by each respectively. Following Michell (2003), an ethics that creatively seeks to guide journalists in doing the right thing for the good of the whole society and each individual involved, will clearly be concerned, both for the development and promotion of this society's identity and about anything which might threaten or jeopardise the general welfare of this society. The moral task of the media, as here envisaged, is both to bind people together and to expose what is wrong between them.

With this vision in mind, the thesis closes with a brief reflection on how the three key achievements of investigative journalism – publicity, accountability and solidarity – as articulated by Ettema and Glasser (1998:189-200), hover poignantly in the background, at various points in the foregoing analysis of the media ethical challenge facing post-apartheid South Africa. These “achievements” also synthesise the values and goals of the two aforementioned normative theories of the press.

Broadly speaking, in sympathy with the “**watchdog**” theory of the press, **publicity** (as “bringing to public attention serious instances of systemic breakdown and institutional disorder that have been mostly unnoticed or intentionally concealed” – see Ettema and Glasser, 1998: 189) and

accountability (as “demanding an account of the situation from those who are responsible” – see Ettema and Glasser, *ibid.*) are relevant, either directly, or indirectly. Recall the four guiding principles for journalists: seeking and reporting the (whole) truth, minimising harm, acting independently and accountability. These guide journalists, precisely in the interests of **publicity**. And journalists need them because they need to be, and are, (morally) **accountable**.

Solidarity (“establishing an empathetic link between those who have suffered in the situation and the rest of us”), on the other hand, is clearly the concern of the “nation-building” normative theory of the press. It is also the traditional African concern of **ubuntu** (i.e. the being of the individual as constituted by the being of the **community** in which s/he is situated). Indirectly, the “guiding principles” only make sense and are only possible if a relationship of solidarity exists between the journalist and the society s/he serves. Finally, a paradox, encapsulated at the very heart of the media ethical challenge, may be noted. The journalist can only act **independently** (i.e. according to the dictates of his or her own conscience) insofar as s/he acts in **solidarity** with all those whose story is being told (i.e. on behalf of **their** conscience)!¹²

¹ While, “the subject of ethics”, according to Black, et al (1999:5) “deals with the philosophical foundations of decision-making”, “media ethics, following Retief (2002:4) is not an exercise for the elite. In fact, **everything** that a journalist does has ethical dimensions, to a lesser or greater degree. It is certainly not only editors who take those big ethical decisions to publish or not to publish. In fact, even minor journalistic exercises have ethical implications. Why? Because everything a journalist writes or says, or neglects to write or to say, in some or other way has an **influence** on people. And influences can be good or bad.”

² Michell points out that creative problem solving in ethics is further attested to in a recent refreshing introduction to ethics by Anthony Weston (2002:33-49), who devotes a whole chapter to it, in which he notes “the need for inventiveness in ethics”, outlines practical strategies for the expanding of options and offers advice on “how to reframe problems”, eg. by reconceptualising and their terms of reference and thus pre-empting them.

³ This is not to suggest that “applied ethics” is not philosophical, but rather that its essential thrust or emphasis is not philosophical as such.

⁴ The Ngcuka saga refers to the smear campaign spearheaded by former **Sunday Times** journalist, Ranjeni Munusamy, as instigated by Mac Maharaj and Mo Shaik, against Bulelani Ngcuka, head of Public Prosecutions, on themselves being investigated on suspicion of dubious activities.

⁵ Whitbeck cites Stuart Hampshire (1949) for confirmation of this point, with regard to ethics in general.

⁶ An extended quotation of Ricoeur (2001: 60-61) may serve to express this profound insight more adequately:

The idea of the just is constructed inasmuch as it proceeds from a reasonable choice, whereas the good is reputed to be found, discovered, inasmuch as it is apprehended intuitively... If it is goods that are to be fairly allocated, the fairness of the distribution must owe nothing to their character as good and everything to the procedure of deliberation. When it is subordinated to the good, the just has to be discovered; when it is engendered by procedural means, it is constructed. It is not known in advance. It is supposed to result from deliberation in a condition of absolute fairness.

⁷ To pinpoint the objections lodged by those who claim general principles to be deficient, we could consider the criticisms levelled against Immanuel Kant, a “principlist” par excellence. His tightly argued (rationalistic) system of moral philosophy has either been criticised for its **formalism** (characterising a closed system of sterile rationalism) or for its **rigorism** (the aspect of conceptual inflexibility of the same “system”).

⁸ A further and more serious philosophical misunderstanding here concerns the scope of **practical judgment** (the form of judgment here under discussion). Whereas the latter focus on actions **yet to take place**, non-practical judgments deal with situations **already to hand**. Kant (1973:18) distinguishes two kinds of non-practical judgment: “subsumptive” judgment (which recognises or classifies moral action to hand) – e.g. “Was this a case of **negligence**?” – and “reflective” judgment, where the relevant concept or standard is itself not to hand in order to evaluate a given action, but where one still has to be **found**, and is thus **open-ended** – e.g. “What kind of action was that?” (See O’Neill 2001:19)

⁹ This is surely borne out by the four guiding principles for journalists, discussed earlier.

¹⁰ Francois Nel (1998:265) further illuminates this process in terms of the interrelationship between virtues, values and a principle: “Virtues are the qualities of a person which help him or her achieve the values he or she has set out to achieve by following a principle.”

¹¹ This builds on the approach adopted by Skjerdal (2001).

¹² It is also pertinent to note that the (investigative) achievements are in harmony with the ten good questions journalists can ask in making ethical decisions, as outlined in the previous section. They all only arise in the **public** interest, because journalists are **accountable** for what they write, and can only be answered in **solidarity** with the community of their readers.

CHAPTER TWO

News values, ethics and the Natal violence.

"Nothing could be more irrational than to give the people power and to withhold from them information, without which power is abused. A people who mean to be their own governors must arm themselves with the power which knowledge gives. A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy, or perhaps both." - James Madison

Introduction

The aim of this chapter is to attempt to understand the way in which the press in KwaZulu-Natal reports violent conflict. It will begin as a brief attempt to unravel the ideological and political construction of violence in KwaZulu-Natal presented to a largely white readership through comparative analysis of newspaper headlines and stories in the province's three major newspapers, in the period from September 1987 to June 2000. The ways in which internecine violence on the three different newspapers was presented (or ignored) in hard news stories will be examined. This chapter will broadly examine the ways in which violence stories were covered under apartheid, and will briefly attempt to compare news produced before the unbanning of the ANC in 1990 with stories produced in the transitional period between 1990 and 1994, including a brief look at the Shobashobane massacre in December 1995 and the Nongoma assassinations, ending in June 2000. Although the last two categories fall outside the ambit of what is generally considered to be "Natal violence proper", they are important as they help demonstrate the way the media is still selecting and depicting certain events, particularly where race is involved. "It should not be forgotten that the media do not just report about or reflect reality; they are an integral part of reality." (Van den Bulck, 2000:10).

Thus the chapter briefly examines the ways in which the discourse of news was constructed and how this was mediated through newspaper stories over time. It will also discuss various factors that Louw (1995) argues have affected, and continue to affect, this reporting, namely:

- The legislative restrictions imposed by the previous National Party government, particularly during the States of Emergency.
- Daily journalistic practices and the functioning of the newsroom.
- The demands of market forces and the influences of newspaper ownership.
- The reporting environment outside the newsroom.

Working from the premise that the final accomplishments of journalism should be publicity, accountability and solidarity (Ettema and Glasser, 1998), this chapter will ultimately seek to highlight the very significant breakdown in ethical journalism in that period – a time considered by the late Daily News News Editor Jack Moore to be a civil war situation.¹

The 14 years under scrutiny is an intensely interesting period. It cannot be denied that the late 1980s were a time when the South African government faced crises in all spheres: economic, political and ideological. However, the unbanning of the ANC and other political organisations and persons in 1990 brought about immediate change – including sudden unanticipated freedom for the media, who appeared largely unprepared for the changes. By 1994 the media had a new government in power and consequently ostensible press freedom. However, various commissions and incidents in the years leading up to the millennium illustrate clearly both the battle of the South African nation to come to grips with the past, and the tensions without and within the media as they grappled with both their new-found freedom, and sought to carve a new role for themselves in the ANC's post-apartheid democracy.

The latter half of the 1980s saw a beleaguered National Party government desperately fighting for control. It saw the newspapers in the province as a constant threat capable of creating panic about loss of this control, as well as exposing the excessive repression used by the State, and thus undermining

government attempts to manipulate consent and legitimacy from the white electorate.

However, during the transitional period from 1990 to 1994, it is interesting to note that many journalists began to perceive a “new type of censorship”(Mazwai, 1991:11), which once again posed a powerful threat to press freedom.² Even before the ANC government was officially established, political activists from all black parties began to perceive any kind of criticism as destructive and anti-patriotic, and a general demand for advocacy journalism was established.³ This demand followed the ANC into government in 1994, and has remained with them since.

The three newspapers under scrutiny

The Natal Witness (www.witness.co.za) is South Africa's last remaining independent daily newspaper and still prides itself on its liberal, left-of-centre stance.⁴ For decades persecuted by successive National Party governments, the newspaper was seen (until fairly recently⁵) as fiercely opposed to the Inkatha Freedom Party and sympathetic to the ANC. A daily morning newspaper catering mainly for English-speaking whites, it openly supported parties such as the Democratic Party in elections, and took enormous pride in the quality of its news coverage. Being small and independent, however, came with a price – the paper battled financially and tended to rely on idealistic journalists' willingness to work for non-market related salaries. It had an inordinately quick turnover of junior reporters, as those showing any kind of prowess were regularly poached by more affluent competitors.

The Daily News and the Natal Mercury (now known as the Mercury) are both owned by Independent Newspapers (www.iol.co.za), the former Argus group. The Mercury is a morning newspaper aimed at predominantly (white) business people, while the Daily News is an afternoon newspaper, with a 40% Indian readership, a far larger circulation than the Mercury, and is traditionally a blue collar paper.

The texts under scrutiny span more than a decade, ranging from a time of intense and stringent media control, through turbulent political transition, to the present phase of ostensible press freedom. Because of the enormous amount of copy involved, I have chosen specific periods during these years, within three broad phases, to illustrate certain trends at given times.

i. The opposition to apartheid phase

For purposes of this thesis, the opposition to apartheid phase spans the period from 1987 to the end of 1989. During this phase both violent and peaceful protest actions, undertaken for the most part by black people, were directed against the government and its agencies, particularly the security forces. In 1983 the United Democratic Front was formed, uniting hundreds of community organisations and trade unions opposed to the government and the proposed Tricameral Parliament. Tensions boiled over in 1984 when the government instituted the Tricameral Parliament, which attempted to co-opt the coloured and Indian populations into accepting a secondary role in government, to the exclusion of the black community.

A wave of protest and violence followed, fuelled by the African National Congress's (ANC's) strategies to destroy apartheid through rendering black communities ungovernable. This was to be done by targeting people labelled "collaborators" (such as black town councillors and policemen). The youth also played an important role by disrupting education in black schools, as part of the liberation strategy.

In KwaZulu-Natal, this collective action had repercussions quite different from those experienced in the rest of the country. Conflict here was more extensive and more violent. From 1985 to the end of 1989, 3212 people lost their lives in this province alone, compared with 2871 fatalities in the rest of the country during the same period. (Race Relations Survey, 1990/91). And in KZN, this conflict occurred mostly between black political groups, namely the UDF and Inkatha, rather than between liberation groups and government forces.⁶

There is much disagreement about both the role of Inkatha and the UDF in KZN at that time. Inkatha maintained that its non-violent anti-apartheid strategy clashed with that of the UDF, who wanted to destroy all alternative black parties. However, liberation groupings argued that Inkatha collaborated with the government to destroy the UDF, as they wanted to establish a power base in the province (Louw, 1995). Cycles of violence between the two groupings steadily increased from 1986 to 1990, while in other areas of the country violence gradually subsided.

The government responded to these developments by imposing a national State of Emergency on 12 June 1986. (This was successively renewed each year until 1989, when it was lifted throughout the country with the exception of KZN. In February 1990 it was lifted entirely). The Emergency measures were far reaching, brutal and seemingly effective outside KZN as national death tolls elsewhere dropped from 1352 in 1986 to 706 in 1987. However, in KZN fatalities increased from 171 in 1986 to 644 in 1987 (Race Relations Survey, 1990/91).

It is for this reason that the first period of newspaper copy examined is from September to December 1987, when the violence in KZN began to escalate in earnest. Newspapers were still battling to come to terms with the still relatively new Emergency regulations, and the government's Bureau for Information began issuing limited and unreliable police Unrest Reports on a daily basis in an attempt to control the definition, recording and dissemination of all information relating to political conflict. Newspapers had to choose: either they buckled under the pressure and simply published the Unrest Reports, or they took a stand and continued to attempt to provide readers with a more accurate and unbiased version of events. Either way, newspapers were forced to reduce their violence coverage, journalists were harassed, newspapers and reporters were forced to register for official records, and information was centralised by promoting an official "news culture" with the government constantly monitoring media coverage (Tomaselli, 1988).

By 1989, when the emergency regulations were fairly well established, the period from June to November 1989 is analysed. At this stage the province's first ever peace talks between the two major combatants – the IFP and the UDF – were initiated, following a particularly intense outbreak of violence in Mpumalanga, near Hammarsdale. However this set of peace talks was relatively short-lived and disintegrated before the end of that year. It can reasonably be assumed that newspapers had had sufficient time to come to grips with the in and outs of the emergency regulations (some three years in fact), and thus I attempt to find indications of this in the coverage of the violence during this period.

ii) The transformation phase

The transformation phase began in 1990 when, in February of that year, political parties such as the ANC, the Azanian People's Organisation (Azapo) and the Pan Africanist Congress (PAC) were unbanned, and ANC president Nelson Mandela was released from prison. The State of Emergency was lifted, although not in KZN because of the continued levels of violence. The launch of the political transition process in 1990 and the prospects of a democratic election unleashed violent competition for support between the main contenders for the vote of black South Africans – the ANC and Inkatha. During this phase, the death toll in KZN increased even further.

In spite of the signing of the National Peace Accord between the major political parties in September 1991, clashes between the ANC and IFP continued unabated during this period. Over 7000 people died in KZN from the beginning of 1990 to April 1994, and hundreds died in the Gauteng region.

The first major outbreak of violence in KZN during this period occurred outside Pietermaritzburg during March and April 1990. I analyse the coverage of this violence in an attempt to assess whether there was any change in approach, as the media restrictions had been lifted and there was ostensible press freedom at this time. However, by the April 1993, when violence flared during the time of former Umkhonto we Sizwe chief Chris Hani's assassination, there

had been little change in media coverage of the violence. Indeed, Hani's assassination sparked a critical period of introspection for the South African media in general.⁷

The transformation phase and the violence associated with it created a climate of uncertainty and suspicion, in which propaganda and rumour mongering flourished (Louw, 1995). The increased politicisation of violent conflict was fuelled by leaders of political organisations making allegations and inflammatory remarks about their rivals in public. This is reflected in a Goldstone Commission of Inquiry into Public Violence and Intimidation Report on violence in the East Rand in 1991 and early 1992, which stated that: "At least some of the rumour is deliberately initiated as part of the power struggle and as a cover or to raise the level of suspicion and hence polarisation." (Pereira, 1993).

Although restrictions on the media no longer existed, the complexity and extent of the violence during this period made accurate reporting of the conflict difficult.⁸ Reporters were no longer harassed by the security forces, but increasingly members of civil society and in particular supporters of political parties threatened and attacked journalists. In addition, witnesses of violence were silenced by fear, intimidation and the despair associated with years of violence (Louw, 1995).

At another level, newspapers increasingly turned their attention away from violence to cover other important political developments in the country. Partly as a result of these factors, information about violence was not always considered reliable and comprehensive by many readers, in particular violence unrest monitors (who were in a position to compare their information about an event with that of the press), and also academic researchers (Louw, 1995). This is significant, since the intense violence of this period became a threat to national peace and development, nearly derailed the country's first democratic elections, and was recognised as one of the country's most urgent problems.

iii The Consolidation Phase

The final phase of consolidation began with the first democratic election in April 1994. The months prior to the election were very tense. The IFP boycotted the process until eight days before the due date. At the last moment the party joined after laying down several conditions that were agreed upon by the ANC and the National Party. Other homeland governments and right-wing political parties also rejected the transformation process.

The election nevertheless proceeded remarkably peacefully and successfully under the circumstances, with the ANC winning the vast majority of national votes. In KZN, where the IFP won the province with a narrow majority, the violence decreased but did not disappear. And at leadership level, tensions escalated following the violence, fuelled by continuing violent clashes between supporters (Louw, 1995).

However, I will argue that in terms of media coverage, still little had changed. A brief analysis of the Shobashobane massacre near Port Shepstone in December 1995 and January 1996 – a horrific event that could have provided a mound of investigative, feature and hard news material – shows that little attempt, other than the necessary and superficial, was made to bring the full story home to readers. The same applies to the Nongoma massacres from January to June 2000.

South Africa's transition to democracy has undoubtedly been retarded by the political violence in KwaZulu-Natal. Although there have been agreements reached by the ANC and IFP leadership which have helped cool the conflict between their supporters, these agreements have largely been thrashed out behind closed doors, leaving media reports reliant on anonymous sources and speculation – neither of which increases confidence in the country's political leadership. Although finding long-term solutions is crucial, this requires an understanding of the problem, which in turn depends on a good supply of reliable public information.

Freedom of speech and information are essential for any democracy to succeed. Information enables the public to make informed decisions in their own best interests, and to monitor abuses of power by the state and other institutions in positions of power. Among other things, it thus enables the resolution of conflicts in a peaceful manner, which the present discussion shows is much needed in this country. The media is one of the central mechanisms for distributing information. According to Steyn, “the three recognised pillars of a modern democracy are the executive, the legislature and the courts. To these must be added the fourth estate, the media. The media’s traditional role is that of public informant and watch-dog over abuses of power in the other three estates.” (Steyn, 1989).

The role of the media in a democracy is thus crucial. However, in order to fulfil its role adequately, the media not only needs access to accurate information, but a deep understanding of just what its role requires. In other words, I argue that journalists need to be aware of the responsibilities they hold within an ethical framework. If this framework is missing, it is impossible for the media to report accurately, ethically and professionally.

News values: ideas for gathering information in the 21st Century

As outlined above, this chapter deals with the ideological analysis of three newspapers’ “Natal violence” stories. In this chapter the focus is on “straight” or “hard news” stories, and not editorials, feature stories or analytical articles.⁹ The analysis of these news articles is heralded by a brief discussion of two perspectives of news – news as information (delivery of data), and news as representation (interpretation of data).

Understanding news

According to Greer (1999), the very simple question: *What is news?*, is probably the most important and difficult question in journalism, as it affects the work of each journalist every single day. It is impossible for newspapers to

report everything, and thus journalists must decide – indeed, must know *how* to decide – what is news, and also what news is relevant to their readers. There is no one universal definition of news, because news by its nature cannot be defined – it is a relative concept, differing from newspaper to newspaper, from place to place and from one time to another. Thus, to seek an infallible formula that will predict what events will become news is futile, because the circumstances governing its selection are never constant: 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) describes this element as the fact that news must be “new” in some way; “if the information is not new to the readers, it is not news” (Nel, 1998:20). He argues that another two aspects of news are that it must have conversational value, or in other words be talked about, and that it must have commercial value – that “it is, quite simply, a product”. Nel places great emphasis on the fact that newspaper stories are written, 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. Newspapers are a commodity for customers.”(Nel, 1998:20).

Walter Lippmann, in attempting to identify the nature of news, was one of the first people 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 that these choices are made from news organisation conventions rather than applying “objective” standards.(Lippmann, 1965:10). The implication 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 becomes the interpreter or translator, linking words and actions of diverse groups of people with the “average” newspaper reader.

In order to decide which events they should select, journalists are required to learn “news values”. Nel (1998) sets these out as follows:

- Time – news must be new.
- Audience – the readership profile of any particular newspaper guides editors in deciding which items are newsworthy, and also which approach to take with the story.
- Consequence – when the reader will be affected, how the reader will be affected and to what degree the reader will be affected, often determines 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 another.
- Package – editors usually strive for a variety in tone and topic, and package stories accordingly.
- Visual appeal – strong pictures will often determine whether an image appears on the front page of a newspaper, and the lack of visuals may push an otherwise significant story to the back of the publication.

The more of these criteria an event satisfies, the more likely it is to be selected as newsworthy. Conversely, however, I would argue that once a news item has been selected, what makes it newsworthy according to these criteria tends to be accentuated. And so the reader is left with an image of the world which may be substantially different from “what really happened”.

Changing perspectives on news

Having discussed the major elements South African journalists traditionally have used to decide the relative importance of stories, it is important to point

out that, recently, criteria of news standards, news sources and topics, have shifted. Because of growing concern with current journalistic standards in South Africa, there is an increasing tendency to question traditional news values and news criteria. (Nel, 1998).

Views on information, for example, have changed. Because of the glut of information surrounding consumers, much of which is freely available in media such as the Internet and radio, newspapers need to redefine the art of compiling and imparting information. To say that the role of the journalist is just to deliver information is too limiting – or too broad!. According to Nel, “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.” (Nel, 1998:30).

Another important aspect of change, I believe, is that journalists need to be careful about the sources they use for stories. Traditionally, South African journalists have tended to use as high-ranking officials as possible. But 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 is that of using unnamed sources. Unproven statements can easily be made into “facts” by attributing them to a source. (Whitaker 1981). Nel 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, which took place in 2003, highlighted the danger for journalists of using anonymous sources for stories – and the City Press story, alleging that Bulelani Ngcuka was a spy, serves as an important reminder in this regard.

The structure of a news story

Nel and Greer both argue that although there are many formats that can be used, news stories tend to follow the basic “inverted pyramid” structure, the most commonly used form in 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: headline (tells us quickly what the story covers), first paragraph (tells the main facts of the story), and the remainder of the story (contains supporting information). The language of news stories is clear, precise, concise and direct, using the active voice and direct quotations, and avoiding “frilly” writing. (Greer, 1999).

A critical look at the production of news

It is clear that in South African newsrooms, there are certain structural requirements which journalists are required to adhere to, such as the pyramid style structure of stories, and tight and concise writing because of space limitations. It is also clear that journalists are expected to select stories in terms of traditional news values. And 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 at all. The Daily News, for example, has initial deadlines around 6am in the morning, and 7am 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 labeled news, trails behind it an almost endless train of circumstances and ramifications...but though it can be painful to realize, many of [the] hard-won points simply won’t fit in the story”. (Lanson and Stephens, 1994). I would take this further and argue that the available “facts” are sometimes collated into a semblance of a story, as there is simply no time to contact the people necessary to corroborate these “facts”. As deadline approaches, the journalist must have checked the facts, talked to the people concerned, and put together an account of what happened in a readable form

(Hodgson 1992), sometimes under immensely stressful situations. Thus the pressure to get the news out to the public while it is still fresh often causes errors (Goodwin 1983). The facts that journalists can produce, sometimes add up to the “truth”, but journalists are seldom able to put sufficient facts together at a given time to be able to tell the “truth” (Goodwin 1983).

Paul and Elder (2002) argue that the media foster a set of myths regarding how they function, and that believing these myths impedes 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.
- That news writers simply report facts in their stories and do not come to conclusions about them.
- That fact and opinion are clearly separated in the construction of the news.
- That there is an objective reality (the actual “news”), which is simply “reported” or described by the news media of the world (our news media writers reporting on this objectively; the media of foreign enemies systematically slanting and distorting it).
- That what is unusual (novel, odd, bizarre) is news; what is usual is not.

The principle of objectivity

It is also important here to note that journalists are taught that various principles are important when covering the events selected, the most important principle being that of objectivity. In Kieram’s (1997) words, it is intrinsic to the purpose of news that it is free of ideology. In other words, a journalist should strive to be an unbiased observer, attributing any opinions or subjective comment that he or she uses in a story. However, according to Fuller (1996) this is impossible. “No one has ever achieved objective journalism, and no one ever could. The bias of the observer always enters the picture, if not colouring the details, at least guiding the choice of them”.

(Fuller, 1996:14). Paul and Elder (2002) take this further and argue that it isn't even possible to present all the important facts, because of the many competing criteria for determining what is "important". "Human objectivity is an ideal that no one perfectly achieves. It requires a great deal of intellectual humility (knowledge of our extensive ignorance) and begins by freely admitting one's own point of view, as well as the need to consider competing sources of information and opinion when making important judgements." (Paul and Elder, 2002:5). The key point is this: there are multiple points of view from which any set of events can be viewed and interpreted, and objectivity is only achieved to the degree that one has studied a wide range of perspectives relevant to an issue, obtained insights from all of them, seen weaknesses and partiality in each and integrated what one has learned into a more comprehensive, many-sided whole. Each should serve to "correct" exaggerations or distortions in the others and to add facts not highlighted in the others. (Paul and Elder 2002). Where journalism is concerned, I would argue that purely in terms of practical restraints such as available space in the newspaper and the pressure of deadlines, this becomes almost impossible. And where coverage of the violence was concerned, the difficulties were compounded by a lack of multiple sources for information and a way to determine when those sources were most credible. I discuss this issue further, later on in this chapter.

Ettema and Glasser (1998:7) call the belief of journalists, that they can make news judgements without also making moral judgements, a "paradox in journalists' understanding of the intellectual foundations of their craft". They argue that the majority of journalists continue to maintain a separation between fact and value in their work – that they report empirically verifiable violations of established standards, while the public evaluates and perhaps responds to these violations. Indeed, even a cursory glance at literature on South African journalism will show that the notion of "disinterested" knowledge continues to shape the news as a form of discourse and also to shape journalists' discourse about the news. Thus the ideal of objectivity in South African journalism has not really been left behind. One of the central questions here, then, is this: is it possible to know and tell what is *important*

about human affairs without also knowing and telling what is *right*? Put another way, can such fact exist without value? (Ettema and Glasser, 1998:10).

This is the ethical dimension of the decision-making process. There is a sense in which all communication has an ethical dimension, to the extent in which reporting itself becomes either right or wrong.

Language and meaning

If one is to attempt to analyse news through using ideology, one must consequently move beyond structure – the assumption that there is an “event” first, which can then be “accurately” and “objectively” reported. (Jacobs 2001). Hall (1996) makes a much more subtle point about language. His argument is that the “event” may be there, but it can only become meaningful through its representation in language. For him language does not come after the event, but is constitutive of how we are to make sense of it. This critique maintains that language is not a neutral medium, that values and implicit propositions are continuously articulated as discourse on a subject proceeds, so that a discourse is always a representation from a certain point of view. (Fowler 1991).

News as discourse

According to Mersham, one may define a discourse as “a mode of communication with specific principles of structure, logic of development, and patterns of elaboration” (Mersham, 1989:54). He asserts that discourse analysis is concerned with two aspects of the “language” in which a message (or in this case, newspaper story) is articulated and understood – the context of their social uses, and the context of their material organisation.

Both aspects of discourse – the text itself and its social impact – are significant for the understanding of media. “Questions about the media’s role and strategies in opinion formation and change, in the structuring of

ideological affiliations, in the (re)production of a given social order and the presentation of historical events, are questions about the social and cultural aspects of discourse. All such questions cannot be solved without recourse to discourse theory.” (Mersham, 1989:54).

In the context of cultural studies, discourse analysis has tried to expand beyond the classical approaches to “content analysis” by explicitly relating content to social, political and economic contexts of production. In other words, instead of interpreting texts simply at the level of their content, they are examined in the wider context of the culture that produces them. Tomaselli et al (1987:11) use the term “ideological discourse to denote the personal expression of the experience of people to any given situation.”

At the base of the claim that news is ideological, is the idea that news is a “constructed representation”, and not a “gathered reflection” (Jacobs, 2001: 91). Every journalist knows intuitively which terms to use when characterising the favoured and unfavoured players in a situation, within their own cultural perspective (Paul and Elder 2002). For example, we *plan*, they *plot*. We *form strategies*, they *conspire*. We have *proud convictions*, they are *fanatics* and *zealots*. We are *freedom fighters*, they are *terrorists*. We are *law-abiding citizens*, they are *lawless criminals*. We *defend ourselves*, they *attack*. Thus journalists routinely select words that reinforce the prevailing views among the readership or audience for whom they are writing. Paul and Elder argue that ironically, if journalists writing for a mainstream audience were to adopt views that significantly diverged from those dominant in their society and presented the news in accordance with them, they would be considered “biased” and “irresponsible”. “In other words, if you think in accordance with mainstream views, you are a ‘responsible’ thinker; if not, you are ‘irresponsible’”. (Paul and Elder, 2002:16).

The exception to this occurs, of course, if there are conflicting views held by significant numbers of people in the culture, as in the conflict between liberal and conservative perspectives, which are expressed differently in most cultures. Paul and Elder argue that in this case, both points of view are

presented in favourable and unfavourable terms, depending upon whether the source is dominated by conservatives or liberals. Nevertheless, if one's views do not fall into either mainstream liberal or conservative, one is dismissed as a radical, irresponsible by definition, since one's views do not agree with one of two traditional views.

Jacobs (2001) argues that in news the criteria of brevity, conciseness, clarity, preferred grammar, consistency, liveliness and vigour are framed as purely functional or aesthetic judgements. Alongside these is a concentration on verifiable figures and quotations from official, political sources, the "impartiality" entailed in the coverage of "both sides" and the "professionalism" which "guarantees" that selection and coverage of stories are adequate. He argues that this style is particularly well suited to the prevailing ideology of modern news reporting as simply holding a mirror to the world.

Cameron (1996) develops this point further:

The use of a plain, terse, concrete language in news items – a language that deliberately aims to draw attention to itself as a language – is a code, not unlike the code of realism in fiction, and what it conventionally signifies is unmediated access to the objective facts of a story. (1996: 327).

In other words, the outward form or genre of news appears to support the press's traditional claims to objectivity (Jacobs 2001). On closer examination, however, it turns out that these structural values are not timeless and neutral, but rather play a role in constructing a relationship with a specific imagined audience, and also in sustaining a particular ideology of news reporting (Cameron 1996).

The key insight is this: all major media and press in all countries of the world present events in terms that presuppose or imply the correctness of the ideology (or ideologies) dominant in that country (Paul and Elder 2002). The following analysis will attempt to demonstrate that all news stories embody a point of view. News editors and reporters operate within a system of economic imperatives and constraints that dominate their work (Kockott, 1990), and their audience is captive of an enculturated conception of the world (Paul and

Elder, 2002). While the violence stories appear to be objective and neutral, the following analysis will attempt to demonstrate their ideological inflection.

Ideological analysis of the news stories in the *Natal Witness*, the *Mercury* and *The Daily News*

With hundreds of articles to be analysed, it was not practicable to write a separate analysis of each article. Consequently I adopted the following approach: all the articles in the specified periods were thoroughly read, identifying and categorising key elements and themes for analysis. The criterion of identification was the ideological significance of those elements.

The following categories thus emerged:

- Headlines.
- Racism and the creation of “we” and “them”.
- Sources used for the violence stories.
- Angles and styles in the stories – creating a perspective on violence.

An analysis of an article

The following notes serve as an example of how each article was subjected to a presuppositional analysis, before they were put together in general observations for purposes of discussion of each theme.

Headline: Violence in Capital [Pietermaritzburg] townships subsides

Strap headline: Police reinforcements supported by helicopters move into area

Newspaper: The Daily News

Date: 03/11/1987

Reporter: Daily News Correspondent

Type of article: hard news

Weighting: page two lead

Structure of the article:

- 1. Introduction – “Police are taking all possible steps to stamp out violence in Pietermaritzburg’s townships, according to a police spokesman.”
- 2. Body of story – Pretoria-based police spokesman argues that violence is declining after police reinforcements have been sent in. Law and Order Minister Adriaan Vlok’s press secretary, Brig Leon Mellet, accuses black policemen of siding with the UDF, and UDF members of committing atrocities while wearing Inkatha uniforms. Unrest report lists recent violent attacks.

Positively loaded words	Negatively loaded words
Police taking all possible steps to stamp out violence – violence subsequently dropped – security forces	Disruption – gangs of children – tremendous pressure – UDF supporters were wearing Inkatha uniforms and were committing crimes under the Zulu organisation’s banner – violence – unrest – characterised by bloody clashes and massacres – man was stoned and hacked to death – mob – shotgun fire and tears smoke – group that had gathered illegally

Key phrase: “We do not side with anyone, particularly not with the UDF,” said Brig Leon Mellet.

Overall observation: We emerge from reading this story with the feeling that the police are in control, and that the violence is subsiding after “helicopter-supported reinforcements” have been sent in, even though the story appeared on a Tuesday and police say no incidents were reported “since three people were killed at the weekend” – which in practical terms means the police statement is based upon a single incident-free day. The story has an eye-catching headline and is prominently displayed on page 2. The Pretoria-based police spokesman tells us the violence is *believed* to be caused by a power struggle between UDF and Inkatha supporters - both black-dominated organisations. We are told the decision to send in reinforcements follows a meeting between Law and Order Minister Adriaan Vlok and “Chief Minister

Mangosuthu Buthelezi and his cabinet". Police say curbing the violence is complicated by disruption to infrastructure caused by floods, the "rough terrain" surrounding Pietermaritzburg, and that much of the violence is being committed by "gangs of children". Brig Leon Mellet, Vlok's press secretary, denies the police ever side with the UDF, but adds: "Some black policemen have come under tremendous pressure from the UDF". He says there have been four "isolated incidents" of black policemen appearing in court in connection with taking sides, and alleges that UDF members are perpetuating crimes while pretending to be Inkatha members, thus leaving us with the distinct impression that the violence does not affect anyone other than black people, and that the UDF are clearly the major instigators. Add to this the reference to gangs of children and words such as "bloody clashes and massacres", "mob", "stoned and hacked to death", and "illegal" gatherings, and we are left making the association between the UDF, black people, uncivilised and brutal behaviour, and lawlessness. It is relevant to note that no sources other than various police and government spokesmen, and the unrest report, were used. There is no evidence of further investigation into allegations that much of the violence is being committed by gangs of children, nor into allegations that the police are taking sides. There is also no further investigation into allegations that UDF members are committing atrocities wearing Inkatha uniforms, and no comment at all from a UDF member to dispute this "fact".

The following analysis will be conducted with reference to these criteria for each period, in terms of the aforementioned categories.

Headlines

Greer (1999) argues that headlines generally perform four main functions: they summarise the story for the reader, or in other words serve a fundamental framing function and can be used to upgrade or downgrade topics; they attract the reader's attention; and: they serve as guides to the themes implicit in a story. Goshorn and Gandy (1995) make a useful addition to these functions, namely that headlines may influence how the story will be

understood and stored for later use in making sense of similar events and issues.

Develotte and Rechniewski (2003) take this further. They argue that one of the challenges posed by study of the press is how to arrive at valid conclusions, given that the time-consuming nature of discourse analysis makes it difficult to undertake the detailed analysis of a large number of articles, and that the study of headlines offers a number of distinct advantages in this regard. "A corpus of headlines facilitates quantitative analysis, for example, a longitudinal study of the frequency of headlines on a particular issue can reveal the evolution in the prominence given to a topic over time; a comparison between newspapers can reveal the relative importance each paper gave to an issue during a particular period". They argue that headlines are "particularly revealing of the social, cultural and therefore national representations circulating in a society at a given time." This thesis is particularly concerned with two of the issues they address:

1. The characteristics which justify that particular attention be given to headlines in press analysis, namely:
 - The prominence they acquire through diffusion;
 - The role they play in orienting the interpretation of the reader;
 - The shared cultural context that they invoke.
2. The identification of linguistic features relevant to the analysis of national representations, in particular designation.

Characteristics which justify that particular attention be given to headlines in press analysis

i. Diffusion

Headlines reach an audience considerably wider than those who read the entire articles, since all those who buy a newspaper tend to glance, if only fleetingly, at the headlines. Moreover, their impact is even wider than on those who actually buy the paper, since headlines are often glimpsed on posters at the roadside, on the Internet, on shop doors and so on, including being read

out on various radio stations. This is particularly true of front-page headlines, “which also of course draw the casual observer to conclude the importance of a particular issue which has been given prominence in this way” (Develotte and Rechniewski, 2003). In other words, the public were made aware of the impact and devastation, and importance of the violence, largely through newspaper banners and front-page headlines. The impact of headlines on the reader is made stronger by the use of certain linguistic features, which make them particularly memorable and effective: impact is deliberately sought through the use of puns, alliteration, the choice of emotive vocabulary and other rhetorical devices. I will discuss some of these linguistic features in more detail later.

ii. Perspective

Develotte and Rechniewski (2003) argue that perspective refers to the role played by headlines in orienting the readers’ interpretation of subsequent “facts” contained in the article. They point out that headlines encapsulate the content and also the orientation, the perspective that the readers should bring to their understanding of the article. With much press news drawn from external news agencies and shared with competitors, the headline is a newspaper’s opportunity to stamp its individuality on what is otherwise a mass-produced product. My research also revealed that headlines, as they succeed each other through the newspaper, structure a particular view of the world by imposing on information a hierarchy of importance: a hierarchy from the top to the bottom of each page, according to size, the font used, the colour and/or brightness, and on which page they appeared. Develotte and Rechniewski add here that this is even more true of section titles, which “create a rigid classificatory system that imposes (highly problematic) distinctions between kinds of news items”. An example of this with violence stories was that while they usually appeared on either local or national news pages, they sometimes appeared on the parliamentary news pages. The implications of these editorial choices are not merely conceptual because section titles often imply particular meaning for the reader. Local news pages imply closeness to the readers, while national and parliamentary news pages carry with them the implication of being slightly removed from immediate

importance. On the other hand, a story bearing statistics about the violence would more likely be believed if announced by the Minister of Law and Order in Parliament, than if the local Democratic Party violence monitor had said it.

Develotte and Rechniewski (2003) argue that repetition both through synchronicity (co-occurring headlines within one issue of a newspaper) and diachronicity (repetition over time) “trains” the reader to develop certain expectations and imposes certain connections and interpretations. “Thus anaphoric references relate headlines to previous events and situations, creating forms of classification that group under one heading possibly disparate phenomena.” I would argue that an example of this would be the phrase “the Natal violence” – an anaphoric reference to an extremely complex socio-economic situation supposedly previously defined, yet whose exact definition and boundaries were almost certainly unclear to most readers. Other examples could include phrases like “faction fighting”, “necklacing”, “township unrest”, and “terrorists” – all of which presuppose a world where reality corresponds to the categories used, with their associated ideological and theoretical frameworks. This creates a kind of amalgamated effect, encouraging the reader to link events in ways which he or she might not otherwise have done.

iii. Cultural knowledge

Develotte and Rechniewski argue that headlines are a particularly rich source of information about the field of cultural references because titles “stand alone” without explanation or definition; they depend on the reader instantly recognising the field, allusions, issues, or cultural references necessary to identify the content of the articles. “They thus rely on a stock of cultural knowledge, representations and models of reality that must be assumed to be widespread in the society if the headlines are to have meaning.” Common shorthand in headlines, for example “IFP”, “UDF”, and “ANC” presuppose not only a certain minimum of political and general knowledge, but also help to situate the readers within a national framework, as they must assume there is no IFP anywhere else in the world but the one based in Natal, South Africa.

The recognition by the reader of various types of puns and plays on words also relies on general and cultural knowledge (Develotte and Rechniewski). This wordplay is a very typical feature of headlines and is generally confined to them, found far less often in the body of the article. It can take several forms – a play on double meaning, references to specific historical events, and specific cultural items such as the title of a well-known book or film. One could argue that such reworking of linguistic and cultural forms constitutes a “conspiratorial wink” in the direction of the reader, as they help to create and maintain a sense of shared community and collective identity. More generally it is clear that this may be true of all the cases in which cultural knowledge specific to a certain society must be mobilised to aid understanding: successful decoding proves that the reader is an “insider”.

Specific linguistic features of newspaper headlines (relevant to the analysis of national representations)

Develotte and Rechniewski coin the term “national representations” as an extension of Serge Moscovici’s category: “social representations”. In a 1973 foreword Moscovici describes social representations as “...cognitive systems with a logic and language of their own... They do not represent simply ‘opinions about’, ‘images of’ or ‘attitudes towards’ but ‘theories’ or ‘branches of knowledge’ in their own right, for the discovery and organisation of reality... systems of values, ideas and practices with a two-fold function: first, to establish an order which will enable individuals to orient themselves in their material world and to master it; and secondly, to enable communication to take place among members of a community by providing them with a code for naming and classifying unambiguously the various aspects of the world and individual and group history.” (Develotte and Rechniewski, 2003).

In a later article Moscovici (1984) emphasises the role of social representations in constructing the knowledge systems on which we rely to interpret and react to events. He argues elsewhere that this “knowledge” does not resemble the rational, reified universe of scientific discourse, but is a

common-sense, consensual universe, into which have certainly infiltrated fragments of scientific knowledge, but in popularised and half-understood forms, and mixed with other types of knowledge. Generated and maintained in the realm of public discourse, social representations constitute “a whole complex of ambiguities and conventions without which social life could not exist”, and “an implicit stock of images and ideas which are taken for granted and mutually accepted”. (1984:21). In other words, social representations establish an order, making the unfamiliar, familiar, enabling the new and the unknown to be included in a pre-established category; they thus enable communication to take place, communication based on a shared code.

Develotte and Rechniewski use the term “national representations” to refer to the knowledge systems that encapsulate knowledge about other nations and nationalities. The term can apply both to representations of one’s own nation, people and country, and to representations of other nations. For purposes of this thesis, I argue that where coverage of the violence was concerned, there were two sets of national representations involved – an argument I take further in the section discussing the creation of “we” and “them”.

i. Designation: the processes of naming

For Bell (1989) the essential structure of a headline includes an action and an agent, although the agent is sometimes left unclear. The designation of an agent in a headline, where this occurs, allows for subtle and not so subtle valorisation or devalorisation:

Example: Police stop necklacing (Natal Witness 10/09/87)

Mob of looters descends on Tongaat businesses (Natal Mercury 2/03/1990)

In these examples, the terms used to describe the black people involved in the violence are demeaning: one can hardly take seriously a people better known for their violent practices.

A similar process can be identified with the use of this headline:

“The day the chief got angry” (Daily News, 21/04/1987).

In this example, the use of “The chief” instead of “Buthelezi” for Mangosuthu Buthelezi, leader of Inkatha, is done deliberately to rob him of his authority. Buthelezi was insistent on his title “Dr” being used, preferably together with his then role of Leader of Inkatha and Chief Minister of KwaZulu. This kind of headline can perhaps only work because many regular newspaper readers would have been ready to interpret Buthelezi’s actions as arrogant.

The framing functions of headlines

In order to illustrate the framing functions of headlines I have used the following randomly selected headlines as examples of each phase:

i. The opposition to apartheid phase

Description	Headline	Newspaper and date
Headline A	Death rampage in black towns More police sent to gang-torn areas around capital	(Daily News 19/10/87 p1)
Headline B	Police arrest two alleged terrorists	(Daily News 28/10/87)
Headline C	ANC linked to killings Gunmen fire on SAP patrol car	(Daily News 14/12/87 p1)
Headline D	Capital business hit by township violence	(Daily News, 22/10/87 p 1)
Headline E	Widespread unrest in Natal Police stop necklacing	(Natal Witness 10/09/87 p2)
Headline F	Sobantu children charged with murder	(Natal Witness 11/09/87 p5 filler)
Headline G	Police arrest 173 as township killings continue Boy (10) beheaded, brother (8) escapes	(Natal Witness 22/10/87 p1 lead)
Headline H	Official death toll tops 50 for the month 5 die in weekend township unrest	(Natal Witness 26/10/87 p1 lead)
Headline I	Black violence	(Mercury 14/10/87 p8)
Headline J	Police arrest 173 with weapons	(Mercury 22/10/87 p1)
Headline K	Two men decapitated in weekend of violence	(Mercury 24/12/87 p8)
Headline L	Further talks to solve problem of faction violence	(Mercury 2/12/87 p2)

ii. The transformation phase

Description	Headline	Newspaper and date
Headline 1	Mob of looters descends on Tongaat businesses	(Mercury 2/03/90 p2 lead)
Headline 2	Eight men killed, two girls injured in Natal unrest	(Mercury 7/03/90 p5)
Headline 3	No mercy, men of violence warned	(Mercury 9/03/90 p1 lead)

	Veiled detention threat from Vlok	
Headline 4	Nine die, 20 arrested in violence	(Mercury 10/03/90 p6)
Headline 5	Rampaging mob attacks Natal hotel Chants of "Viva Mandela"	(Mercury 2/04/90 p1 lead)
Headline 6	Mob rips open coffins to identify bodies	(Mercury 7/03/90 p3)
Headline 7	Natal children beaten, necklaced	(Mercury 20/03/90 p1)
Headline 8	Eight killed in faction fighting	(Daily News 26/03/90 p1)
Headline 9	South Coast traffic police in gunfight with ANC Insurgents	(Daily News 25/04/90 p1)
Headline 10	Umzinto N2 car stonings: police step up patrols	(Daily News 25/04/90 p3)
Headline 11	Hospitals face financial crisis as township victims pour in	(Natal Witness 14/03/90 p1)
Headline 12	3 whites stabbed with pitchfork	(Natal Witness 19/03/90 p2)
Headline 13	The mighty muti spawns a booming business	(Natal Witness 20/03/90 p9 feature)
Headline 14	Open warfare rips through the Edendale valley At least 16 dead and 54 injured in a day of revenge attacks, barricades and arson	(Natal Witness 29/03/90 p1 lead)
Headline 15	Violence costs city R500 000 a day Future retrenchments possible	(Natal Witness 16/04/90 p1 lead)
Headline 16	South Coast slaughter Ten shot, beaten to death	(Natal Witness 6/04/93)
Headline 17	35 killed in Natal in past five days	(Natal Witness 28/04/93)

iii. The consolidation phase

Description	Headline	Newspaper and date
Headline I	Eleven killed in squatter camp Rival factions	(Daily News 7/03/94 p3)
Headline II	Tapestry of blood taking shape in war-torn Natal Free election is becoming an impossible dream, say experts	(Daily News 16/03/94 p20 analysis)
Headline III	Violence in KwaZulu worries IEC Fewer polling stations	(Daily News 18/0/94 p 7 election news lead)
Headline IV	Curbs face acid test 60 000 marching Zulus may defy new ban on weapons	(Daily News 4/04/94 p1 lead)
Headline V	AK-47 gang's killing spree Five hours of murder in shackland	(Mercury 7/03/94 p1 lead)
Headline VI	Snatched baby flung into flames Violence: 16 more die in Natal	(Mercury 28/03/94 p3lead)
Headline VII	101 killed in violence since curbs imposed Emergency: political violence continues unabated	(Mercury 7/04/94 p2 lead)
Headline VIII	Worst human savagery	(Mercury 18/04/94 p2)
Headline IX	Youth killed and set alight	(Natal Witness 04/03/94 p1)
Headline X	Man killed as KwaMashu flares again	(Natal Witness 28/04/94 p3)
Headline XI	Black Easter Hundreds killed on roads, in carnage	(Natal Witness 05/04/94 p1 lead)

Headline XII	Killings boost KwaZulu-Natal tensions	(Daily News, 19/04/00, p1)
Headline XIII	Three shot dead in KwaZulu-Natal ambush	(Daily News, 18/04/00, p3)
Headline roman14	Nongoma violence “blown out of proportion” – IFP	(Mercury, 22/06/00, p3)

A critical evaluation of headlines

These headlines all help create a frame of reference for the violence. First, in the opposition to apartheid phase examples, the violence is described as something that affects black communities only – headline A describes this as a “death rampage in black towns”, headlines D, G and H all refer to “townships”, and the Mercury succinctly sums it up with the terse headline, “Black violence,” in headline I. Interestingly, the only reference to the violence affecting other ethnic communities is in a business context, as in headline D, “Capital business hit by township violence”. The transformation and consolidation phases display similar characteristics. Headline 8, “Eight killed in faction fighting”, would be immediately understood to mean internecine black-on-black violence, as the assumption would be that whites “don’t do that sort of thing”. In headlines IV and XI that assumption is not necessary, as in the former the strap clearly spells out: “60 000 marching Zulus may defy new ban on weapons,” while the latter pronounces “Black Easter”. Although most references to the violence affecting other ethnic communities is still in economic terms, such as headline 1 (“Mob of looters descends on Tongaat businesses”), and headline 15 (“Violence costs cityR500 000 a day”), in the consolidation phase in particular the violence is shown to be affecting other ethnic groupings, for example headline 12 (3 whites stabbed with pitchforks”).

Because of the widespread use of both official police unrest reports and police spokesmen as sources for stories, the traditional news value inherent in many of these stories – as expressed in the headlines and the page placement of the stories – was linked to the number of deaths on that particular day. The quoting of verifiable numbers is what Hall et al (1981) call a “statistical tactic”, reinforcing the conception of the violence as a “problem” (Headline L). In other words, numbers provide concrete evidence of the extent of the problem. Headlines throughout all three phases are littered with numbers of the dead

and injured, as is shown by examples B, G, H, J, K, 2, 4, 8, 12, 14, 17, I, IV, VI, VII and IX.

The police feature prominently in headlines, particularly in the opposition to apartheid phase. Here they are almost always highlighted in a positive manner, such as in headline B which reads "Police arrest two alleged terrorists", headline E, which reads "Police stop necklacing" and headline J which reads "Police arrest 173 with weapons". Headline 3, "Veiled detention threat from Vlok" (then Minister of Law and Order), warns of no mercy to "men of violence". The police are thus depicted as being in charge of the situation, and arresting those guilty of perpetrating atrocities.

Part of the reason there were so many stories featuring the security forces throughout the first two stages in particular, was the issuing of daily "unrest reports" by the South African Police headquarters in Pretoria. Occasionally this was patched into a local unrest story, but more often than not it was simply rewritten, as are so many press releases in South African newsrooms, and run as a story by itself. As mentioned above, this also accounts for the frequent use of "body-count journalism" – an endless daily dose of headlines: "Five more die in Mpumalanga"; "Six die in two shootings"; "Families flee township"; "Pupil killed in clash". Kockott (1990) argues that the media failed even at that, as reporting had deteriorated to such an extent that it did not consistently provide information to counter deficient police reports, nor did it hold the police accountable for the provision of regular and accurate information. All police information was accepted uncontested, and so their version of the "unrest" became an unequivocal, uncontested definition of the Natal violence. Added to this, the frequency of the unrest reports became sustainable evidence, heightening public awareness and thus opposition to the violence.

Many of these stories have bold, dramatic headlines which exploit the violence inherent in the commission of these crimes. Headline F, "Sobantu children charged with murder", Headline G, "Boy (10) beheaded, brother (8) escapes" and headline K, "Two men decapitated in weekend of violence" are

pointedly sensationalizing with the sole aim of attracting people's attention through shock tactics in order to sell more newspapers. The violence is dramatized, with extensive use of reinforcing words and phrases such as "mob", "savagery", "tapestry of blood", "rampaging" and "necklaced". The sensationalizing of the violence continued right through to the consolidation phase: headline 6, "Mob rips open coffins to identify bodies", headline 12, "3 whites stabbed with pitchforks", headline VI, "Snatched baby flung into flames" and headline VIII, "Worst human savagery", are further examples. Added to this, they heighten the reader's understanding of the violence as a black phenomenon, linking atrocious deeds with black perpetrators. Dramatic and bold headlines in general for the period tended to go for the most troubling sensational aspects of the crimes (Headline E, "Police stop necklacing"). The violence headlines for the period are consistently thematised around the brutal violence of the crimes. Hall et al's (1981) comment on this special status of violence as a news value contextualizes this focus:

Any crime can be lifted into news visibility if violence becomes associated with it, since violence is perhaps the supreme example of news value "negative" consequences...it thus represents a fundamental rupture in the social order. The use of violence marks the distinction between those who are fundamentally *of* society and those who are *outside* it. It is coterminous with the boundary of "society" itself. (1981:67-68).

This comment introduces another potential theme: the creation of a "we" and "them" discourse.

Racism and the creation of "we" and "them"

Most of the Natal violence stories foreground the violence used in the murders consistently using savage epithets:

"Bloody clashes", "mobs", "hacked", "horror", "cold blood", "savagery", "rampaging", "grotesque", "terrorists", "savage youths".

Added to this, the violence is set very clearly in almost all stories in the context of “black townships”. Following Hall et al’s (1981) point that the use of violence marks the distinction between those who are fundamentally *of* society and those who are *outside* it, this representation immediately defines the perpetrators as “out” of society. The perpetrators of violence thus assume the position defined by “them” – lawless and savage. Jacobs (2001) points out that logically, the “we” would usually signify the law-abiding citizens irrespective of who they are, but apart from the fact that the violence is clearly taking place in black townships, many of the stories display subtle racist overtones, and thus “we” is taken to mean “white” and “them” is taken to mean “black”. The following examples and subsequent analysis bears out this assertion.

Example 1: “Eleven people have been killed and many homes destroyed in violence in townships around Durban, according to the official police unrest report. Seven people were killed and 41 homes destroyed when attackers went on the rampage in Lindelani township outside Durban on Thursday. Three people were killed when police opened fire to quell the violence.” (*The Mercury*, 9 December 1990).

Example 2: “Two suspected African National Congress terrorists and a ‘collaborator’ were killed in a furious shootout with police in Umlazi, Durban, last night. Two members of the South African Police Reaction Unit were wounded and, according to police, were ‘damn lucky to be alive’.” (*Daily News*, November 24 1987).

These stories, typical of many stories about the violence, both originated from statements by “authority” participants in the violence stories. The former was written from an official police unrest report issued from Pretoria in the form of a daily press release, and the latter from interviews with local police. The newspapers then constructed the stories containing these statements and interviews. In other words, our understanding of the Natal violence was shaped by the way in which the newspapers “represented” and thus “made sense” of such statements for the readers. Thus what becomes the

newspapers' violence discourse is a result of structural production features, such as newsgathering and news construction. (Jacobs, 2001).

What is extremely interesting to note is that the racism in the Natal violence discourse is not necessarily overt. Because the readership of all three newspapers under discussion was predominantly white (with a large Indian readership in the case of the Daily News), the mere fact that the violence occurred predominantly in "black townships" set it apart from the readers. "Natal's violence was often treated as if it were occurring in a different world". (Kockott, 1990: 22). Thus the racism inherent in coverage was subtle. It became apparent through the sheer lack of "human interest" stories; a complete disinterest in the personal lives of any of the more than 12 000 people who died during this period. Jacobs (2001) argues that racism in discourse is not necessarily vulgar and overt, but rather woven seamlessly into the continuous flow of the discourse about the violence; that while the examples directly refer to 'race' and seem to be straightforward statements, they owe much of their meaning to the overall discourse. They cannot be read in isolation, but in the context of their articulation – the "violence" discourse."

All the newspapers thus tended to construct the violence as a racial issue. It was not seen as part of the ongoing political conflict in the country, but rather as a separate, dramatized account of "savage" black violence – blacks fighting blacks. This use of simplistic and often misleading terms, such as "black-on-black" or "internecine violence", has been widely criticized for depoliticizing the conflict, reducing it to faction fighting (Emdon, 1991; Mkhize, 1990; Fair and Astroff, 1991). According to Mkhize (1990), even in 1990, when the State of Emergency was lifted, the commercial media increasingly reported conflict in terms of race and ethnicity. The SAP used terms like "cultural weapons" which were uncritically adopted by the press. The SAP eventually stopped using such categories, but the newspapers still carried headlines and reports about "Zulus", "impis" and "kraals" in mid-1994. (Louw, 1995). This stereotyping meant that the press failed to cover elements of the conflict, like forced recruitment drives and the attitudes of rebellious UDF aligned members (Emdon, 1991). Most newspapers also ignored the role of

the security forces in general (ADJ press release, 1990). The thousands of people involved in the violence were merely considered as statistics: they did not feature in the discourse until they become a statistic (in other words, were dead). The daily unrest reports might well have been called the “township reports”, helping create both a physical and an ideological distinction between where “we” live and where “they” are fighting. Thus the “we” and “them” in the violence discourse creates a definition of blacks as savage outsiders, aided and abetted by a banned terrorist organization.

Another observation about the violence – and in particular, the wording of many unrest reports, which were reproduced in newspaper stories – is the tendency for them to use the word “youths”.

Example 1: “A large group of blacks armed with pangas and knives killed seven black men at Mahwaqa in what police believe was a revenge attack.

Police found the body of a black man with stab wounds at Fairview Mission near Port Shepstone. Seven black men and three black **youths** were later arrested.” (*The Mercury*, 28 March 1990).

Example 2: “Dr Mangosuthu Buthelezi, Chief Minister of KwaZulu, said yesterday that UDF people had given township **youths** money and guns to ‘toyi-toyi’ (dance and chant) and attack innocent people – one of whom was castrated in public.” (*The Mercury*, April 3 1990).

In his study of the construction of farm killings in the Eastern Province Herald, Jacobs (2001) discusses the stereotypical representations of black people as no good, violent renegades, on the rampage and full of black rage, as violent and frenzied youths. Following Jacobs, I view the use of the word “youths”, in the Natal violence stories, as ideological. There was little discussion among journalists, sub-editors and editors at the time about what constituted a “youth”, yet the term was frequently used.

Jacobs argues that throughout the political struggles in South Africa the term “youths” has been a central one for good and bad reasons. It was used by the apartheid government to discredit and negate the struggle against apartheid.

“By playing down the inclusivity of the struggle and playing the ‘youth card’ in the discourse on the struggle, it appears that the government’s intention was to associate political activities with the adventure, experimentation, immaturity and general zealotry of the youth. On the other hand, the energy, awareness and activism of the youth constituted the axis of the struggle. In the process the term accumulated a massive ideological significance and became closely associated with black anger, savagery and anarchism.” (Jacobs 2001: 104). Consequently the use of the term in the coverage of the Natal violence helps emphasise the above-mentioned tone of savagery and anger.

Sources used for the Natal violence stories

As many of the examples used so far have demonstrated, the majority of sources used by journalists for the construction of violence stories were figures of authority such as the South African Police. The use of sources is an important ideological element of news, relating directly to the journalistic claim of objectivity and fairness – in other words, covering both sides of a story. The analysis in this section, and in the following one, poses a challenge to this claim, and I will briefly attempt to reveal its ideological nature.

As I argued in the above section, on the principle of objectivity, it is impossible for any journalist to be a completely unbiased observer. Simply choosing the angle and the words for the introduction to a story is a subjective act. However, this does not necessarily mean that a journalist should not strive to be fair. Greer (1999) argues that impartiality is part of fairness. “It means to treat all sides in a dispute equally. However, it does not mean that the press must be unquestioning, or that journalists and editors cannot offer their opinions on a dispute. The important thing is to have a clear distinction between a news report and an opinion.” (Greer, 1999: 21). Nevertheless, where coverage of both the extent and the context of the Natal violence is concerned, the most common criticism of the press has been that reports often failed to publish details about incidents, let alone their causes. (Louw, 1995). The lack of investigative journalism and a concomitant reliance on

press statements and the simplistic, politically charged SAP unrest reports was a major part of the problem. Critics claimed that investigative journalism was not undertaken by the press and that too much reliance was placed on statements issued by police and political parties (ADJ press release, 1990; Emdon, 1991; Mkhize, 1990).

The list of the most significant sources for the violence stories is as follows:

1. The South African Police
2. The South African Police unrest reports
3. Government Ministers and official government spokespersons
4. Inkatha
5. UDF (later becoming ANC)
6. National Party
7. Democratic Party
8. Violence monitors
9. KwaZulu Police

During the opposition to apartheid phase various churches or church organizations were occasionally the source of stories, and from time to time other sources such as the odd statement from an eyewitness, a lawyer or the Red Cross was used. The mayors of both Durban and Pietermaritzburg, as well as the head of the Chamber of Commerce, also were quoted occasionally. However, if one looks at the period from September to December 1987, of the 110 stories The Mercury ran, 51 used the unrest report as a primary source, 28 used the SAP, 23 the IFP and only 4 contained comments from township residents. The Daily News ran a total of 86 stories for the same period, 42 of which used the unrest reports, 24 the SAP and 14 the IFP as primary sources. The Natal Witness ran 169 stories, of which 73 used the unrest reports, 73 the SAP, 32 the IFP and 19 the Democratic Party for primary sources. Obviously not all the listed sources were used simultaneously in every story - many stories consist solely of the SAP unrest reports or statements. What is obvious, however, is that the discourse is consistently dominated by police spokesmen, the police unrest reports, and officials such as Inkatha president Mangosuthu Buthelezi, politicians (predominantly white), and other authority figures. It was fairly common

practice for a politician to issue a statement or say something in either parliament or the legislature, for example, and for this to be reported upon without any effort being made, either to gain alternative comment from another party or to corroborate what had been said.

In South Africa, official government sources of conflict information were not considered reliable during both the opposition to apartheid and the transformation phases, as they usually provided fewer incidents of violence, or less detail about events, than the violence monitors. In addition, obtaining police unrest reports for research purposes was difficult until 1994 (Louw, 1995). During the States of Emergency, the government provided information on violence through the Bureau for Information and police unrest reports. The Bureau was established in 1985 to liaise with the media and maintain the Directorates of Research and Publications, with the aim of monitoring the States of Emergency, undertaking research and disseminating information. However, very little was passed on to the public and the publications were found to be poor sources of information (Tomaselli, 1988).

Unrest Reports were issued regularly from the time of the first State of Emergency in 1985, and from May 1987 the Police Division of Public Relations in Pretoria issued the reports, which were syndicated through the South African Press Association (SAPA), until 1993 when they were no longer produced. The main problems with the reports were that they provided very little detail about events, they were often obscure, and were also found to be inaccurate when compared with eyewitness reports.

A typical example of an official Unrest Report published in the press reads as follows:

In violence at the weekend an Edendale man and his son were injured when arsonists set their home on fire, and five men have been arrested after three private dwellings were set alight at KwaShange.

According to police unrest reports, these were the only incidents of unrest in the area. (*Natal Witness*, 21 September 1987).

The unrest reports were also phrased to obscure any compassion by readers. "Boys" or "children", for example, were rarely reported as victims, but were rather described as "men" or "people". (Mkhize, 1990). The Unrest reports also under-reported fatalities and in 1987 the Minister of Law and Order, Adriaan Vlok, refused to provide statistics on deaths and injuries. (Louw, 1995). These problems stemmed from the fact that data disseminated by official sources during the Emergency years in particular, was carefully screened to fit the state's constructed "narrative of unrest" and was therefore not impartial. (Tomaselli, 1988).

Because the media relied on the unrest reports so heavily, the reports' contents impacted heavily on the way in which the media reported violence (Louw, 1995). The restrictions on the flow of information meant that these official sources were often the only legal sources available to newspapers.

What becomes clear is that the violence discourse was dominated by certain organizations and people, and within those groupings, there was general consensus about the violence. For example, the definition of "black-on-black" or "internecine" violence was consistent, as was the image of predominantly white security forces attempting to "control" the violence. The discourse almost unanimously identifies a serious need to address the "black-on-black violence" problem, with consistent negative imaging of participants in the violence as lawless and uncivilized. The discourse consistently depoliticizes the conflict between the ANC and IFP, and Natal is identified as a special case, even though all the ingredients of covert action in the use of the police and military as well as "vigilantes" were evident (Emdon, 1990). Sporadic disruptions of this consensus did occur, but a chorus of "authority" sources would almost immediately drown these.

Angles and styles in the stories – creating a perspective on the violence

The section on headlines illustrates how headlines effectively draw readers to articles, and thus in a sense are important carriers of story angles. “The headlines employ different linguistic strategies to signal the angles depending on what issues they want to foreground or highlight.” (Jacobs 2001:109). One can also, however, argue that the stories themselves contain dominant perspectives, which are merely highlighted by the headlines.

A few identifiable angles in the violence discourse dominate continuously. These include violence, blood, law and order breakdown, and the economic implications of the violence. They are also, by and large, strangely impersonal, with few personal interviews, and none of the “human interest” angles which would evoke the reader’s sympathy. All three newspapers’ preferred style seems to be a distant, almost diffident one. There is continuous emphasis on the “blackness” of people involved in the violence, and an almost completely blanketed silence over all allegations of third force intervention. The choice of this style is not coincidental, nor is it purposeless. It is peculiar to the coverage of the violence stories and consequently the discourse around it. It is chosen for its potential productiveness of ideological effects, since savagery is closely aligned with blackness. (See my analysis of racism above).

In many respects the articles are wanting in their “professional” role of informing and educating readers. The stories appear in a vacuum – there is hardly any critical explanation of the “violence” problem. While the stories categorise statistics and foreground gory details, there is no attempt to follow-up stories or try to understand the motivations for the violence – it is simply repeatedly described as “black-on-black” violence, with the tacit assumption that there IS no explanation, and the violence is pure barbarism. The stories

appear to take for granted the “fact” that black people are unthinking and violent by nature, thereby sustaining key stereotypes and racist attitudes.

One could argue that the benefits of maintaining this approach were many. Jacobs (2001) states that in newspapers, language is chosen to create a relationship with a particular group of imagined readers and, just as importantly, advertisers. In other words, the language becomes a marker of identity and social differentiation. The violence stories play on the fears and prejudices of whites to create an audience, and they in turn provide sales and advertising revenue that the newspaper needs to survive. Tomaselli et al (1988:33) describe this as maintaining hegemony, and point out that “it seems paradoxical that the state should attempt to silence or control the press when...all sectors of the established media support one or more fractions of the hegemonic alliance through the maintenance of consensual discourse”. They argue that one possible explanation for this was that the state underestimated the degree to which it had achieved hegemonic control over the English language press, making the enactment of excessively authoritarian laws redundant. However, numerous interviews with editors and journalists tend to highlight one common point – what Kockott (1990: 21) describes as “the tight-rope that media decision makers walk between social conscience and commercially viable journalism”.

Restrictions on the press

In the sections that follow, the factors which, according to Louw, (1995) impede a free media will be discussed, namely:

1. The legislative restrictions imposed by the previous National Party government, particularly during the States of Emergency.
2. Daily journalistic practices and the functioning of the newsroom.
3. The dynamics of market forces and the influences of newspaper ownership.
4. The reporting environment outside the newsroom.

Legislative restrictions

Opposition to the English press by the Nationalist Government has a long history, which can be traced back to the formation of the Nationalist Party in 1934 (Hepple, 1974). Accusations against the press ranged from publishing lies, hatred of the Afrikaners and incitement of blacks, to defaming the country abroad (Louw, 1995). In 1949, Malan described the English press as the most undisciplined in the world, and called for a register of all journalists, so that their conduct could be controlled. The government's dissatisfaction with the press escalated during the years which followed, culminating in over 100 laws by the late 1980s, most of which can still be invoked to restrict the media today (Stander, 1991/2).

However, this section deals only with that section of legislation, which affected violence reporting and thus was aimed directly at controlling news about violence and conflict in South Africa in the late 1980s. Violence was a direct expression of opposition to the state by the liberation movements, and thus obviously an issue that could create immense negative publicity for the government if freely reported. "The role of the security forces in the violence on the side of the government, and the state support of black groups against the extra-parliamentary movements are also issues which the government wanted to conceal." (Louw, 1995: 75).

The most obvious implication of the laws is that they obstructed reporting on the violence, as journalists were prevented from:

- Taking photographs of violence, protest meetings about the violence, illegal gatherings, or any kind of security force action.
- Gaining access to affected areas.
- Adequately checking the facts of their stories, not merely with eyewitness accounts, but particularly if this required verification from the authorities.
- Quoting the opinions of people involved if these contravened Emergency regulations, or if the people themselves were banned.
- Commenting on action taken by security forces (Robbins, 1988).

In other words, journalists' access to information and to sources was severely restricted. This was compounded by journalists themselves dealing with confusion about the legislation, and also a threat of personal danger, as they faced detention, banning, assault, attacks on their premises and were increasingly forced to reveal their sources in court.¹⁰ The Emergency regulations grew progressively more stringent, until it was "de facto illegal for journalists to concern themselves with that which is normally newsworthy!" (Louw and Tomaselli, 1991: 87). According to Louw (1995), these reporting conditions had three broad effects on South African journalism and the reporting of violence, namely creating a lack of sources, creating self-censorship, and not reporting the extent and intensity of the violence. Partly because of being restricted with regards to legally creating their own sources of information, and partly because of growing accustomed to information handouts in the form of unrest reports, the investigative culture of journalists was suppressed, leading to a tendency for journalists to use the telephone rather than speak to people on the ground – a tendency which still survives today. A lack of investigation led to a lack of analysis – giving rise to the criticisms of the press already referred to, that the causes and consequences of the violence were not adequately covered.

Where self-censorship is concerned, Emdon (1990) argues that journalists were forced to protect their interests, and were encouraged to be too cautious. This caution was exercised particularly when dealing with the political activity of the extra-parliamentary movements, as the press was not able to express the opinions of or quote banned persons. (Armour, 1987; Hepple, 1974). Tusa defines self-censorship as "the willing decision not to report something you know is happening". (Tusa, 1987:25). Self-censorship has remained with journalists until present times, and is discussed in more detail in the chapter on HIV/Aids reporting.

The third implication of press restrictions was that the extent and intensity of the ongoing violence was not reported, largely due to the daily difficulties in collecting and disseminating information about the violence. Apart from a lack of sources, journalists were also hampered by a lack of resources, such as

the availability of a company car, or the availability of an accompanying photographer, as the townships were usually some distance away from the physical location of the newspaper. Reporters were told to be wary of writing too many “blacks in the rain” stories, thus the gathering of information was actively discouraged by news editors and editors as well.

Merrett (1990) points out that one positive implication of the Emergency regulations was that they forced some journalists to challenge the law and conquer restrictions, as they had to look for loopholes, and find alternative sources of information. As Kockott (1990) points out, reporters could still venture into unrest areas, even if it meant continually dodging the police.

Getting into the townships against police orders became a game. It took your mind off death and your own fears. We still took pictures and published them. There were also creative ways of telling stories without directly contravening the emergency regulations. At The Natal Witness these were occasionally explored and some stories directly contravening the regulations were also published. At one stage the Natal Witness faced 14 charges in terms of the Police Act, the Internal Security Act and the emergency regulations. (Kockott, 1990:16).

Restrictions related to the newsroom process: decision-making and gatekeeping

Wilbur Schramm made an observation central to this study when he wrote: “No aspect of communication is so impressive as the enormous number of choices and discards which have to be made between the formation of the symbol in the mind of the communicator, and the appearance of a related symbol in the mind of the receiver”. (Schramm, 1949:289). And there is no doubt that the process of a story, from the time it was written to the time it was either spiked or appeared in an edited form in the newspaper, affected reporting on the violence. The term “gatekeeping” refers to editors’ and sub-editors’ decisions about whether or not to use articles submitted by reporters. On all three papers under scrutiny here, the sub-editors had immense power

in this process, as their decision-making involved not only headline writing, story length and placement, but also whether to use the story in the first place.

Decisions in all three newsrooms about who would undertake investigative reports on violence were made either by the news editor alone, or in consultation with the relevant reporter. When asked how many events could not be published due to the Emergency restrictions in 1987, Joe Mulraney, then news editor of *The Mercury*, said: "The Mercury never was a great crusading newspaper for black rights as, say, the Rand Daily Mail. So quite probably there is a lot of copy which we wouldn't have used anyway." (Armour, 1987).

Emdon (1991) believes these issues are relevant to the way the press dealt with violence in KwaZulu-Natal because, until the mid-1990s, white males dominated the commercial press, with few black reporters being trained or hired. According to Nel, the activities in the newsroom included the editors, and to some extent the journalists, deciding what constitutes news, how this news will be interpreted and thus what the public should be informed about. More specifically, the news editors in consultation with the editors decided what reporters should focus on and which reporter should cover the story. The reporters would then gather and select the material that they believed was appropriate. The copy tasters decided whether the report should be used, and if so, how long it should be and on which page it should appear.

The news editors, chief sub-editors and editors could at any point in this process change the focus or position of the news item (Emdon 1991). This process can be influenced by many factors such as: the ideological position of the reporters, editors, and newspaper owners; the resources available to the newspaper; the demands of producing the publication by the end of the day; and obstacles to obtaining and publishing information.

As a result, many theories have been developed in order to try to explain the determinants of this process and its manifestations. Some theories suggest that certain events are more newsworthy than others, or that a happening is

only newsworthy when it becomes an event. Other explanations focus on how the newsroom is organised and what determines how reporters and editors make their decisions. Still other theories examine how information is screened in the process, which is also known as gatekeeping.

The theory of “consensual bias” argues that the whole process of news selection is shaped by a prevailing ideology, which is never articulated but is learned through the relationships in the newsroom (Tomaselli et al, 1987). In the following example, I briefly discuss two stories – appendix A is the original stone-subbed story, as it was sent through at the beginning of the selection process. Appendix B is the story as it appeared in the newspaper the following day.

The story concerns the death of a woman at Ndwedwe, near Durban, allegedly at the hands of the KwaZulu-Police, and following a tip-off from a contact in the area, a reporter and a photographer were sent to investigate the incident. Members of the South African Police, who confirmed the incident and said they were investigating the allegations, surrounded the house where the shooting had taken place. A member of the ANC present at the scene accused the KwaZulu Police (then the security force attached to KwaZulu, a former “homeland” run by IFP president Mangosuthu Buthelezi) of intimidating people in the area, so all those who were politically neutral or in favour of the ANC would leave. While in the area, the reporter and photographer inadvertently saw members of the South African Defence Force patrolling on horseback, and snapped a few shots. Appendix A shows clearly the three captions for the photographs selected and sent through for publication by the reporter and the photographer – one of the soldiers patrolling, one of a door with bullet holes clearly visible, and one of the dead woman’s husband.

The introduction for Appendix A reads as follows:

A woman was shot and killed and a man seriously injured by the KwaZulu Police at Ndwedwe near Verulam yesterday morning – and the African National Congress has accused them of acting in the interests of Inkatha in the area.

This story would have been read by the news editor, and passed on to the copy taster and the chief sub-editor, who were ultimately responsible for the selection process at the time. The introduction of the subbed version (Appendix B), as appeared in the newspaper the following day, reads as follows:

Mounted troops yesterday patrolled the Ndwedwe area, near Verulam, where political violence has left at least seven dead in recent weeks. (*Mercury*, November 17 1990).

The headline reads: "Troops move in to quell violence in the Ndwedwe area." Two photographs of soldiers on horses are used. The first caption reads, "Mounted patrol: a member of the Regiment Northern Natal puts his horse through its paces in the Ndwedwe area", and the second, "Show of force: the troops gather on a country road in the troubled area". All reference to the KwaZulu Police being involved in the woman's murder has been removed – they are described as "a group of men".

There are thus substantial differences between the two stories. Apart from the dramatic way in which the story's angle is changed, all emotive and descriptive language was removed. The reporter who wrote the original story (Appendix A) was not consulted about the changes in the subbing process, which was standard practice at the time. Thus Tomaselli et al's "consensual bias" theory is demonstrated; that the process of news selection is shaped by a prevailing ideology, which is never articulated, but is learned through the newsroom. It was this process that was partly responsible for journalists who were involved in reporting the violence, to begin "self-censorship". This would be justified by the belief that if one's story was not going to be used if written in a particular way, why bother to write it at all.

It is also important to note that this story was produced during the transition period – a time when, as is argued at the beginning of this chapter, the complexity and extent of the violence during this period made accurate reporting of the conflict difficult, even though restrictions no longer existed. And at another level, newspapers were increasingly turning their intention away from the violence towards other fast-moving political developments.

Restrictions related to market dynamics and the ownership of newspapers

Former editor of The Sunday Tribune, Jonathon Hobday, describes newspapering as a “varied art. The mass circulation papers are catering for a very broad cross section of people, from conservative to liberal, from man to woman, from black to white. It is not simply going about reporting deaths. Newspapers sell parrots as well, they also report the results of the jukskei.” (Quoted in Kockott, 1990:21). Hobday also elaborates on the various economic restraints faced by newspapers, including staff cuts over the years, and journalists in general being underpaid, resulting in a deterioration in the quality of personnel. “At most newspapers there are fewer staff, often less experienced staff. This is obviously going to affect the performance of the press. There has always been an uneasy partnership between editors and managers. We believe our business is to produce excellent newspapers to ensure a profit. But management says the business is to make a profit to produce excellent newspapers. This is the core of the conflict.”

Louw (1995) asserts that the constant battle to attract advertising and expand the newspaper's readership imposes more restraints. That newspapers were overwhelmingly white-owned was also cause for concern. The danger of monopolies in the newspaper business should also be noted – the Mercury and the Daily News, for example, both being owned by media conglomerate Independent Newspapers, leads to a lack of competition and little variation. Thus monopolies may result in the same reporting style and editorial outlook, which “may limit the publication of alternative views, favour certain types of news over others, neglect the activities of certain groups of people, and result in ‘grey’ reporting,” (Louw, 1995:89).

Emdon (1990) suggests the Natal press failed in its claim to be an objective and neutral purveyor of information when reporting the violence, partly because of the effects that ownership and control have on the practice of journalism. “Editors and senior executives of newspapers are carefully selected to best serve the value system inherent to the company and its

interests. Such people are responsible for all newsroom and production practices. It may also be explained by professional inertia, caused by subjection to State legislative controls for such long periods of time, by there being dominant companies without opposition in the area for so long, as well as following tried journalistic methods without innovation or challenges as regards these practices.” (Emdon, 1990:191).

Restrictions related to the reporting environment and “unofficial” censorship

Louw (1995) states that the reporting environment refers to factors other than government restrictions and market constraints. Here the lack of accessibility in rural areas as described by Kockott (1990) would apply, including bad roads, neither telephones nor press networks, and sometimes the sheer distance between the scene of violence and the newsroom. Such factors would result in many incidents of violence going unreported, particularly in the 1980s. It is worth noting, however, that by the time of the Nongoma massacres in 2000, for example, the proliferation of cellphones had gone some way towards alleviating this situation.

“Unofficial censorship” describes the situation whereby violence and intimidation make the victims and witnesses of violence, as well as reporters, reluctant to talk and write through fear of reprisals (Robbins, 1988). This affected the coverage of the violence in particular in the 1980s and the early 1990s, when a rise in indiscriminate violence and criminal activities put the lives of reporters in increasing danger (Louw, 1995). In addition, from the late 1980s there was a marked increase in political intimidation. At a South African Institute of Race Relations seminar in August 1990, Thami Mazwai, then senior assistant editor and business editor at the Sowetan, described “a situation in which journalists are far less exposed to arrest, detention and incarceration by the government than they used to be, but are being threatened and manhandled by political activists in the townships, in the towns and everywhere, and are being told to toe the line ‘or else’”. (Mazwai, 1991:11).

Some observations on Shobashobane and Nongoma

Although the massacres at Shobashobane (1995) and Nongoma (1999/2000) were portrayed by the media as disparate upsurges of violence, detached from the violence of the 1980s and early 1990s, it is, in fact, necessary to move away from the perspective of viewing continuing violence as constituting a series of separate events and cases. Taylor (2002:6) asserts that the violence has to be understood in terms of a matrix of integrated issues that are rooted in what is a symptomatic problem, underlying all events and cases, in which the forces of law and order are implicated.

By focusing on high-profile case studies of post-apartheid political violence in KwaZulu-Natal, it will be shown that at a deeper level of analysis there is a common pattern in their underlying dynamics and outcomes that starkly reveals the nature of the problem: that post-apartheid political violence has been systematically over-determined by, and fuelled by, a failure to confront past wartime divisions and their legacy. Cases of violence can be directly traced back to, and are contaminated by, and interconnected through the “unofficial” war between Inkatha and the ANC. In fact, the spiral of the war between Inkatha and the ANC has spawned complex networks of complicity that stretch from the lowest forms of organized crime to the highest echelons of the state. It is this matrix that has to be fully unraveled and confronted.

This thesis argues that where the press has failed, is in its ability to unravel this “matrix” as explained by Taylor.

The massacre of 19 ANC supporters by well over 600 Inkatha supporters at Shobashobane, on the lower KwaZulu-Natal South Coast, on 25 December 1995, attracted widespread international headlines, and was popularly labeled as the “Christmas Day Massacre”. Taylor researched this incident, as well as the Richmond killings and the Nongoma assassinations, as part of an ongoing research project for the Centre for the Study of Violence and Reconciliation,

into the nature and extent of violence during South Africa's transition from apartheid rule to democracy. In a paper entitled "Justice Denied: Political Violence in KwaZulu-Natal after 1994", he traces the events following Shobashobane, as well as attempting to contextualise and explain the incident. He concludes that "the idea that justice was done, and that the trial judgement serves to challenge a culture of impunity, seems hollow, given the fact that only 18 people were brought to trial. What of the very many others involved in the attack and the fact that, of these, many were acquitted? Moreover, after the Shobashobane trial, the South Coast was not quiet. In the Port Shepstone area a number of political leaders, who had taken on the aura of being almost untouchable, were murdered. They were taken out one by one, in what appears as a series of deadly IFP-ANC reprisal killings". (Taylor, 2002: 16).

Yet the Natal media reflected little of this. Of the 66 stories written about Shobashobane, 28 were hard news stories and 38 were stories emanating from the trial proceedings, and from a Commission of Inquiry into the actions of the South African Police. Not a single feature or analytical piece was produced during this period. And when leaders were killed, their deaths were reported almost as random criminal murders, and little attempt was made to contextualise, for example "ANC regional leader shot" (*Natal Witness*, 4/05/1998).

Historically Nongoma experienced very little political conflict, as there was simply no political space for any opponents of the IFP. Any conflict that occurred in the area was interpreted in terms of "faction fighting". However, Taylor (2002:30) asserts that this situation changed dramatically when, in April 1999, the ANC launched a local branch and started recruiting members in preparation for the upcoming June 1999 elections, "a move that was integral to a deadly series of political assassinations. The key figure in the conflict was IFP leader and one time mayor Joseph Sikhonde, who "did much to enforce IFP hegemony, and became a powerful figure in Nongoma through establishing a ruthless grip on the local taxi industry as well as various other trading businesses in the town". (Ibid). Taylor cites rivalry in the taxi industry,

land disputes, stock theft, the flourishing illegal trade in arms that was tied to the ANC/IFP war and allegations of hit squads as all contributing to the spiraling violence, which culminated in Sikhonde's assassination on June 5 2000. He was out on bail for murder at the time.

The mainstream Natal newspapers produced 36 stories over the following months, of which 21 were hard news and 12 were derived from the Sikhonde murder trial. Three were features, but although useful as scenesetters, they contained little, if any, political analysis. An example of a headline at the time would be the *Daily News* front page lead on 20 June 2000, "Families flee KwaNongoma", with the strap headline, "Tension rises as cop is killed". This story, in fact, continues to contextualise the killings as "faction fighting".

Taylor (2002:38) asserts that the common threads in the three conflict cases are clear: paramilitary forces from both sides have continued to drive violence; the police and the military are still directly and indirectly implicated; outside investigative units find it hard to make significant headway; and, successful prosecutions "have been hard to come by". Moreover, the capacity of the legal system to deliver justice has been weak, and the allegations of "third force" activity remain. "In all three cases local strongmen who have been implicated in political violence end up being assassinated, rather than being dealt with by the rule of law." (Ibid).

Thus exactly the same features of the violence predominant in the 1980s and early 1990s, have followed us through into the 21st Century – clearly, the Inkatha-ANC war did not become magically resolved with the demise of apartheid and the rise of a democratic state. Yet none of this has been highlighted, or even hinted at, in the media stories concerning the violence. Taylor makes an interesting point when he describes the militarization of KwaZulu-Natal, the fact of Inkatha and the ANC being at war, and the effects of this war as being masked by "a politics of denial" (2002:45).

This is a war that no one wants to admit or recognize. Political leaders have been quick to deny that they were ever formally at war (certainly so after 1994) or that they were responsible for violent actions on the

ground. Both Inkatha and the ANC have been concerned about projecting a public face of being committed to non-violence and peace despite the fact that some political leaders do not have “clean hands” – all three case studies have revealed that senior political figures have been implicated in political violence. (2002:46).

Taylor argues that the result of this politics of denial is that the systematic nature of political violence in KwaZulu-Natal has not been addressed, and, consequently, hundreds of lives have been lost in the post-1994 era in this region. Moreover, there are thousands of ex-combatants whose past role has not been sufficiently acknowledged, and whose future has been blocked. Taylor argues that in order to break the cycle of retribution and revenge, it becomes necessary to draw connections between “what have hitherto been interpreted as a series of random political violence ‘flashpoints’, to break free from the politics of denial propagated by those in power, and to establish firmly the rule of law”. (2002:50).

For the general public, and in particular those communities not directly affected by or involved in political violence, the obvious way to begin to achieve Taylor’s recommendations to draw such connections, is for the press to report as accurately as possible, contextualising and analyzing the violence; questioning those in positions of authority, drawing public attention to the shortfalls of the justice system, and exposing any misdeeds by the powerful.¹¹ Journalists should, following Ettema and Glasser (1998), encourage more socially engaged and morally meaningful forms of news. “They must seek the wisdom to know what is right and the courage to speak the truth about it.” (Ibid, 210). This, this thesis asserts, is true ethical journalism.

However, as is argued above, the media failed to report on the violence of the 1980s and early 1990s accurately or ethically. And *Natal Witness* assistant editor Yves Vanderhaeghen (2004) believes they are “doing a much worse job of it now.” He believes this is partly because political violence is reacted to as ordinary, or a normal occurrence, at the moment, “which wouldn’t have been acceptable during apartheid”. However, Vanderhaeghen argues that another

reason is that individual journalists simply “don’t want to get involved”; that the “change-the-world” enthusiasm of journalists, the zeal and energy required to go out and investigate a story, is not the same as it was in the past. This could be partly because it is a lot more difficult for journalists to gather information about the violence and find out what is going on in 2004, than it was in 1990, as political connections are no longer as forthcoming, contacts have dwindled, and there is only one violence monitor left in the province. Moreover, Vanderhaeghen believes the understanding of regional politics has also diminished, as it has become far more complex. He points to the fact that journalism has become “a stable and secure middle class job” as another reason for the weak coverage. “People don’t become a journalist because they want to make a difference any more, which was a hallmark of the apartheid dispensation, even in the mainstream press.” Added to this, he asserts, is that the media is a much more “laid back” environment than it was in the 1980s. “Now it’s an entertainment industry. It’s not into quest for truth. It’s a huge pity.”

Sanef’s 2002 South African National Journalism Skills Audit

Vanderhaeghen’s sentiments are borne out by the conclusions of the South African National Editors’ Forum’s “2002 South African National Journalism Skills Audit”. In the Audit’s final report, Steyn and de Beer (2002) highlighted a number of areas that they felt needed urgent attention, namely:

- a lack of basic practical skills, including reporting and writing skills;
- a lack of language skills;
- a lack of conceptual skills, including analytical and critical skills, and the “dire” lack of general knowledge among reporters;
- a lack of life skills, including communication skills, motivation, professionalism and a general work ethic;
- Media ethics and media law;
- Centers of excellence for education and training.

In their recommendations, Steyn and de Beer (2002) state that serious concern should be given in tertiary training programmes to those subjects that

reporters obviously lack knowledge about, including language skills, general knowledge skills, media law (including court reporting) and media ethics. "It is important that reporters should not be taught these skills in a vacuum.

Reporters should be taught that these skills should be implemented within the context of news policy and news management. South Africa has a unique role to play as a developing country with a free market media. This inevitably causes tension between different factions on what is news, and what type of journalism tertiary institutions should teach. This would include insight into the problems related to typical/traditional Western knowledge for journalism training *vis-à-vis* indigenous knowledge." (Steyn and de Beer, 2002).

News construction as selective reporting

Paul and Elder (2002:4) argue that the logic of constructing news stories is parallel to the logic of writing history. In both cases, for events canvassed, there is both a massive background of facts and a highly restricted amount of space to devote to these facts. The result in both cases is the same: most of the "facts" are never mentioned at all. In the case of the violence, just looking at September – December 1987, it is clear that the stories written barely reflected the situation at all. Independent unrest monitoring agencies state that 451 people died during this period, yet The Daily News ran only 86 stories during this period, the Mercury 110 and the Natal Witness 169. Not a single "human interest" story, documenting the personal horror of what happened to any single individual, appeared in any of the newspapers; neither did a single analytical argument, attempting to explain and contextualize the situation for readers. It is thus logical to deduce that if objectivity and fairness, in the construction of the news stories concerning the violence, is considered equivalent to presenting all the facts and only the facts ("All the news that's fit to print"), then objectivity and fairness are an illusion. Not a single member of the public in KwaZulu-Natal would have known more than a small percentage of the facts, and, frankly, it would not have been possible to present those facts, even if reporters had known them. Quite apart from having no physical space in the newspapers, as I argued earlier, there are many competing

criteria for determining what is “important”. And as Emdon (1990) points out, on many South African daily newspapers, news items generated by reporters may compete with as many as 500 other local, national and international stories. “The violence in Natal tends to be eclipsed by newer stories and themes. The newspaper is not seen as the main social agency for providing society with the minutiae of the ongoing conflict”. (Emdon, 1990:46).

The structure and organization of the newsrooms themselves also played a role in the dearth of stories. Newspapers failed (and some would argue, continue to fail) dismally in developing and maintaining contacts in township communities. Routine contact lists in newsrooms contained the phone numbers of police and emergency workers, hospitals, traffic officials, headmasters and headmistresses of white schools, government officials, parliamentary spokesmen, and even contacts in the House of Delegates and House of Representatives, but very few in black communities. Kockott (1990) argues that the Natal newspapers were primarily serving the white communities, on which they depended for sales and revenue. “Pictures of people grimacing and gritting their teeth while shotgun pellets are fizzed out of wounds with the aid of Eno fruit salts and razor blades have never made the Natal press. It is mostly after-the-fact pictures of corpses.”

Were – and, indeed, are – the violence stories a form of propaganda?

Propaganda is defined in the Webster’s New World Dictionary as “any systematic, widespread dissemination or promotion of particular ideas, doctrines, practices, etc. to further one’s own cause or to damage an opposing one”. Given this definition, there is no clear-cut dividing line between news story writing, with a given cultural audience in mind, on the one hand, and constructing propaganda, on the other. Both systematically play down or seek to minimize the worth of opposing perspectives or points of view. “Even historical writing can take on the character of propaganda when stories either ‘glorify’ or ‘demonise’ certain groups of people by suppressing or ignoring

information that does not support its preconceptions and ideology.” (Paul and Elder, 2002:10).

Because the word “propaganda” carries with it a negative connotation (suggesting deception or distortion), few journalists who wrote about the violence would admit the word applied to their stories. Yet the fact remains that if one receives most of one’s news from one cultural or national source, the likely impact on the mind will be that of distortion and deception. “Most people, as a result, are trapped in one world view (since they have received a steady diet of stories and accounts articulated from that perspective and have never seriously considered any alternative)” (Paul and Elder, 2002:4). Emdon argues that to many journalists the violence was ongoing and simply one of many assignments in the region, not necessarily the most important. (Emdon, 1991). As Paul and Elder observe: “When one is trapped in a culture-bound view of the world, one thinks within a web of self-serving assumptions, for example, thinking that it is others (our national or cultural enemies and opponents) who use propaganda and manipulation while we, being honest and just, always give the other side its due. Others use propaganda and manipulation. We freely express the truth. This mindset is not the product of a conspiracy or intrigue. It is the natural and predictable outcome of a national news media attempting to make a profit by presenting events in the world to a home audience.”(Paul and Elder, 2002:12).

Protecting the readers from guilt feelings

The events for which news coverage is most taboo in mainstream media news are deeds that indict the readers’ culture or society of ethical wrongdoing. Consider, for example, the extent of black civilian suffering following decades of violent internecine unrest. Though some debate was conducted during the course of the Truth and Reconciliation Commission, to my knowledge there has been very little documentation in the three newspapers examined of the enormous suffering caused, and continuing to

be caused, by the violence – and none at all pointing to the tacit complicity of white readers in the violence, initially through their acceptance of apartheid.

Given my analysis, the absence of stories about these trends by the media is exactly what I would predict from national mainstream newspapers in South Africa. “People do not pay for news that leads them to question the “goodness” of their own nation or makes them feel responsible for the large-scale suffering of others.” (Paul and Elder, 2002:13).

Would an ethical framework have helped the writing of the violence stories?

The central argument in the above analysis is that there is very little neutrality, balance or fairness in the Natal violence stories analysed. The picture created in and by the discourse is a highly structured one, resulting from both conscious and unconscious selections by the journalists, editors and sub-editors involved. The newspaper coverage of the violence generally ignores the complexity and multi-dimensional issues involved, and sees it more as a case of barbaric blacks with opposing political ideologies, killing one another in circumstances of lawlessness and savagery. This thesis argues that the newspaper coverage of the violence is the newspapers’ socially located way of making sense of what is, in essence, a civil war.

The Natal violence has brought certain issues, such as hatred and lawlessness, into sensational focus, while at the same time effectively hiding and mystifying the deeper causes. Larger questions about economic causes and implications are ignored, and questions about “third force” activities are effectively ridiculed and played down. The attribution of the label “Natal violence” lifts the phenomenon out of the category of run-of-the-mill stories and sustains the violence as a newsworthy phenomenon, using bodycount journalism as a basis for the importance of separate stories. It becomes possible to abstract the Natal violence stories from a bigger picture of murder crimes, events and issues in the townships and hostels as well as cities – in



other words, the violence stories are depicted as a phenomenon in isolation, thus ignoring analysis of the system as a whole.

The discourse's thinly veiled racist approach to the violence provides ample evidence of the ideological nature of the media's claims to social responsibility and objectivity, or at the very least a case of dereliction of responsibility. The reportage consistently takes its cues from a variety of carefully selected sources, expressing, articulating and re-articulating a peculiar sentiment and perspective. In the end, the news ideology in the discourse is shaped by these articulations. The discourse orchestrates a racist theory that black equals violence, thoughtlessness, savagery, while the norm (of whites, or more latterly, the middle class) is associated with productivity, family values and civilization. The overall discourse – its language, focus and style – tends to construct and legitimize, if not perpetuate, a particular historical social reality, namely, that poor black life is cheap and middle class and white lives matter. For example, Kockott (1990) points out that of all the people killed in the violence prior to 1990, "fewer than five percent have received the posthumous privilege of their names appearing in print". Under the emergency regulations it was police policy not to release victims' names. When asked why, the police would reply that it placed the victims' lives in jeopardy. That they were already dead never deterred police from using that argument – and very few journalists chose to engage with them on this issue.

Moreover, very few journalists chose to admit they were doing a poor job in reporting the violence. In 1990 the Association for Democratic Journalists issued a press release releasing the results of research undertaken by the University of Natal's Contemporary Cultural Studies Unit. The research showed that daily and weekly newspapers in the province "have failed to adequately report the Natal conflict". Seven major defects in the reporting of the violence were identified:

- The press failed to analyze events in terms of political, social and economic explanations or interpretations.

- The press failed to report on or deal with ambiguities and contradictions in the conflict.
- Few primary sources were used and there was little “first-hand” reporting.
- Several newspapers showed a clear sense of partisan reporting.
- There was a general failure to follow-up on stories.
- Little or no investigative journalism was practiced.
- The press was seen as failing to take the conflict seriously enough to warrant fuller staffing and larger budgets to enable more extensive coverage.

However, *Daily News* editor Michael Green sent the press release through to the newsroom with the following message:

With thanks. Please spike. I do not want to use any story about this set of opinions. (See Appendix C).

Emdon (1991) lists a number of essential areas agreed on by academic commentators and researchers, which, they suggest, needed the attention of the media, with regard to reporting on the violence:

- Press and radio referred uncritically to the Natal conflict as “black-on-black violence”. This was seen as a simplistic definition as it removed the political dimension from the conflict, and reduced it to something similar to mere faction fighting, endemic to the Zulus and to Natal.
- Many writers identified Natal as a special case in South African politics, while all the ingredients of covert state action, in the use of the police and military as well as vigilantes, was evident.
- Newspapers tended to ignore the context of the war in news reports. They did not remind readers of the low intensity violence between the parties, which has gone on for years.
- Factors such as poverty, tribalism, gangsterism and other criminal activities that fuelled the violence, were often ignored.
- The press and SABC in Natal had an especially important role to give white readers and viewers specific information on the African areas so

they could make rational and informed economic and political decisions affecting them.

- The media needed to show the complexities of the situation and give background to reports to help readers and viewers understand these.
- Newspapers and broadcasting, except in a few instances, failed to do any meaningful investigative journalism on the ongoing conflict.
- Staffers were able to handle the politics of the Berea and white areas, but failed to apply the same standards when viewing black politics.

The primary ethical principle for journalists is to seek truth and report it (Black et al, 1999). And an important element of this principle of truth telling is to give voice to the voiceless. In just the Nongoma area, which includes around 1,8 million people, there is an unemployment rate of 70% and thus most households are below the poverty line (Taylor, 2002: 29). Truth telling speaks to the responsibility of journalism to cover those people who normally may not have access to the media and to cover those issues that need light shined upon them. Investigative journalism in particular, should not be a witless apologist for dominant values – as Ettema and Glasser (1998) point out, stories can expand, even if only a little, the community's understanding of its values, along with its willingness to apply them more justly – or it may reveal that the community no longer cares. Where the violence was concerned, there were some individual journalists who indeed attempted to create some understanding of the complex problems involved. But as has been shown, the process of selection and production of stories had both practical as well as ideological reasons for the angles taken in the majority of copy produced over the years. Journalism can well serve as an agent of legitimation for dominant values, but there is also reason to believe that it can serve as an agent of change for those values – change that may be, but is not inevitably, for the better. (Ettema and Glasser, 1998).

¹ Interview with the late Daily News news editor Jack Moore in 1990.

² For example, in 1996 President Nelson Mandela accused black journalists of not promoting the transformation of South African society.

³ Greer describes advocacy (or development, or advancing) journalism as seeing the press as an instrument of social justice and a tool for achieving beneficial social change. In other words, “the

media should accept and carry out positive development tasks in line with nationally established policy". In South Africa, however, there has been immense pressure for journalists to ally themselves with political forces.

⁴ Interview with Natal Witness editor John Conyngham on September 15 1997.

⁵ By 1995 the first signs of overt antagonism against the Witness were clearly apparent, particularly in comments made by various ANC members within the KwaZulu-Natal provincial legislature.

⁶ It has, however, since been proved that there were links between the National Party government and Inkatha in the form of paramilitary training and finance. These activities were aimed at destroying the UDF and other ANC affiliates in the province.

⁷ See the chapter dealing with hate speech.

⁸ The complexity of the violence is illustrated by the various and overlapping explanations which have been given for the KwaZulu-Natal conflict. See Aitcheson (1991), Louw and Bekker (1992), Bell (1990 and 1993), Booth (1988), Kentridge (1990), Oliver (1992) and Zulu and Stavrou (1990).

⁹ Hulteng (1973) uses the terms "straight" news for factual articles (more commonly known as "hard" news in the South African context), as opposed to editorials and other interpretive articles such as features, political analysis and the like.

¹⁰ The author was subpoenaed in 1991 under section 205 of the criminal procedures act in an attempt to get her to reveal her sources in a story about the rightwing involvement in the violence.

¹¹ The question here, is whether this is possible without some conscious proactive agenda, with the aim of contributing to positive social change. A possible advocacy role for the media is developed more fully in Chapter Three.

CHAPTER THREE

Have we learned from history? A critical assessment of the Independent Group's coverage of the HIV/Aids pandemic in South Africa from 1/01/04 to 12/02/04.

"As to diseases, make a habit of two things - to help, or at least, to do no harm."
– Hippocrates

Introduction

According to the International Crisis Group (Report 2001) it is currently estimated that over 36 million individuals are infected with HIV, a figure that is projected to grow to 100 million by 2005. It is also estimated that in sub-Saharan Africa, where the epidemic has hit the hardest, HIV/Aids will kill one in four adults. "As it is coming to be understood, this is no longer a public health crisis, but a national security crisis or a national emergency" (Bechan, 2003:62). HIV/Aids is profoundly destabilising in several important ways, and, as Bechan (2003) points out, when prevalent in epidemic proportions it "can destroy, like war, the fundamental elements of a nation – individuals, families, economic and social institutions, police and military forces". (Bechan, 2003:62). Indeed, the most pressing issue facing journalists in South Africa today is the question of just how to cover the HIV/Aids pandemic.

The role of the media in reporting and framing HIV/Aids issues within the context of a growing pandemic is well recognised. Shepperson (2000) asserts that press reporting and analysis plays an important role in developing public understanding of key elements of the pandemic, and also promotes understanding amongst professionals working in the field. "Health workers, for example, often cite newspapers as their main source of regular information on HIV/Aids research. In

addition, the press also play an important role in mediating response to HIV/Aids policy issues, and provide a forum for discourse". He argues that this role has been well evidenced in media engagement of controversies such as Sarafina 2, Virodene, and the HIV/Aids causality debate. Wallack and Dorfman (2001) argue that news media influences public policy to change the conditions that sustain public health problems and in this regard fulfil a complementary role to specific health communication campaigns, which tend to have a primary focus on increasing personal knowledge and behaviour change rather than on promoting collective action or policy change.

According to Usdin et al (2002), journalists have a particularly important role to play in:

- Providing the public with accurate information about the causes, spread, impact and prevention of the disease.
- Helping to destigmatise the epidemic.
- Monitoring and pressurising those in positions of power – in government, business and elsewhere – to deal adequately with HIV/Aids.
- Presenting a human face to the epidemic by reporting on South African stories.
- Presenting informed debate on difficult ethical questions.
- Providing information on living positively with HIV/Aids.
- Influencing public opinion against behaviour and trends that help to spread HIV/Aids. (Usdin et al, HIV/Aids: A Resource for Journalists).

The media is thus perceived as central to social response to the pandemic, and has a very powerful role to play in shaping people's perceptions of HIV/Aids. However, HIV/Aids remains an extremely difficult issue on which to report, not least because of the sensitive nature of the pandemic. Fear, prejudice, ignorance and denial, and a reluctance to discuss sex openly, in addition to Aids-related politics and economics, are all powerful factors that complicate the reporting process. And other conflicts, such as those between the public interest and the individual interest, are not easy to resolve. There is also the challenge of keeping

the issue of HIV/Aids newsworthy and topical, rather than repetitive. Examples of negative perceptions of media response to the pandemic include:

- “To contribute effectively to Aids prevention and care, the media have to change their role into an advocacy role and promote the dignity and rights of people with Aids and other marginalised groups.” (Riyadi, 2000).
- “...journalists have tended to shy away from taking a proactive response to HIV advocacy, under the guise that they must remain ‘unaffected’ and stand-aloo commentatots on the issue.” (Falobi and Barnigbetan, 2000).
- “Aids journalism often falls short because it fails to integrate the following three elements – 1) the perspectives of people living with HIV/Aids; 2) the larger cultural, economic and political context which shapes the epidemic; and 3) the science of HIV”. (Schoofs, 2000).
- “...information about this problem in the media is centralised to the big cities, is limited, and very often lacks objectivity or seriousness.” (Medina, 2000).

There are thus many perceptions about what the media is expected to do with regards to covering HIV/Aids in the country, but seemingly very little discussion about the **ethical** expectations. “It took the death on 26 October 2000 of Presidential spokesperson Parks Mankahlana to awaken the South African media to the intricacies of reporting on HIV/Aids. Until Mankahlana’s death, there was no national debate in the media about ethical questions relating to HIV/Aids.” (Cullinan, 2001). The aim of this chapter is to attempt to understand the way in which the Independent Group in South Africa reports the HIV/Aids pandemic. It will begin as a brief attempt to unravel the ideological and political construction of the pandemic as represented on the Independent Group’s website (www.iol.co.za) from 1 January 2004 to 12 February 2004.¹ The chapter looks for trends to help demonstrate the way in which certain events have been selected and depicted. It briefly examines the ways in which the discourse of news was constructed and how this was mediated through the online stories. It will also examine various factors that have been argued in Chapter Two as affecting, and

continuing to affect, reporting on violent conflict, in order to demonstrate how these same factors affect the coverage of HIV/Aids. The advocacy role of the media vis-à-vis HIV/Aids reporting will be briefly addressed. This chapter will ultimately attempt to map out some ethical guidelines for the coverage of HIV/Aids in South Africa.

Ideological analysis of the news stories from IOL

A search on the website www.iol.co.za for “HIV/Aids” from 1 January 2004 to 12 February 2004 produced 165 stories (see Appendix D). Seven of these stories were discounted because HIV or Aids was simply mentioned in passing, and another 31 were discounted as they concerned the Desai/Isaacs rape allegations in Mumbai. Consequently only 127 stories were analysed. Editorial comments and letters are not included in the contents of this website, so the stories were all news or news features. With so many articles to be analysed, it was not practicable to write a separate analysis of each one. Consequently I adopted the following approach: all the articles were thoroughly read, identifying and categorising key elements and themes for analysis. The criterion of identification was the ideological significance of those elements. The following categories thus emerged:

- Headlines.
- Racism and the creation of “we” and “them”.
- Sources used for the stories.
- Angles and styles in the stories – creating a perspective on HIV/Aids.

An analysis of an article

The following notes serve as an example of how each article was subjected to a presuppositional analysis, before they were put together in general observations for purposes of discussion of each theme.

Headline: "SA varsities sitting on Aids time bomb"

Newspaper: The Sunday Argus

www.iol.co.za/general/news/newsprint.php?art_id=qw1073816822667A320&sf=

Date: 11/01/2004

Reporter: Edwin Naidu

Type of article: hard news

Structure of the article:

- 1. Introduction – South African universities and technikons are sitting on an HIV and Aids time bomb.
- 2. Body of story – a survey by two University of Cape Town academics reveals that most students at tertiary institutions continue to have unprotected sex in spite of being aware of the dangers of HIV and Aids.

Positively loaded words and phrases	Negatively loaded words and phrases
Manage – considerable good work - leadership – support – promote research	Continue to have unprotected sex – time bomb – shocking level of ignorance – population control by white people – destroy – depression – drunk – war would not be easy

Key phrase: South African universities and technikons are sitting on an HIV and Aids time bomb.

Overall observation: we emerge from reading this story with the feeling that all South African students are out of control - extraordinarily promiscuous and indulging in unprotected sex, in spite of being aware of the dangers involved therein. The story states in paragraph 2, "most students at tertiary institutions continue to have unprotected sex despite being aware of HIV and Aids and its dangers", even though lower down we read that the survey itself is based on interviews with only 480 students. An eye-catching indented sub-heading reads: "We are sick and tired of hearing about Aids, Aids, Aids", which reinforces our perceptions that students are suffering from Aids-information overload. The

survey's researchers state reasons including "having gone too far without thinking, did not have condoms handy, being drunk, being in a long-term relationship, and assuming it would be all right (i.e. safe)", for the students' behaviour. The reporter writes that "some students canvassed by Ross and Levine revealed a shocking level of ignorance. Some said HIV and Aids was punishment for being promiscuous or having sex outside of marriage". Paragraph nine reads: "Another student suggested Aids was introduced as a measure of population control by white people, while another said the acronym stood for 'American Idea to Destroy Sex'". We are left making the association between students, and promiscuous, irresponsible behaviour and ignorance. It is relevant to note that no sources other than the newly formed Higher Education HIV and Aids programme (Heaids), and the vice-chancellor of the University of the Western Cape were used, apart from paragraph 14, which reads: "Although statistics were not available, UNAids in its 2003 report said HIV infection in the country was highest among young people, especially girls between 15 and 24 and males aged 16 to 25".

The following analysis will be conducted with reference to these criteria, in terms of the aforementioned categories.

A critical evaluation of headlines

As discussed in Chapter Two, headlines generally perform four main functions: they summarise the story for the reader, thus serving a fundamental framing function; they can be used to upgrade or downgrade topics; they attract the reader's attention; and they serve as guides to the themes implicit in a story (Greer, 1999). Goshorn and Gandy (1995) add that headlines may influence how the story will be understood and stored for later use in making sense of similar events and issues.

In order to illustrate the framing function of headlines I have used the following randomly selected headlines as examples:

Description	Headline
1.	Teen accused in TAC woman's deadly gang-rape.
2.	"Show some love and mercy to Aids victims".
3.	Activist Achmat honoured for his Aids crusade.
4.	Aids patient gets lost in the system.
5.	"Cheap drugs are not stopping malaria".
6.	Ex-pinup supplies 3 litres of milk a day.
7.	Stepmom to face charges over HIV injection.
8.	Statistics row inflames new Aids debate.
9.	Blood, guts and Aids in SA's army.
10.	Did gay orgy men deliberately spread HIV?
11.	Police find 28 HIV-positive men at gay orgy.
12.	DA: Replace sport ministry with one for Aids.
13.	ANC needs to be democratised: TAC.
14.	SA's high Aids toll fuels new invention.
15.	Dionne Warwick honoured for her Aids work.
16.	Should transmitting Aids be a crime?
17.	US to give Zambia \$66m to fight Aids.
18.	Boy may lose RAF claim because of Aids stats
19.	TAC fears radical cuts in 2004 Aids budget
20.	"HIV cases overwhelm our hospitals".
21.	"Sex-and-sun holidays a major health risk".
22.	Activists blast Vatican's stance on condoms.
23.	Kenyan man charged over grandson's killing.
24.	Robbers allegedly inject woman with HIV.
25.	Sex, not needles, fuels Africa's Aids crisis.
26.	Mbeki slams soothsayers of doom.
27.	Zambia to make own anti-Aids drugs.
28.	DA targets Aids and crime as its main issues.
29.	Mbeki: why is there so much emphasis on Aids?
30.	Manto punts "eccentric" Aids plan once more.
31.	Elders tell HIV man to have sex with virgin.
32.	Manto's diet now includes beetroot and lemons.
33.	Mbeki making a mockery of Aids, says Achmat.
34.	Nevirapine poses risk for moms – study.
35.	Aids orphanage sues state over school access.

These headlines all help create a frame of reference for the HIV/Aids pandemic. Most notably, not a single headline concerns the perspectives of people living

with HIV/Aids. What comes across clearly, however, is that when it comes to Aids reporting in South Africa, “conflict, key personalities and government positions are strong indicators of newsworthiness”. Conflict tends to involve more unusual crime stories where Aids is an issue, such as headline 1, “Teen accused in TAC woman’s deadly gang-rape”; headline 7, “Stepmom to face charges over HIV injection”; and headline 23, “Kenyan man charged over grandson’s killing”. However, conflict between government and Aids activists has also dominated coverage, as is apparent in headlines 13, “ANC needs to be democratised: TAC”, and 19, “TAC fears radical cuts in 2004 Aids budget”. This is also illustrated by the continuous attention paid to the issue of anti-retrovirals, in headline 33, “Mbeki making a mockery of Aids”, and 34, “Nevirapine poses risk for moms – study”.

It is also interesting to note that many of these headlines appear critical of the government – and thus, by implication, supportive of the objectives of Aids activists, as is shown by headlines 29, 30 and 32. The mainstream media in South Africa has shown itself to be very cautious of the kind of advocacy role suggested by Stein (2002) to the point where they can be dismissive of the politics of social campaigning and protest. Finlay (2003) argues that the Constitutional Court’s ruling on Nevirapine and comments made by Mandela in 2002 may have set a public moral precedent for the media to follow.

The fact that some big businesses committed themselves to anti-retroviral plans in the workplace no doubt helped to cement the moral tone of the conflict. There appeared to be a very clear right, and a very clear wrong. One might argue, that given the much-criticised precedents that have “defined” government health policy – Sarafina II and Mbeki’s denialist-like comments on HIV/Aids amongst them – that the press did not so much jump, as was pushed. A tone critical of government came easily. (ibid). Finlay’s research, which included interviews with journalists, editors, government communicators and scientists, suggests that this was exacerbated by “government spin”, which was frequently out of step with the information needs of

journalists. By contrast, the Treatment Action Campaign is commonly understood “to have an effective media-savvy advocacy campaign”, and is constantly accessible for journalists needing quotes or sources on deadline.

A few of the headlines are pointedly sensationalising with the sole aim of attracting people's attention through shock tactics. Headline 6, “Ex-pinup supplies 3 litres of milk a day” is a case in point, as is headline 10, “Did gay orgy men deliberately spread HIV?” The latter in particular also raises the issue of language and stereotyping: the implication is that gay men could indeed be capable of doing such a thing. Headline 2, “Show some love and mercy to Aids victims”, also raises questions about language, as many suggested ethical guidelines would prefer the word “victim”, for example, not to be used to describe people living with HIV/Aids. The issue of language is discussed more fully later in this chapter.

For Bell (1989) the essential structure of a headline includes an action and an agent, although the agent is sometimes left unclear. The designation of an agent in a headline, where this occurs, allows for subtle and not so subtle valorisation or devalorisation:

Example: Elders tell HIV man to have sex with virgin (headline 31)

Kenyan man charged over grandson's killing (headline 23)

In these examples, the terms used to describe the (black) people involved are demeaning: one can hardly take seriously people better known for their abhorrent cultural practices.

A similar process can be identified with the use of these headlines:

Manto punts “eccentric” Aids plan once more (headline 30)

Manto's diet now includes beetroot and lemons (headline 32)

In these examples, the use of “Manto” instead of “Tshabalala-Msimang” for Health Minister Manto Tshabalala-Msimang, is done deliberately to rob her of her authority. The tone is also deliberately mocking. This kind of headline can perhaps only work because many regular readers would have been ready to

interpret Tshabalala-Msimang's announcements as ridiculous, in the context of previous stories written.

As discussed in Chapter Two, Develotte and Rechniewski (2003) argue that headlines play a role in orienting the readers' interpretation of subsequent "facts" contained in the article. They point out that headlines encapsulate the content and also the orientation, the perspective that the readers should bring to their understanding of the article. With much news drawn from wire services and shared with competitors – 73 of the 127 stories being analysed were sourced from wire services - the headline can become a newspaper or online newspaper's opportunity to stamp its individuality on what is otherwise a mass-produced product.

Racism and the creation of "we" and "them"

Contreras' (2003) research – a content analysis of Aids coverage in Cape Town and Chicago media at the end of 2002 – shows that in Cape Town, the majority of the people portrayed as living with HIV/Aids are poor and black. In Chicago, the people living with HIV/Aids are the same people portrayed in the Cape Town press – those who are black and living in sub-Saharan Africa.

The number of people infected with the HIV virus has nearly doubled in Chicago since 1994, according to a report released this (2003) year by the department of health in Chicago. The report shows that Aids is prevalent in that city amongst poor, black communities and in upper middle class, gay, white communities. Interviews with more than two dozen journalists in 10 newsrooms showed that the mainstream press in Chicago view HIV/Aids as a story not relevant to them but to the alternative and gay presses in the city...this leads to a problem, journalists say, with portraying Aids along class and race lines, where the pandemic is largely framed as a black problem, while people who are white are absolved or unaffected.

What is extremely interesting to note is that the “racism” in the HIV/Aids stories is not overt. Presumably, for the projected readership – still predominantly white in 2004 – the mere fact that the majority of Aids-related deaths in South Africa are black, sets the disease apart from readers. So the racism inherent in these stories is subtle. It becomes apparent through the absolute lack of “human interest” stories: a complete disinterest in the personal lives of any of the 600-1000 people who lose their lives each day in South Africa due to Aids.² As mentioned in Chapter Two, Jacobs (2001) argues that racism in discourse is not necessarily vulgar and overt, but rather woven seamlessly into the continuous flow of the discourse; that while the examples directly refer to “race” and seem to be straightforward statements, they owe much of their meaning to the overall discourse. In other words, they cannot be read in isolation, but in the context of their articulation – in this case, the HIV/Aids discourse.

Cullinan (2001) asserts that issues relating to race and class are paramount in reporting on HIV/Aids. She states that journalists are all middle class (no matter what their origins may be) and many are white, while the majority of those interviewed are black and poor.

This is understandable, given South Africa’s past, and given that 80% of South Africans are African and the majority are poor. However, this dynamic has to be carefully negotiated. Under apartheid, the lives and experiences of black people were devalued. There is a danger that the HIV/Aids pandemic will perpetuate this if reporters see themselves as ‘outsiders’, and portray HIV/Aids as a disease of those who are poor and black.³

According to Cullinan, reporters also need to unpack the social forces that drive the disease. She argues that the system of apartheid – particularly the migrant labour system and forced removals – destroyed the family lives and social networks of millions of black South Africans, rendering them vulnerable to

HIV/Aids in a way that those living at home with their families are not. "The legacy of apartheid remains and continues to drive the pandemic." (ibid).

There is no doubt that the South African HIV/Aids media discourse has reached the general public. A story headlined "Boy may lose RAF claim because of Aids stats"(IOL, 27 January 2004), concerns a child crippled and orphaned by a car, and "while the Road Accident Fund has accepted liability for the accident, lawyers acting for it are trying to lop off a chunk of his claim by arguing that he is a black male and 'statistically' he will contract HIV and Aids and die before he is 40". Another, headlined "Elders tell HIV man to have sex with virgin", describes the cultural practice of men having sex with "young virgins" such as a "nine-year-old girl" in order to purge themselves of afflictions or curses in the past, and as a "cure" for HIV/Aids in the present. The former story quotes reputable sources as predicting the average life expectancy of black males in South Africa to be 40 years or less, while the latter would undoubtedly, for some people, perpetuate the myth that African culture is cruel, barbaric and amoral. Both stories imply that HIV/Aids affects black communities more than any other.

However, a vital point to raise here is that reporting about Aids in Africa necessitates complete honesty. There is still a huge economic divide between the majority of whites and the majority of blacks in South Africa – and there is, particularly in rural areas, an even greater cultural divide. Mbozi (2000) asserts that attempts to explain the uniquely high cases of HIV/Aids in Africa in general, have pointed to a range of socio-economic factors including worsening economic conditions and a general breakdown in social and health care systems.

"However, there is also evidence that some negative cultural beliefs, traditions and practices, which are deep rooted in the social and sexual lives of most African ethnic groups, have also contributed to the transmission of the disease". (Mbozi, check:75). In research investigating the impact of negative cultural practices on the spread of HIV/Aids in Zambia, Mbozi discusses a number of culturally-defined and instigated sexual patterns and social relations which are

associated with HIV transmission and the spread of Aids, including ritual cleansing, spouse inheritance, polygamy, initiation ceremonies, and the practise of “dry sex”. Mbozi suggests that given the complexity of some of these cultural practices, a combination of strategies, ranging from increased information to legislation, should be employed “in an attempt to root out these practices”. (Mbozi, 2000:80).

It is more difficult, however, for white journalists to write about “sensitive” issues such as African cultural practises, than it is for black journalists. In KwaZulu-Natal, for example, white journalists who have criticised polygamy, the use of some traditional medicines, circumcision rituals, virginity tests or using “muti” for defence purposes, in the past have tended to be branded as racist. On the whole white journalists tend to shy away from writing about “sensitive” cultural issues for fear of criticism and even reprisal.

Nawaal Deane from the Mail and Guardian says that people in her newsroom criticised the paper after it published a picture of a person living with Aids for reinforcing the stereotype that Aids is a black disease.

On the one hand, I do agree that we are reinforcing a certain stereotype because we are publishing these stories of black people who are dying, but, on the other hand, that is the reality. White babies are not in the hospitals. White people are given a better chance and better income to go to private hospitals. The majority of people who have this virus are black. Should we create an impression that is politically correct and avoid bringing race into it? ⁴

These are difficult questions to answer, and ones that ethically journalists need to consider carefully.

Sources

As many of the examples used so far have demonstrated, and in a pattern similar to that of the coverage of the Natal violence, the majority of sources used by journalists for the construction of HIV/Aids stories were figures of authority such as government figures, including the President, presidential spokespersons, the Health Minister, and various officials from the Treatment Action Campaign. Many of the statements made by these figures emanated from press conferences or press releases, thus the number of stories generated from individual's own enquiries and based on information sought out independently of official sources, is far less. It is also interesting to note that very few, if any, stories about HIV/Aids were written by dedicated health reporters, with most being produced by general staff reporters and political reporters, and in some instances wire services such as Sapa and Reuters.

Of the 127 stories analysed, 73 came from wire services – Sapa (45), Reuters (25) and AFP (3). Seven stories came from attending political election rallies, six from interviews with politicians, and two from the police in their daily crime reports. Four stories emanated from court cases. Press conferences, press briefings, press releases and parliamentary meetings accounted for 15 stories, the results of surveys or reports for four, the TAC for seven, and statements from businesses or organisations for seven. One feature dealt in detail with breastfeeding and the imminent legislation condemning the use of formula as baby food, which included a short discussion on the repercussions for HIV-positive mothers and their children. There was only one “human interest” story based on personal interviews with a person living with HIV/Aids. Thus, reporting on HIV/Aids is principally sourced from press releases, press conferences or public political meetings, and wire services. This is a dangerous practice, as Shepperson (2000:13) points out that when the government, business and other media liaison and public relations departments are on holiday, news items dry up accordingly. The use of sources is an important ideological element of news,

relating directly to the journalistic claim of objectivity and fairness. The analysis in this section examines that claim more closely

As was argued in Chapter Two, on the principle of objectivity, it is impossible for any journalist to be a completely unbiased observer. Simply choosing the angle and the words for the introduction to a story is a subjective act. However, this doesn't mean one shouldn't strive to be fair. Nevertheless, where coverage of both the extent and the context of South Africa's HIV/Aids pandemic is concerned, the most common criticism of the press has been that reports often fail to publish details about incidents, let alone any in-depth analysis or investigation.

This is partly due to the fact that it is difficult to find alternative sources of information – a process both expensive and time-consuming. And this also explains why the TAC has filled the gap for journalists so successfully. Zackie Achmat, head of the TAC, “has propelled his organisation and himself as a credible and ‘official source’ on most stories about HIV/Aids in South Africa” (Contreras, 2003). Delate (2003) argues that “people like Zackie, who are media savvy, understand the culture of media and know what bones to throw out”. He asserts that the TAC's ability to have up to five spokespersons available by cellphone during much of the day gives the media an easy source as well as an angle when framing stories about Aids.⁵ Though there are other reasons for the TAC's prominence in the news, many journalists believe that the TAC's success is, in large part, a result of the government's inability to communicate with the media on matters relating to Aids. “Journalists would like to reflect the opinion of government. But they get pushed from spokesperson to spokesperson without getting information. Or they'll say, ‘We'll phone you back,’ and they never do”. (Delate, quoted in Contreras, 2003).

However, Contreras (2003) points out that it is not just the government's lack of response that has hindered journalists' ability to report on Aids accurately. “It's

the other stories, the stigma, the human relationships of people living with the virus, all the stories beyond health, or the TAC battles with the government, that are not presented in the media, because editors want immediate news and journalists have sharp deadlines". (Contreras, 2003). His research shows that more than 75% of the people quoted in stories on Aids are officials and celebrities, with an overwhelming emphasis on women being described as "victims", and men being quoted as "officials".

There is also concern about the future of Aids coverage if the political focus drops. At the moment this would appear likely, due to a lack of resources for journalists to visit NGOs and write about people at grassroots level, or to spend time with people who are living with HIV/Aids, because of stigma and privacy issues. Newsroom editorial decisions, which have focused on reporting the political aspect of the disease, have also made it difficult for journalists to consider reporting on other aspects of HIV/Aids.

Kanya Ndaki (2003) from PlusNews asserts that most stories in South Africa have been on the TAC and the government "because, for one thing, just in terms of resources it's easier. It's easier for a journalist than, say, going out and digging for your own sort of stories". She argues that the problem with depending on the government and highly-sourced organisations such as the TAC for official comment, is that smaller groups, which also are addressing the pandemic in the communities in which Aids is rampant, are largely ignored and appear not to exist in the fine print of a published newspaper. "I don't see why we can't look at smaller organisations such as NGOs and individuals that are making do. They have the same problems and don't receive the same attention. There's more to HIV than treatment access."⁶

Angles and styles

The section on headlines illustrates how they effectively draw readers to articles, and thus in a sense are important carriers of story angles. “The headlines employ different linguistic strategies to signal the angles depending on what issues they want to foreground or highlight.” (Jacobs, 2001:109). One can also, however, argue that the stories themselves contain dominant perspectives, which are merely highlighted by the headlines.

A few identifiable angles in the HIV/Aids discourse dominate continuously. These include the conflict between government and the TAC over state provision of anti-retroviral drugs, continuous emphasis on Health Minister Manto Tshabalala-Msimang’s controversial stance on anti-retrovirals, continuous emphasis on President Thabo Mbeki’s “denialistic” attitude towards HIV/Aids, and the economic and legal implications of HIV/Aids. Thus a great deal of emphasis is laid on the efficacy or otherwise of state intervention in the HIV/Aids pandemic, with a corresponding lack of emphasis on interventions by NGOs and individuals. The stories are also, almost without exception, strangely impersonal, with only one personal interview, and none of the “human interest” angles, which would draw the reader’s sympathy. The overall style – coming, it must be noted, from the wire service copy as well as that of Independent Newspapers – appears to be a distant, almost diffident one. Here there is consequently a startling similarity to the Natal violence stories discussed in Chapter Two. However, with the violence stories there was an emphasis on the “blackness” of people involved in the violence, which, together with various other factors, I argued was deliberately chosen for its potential productiveness of ideological effects through the discourse to do with racism. With the HIV/Aids stories, on the other hand, I would argue that the diffidence is perhaps partly to do with the fact that South African journalists are still operating with the legacy of legal restrictions that hampered their coverage of the violence. The Emergency Regulations discussed in Chapter Two, encouraged telephone journalism, self censorship, and a simplification of

the dynamics of the conflict. In addition, investigative journalism was suppressed and sources of information were limited by the restrictive measures. (Louw, 1995). Given the high proportion of wire service copy, stories based on information gathered from authoritative sources, and very little analysis or investigative reporting, it would appear that journalists covering HIV/Aids have not yet escaped the legacy of the past.

Shepperson (2000) asserts that there is a continued and perhaps growing reliance among newspapers on wire service copy, public relations communications, or official press releases for many of their news stories. He argues that there is clearly a culture of "passive news reception" in South Africa's newspapers, which in turn reflects a growing global trend.

This trend does not just exemplify the sometimes over-exaggerated hold that advertisers have over newspapers. In addition to commercial pressures, there is the additional financial pressure of shareholders, themselves usually large corporate financial entities. The consequent need for financial efficiency has apparently encouraged a trend towards centralisation of news services and low cost "news" development that is generally antithetical to investigative reporting. (Shepperson, 2000:15).

As with reporting on violence, journalists attempting to cover HIV/Aids still face all the pressures of the newsroom process and market demands common to newspapers all over the world. In the current period of economic difficulties, it appears that most pressure on the production of stories emanates from the requirement that the newspaper be financially viable, thus producing copy pleasing both to the public and their advertisers.

Shepperson (2000) points out that the contemporary South African print media operate within a very different political and social environment from that which existed under the previous apartheid dispensation, noting that reporters in the corporate media sector are under considerable pressure as a result of profit-driven story production.

Individual journalists who desire to, and are capable of, producing informed and well-researched features on HIV/Aids issues often have to rely on agency sources because their workload does not afford them time to carry out the necessary research. On the other hand, this does not appear to be the case in general: the reigning newsroom environment does not seem to encourage consistent in-depth reporting, and this in spite of a growing body of readily available literature both for reporters and about HIV/Aids journalism. (Shepperson, 2000: 8).

Thus reporting on HIV/Aids provides many challenges. For example, there may be conflict between a reporter wanting to present a realistic, optimistic view and an editor or sub-editor wanting to sensationalise the article and present a more negative view. It is difficult to discuss sex openly in South African society. An organisation or agency offering information might want only a specific viewpoint covered. Some health workers and NGOs distrust the media and may refuse to assist them. Politicians are not happy when their viewpoints are challenged. Foreman (2000:27) argues that reporters themselves may hinder good reporting, as some rely too much on optimistic and misleading press releases, and others “on the statements of government ministers or other community leaders which reflect ‘official’ attitudes to the disease that are far removed from the reality that most of the population face”. And Shepperson also found that very little material was readily available for the working journalist to consult “when faced with compositional, terminological and ethical problems in writing about the issue” (ibid). The following sections will attempt to map out some ethical considerations for journalists in the specific context of covering HIV/Aids.

Ethical considerations in the coverage of HIV/Aids

Stein (2001:7) asserts that the most effective journalism in this context, integrates the following three elements: the perspectives of people living with HIV/Aids; the larger cultural, economic and political context that shapes the

pandemic; and the science of HIV. “Most journalists would probably argue vehemently against a feel-good approach to Aids reporting and argue that the role of social change-agent is beyond their professional duties. However, few would deny that media attention can nonetheless support and endorse social change”. It is because of the essential role that the media can play in helping combat HIV/Aids that this chapter highlights an ethical approach to the disease.

Foreman (2000:26) defines an ethical approach to HIV/Aids as aiming “to achieve a reduction in the numbers of people who contract the virus and to relieve, as far as possible, physical or psychological distress suffered by those living with HIV”. He identifies 11 issues which are frequently the cause of confusion or poor reporting of HIV/Aids:

- Confidentiality
- Reducing stigma
- Treatment and “cures”
- Misconceptions
- Sources of information
- Investigative reporting
- Men and women
- Minorities
- Sex
- Maintaining a distance
- Reporters or health educators?

In the light of the shortfalls in HIV/Aids coverage highlighted in the above analysis, this chapter discusses each one of these ethical considerations, in an attempt to map out an ethical approach to the coverage of HIV/Aids.

Confidentiality

Ethical reporting of HIV/Aids requires that the confidentiality of those with the virus and their family and friends, is respected. Identities or addresses should not be revealed or hinted at without their permission and reporters should not pressurise people with HIV into revealing their identities. Information given in confidence should never be passed or made accessible to others, inside or outside the media. (Foreman, 2000:28)

Foreman (2000:27) defines confidentiality in the context of HIV/Aids coverage as “not publishing the name of an individual with HIV without their permission”. In essence, confidentiality concerns the privacy of an individual, and there are few greater conflicts in journalism than the need for free information flow versus the rights of individuals to personal privacy. Generally, where ordinary people are concerned, the rule to follow is that it is the right of individuals to maintain their confidentiality and the duty of journalists to respect that.

However, Usdin et al raise three ethical questions about confidentiality:

- What happens if a government official takes anti-retrovirals but argues that they should not be provided by the health system to others who cannot afford to buy them?
- What about the person with HIV who wilfully infects others?
- What is the line between public interest and the right to privacy? “Outing” people is a matter for debate, but will sometimes do little more than perpetuate the stigma associated with HIV.

Black et al (1995) argue that there is value in citizens’ knowing about certain activities of public officials, even though the officials may wish to restrict flow of that information – a situation which highlights the journalist’s dilemma in balancing the competing ethical principles of truth telling and minimizing harm. “Public discussions that ultimately may bring some benefit often cannot begin without some invasive and harmful disclosure. A story about the spread of Aids and the failure of society to respond may present this disease as just another abstract threat unless specific names are attached to the story.” (Black et al,

1995:28). This of course raises the question of community leaders losing their absolute right to personal privacy. Archard (1998:86) states that there are three main reasons offered in justification of breaching an individual's privacy: when somebody is or becomes a public person he, by that very fact, loses his privacy; where a proven public interest can be shown to be served by the disclosure of the private; and where the public is interested in knowing what is private. In the case of the aforementioned example, a community leader taking anti-retrovirals in private while arguing that the country is too poor to afford such treatment for its citizens, Foreman acknowledges that the contradiction between their actions and their words "is a matter for debate". I would argue that in this instance, it is clearly in the public's interest to know – and the many citizens who are HIV-positive would certainly be interested in knowing.

With regard to the HIV-positive person who wilfully infects others, Foreman (2000) points out, even if one feels that identifying individuals with HIV may protect other people who might engage in unsafe sex with them, there is no evidence to suggest this prevents further transmission of the virus, and indeed some evidence which suggest it encourages irresponsible behaviour.

"Furthermore, it is the role of the media to report this discussion, not to take part in it, and it should be noted that falsely declaring an individual to be HIV-positive can be libellous." (Foreman, 2000:27).

This is quite closely linked to the third question – whether "outing" people does any more than simply perpetuating stigma. The way in which the media covered the death of presidential spokesman Parks Mankahlana four years ago raised considerable debate. At the time, credible ANC sources told the Mail & Guardian newspaper (as well as many other journalists) that Mankahlana was dying of Aids, at a time when he was most vociferous in defence of President Mbeki's Aids dissident stance, which denied any causal link between HIV and Aids. The Mail & Guardian felt that Mankahlana was being hypocritical, so they ran "allegations" that he died of an Aids-related illness after his death, a story

repeated by other media. A complaint was laid against a TV station for broadcasting that he had died of an Aids-related illness. However, the Broadcasting Complaints Commission of SA dismissed the complaint, ruling that a dead person “had no legal right to privacy or dignity and that the report did not intend to attack Mankahlana”. The BCCSA said while many might find the broadcast “in questionable taste”, Mankahlana’s involvement in the Aids debate as a public official justified the report. Two years later the ANC admitted that he had indeed been suffering from HIV/Aids, although they maintained he died of poisoning, “vanquished by the anti-retroviral drugs he was wrongly persuaded to consume”. (Kindra, 2002).

However, Cullinan (2001) points out that the media has been extraordinarily inconsistent in its reporting on HIV/Aids, and the interests of the ANC “tend to dominate the media”. She asserts that when *City Press* newspaper reported on the death of Inkatha's Gauteng leader, Themba Khoza, in June 2000, the newspaper quoted “Gauteng IFP leaders, who spoke on condition of anonymity” as saying that Khoza had died of an Aids-related illness (*City Press*, 4 June 2000). The article did not generate much controversy, according to Cullinan, even though it recounted Khoza’s affairs with a number of women and the fact that he had a number of children with different women in support of speculation that he had died of Aids. “Yet even President Thabo Mbeki appealed to the nation to stop speculating on the cause of Mankahlana’s death.”

Cullinan uses two further examples to illustrate media violations of privacy of ordinary people, relating to HIV/Aids – sex workers in Carletonville, who were identified in the local media and who later banned journalists from their Aids prevention project, and an HIV-positive woman in Durban, who was banished from her home after being exposed in the local media. Leading from the debate surrounding Mankahlana’s death, she raises a number of valuable questions:

- Is the African approach to death different from that of other cultures? If so, do cultural concerns make it inappropriate to speculate in such cases?

- Does the fact that Mankahlana spoke out in the HIV/Aids controversy mean that his cause of death is relevant i.e. in the public interest, especially if Aids is the likely cause?
- Where stigma is concerned, did the media take a judgemental (i.e. he was promiscuous) stance to justify their stories about him? Is the media contributing to stigmatising HIV/Aids or reflecting society's views?
- Have the deaths of prominent whites been treated in the same probing way? Does the media polarise opinion along racial lines, by writing too simplistically?

While this thesis argues that in the case of Mankahlana it was of more benefit for the public to know that he had Aids, because of his public position on the issue, there is no doubt that the questions raised by Cullinan need careful consideration by the ethical journalist.

Reducing stigma

Ethical reporting of HIV/Aids requires that the media use language and ask questions that reduce or avoid stigma and, where possible, reduce or avoid reporting the negative attitudes of others to the disease. (Foreman, 2000:28)

The words used to describe HIV/Aids play an important role in shaping perceptions and there is no doubt that particular attention should be paid to the use of language in this regard. Journalists should attempt to use words that do not carry value judgements, and the language in HIV/Aids stories should be inclusive rather than creating a 'them/us' or 'innocent/guilty' mentality. Foreman (2000) points out that the media frequently uses words such as "scourge" and "plague" which add to the general perception that HIV/Aids and those who are affected by it, should be avoided. "Similarly, politicians, other community leaders and members of the public sometimes use words like 'promiscuous' and phrase their ideas in a way which reflects negative attitudes towards the disease and people living with the virus. These words are often repeated or reported without

comment; in this way the media unwittingly or unwillingly reinforce stigma.” (Ibid, 28).

Usdin et al assert that attention should be paid to how people prefer to describe themselves. “HIV-positive people reject descriptions such as ‘infected person’, ‘Aids carrier’, ‘sufferer’ or ‘victim’ as these stigmatise and imply that they should be avoided or are powerless. The preferred term is ‘people living with HIV/Aids’ (PWA).” (Ibid, 23). They argue that value laden words such as “scourge”, “dreaded disease”, “plague” and so on contribute to a climate of fear which has been shown to perpetuate stigma, and make it far more difficult to speak openly about the disease. In other words, language becomes a barrier to addressing the pandemic. Similarly, referring to people as “suspected” of having Aids or “admitting” they are HIV positive, carries connotations of criminals, and only adds to stigma. “Innocent” is another word to be avoided in the HIV/Aids context, as it implies someone else is guilty. Yet no one chooses or deserves to contract HIV.

Usdin et al assert that often a journalist may have used appropriate language, but an editor or sub-editor changes the article to include offensive terminology. Journalists, they argue, should challenge this.

Treatment and cures

Ethical reporting of HIV/Aids requires that all claims of effective treatment, from whatever source, are subject to scrutiny and not reported uncritically.
(Foreman, 2000:29).

There is currently no cure for Aids and the drugs that significantly prolong the life of people with HIV are unavailable or unaffordable to most Africans (Foreman, 2000). He points out that, faced with a terminal disease, it is not surprising that individuals seek out any form of medicine that they believe might help them. “Nor is it surprising that healers seek means of treating or curing Aids; and, unfortunately, it is not surprising that a few unethical individuals promote ‘cures’ for the disease which they know do not work. Such ‘cures’ may even harm those

who take them and impoverish those who buy them.” (ibid, 28). The danger here is that sometimes the media become directly involved when they carry paid advertisements for “cures”, or when editors are persuaded to carry news stories promoting “cures”. Foreman argues that the media should neither accept nor condemn uncritically announcements of new treatments or potential cures, but should rather encourage attempts to develop effective treatments and cures by thorough investigation, to ensure that those undertaking research do so efficiently and honestly. When covering such stories, he suggests journalists keep the following questions in mind:

- What is the treatment or cure intended to do?
- How does it work?
- Are there any side-effects? What are they and how serious are they?
- Have the proponents undertaken comparative trials?
- What measurements were used to confirm that the treatment worked?
- Has there been peer review?

Proponents of the treatment who avoid direct answers to some or all of the above questions, should be treated sceptically.

Usdin et al (...) assert that a distinction should be made between those treatments and “cures” aimed at treating Aids, and those that treat opportunistic infections. “In the past, inaccurate reporting on such claims has raised expectations among people living with Aids, and damaged the credibility of health care providers who are unable to meet these expectations.” (ibid, 23).

Misconceptions

Ethical reporting of HIV/Aids requires that media professionals do not repeat misconceptions or report irrelevant controversies such as the origins of the disease. If members of the public, or experts, are quoted repeating misconceptions, their words should be refuted by corrective quotes from national or international experts. (Foreman, 2000:29).

Foreman (2000) argues that reporters sometimes confuse data, for example failing to distinguish between the virus HIV and the syndrome Aids. He asserts that misleading reports on HIV/Aids stem from a number of sources, including:

- Carelessly used, misunderstood or misused language;
- Scientific or pseudo-scientific information reported indiscriminately;
- Sensationalised information;
- Reports influenced by the personal attitudes of writers or editors;
- Sub-editors' headlines;
- Repetition of information that is out of date or distorted;
- Inappropriately used quotes.

He asserts that another problem faced by the South African media is that reporters covering the epidemic repeat commonly-held, but mistaken, myths about the disease, with potentially serious consequences. The following list is a compilation of mistaken beliefs from Foreman (2000), the Journ-Aids Draft Ethical Guidelines in Reporting on HIV and Aids for the South African Media, and the author's own experiences, which include:

Origins/cause

- The disease is the result of witchcraft;
- Its origins lie in biological warfare experiments, smallpox vaccinations or other human-made activities;
- The disease was deliberately created by Western Europeans to destroy Africans;
- Aids is a conspiracy theory pushed by an "omnipotent apparatus", posing as "friends of Africa", with the aim of dehumanising Africa;⁷
- HIV and Aids are two separate diseases.

Transmission

- HIV is contagious, for example through touching someone, or breathing the same air, in the same way as tuberculosis;
- HIV can be transmitted by mosquitoes or other insects.

Prevention

- Taking antibiotics before sex prevents transmission;

- Various cultural reasons prohibiting monogamous relationships;
- Various cultural reasons negating the practice of safe sex;
- Full-bodied, young, healthy-looking people do not have HIV;
- Fat people do not have HIV;
- Condoms are not needed in long-term relationships;
- Condoms cause genital worms and should be avoided.

Symptoms and Disease

- People with HIV/Aids always look sick;
- HIV/Aids only affects certain groups of people, such as whites, homosexuals, sex workers or certain ethnic groups.

Treatment

- The disease can be cured by traditional healers or other medicines;
- The disease can be cured by sleeping with young virgins;
- The disease cannot be treated.

Other issues

- The clothing and possessions of people with HIV/Aids must be destroyed if they fall ill or after their death.

Sources of information

Ethical reporting of HIV/Aids requires the ability to distinguish facts and the implications of facts from the presentation and from the institution presenting them. (Foreman, 2000:30).

Foreman lists the many sources of information regarding HIV/Aids as follows:

- International organisations, such as UNAIDS;
- Government organisations and officials, such as National Aids Control Programmes;
- National or international non-governmental organisations, including religious bodies and organisations of people living with HIV/Aids;
- National or international universities and other academics;
- Pharmaceutical companies;

- Individuals with HIV/Aids experience or living with the virus.

He argues that ideally each source should provide information that is independently verifiable, complete, accurate and relevant. "In practice, many organisations and individuals, consciously or not, slant information that presents themselves in a favourable light." (ibid, 30). As with the violence coverage, reporters are sometimes aware that the facts being presented are incorrect or insufficient, but lack of time, lack of resources, or political pressure prevent them from investigating further. There are many sources of information on the disease, often contradictory. Usdin et al assert that "powerful forces" often try to influence the agenda and may pressurise journalists to report issues in a particular way. "For example, politicians may put pressure on reporters, or pharmaceutical companies may try to use their financial muscle to influence what gets reported on. The stakes are very high, for example, in the search for a vaccine and for effective anti-HIV drugs. Ideally, all information should be independently verified, even though this may take time and energy." (Ibid, 23).

Foreman argues that one solution to this problem is to persuade editors or producers to support reporters who need to undertake more research. But from a more practical point of view, this chapter argues that the initial need here is to ensure reporters are **always aware** that the information they are being presented with, may be slanted in a particular way, so that they can deal with it as such. Reporters as individuals may also sometimes suspect hidden agendas (that may or may not exist) from sources, and should be encouraged to be as critical and analytic as possible when writing HIV/Aids stories.

Because Aids is not a notifiable disease, such as tuberculosis or malaria, there are few accurate statistics on which to base reports. Indeed, when Foreign Affairs Minister Nkosozana Dlamini-Zuma attempted to make HIV/Aids notifiable, she was attacked both by government and HIV/Aids activists, and the idea was summarily dropped. It is interesting to note here that this aspect was hardly touched on by the mainstream media. Although some newspapers, such as the

Mail & Guardian, attempt to keep an “Aids count”, and many organisations continuously attempt to keep track of statistics, covering the Aids pandemic in South Africa often amounts to nothing more, like the violence, than body count journalism. There is also constant disparity between different groups of people as to what the correct statistics are, as exemplified in the story, “Statistics row inflames new Aids debate” (Reuters, 19/01/2004).

Another similarity between the coverage of the Natal violence and the HIV/Aids stories is the distinct lack of “human interest” stories, and the use of individuals as sources. This could largely be due, in the South African context, to the enormous stigma attached to the disease. Apart from the odd celebrity who has decided to “out” (publicly declare they are either HIV-positive or have Aids), such as TAC leader Zackie Achmat and the late Nkosi Johnson, in-depth personal stories are minimal.

And as with the violence, extracting information from the authorities is something of a problem. The TAC can have up to five spokespeople a day available as sources on cellphones – easy for the media to get to the source and obtain an angle for a story. The government, on the other hand, has not communicated well with the media on matters relating to Aids. However much a journalist might want to reflect the opinions of government, “they get pushed from spokesperson to spokesperson without getting information. Or they’ll say: ‘We’ll phone you back,’ and they won’t do that.”⁸

Men and women

Ethical reporting of HIV/Aids requires an understanding of the unequal relations between men and women that exist in every society and the distorted perspective of the epidemic that results. Wherever possible, media professionals should be trained in gender issues and take care to ensure that reports present a perspective which accurately represents the experience of both men and women. (Foreman, 2000:30).

Foreman (2000:30) asserts that there is clear evidence that men's behaviour plays a more critical role in the transmission of HIV than women's. Public attitudes, however, including those of the media, which are dominated by men, tend to "blame" women. "Sex workers or women in general are often seen as the 'source' of the disease. When a man learns that his wife is HIV-positive, it can be easier for him to blame her for bringing the infection into the family than to recognise that it is far more likely to have been his own behaviour" (ibid, 30). However, he argues that it is men's domination of women's sexual lives, as seen in violence against women such as rape and abuse, and such customs as the belief that sex with a virgin girl will cure an older man of Aids, that lies at the heart of the epidemic.

The Joum-Aid draft *Ethical Guidelines in Reporting on HIV and Aids for the South African Media* (2003), concur that women are the individuals most infected and affected by HIV/Aids, and assert that the media should be aware of this gender dimension. "Media should also be aware of gender-based assumptions and prejudices and guard against continuing the negative stereotyping" (ibid).

Minorities

Ethical reporting of HIV/Aids requires that minority groups within a society are treated with respect. Those who are particularly vulnerable to HIV should be described as such and not as potential sources of infection for the broader community. (Foreman, 2000:31).

Every society contains groups of people looked down upon by the general public, such as sex workers, prisoners, members of minority ethnic communities and gay men and women. Prejudices about these groups often lead to misconceptions, and disparaging attitudes in the belief that if things go wrong for them, it is their fault in some way. Foreman (2000:30) points out that some of these groups, such as prisoners or gay men, may be at high risk of contracting HIV, "but public attitudes make it difficult to target them for prevention".

Usdin et al assert that all people should be approached as human beings who have the right to respect. "Aside from damaging people's lives, fixation on the story without thinking through its consequences on people's lives may prevent the journalists from being allowed to return to that story again. For example, after women taking part in an HIV prevention project in Carletonville were exposed in the press as sex workers, the future of the project was jeopardised and all media was barred from the project." (Ibid, 21). They also argue that under apartheid, the lives and experiences of poor black people were devalued in the media. "As the effects of HIV/Aids are most visible in these communities (poor nutrition hastens the advent of Aids; people have no resources to conceal the disease; demographically 80% of our population is African), there is a danger that this practice will continue. Journalists need to ensure that they treat every subject with respect." (Ibid, 22).

Sex

Ethical reporting of HIV/Aids requires an open and respectful discussion of sexual issues. (Foreman, 2000:31).

HIV is predominantly spread by sexual intercourse. With regard to the openness surrounding sex, Foreman points out that it is often stated that public discussion of sexual matters is taboo in Africa, and until very recently the same was true for most societies across the world. However, openness about sexual behaviour in Western Europe and North America, while beginning before the advent of HIV/Aids, has accelerated as a result of the pandemic. Foreman asserts that some of the success in limiting the spread of the virus in parts of the industrialised world may have come from willingness to be frank about sexual behaviour. "Failure to discuss sexual matters in most African societies, whether in the public sphere or the privacy of the bedroom, is one factor behind the rapid spread of HIV. There is widespread evidence, as seen in the experience of the Ugandan teen-orientated publication *Straight Talk*, to confirm that open and honest discussion of sexual matters in the media helps reduce transmission of the virus." (Ibid).

According to Usdin et al, South African society is not used to open discussion about sex, and as the HIV/Aids pandemic deals with both sex and death, there is a temptation to sensationalise reports.

Sensationalism relies on emotion, usually offering a shallow view of issues and presenting people as either 'good' or 'bad'. Babies who get HIV, for example, are often described as 'innocent' – implying others are somehow 'to blame' for contracting the disease. Gay men are a frequent target for sensation. In reality, no one 'deserves' to get HIV. A sensational approach fails to analyse issues and inform readers of complexities. It also makes it harder to deal with the epidemic and fosters a culture of fear, silence, prejudice and discrimination, and can adversely influence the setting of national priorities and resource allocation. (Usdin et al, 21).

Cullinan (2001) asserts that sensationalism tends to entrench the view that if you are HIV-positive, your death is imminent, and that the constant association between HIV and death also tends to entrench stigma. "Thus, sensationalism fails the media audience by failing to analyse issues and inform readers of complexities." She points out that the way in which journalists handled the collapse of Nkosi Johnson, the country's oldest known survivor of HIV/Aids, was generally sensational and insensitive. "His imminent death was predicted in the press for weeks on end, and one senior journalist even wrote an article for a magazine pronouncing him dead – on the false assumption that by the time the magazine hit the streets, he would be dead."

Maintaining a distance

Ethical reporting of HIV/Aids requires that media professionals work with, but maintain an appropriate distance from, all institutions working in HIV/Aids prevention. (Foreman, 2000:31).

Foreman points out that some media professionals find that international or national organisations working in HIV/Aids prevention, including NGOs and

commercial enterprises such as pharmaceutical companies, offer payment for writing and publishing “positive” stories, displaying them in a good light, on the pandemic. “This well-intentioned approach not only subjects editorial judgement to non-professionals, but also encourages dependency and discourages professionalism among reporters” (ibid, 31).

Reporters or health educators?

Ethical reporting of HIV/Aids requires that media professionals be aware of the potential conflicts between their roles and others’ perception of those roles. (Foreman, 2000:31).

Some non-governmental organisations and governments consider the media’s first duty is to act as health educators, persuading the public to change their sexual behaviour. Foreman (2000) points out that some media professionals, such as health columnists, welcome such a role, while others believe the media’s first responsibility is to provide the public with facts about the broader issues relating to the disease and the response to it. “In the short term, this can lead to confrontation – in June 1999 one health minister in Southern Africa accused the country’s media of scaring away foreign donors with their negative reporting of the government’s handling of the epidemic – but in the long term, it should lead to a more transparent and effective response to the disease.” (ibid, 31).

Investigative Reporting

Ethical reporting of HIV/Aids requires research into and reporting of issues which may not bring credit to individuals or institutions in the short term but which result in long-term improvement in care and prevention. (Foreman, 2000:30).

Foreman (2000:30) argues the media can and should play a significant role in highlighting deficiencies in the response to HIV/Aids. These include such issues as bureaucratic incompetence that prevents adequate medical supplies from reaching hospitals and clinics, and corruption within government departments and NGOs that prevents funds reaching those who need them. “By reporting on

such issues in a manner which maintains the confidentiality of those who bring them to the media's attention and confirms that the facts are correct, the media can play a key role in ensuring a proper response to the HIV/Aids epidemic." (Ibid, 30). Ettema and Glasser (1998:11) take this further. They argue that investigative journalism offers some important lessons about the relationship between fact and value, truth and morality, and maintain that "any attempt to gain truly important knowledge of human affairs – knowledge of individual innocence and guilt or institutional malfeasance and responsibility, for example – is built on a foundation of facts that have been called into existence, given structure, and made meaningful by values." Arguing that journalism needs to help satisfy the most basic needs of social life in an ever more complex and conflicted world, they directly challenge the notion of non-partisanship. They point out that investigative journalists can write stories "that can remind us of our shared vulnerability to suffering and injustice and thereby enhance our tolerance for differences of race, religion and so on", in so doing positioning themselves as agents of reform and reconciliation. (ibid, 200)

The advocacy role of the media vis-à-vis HIV/Aids reporting

Schoofs (2003) said: "Aids journalism should do what any good journalism does. That is, reveal misdeeds by the powerful." However, Ettema and Glasser take this further, arguing that journalists should encourage more socially engaged and morally meaningful forms of news. "They must seek the wisdom to know what is right and the courage to speak the truth about it." (1998:210). There is no doubt that HIV/Aids is a critical social issue that is constantly addressed in the media. What is unclear, however, is the extent to which such coverage is the **product of news values** associated with HIV/Aids issues, as opposed to being a product of a **proactive agenda** for contributing to social change in relation to the disease. In her discussion about perspectives on HIV/Aids in the South African media, Stein (2002) explores the development of a media advocacy approach to HIV/Aids in South Africa, where the aim of media advocacy is seen as increasing the

capacity of groups or societies to act in a manner conducive to their goals. "Media advocacy is therefore part of an overall plan for achieving social change. In this regard, social change is construed as the promotion and protection of human rights and fundamental freedoms, including the right to the highest attainable standards of physical and mental health." (Stein, 2002:4).

Wallack and Dorfman (2001) argue that news media influence public policy to change the conditions that sustain public health problems. In this regard, the news media fulfils a complementary role to specific health communication campaigns, which tend to have a primary focus on increasing personal knowledge and behaviour change rather than on promoting collective action or policy change. Unlike health communication campaigns, news media advocacy can therefore expect to influence the larger issues that create an environment determining personal behaviour.

Stein (2001) argues that this understanding of the role of the media in the promotion of public health is especially useful for framing the news media's critical role in relation to HIV/Aids. "This advocacy role includes more than educating the public regarding appropriate individual behaviour; it includes the promotion of social change and collective action. More specifically, it includes the promotion of large-scale policy implementation, which facilitates an environment conducive to behaviour change and to managing the impact of HIV/Aids over the long term." (Stein, 2002:5). Thus the methods of media advocacy have more in common with political campaigns than with public health efforts. Stein argues that it is indeed HIV/Aids activists, and the TAC in particular, who have been most active in harnessing the power of the news media to frame and set the HIV/Aids agenda in South Africa. "Thus media advocacy seeks to raise the volume of voices for social change and shape the sound so that it resonates with the social justice values that are the presumed basis of public health." (ibid).

Wallack and Dorfman (2001) assert that media advocacy emphasises the following:

- Linking public health and social problems to inequities in social arrangements rather than to flaws in individuals.
- Changing public policy rather than personal health behaviour.
- Focusing on reaching opinion leaders and policy makers rather than those who have the "problem".
- Working with groups to increase participation and amplify their voices rather than providing health promotion messages.
- Having a primary goal of reducing the power gap rather than just filling the information gap.

Stein interviewed 12 journalists, six editors and nine key role players in NGOs and government with a vested interest in HIV/Aids media coverage. Most interviewees felt that the media as a whole should play an advocacy role, arguing that the media has a moral responsibility to inform the public about HIV/Aids, to be critical when appropriate and to advocate constructive approaches to dealing with the pandemic. "For the most part, this advocacy role was not seen to contradict the media's responsibility to remain neutral and objective. In this regard, there was a general tendency to differentiate between a subjective advocacy role (in the form of editorial and comment) and news reporting per se." (ibid, 8). However, those critical of government policy tended to take a stronger supporting stance of advocacy journalism.

Stein asserts that HIV/Aids was explicitly compared to apartheid by numerous journalists pushing for a stronger advocacy agenda, with Aids being compared to apartheid in the sense that newspapers have a moral commitment to cover it and to develop a strong advocacy agenda. Interestingly, it was also compared to apartheid in the sense that the media is being influenced towards self-censorship on the subject, a feature discussed in depth in Chapter Two. Again, it was argued that while the role of the media in South Africa has changed, it has not changed

that much. "They (the press) didn't attack the (apartheid) government much in the 80s and they are not attacking the government much in the 90s either. So there's no major change there..." (Stein, 2002:12).

Stein also found that the South African government's controversial response to HIV/Aids, and the resultant politicisation of HIV/Aids, has dominated HIV/Aids coverage by the media and shaped their response to the pandemic. Although commendable in that the media has played an active and vigorous advocacy role in this regard, Stein points out that there have been unintended negative consequences, perhaps the most unfortunate being that it has played into the racial polarisation of HIV/Aids discourse.

Post-apartheid politics still largely defined by racial allegiance. While this situation is changing, the ANC government is still widely construed, first and foremost, as a 'black' government. By implication, criticism of the ANC government by the largely white-owned media is often understood as criticism of a 'black' government. Thus, although many opposition parties, both 'black' and 'white', have now challenged the ANC HIV/Aids policy, the terms of the debate have remained dogged by racial affiliation, even within the media itself...Certainly, many (white) journalists feel compromised in their coverage of HIV/Aids by the racial overtones of the debate. (Stein, 2002:13).

The politicisation of HIV/Aids has undoubtedly highlighted the difficulties inherent in the relationship between the media, civil society and a democratic government. (Ibid, 15). In the sensitive post-apartheid climate, where a fledgling democracy is still struggling to assert itself, the media often appears stuck between a rock and a hard place in balancing both a supportive and critical stance towards government. This thesis argues, however, that this should be seen as positive, in the context of the media developing an advocacy agenda regarding the reporting of HIV/Aids. "The development of a strong and consistent advocacy response on the part of the South African media can usefully be compared and contrasted to

the previous development of an advocacy agenda on the part of the media to apartheid, especially in so far as this comparison provides many role-players with an ethical justification for such an approach in relation to HIV/Aids." (Ibid, 36).

Two points need clarity here. First, it should be emphasised that an advocacy role with regard to HIV/Aids coverage need not, and should not, be limited to the interrogation of government policy, as there is a range of other role players, including business, trade unions, NGOs and the religious sector, whose roles and responsibilities with regard to HIV/Aids require media attention and interrogation. Secondly, such an advocacy role vis-à-vis HIV/Aids by no means negates the media's ethical obligations as set out by Black et al (1999:28) in Chapter One. Where HIV/Aids is concerned, journalists should always bear the four guiding principles for ethical decision-making in mind: seek truth and report it, minimise harm, act independently and be accountable. Ethical decision-making necessitates competition among values such as truth-telling and compassion, courage and sensitivity, and serving the public and protecting individual rights. Taking this into consideration, any advocacy role adopted will naturally be an ethical one.

In international terms, perhaps the most famous journalist covering Aids was the late Randy Shilts, whose 1987 book *And the Band Played On: People and the AIDS Epidemic*, was a marked exception to the ambivalence and ignorance that surrounded HIV/Aids in the United States. Shilts was sharply critical of all institutions, including medicine, public health services, government and private scientific research establishments, and the mass media, all of whom he maintained failed to deal with HIV/Aids quickly and meaningfully. All were part of what he called a "national failure, played out against a backdrop of needless death...(which) leaves a legacy of unnecessary suffering that will haunt the Western world for decades to come" (1987:102).

Shilts's indictment of the media is not inappropriate in a South African context. Although it can be strongly argued that other societal institutions are clearly culpable of the same mistakes the American mass media made, journalists must share the responsibility here for failing to challenge public policy makers and experts. "If a mandate of journalists is to inform and educate the public in a timely and compelling way about significant issues, then journalists truly failed to adequately inform the public about AIDS and its profound implications"(Steele, 1998). This thesis endorses the following ethical priorities for journalists: the responsibility of journalists to hold the powerful accountable, to give voice to the voiceless, to probe the depths of the story, and to pursue sources and statistics in search of the truth.

But there is more to the ethical responsibility of journalists when they are covering HIV/Aids. Journalists have a duty to care about the quality of their work and about the impact and consequences it can have. And as was pointed out in Chapter Four, journalists have a duty to care about the people who are the sources and subjects of their stories. Journalists need to choose alternatives that balance their responsibility as story (truth) tellers, and their responsibility to minimise harm to vulnerable individuals.

In quality and approach, reporting on HIV/Aids in particular, must reflect a strong "duty of care" which is essential to the ethics of journalism. Steele describes this as "a duty that all news organisations and every journalist must accept, a duty to commit the resources and the expertise to coverage of what is clearly one of the most complex and important issues of our time. It is a duty to make a difference on something that matters greatly." (Steele, 4:1994).

¹ The Independent Online website is used because it is currently the biggest South African newspaper website in the country, running stories from 14 national and regional newspapers. It is also reasonably representative of mainstream media coverage in South Africa. The time period is important as it covers the first seven weeks of an election year, with the date set for April 14 2004.

² The TAC estimates that 600 people die from Aids every day in South Africa.

³ Cullinan, 2001, from <http://www.journ-aids.org/pdf/Cullinan%20media%20and%20HIV.pdf> 4/10/03.

⁴ Quoted in Contreras.

⁵ Richard Delate is a media analyst for the Centre for Aids, Development, Research and Evaluation. Quoted in Contreras, 2003).

⁶ Quoted in Contreras (2003).

⁷ This is the line taken by the ANC in a document entitled "Castro, Hlongwane, Caravans, Cats, Geese, Foot and Mouth and Statistics: HIV/Aids and the Struggle for the Humanisation of the African". See www

⁸ Richard Delate, a media analyst for the Centre for Aids, Development, Research and Evaluation, quoted in "HIV, media and truth in between", The Star, Thursday June 24 2003.

CHAPTER FOUR

Privacy, Ethics and the Public Interest: Should the South African media have reported on Durban businessman Glyn Taylor's infamous death in 1999?

"Privacy is a sort of simple matter in my case. I don't have any, and I don't really expect any. I knew what business I was going into when I went into the movies, and I think probably there is something in all of us that would be sort of disappointed to be left alone." – Warren Beatty

Introduction

Making ethical decisions has been a concern of journalists at least since the early twentieth century, when many reporters wanted to be considered among the emerging groups of professionals. (Folkerts et al, 1998:388). However, attempts to determine exactly what standards of conduct and moral judgement constitute ethical behaviour have resulted in a continuing debate rather than absolute standards. This is perhaps most clearly illustrated through the debate on privacy versus the people's need to know. There are few greater conflicts than the need for free information flow versus the rights of individuals to personal privacy. The public has a need for much information that others, for a variety of reasons, would like to keep private. (Black et al, 1999:238). The ability of governments, journalists and businesses to invade the lives of private citizens has dramatically increased in recent years for many reasons, including advanced technological bugging devices and cameras, credit files, medical files, tax payment records, and many other kinds of formerly private information. Added to this, the advent of the World Wide Web has greatly facilitated the flow of information. But perhaps more especially is the belief among many media professionals since the 1960s that there are times when the public's right to know takes precedence over the right of privacy of an individual (Folkerts et al 1998: 407).

In South Africa, hand in hand with the new political dispensation in 1994 came sudden government transparency. For the first time in decades, all government officials, including the police, had the ability to provide journalists with details of all cases and incidents that were not *sub judice*. But where does transparency end and privacy begin?

As our ability to tap into information concerning people's private lives has increased, it could also be argued that our desire to know more intimate details about people has increased. This poses an extremely difficult question for media practitioners: how can we decide, and by what criteria, when an invasion of privacy is morally justified? "Although some reporters believe that personal life has nothing to do with business or politics, others think that personal actions illuminate character. A candidate who breaks a solemn vow to someone as important as his or her spouse might also break promises to constituents." (Ibid).

How much of a public person's private life do people need to know? What constitutes "the public's right to know" is an ethical question that media workers and the public share. It was a question that provoked enormous debate when Durban businessman Glyn Taylor's death in 1999 became headline news. The *Independent on Saturday* - Independent Newspapers' Saturday newspaper in KwaZulu-Natal - was overwhelmed with public criticism after they ran a story highlighting his involvement with a prostitute at the time of his demise.

The Taylor controversy is clearly what Bugeja (1996: 256) would describe as a "taste-related privacy problem". The story was gained through the mundane task of gathering information from the weekly police reports in KwaZulu-Natal. "The task may be mundane, but the details in such reports or documents often are stark. When published, they can cause great pain to family and friends." (Bugeja 1996: 256).

According to *Independent on Saturday* journalist Melanie Peters - the reporter responsible for investigating the story - the *Mercury* ran with the story first on Thursday May 13, 1999. The article was carried on the front page, just below the fold. No "juicy" details were included. The headline stated, "Top businessman Glyn Taylor dies", and the story simply stated that he had died from heart attack in a flat in Norge Road.

However, the implication of peculiar behaviour is there. "Mr Taylor visited the flat at 2.15pm on Tuesday. While he was there, he keeled over clutching his chest. Efforts to resuscitate him failed." And the most telling implication: "Police spokesman Bala Naidoo confirmed that Mr Taylor had died of natural causes, but would not comment on the circumstances surrounding his death."

Peters said that the *Mercury* was fully aware that there were strange circumstances surrounding Taylor's death, but both they and *The Daily News* had taken an editorial decision not to investigate further. She said the police had indicated that they had been reluctant to tell Taylor's widow about the circumstances as they were worried "she wouldn't be able to handle it", and had told journalists that if they wanted further information, they would have to pursue the story independently.

The *Independent on Saturday* subsequently discussed the situation at an editorial meeting. They knew that the *Sunday Tribune* was working on the story, and there was a strong feeling in the news team that they should pursue the story. "Taylor was a public figure, outstanding and moralistic," Peters said. "The newspapers were filled with comment about how he had helped society. We wanted to inform the public about how he met his death, and so we did."

Once assigned to the story, Peters began to investigate and went to the address given by the police. She began to look for the prostitute the police had told her was involved. She discovered that his heart attack had emerged during a 'session' with a Point Road prostitute, after Taylor offered her R50 for her services. The prostitute told Peters that Taylor "was not after

intercourse", but wanted to "watch me play with myself" while he masturbated. She said it had been the first time she had met him, but "people around here have seen him before". (*Independent on Saturday*, May 15 1999).

Peters said she also interviewed another prostitute who claimed that Taylor had visited her frequently. "She said they saw him often, and he was liked by them, they said he was respectful and greeted everybody. They weren't cold about it all, they felt sorry for him." (Peters, November 23 2001).

The *Independent on Saturday* ran the story on May 15 1999 as the left-hand shoulder story on page 3 - a prominent position. It was met with an immediate public outcry. Headlined "Chairman's death: street woman talks", the story states that "Taylor's untimely death due to a heart attack occurred during a 'session' with a Point Road prostitute." All the *Independent* newspapers in KwaZulu-Natal were inundated with letters and telephone calls, and Peters, as the journalist responsible for the story, also received "quite a lot of abuse". (Peters, November 23 2001). The *Independent on Saturday* subsequently lost about 250 newspaper subscribers.

The Taylor affair has raised some interesting questions about the invasion of privacy for the South African press. Though many people show interest in private information about others, many others are offended by journalists' conduct, and that has led to increased distrust of the press (Hodges, 1994:196). For example, when we see reporters filming the distress of a mother whose child was the victim of a rape, poking a microphone into her face and asking for comment, we tend to feel morally outraged. Similarly with victims of car accidents or murders, journalists' harassment of members of families for details provokes the argument that this is an unnecessary intrusion into private grief, and in poor taste.

The public outburst that followed the publication of detail surrounding Taylor's death was along these lines. Many people clearly felt that by publishing his relationship and sordid death in the company of a prostitute, the media was violating both his and his family's privacy, especially his wife (described by

both Peters and the police as a "lovely old lady") and children, causing them undue grief and embarrassment.

Was the Taylor story an invasion of privacy?

In order to establish whether the Taylor story constituted an invasion of privacy, it is necessary first to define an invasion of privacy. According to Hodges, the moral right to privacy consists of the power to determine who may gain access to information about oneself. (1994:197). Most people would agree that individual human beings need some measure of privacy in order to develop a sense of self and avoid manipulation by the state. In other words, privacy has to do with keeping personal information non-public or undisclosed, with personal information being that set of facts about oneself that a person does not wish to see disclosed or made public. Archard (1998:84) states that most of us would probably think of our sexual and financial affairs as "properly private".

Thus in its most elemental form, privacy can be defined as an individual's right to be let alone. It has also been defined as the right to peace of mind, in contrast to defamation, which is an attack on one's reputation (Gordon 1999:148). What all of these definitions clearly do is highlight the difficulty of pinning down privacy as a concept. It takes little common sense to see that while one individual might have no problem with certain personal information being revealed, another might be furious about the same revelations. And there is also a great deal of debate about the degree to which "newsworthy" people must give up their right to privacy in the interest of providing information that the public either wants or needs to have. (Gordon, 1999:148).

As a result, confronting these issues often leaves journalists facing a difficult moral dilemma. Goodwin and Smith argue that the question for journalists is not whether to invade privacy, but **when** and **how much**. In other words, journalists must be able to answer the question: At what point does an invasion of privacy pass from reasonable to unreasonable?

Archard (1998: 82) believes there are four ways of determining whether a story or an image is an invasion of privacy. First, he argues that if information is obtained in a clearly impermissible way - for example, in some kind of clandestine way, or one that was illegal - then it could be argued that the subject of the story's privacy had been invaded. Secondly, if the journalist or photographer investigating the story had harassed anyone in any way in order to obtain the necessary information, this would also be wrong. Archard also argues that if the publishing of information breached confidentiality of, say, a relationship with a source, this too would be clearly wrong. And lastly, he argues that a publication of a story might cause moral concern if the choice of story or language used was clearly intended to humiliate, ridicule, belittle or unfairly stigmatise the subject. "There is a point at which Schadenfreude at another's failings, which may be regretted if not condemned, passes into unacceptably vindictive persecution." (Archard 1998: 83).

The Taylor story clearly crossed none of these four barriers. There was no underhand method employed in obtaining the information. The police provided the basic details, and Peters, as part of her routine work, went to the address given her and sought out the prostitute allegedly involved. There was no harassment of anyone connected to the story, including Taylor's wife or children. There was no breach of confidentiality and no vindictive persecution - this was the first time that any newspaper had ever questioned Taylor's integrity.

Did the Taylor story break South African law?

Nor did the Taylor story transgress the law in any way. Stuart (1990:76) gives a useful categorisation of the various ways in which one's privacy is invaded, namely:

- Intrusions.
- Public disclosures of private facts.
- Placing a person in a false light.

- Appropriation of another's name or likeness.

The second category – publication of private facts – would be applicable in the Taylor case. Stuart cites a classic decision in our courts to highlight this particular invasion of privacy rather graphically. In the case of *Mhlongo v Bailey* 1958 1 SA 370 (W), the plaintiff, a retired schoolmaster, had formerly associated with a popular African artiste before she had become a celebrity. The defendant's employee had published two photographs of the plaintiff, with full knowledge of the plaintiff's having refused to part with them. The photographs had been used to illustrate an article in *Drum Magazine* entitled "Dolly and Her Men". One picture had been captioned, "Alison Mhlongo in the days when he admired young Dolly Rathebe secretly", and the other, "Alison Mhlongo, now a science master at St Peter's School, Rosettenville". The plaintiff had never sought publicity in the past, and the court held that he had accordingly suffered an aggression upon his *dignitas*, and awarded him damages for invasion of privacy.

Stuart (1990:77) lists the following categories as illustrative of the publication of private facts:

- The contents of private correspondence
- Debts
- Physical deformities and health
- Life style
- Childhood background
- Family life
- Past activities
- Embarrassing facts
- Confidential information'
- Information stored in data banks

"The over-riding question at all times, however, is what is offensive to the prevailing mores of society." (1990:77). Certainly, it is clear that a number of people found the stories offensive. However, had the newspaper been called to court, they would undoubtedly have said the disclosures concerning Taylor

were for the public benefit, as he was a public figure, and/or disclosures concerning him were in the public interest.

A public figure is defined in Stuart (1990:79) as "a person who, by his accomplishments, fame, or mode of living, or by adopting a profession or calling which gives the public a legitimate interest in his doings, his affairs, and his character, has become a 'public person'. So where a person's way of life is directed to seeking publicity and he is regarded by the society in which he lives as a celebrity, for instance an actor, entertainer, professional sportsman, politician and so on, he is considered, to a certain extent, "to have forfeited his right to privacy". (Ibid). Of course, the fact that a person is a public figure does not entitle the public to know everything about him; Stuart points out that even where a person has become a public figure, any publications or exposures concerning him must be in the public interest.

On the other hand, even though a person is not a public figure, disclosures concerning him may well be in the public interest. This would include cases where a person is catapulted into the public eye, often against his will, to find himself regarded as an instant celebrity or legitimate subject for a 'news item'. (Ibid).

In deciding whether a particular publication is in the public interest, our courts will consider not only the subject matter of the statement or publication, but also all the circumstances surrounding the publication, and in particular "the time, manner and occasion of the publication". Public interest, therefore, is very broad, and the newspaper felt satisfied that their running of the story was for public benefit.

However, it is clear that there were many people, including many editors and journalists, who felt that there was something wrong in publishing the story. Members of the public repeatedly expressed the belief that the press had no business revealing details about what Taylor did in private with another consenting individual, thus clearly invoking the notion of a wrongful invasion of privacy. A common thread between the hundreds of letters sent to the *Independent on Saturday*, is that Taylor's indiscretions were "no one's business but his", and the details published did little more than provide

members of the public with a salacious thrill, while causing his family and friends unbearable hurt.

Private lives versus public interests

This brings us to examine more deeply the question of "newsworthy" people losing their absolute right to personal privacy. Firstly, there is no doubt that Taylor was a prominent public figure and both a community and business leader. He spent 26 years with Illovo Sugar, 15 of them as chairman. Although he retired in 1997, he still retained a seat on the Illovo Sugar Board at the time of his death. Taylor also served as chairman of both the Sugar Millers' Association and the South African Sugar Association, representing the latter on the International Sugar Association. He was the South African employers' representative at the International Organisation of Employers in Geneva for nine years. He was also a patron of the arts, being particularly dedicated to the Playhouse Company in Durban.

Over and above these public roles, Taylor was also something of a philanthropist. He spent an enormous amount of time and effort raising money for the underprivileged, supported a number of small rural schools, and was reportedly always ready to help those who had fallen on hard times. There is no doubt that he was seen by many as a strong community leader, a highly respected and good family man. Public perception was that he was an upstanding, faithful, God-fearing family man. So was it in the public interest that the details surrounding his death were published?

Hodges argues that the right to privacy is not absolute. "It stands beside a countervailing right of others to know quite a lot about us as individuals. These two legitimate rights – the individual right to a measure of privacy and the right of others to know some things about the individual – frame the moral issues." (Hodges, 1994:202). He argues that because we are individual beings, we have a need (right) for privacy; because we are social beings, we have a need (right) to know. And people especially need to know quite a lot

about those who have power over them – or indeed those who purport to be moral leaders within a community.

Hodges states that the privacy issue arises at two points in the reporting process. The first is at the point of gathering information, where decisions have to be made about intrusion by the journalist into the lives of subjects. The second is at the point of deciding what to publish, or in other words what private facts are appropriate for dissemination to the public. He suggests the following as a formal criterion: it is just for a journalist to violate the privacy of an individual only if information about that individual is of overriding public importance, and the public need cannot be met by any other means. (1994:203). In other words, morbid curiosity and prurient interest should not be taken into account when making ethical decisions (even if they do sell newspapers!)

This study asserts that in South Africa in particular, in the case of sexual misdemeanour, the touchstone for determining what to print about a public person's private life would seem to be the effect that private activity would have on the discharge of that person's public responsibilities. This criterion, however, does not tell us what information to publish in specific cases. Neither does it permit invasion of privacy to obtain and publish information that the public is interested in but that is not important for the public to know.

Archard (1998: 86) states that there are three main reasons offered in justification of breaching an individual's privacy: when somebody is or becomes a public person he, by that very fact, loses his privacy; where a proven public interest can be shown to be served by the disclosure of the private; and where the public is interested in knowing what is private. Interestingly, Archard argues that "the idea that, in fairness or by agreement, public status comes with a loss of privacy is unpersuasive". (1998: 88). He argues that where sexual misdemeanours are concerned, people either feel that any kind of private immorality disqualifies a person from public office for no reason than adultery is wrong, and fitness for public office requires a morally untarnished character, or that the adulterer is seen as a hypocrite and

a man capable of breaking all vows if he is capable of breaking his marriage vows. Archard argues that this is fundamentally illogical. "Nothing in the pattern of human dissembling reveals the adulterer, simply in virtue of his adultery, to be any less trustworthy or reliable in general. Most people can recognise the difference - in moral significance and motivation - between a personal betrayal and public treachery." (1998: 90).

This brings us to the third reason Archard suggests might be given for breaching an individual's privacy. This is simply that the public is interested in knowing - not that there is a public interest in knowing, but just that most people would like to know and would derive some pleasure from knowing. Normally a clear distinction is made between a story being in the public interest and story being one that interests the public, and the latter is always quickly dismissed as a good reason for publication. Archard argues, "this distinction and dismissal is too hasty". He says that society's interest in knowing about the private lives of its public figures may have value and thus, in a way hitherto ignored, help to define the moral space in which the press operates. "It is not that a presumption in favour of individual privacy can only be defeated by showing in some specific case that invasion of this person's privacy serves a particular public interest. It is that a general norm of privacy is shaped and constrained, in the first instance and at a prior level, by an opposing general norm of social interest in knowledge. The best way to appreciate this is by thinking of journalism as print gossip." (1998: 90).

Archard states that there are three valuable social purposes served by gossip, which have been noted in anthropological studies (1998:91). The first is that gossip plays a role in defining a community and maintaining its unity. The second (and for purposes of this article possibly the most important purpose) has to do with the shared values of the community in which it is conducted. Archard argues that there are a number of ways in which this is so, including the fact that gossip is a way of testing or rehearsing these values by exposing conduct they would seem to proscribe, and by doing so these values (and also the identity and unity of the group which professes them) may be reaffirmed. Gossip also exposes the wrongdoer to public shame or ridicule

and consequently functions as deterrent to such wrongdoing. The third purpose gossip serves, which I believe is closely linked to the second, is that it demystifies the pretensions of public status; it can expose the ordinariness of the famous by showing them to be no more and no less capable of avoiding the failings we know ourselves to display all too often.

Conclusion

In conclusion two points are raised. First the thesis argues that the *Independent on Saturday* made the right decision. No doubt there were many individual journalists in the media who were saddened by Taylor's death, as he was widely known and came across to all involved as a man who loved his family dearly and cared deeply about both his province and his country. Judging by his involvement in the public sphere, he wanted to help make a difference to society. This was never in dispute, and judging by the media stories it was never the intention of the media to soil his reputation.

It has often been argued that journalists have not given enough thought to dealing with the conflicting pulls of privacy and public curiosity, of informing the public and showing compassion (Goodwin and Smith, 1994: 279). And there is no doubt that news stories can cause harm. As former Washington Post ombudsman Richard Harwood wrote, "the 'media' in their long history have shattered countless reputations and destroyed countless careers. We have driven people to suicide. We have caused immeasurable emotional pain, suffering and humiliation not only to individuals but to families and (if the testimony of many black Americans is credible) to entire communities as well." (Goodwin and Smith, 1994: 280).

It is clear this potential for harm is part and parcel of journalism, and can never be eliminated. What is important, is that journalists need to balance this with the public interest factor. Goodwin and Smith argue that if no public interest is involved, reporters ought to leave people alone. However, they also make a clear distinction between ordinary people, and political and other

leaders. "We should also be able to expect public leaders to be honest about who they are." (Goodwin and Smith, 1994: 281).

Taylor was a prominent public figure in KwaZulu-Natal, and as such there was legitimate public interest in the manner in which he met his death. The point is that in his capacity as a community leader, he was often in a position where he took a moral stand on a public platform, advocating the need for monogamy and the upholding of family values *vis-à-vis* HIV/AIDS, for example. This study thus argues that the media was not guilty of violating his right to privacy. Morally speaking, his right to privacy was limited by the need of others (the public) to know about him as an individual.

It is also argued that the standards of privacy for community and political leaders, and for ordinary people, are different. If no public interest is involved, ordinary folk should be left alone. Political and community leaders, however, are different. These people are elected role models, and their public performance determines the direction of the nation or the community. Their characters and personalities shape the decisions they take in public life, and therefore voters are entitled to know what kind of people they are. Added to that, public leaders should be honest about who they are – a leader who portrays himself as a God-fearing family man should be one.

However, what is interesting to note is the media was not ready for the barrage of public criticism it received for running this story. It was clearly taken aback and had little to say in response, apart from a brief editorial in the *Independent on Saturday* (2 May 1999).

This leads to the second point, which is that journalists need to reconsider their approach to their craft. "Surveying the literature on the South African press and talking to those who work in it yield no clearly understood, explicitly stated, or widely accepted rationale for being a journalist." (Jackson, 1993:225). In other words, the culture of the press in South Africa lacks any concise articulation of its journalistic mission or what is expected of journalists. We still get periodic and eloquent defences of press freedom, but

what is needed is perhaps something more fundamental: answers to the question of what journalism ought to be accomplishing in the first place, and according to which values.

This is important, as ultimately all ethical decisions rest with the media professionals themselves, and not necessarily with what they feel "society" expects them to do. Consequently, there is tension between two moral codes - that of the individual journalist, and the prevailing social mores. A more clear-cut sense of purpose for media professionals might help making decisions about stories such as that of Glyn Taylor's death.

CHAPTER FIVE

“Kill the Boer, kill the Farmer”: Hate Speech or Hateful Speech?

“The effect of sloganeering, on those chanting the slogans and on their targets, is utterly destructive.” – Wessel Ebersohn, journalist

When discussing the role of the media during the transition to a democracy in the new South Africa, one of the most contentious issues is that of hate speech: should people be allowed complete freedom of speech, or should their words be censored in some way, with all language that groups and/or individuals find offensive, being outlawed?

This issue has been prominent in South Africa recently, following a South African Human Rights Commission (SAHRC) ruling that the political slogan “Kill the Boer, Kill the Farmer”, constituted hate speech.

Widely used at Mass Democratic Rallies prior to 1990, the slogan gained notoriety at ANC rallies addressed by ANC Youth League Leader Peter Mokaba before his death, and in June 2002 was chanted at an ANC Youth League meeting held in Kimberley and at Mokaba’s funeral in Polokwane in the presence of President Thabo Mbeki. Footage of the funeral was broadcast over SABC television. In both instances, the ANC played a central role in the organisation of the event and both were public functions.

The Freedom Front (FF), in the context of farm killings in South Africa, lodged a complaint with the SAHRC arguing that the slogan amounted to hate speech and was therefore proscribed by the Republic of South Africa Constitution Act 108 of 1996.

Initially the SAHRC rejected this contention and found that although the slogans may be distasteful and hurtful, “they do not explicitly fall into the

category envisaged by section (16)2. The ideas may, however, offend the rights to dignity and equality.”¹ It was on this basis that the SAHRC determined that instances of speech could offend the Constitution and should be subject to public debate and criticism within the public realm.

The Freedom Front lodged an appeal against their ruling, and in July 2003 the SAHRC, after revisiting the submissions from all sides, ruled that the phrase “Kill the Boer, Kill the Farmer”, did indeed constitute hate speech.

However, the question remains as to how the South African media should deal with hate speech. The media have a significant influence on both perceptions and behavior (Retief, 2002:213), but the nature of that influence, and what, if anything, the media should do about it, remain unanswered questions. This chapter sets out to examine firstly, what is meant by the term “hate speech”, and attempts to answer the question, whether people should be allowed to utter hate speech in a democratic society sensitive to the rights of free speech. This discussion necessitates a detailed exploration of freedom of speech and expression. The chapter further attempts to determine whether the influence of hate speech on the South African public is significant in any way. In the context of the South African right to freedom of expression, it then attempts to answer the question, should hate speech be reported in the media? And can racism, blatant or indirect, ever be allowed expression in the media?

Does the slogan “Kill the Boer, Kill the Farmer” constitute hate speech?

Nel (2000:64) defines hate speech as inflammatory speech that reflects and encourages hatred and contempt for members of a specific racial, religious, ethnic or other group. Such speech is often used for political motives or to incite hate crimes. In some countries, hate speech is illegal, although notoriously difficult to define and therefore prosecute.

In terms of section 16 of the South African Constitution::

- 1) Everyone has a right to freedom of expression.
- 2) The right in subsection 1 does not extend to
 - a) Propaganda for war
 - b) Incitement for imminent violence, or
 - c) Advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

It is clear that the Bill of Rights in the South African Constitution follows the trend in international human rights documents, which restricts the right to freedom of expression by prohibiting the incitement of racial discrimination or racial hatred or hostility.

According to the SAHRC, freedom of expression constitutes one of the essential foundations of any democratic society.² However, Section 16 (2) of the South African Constitution modifies that right. Because this is an exception to the general and accepted rule that everyone has the right to freedom of speech, words such as "incitement" and "hate" need to be interpreted before any ruling on a phrase can be made. Added to this, two elements must be present before an expression can be determined to be hate speech. Firstly, there must be an advocacy of hatred on one of the listed grounds, and secondly there must be incitement to cause harm.

Put differently, the enquiry is:

- (a) Does the statement advocate hatred: if so
- (b) Is such advocacy of hatred based on one of the grounds listed in the section and,
- (c) Does such advocacy constitute incitement to cause harm?

The SAHRC found that the slogans were based on race or ethnicity. The term Boer is defined as a descendant of the Dutch or Huguenot colonists who settled in South Africa. In the South African context the term, as the FF pointed out, has been used to refer to Afrikaners generally and Afrikaans farmers in particular.³ The FF argued that the slogan calls for the killing of Afrikaners and therefore must amount to advocacy of hatred.

However, whether the slogan constituted an incitement to cause harm, caused and continues to cause, much debate. The Freedom of Expression Institute argued that incitement is committed where one person instigates another to commit an offence – and where the inciter must be shown to have consciously sought to influence the incitee to commit an offence.⁴

The FF submitted that the term “harm” should include any kind of harm, such as discrimination, hostility or violence. It relied on the award in a matter before the Broadcasting Complaints Commission of South Africa dealing with a complaint against a song entitled *AmaNdiya*, by Mbongeni Ngema. In support of its conclusion that the song amounted to hate speech, the BCCSA held:

The final question is whether there is harm, as required by the hate speech clause. The Indians are the targeted group who is likely to fear for their security, which is guaranteed by the Constitution. Whether there is a likelihood of real attack is irrelevant. There would, in our opinion, be a likelihood of fear – a fear based on a reasonable inference, in the light of the emotionally laden language employed...We therefore conclude that the broadcast of the song constitutes incitement to cause harm, in the sense that it violates dignity and places the constitutional right to security of Indians at risk – even if it is limited, as we find, to a distinct sense of fear amongst a substantial number of Indians.⁵

The FF referred to the alarming number of attacks on farmers over the last few years and mooted the possibility that these attacks may be linked to slogans of the sort under consideration. On the basis of responses received during their investigations into violations of human rights in the farming community, the SAHRC submitted that attacks on farmers were criminal activities and were not politically motivated, and it thus questioned the causal connection between the slogans and farm killings. However, the SAHRC submitted that in section 16 (2)(c) the term “harm” was broader than physical

harm and includes psychological, emotional and other harm, and finally ruled that the slogan “Kill the Boer, Kill the Farmer” is hate speech.

That hate speech can cause harm other than physical was a vital ruling for South Africa. The psychological, emotional and social harm that can be caused by hate speech was described by the Supreme Court of Canada in *R v Keegstra*:

It is indisputable that the emotional damage caused by words may be of grave psychological and social consequences. In the context of sexual harassment, for example, this Court has found that words can in themselves constitute harassment.⁶

This chapter argues that a response of humiliation and degradation from an individual targeted by hate propaganda is to be expected. A person’s sense of human dignity and belonging to the community at large is closely linked to the concern and respect accorded the groups to which he or she belongs. The derision, hostility and abuse encouraged by hate propaganda therefore have a severely negative impact on the individual’s sense of self-worth and acceptance. This impact may cause target group members to take drastic measures in reaction, perhaps avoiding activities that bring them into contact with non-group members or adopting attitudes and postures directed towards blending in with the majority. Such consequences bear heavily in a nation that prides itself on tolerance and the fostering of human dignity through, among other things, respect for the many racial, religious and cultural groups in our society.⁷

Ursula Owen argues that hate speech helps create a culture of hate. In *Index on Censorship* (1998:32), she describes hate speech as a troubling matter for people who believe in free speech because “it is abusive, insulting, intimidating and harassing. And it may lead to violence, hatred or discrimination; and it kills.” The most dangerous threat behind hate speech “is surely that it can go beyond its immediate targets and create a *culture* of hate,

a culture which makes it acceptable, respectable even, to hate on a far wider scale.” (Ibid, 36). As an ominous example of this, Owen points to the events leading up to the assassination of Israeli Prime Minister Yitzhak Rabin. A culture of hate was created through the efforts of right-wingers, who constantly shouted that Rabin was a “traitor” and a “murderer”; through placards which showed Rabin’s features overlaid with the thin black circles of a rifle sight; and through elements of the rabbinical leadership, who continually questioned the “Jewishness” of Rabin’s land-for-peace policies.

Busi Kwindu, a counseling psychologist at the Centre for the Study of Violence and Reconciliation, believes the slogan definitely helps incite people to violence against white farmers. Discussing the issue in the context of recent farm attacks in South Africa on Carte Blanche⁸, she said she believes the violence against white farmers is rooted in the experiences of the perpetrators.

“For you to solve an issue, maybe a violent act against you, you have to be violent yourself, so you find they continue. It’s a vicious circle.”

Kwindu argues that trauma, if left unattended, changes one’s perceptions and distorts reality. And political slogans simply feed these distorted perceptions.

“They hear this slogan, “Kill the Boer, Kill the Farmer”, and to them it’s like you go and do it as it is telling you. Their understanding of some of these concepts is very limited and restricted. They were trying to create meaning for themselves.”

There is thus no doubt that the slogan “Kill the Boer, Kill the Farmer”, is extraordinarily crude, perpetuates apartheid divisions and renders South Africa more inflammable.

At what cost should free expression be defended?

The question which needs to be answered is this: when may a government override the right to freedom of speech or expression? Although freedom of expression is of the utmost importance to any democracy, Retief argues that it

is not an absolute right that should never be restricted at all. (2002:220). For example, very few people in this world would tolerate hardcore pornography in a television programme for small children. Indeed, the South African Constitutional Court recently ruled that possession of child pornography remains a criminal offence – even where it may be argued that it is needed for research purposes.⁹ The court held that “childhood is a special stage in life to be both treasured and guarded.” I would agree, and would argue that it would serve no purpose, in this case, to say that what people do privately is their business. It should never be anyone’s business to abuse children. The making of child pornography is basically abuse, and possessing it inherently implies complicity with that abuse. The other issue involved is freedom of expression, but the same arguments presented above would apply here. “Giving, except in very unusual circumstances, anybody the right to such expression regarding child pornography would violate norms that our society has set for itself.”¹⁰

Article 10 of the European Convention on Human Rights explains that freedom of expression carries with it duties and responsibilities. Freedom of expression may therefore:

...be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Christians et al (1995:313) calls this the great paradox of democratic theory: “Liberty can never be absolute, censorship can never be absent.”

The right to freedom of expression is universally recognised but most countries, if not all, impose some form of restrictions on that right. International instruments also provide for that right and recognise the need to

strike a balance between the harm caused by hate speech and restrictions to the freedom of expression.

The attitude of the international community is spelled out in the Universal Declaration of Human Rights, which provides for the right to the freedom of opinion and expression, including the freedom to impart information and ideas through any media. Similarly, the United Nations Convention on the Elimination of all forms of Racial Discrimination, while allowing freedom of expression, introduces an obligation on states, to declare as a criminal offence, the "dissemination of ideas based on racial discrimination".

However, the media itself tends vehemently to oppose all forms of restriction on freedom of expression. In South Africa, the freedom of expression versus necessary censorship debate flared up in earnest in 1999, when legislation was in the pipeline to ban hate speech and slurs. According to Tufte (2000), the groundwork for this legislation was laid by the SAHRC's investigation into racism in the media. He argues that although open discrimination is against the constitution, at the same time a new prohibition policy is to be avoided.

The racism appearing in newspapers is often of a very indirect kind, and Tufte argues that its very indirectness makes it a difficult issue. "The case would be simpler, if the racism was more aggressive. However, the indirect racism is the most propagated and the most difficult kind to dispatch. This makes it even more important to render this racism visible. It makes it easier to challenge. If it is prohibited, it is only suppressed."

Marc Charisse, Sunday Editor for the York Dispatch, agrees. He argues that aggressive reporting of white supremacy groups in America, for example, benefits the public. "I don't agree with the paternalistic model that says, 'This encourages people'. It's counterproductive to pretend this doesn't exist. If the coverage was compared strictly to the size of the threat, you could say it isn't proportional. But the far right groups are at the end of a spectrum, and there are a lot of people who aren't out there with them, but are close to them. It only takes a handful of Nazis to create big problems. We're doing a public service in letting people know what these people think."¹¹

In South Africa, opinions on the issue are divided into two main camps. On the one side stands the Human Rights Commission, the Ministry of Justice, and organisations such as the Black Lawyers Association and the National Association of Black Accountants, who wish to prohibit every kind of racist and sexist speech, as well as all other forms of discriminatory or hateful speech. On the other side of the divide one finds most major media institutions and the Freedom of Expression Institute, who feel that a limitation of freedom of expression is unconstitutional.

Former academic and newspaper editor, Gavin Stewart, believes the debate is too rigid and could result in censorship practices, found under apartheid, being reinstated, only with opposite manifestations. He argues that the terms “racism” and “racist”, appearing in political discussions of the new South Africa, make the work of the Human Rights Commission difficult, since these terms seem to have taken over from the words “communism” and “communist”, of apartheid South Africa. Stewart argues that the words are mute weapons used to silence opponents and paralyse any rational debate.¹²

Although this tends to be a somewhat controversial view, there is no doubt that there is a significant school of thought that is wary of any form of legislated censorship. Owen asks the question: “So, as dedicated opponents of censorship and proponents of free speech, we are forced to ask: is there a moment where the quantitative consequences of hate speech change qualitatively the arguments about how we must deal with it? And is there no distinction to be made between the words of those whose hate speech is a matter of conviction, however ignorant, deluded or prejudiced, and hate speech as propaganda, the calculated and systematic use of lies to sow fear, hate and violence in a population at large?” (1998:37).

I believe this is a critical distinction when discussing whether hate speech should be censored or reported, for two reasons. Firstly, there is no doubt that the ruling hegemony tends to define the acceptable discourse of the day – in other words, what constitutes hate speech is defined by the ruling party. . One

only has to look at the consequences of media discourse under apartheid, where the ruling National Party outlawed all forms of vehement criticism, simultaneously introducing an entire new discourse of “total onslaught”. The head of the Policy Unit at the Freedom of Expression Institute, Console Tleane, argues that there are serious implications for opening the floodgates for the banning of hate speech, and is against all forms of censorship. He says international experience has shown how hate speech is defined by whoever is in power, and that “hate speech” legislation is used to ban the politically powerless, who overwhelmingly are workers, women and black people.

For example, in 1994, at a political seminar in Gauteng, a debate about two slogans – the PAC’s “One Settler, One Bullet” and the ANC’s “Kill the Boer, Kill the Farmer” – took place. It was agreed that the two slogans carried the same meaning – both advocated hatred against white people in South Africa (Tleane, http://fxi.org.za/free_vs_hate.htm). However, while it was agreed that the former was hate speech, and subsequently condemned, the latter was endorsed, as delegates argued the song should be understood in the context of strategic and tactical efforts to break the deadlock at Kempton Park. As the spokesperson for the Department of Education responded: “That’s not hate speech, that’s poetry!” This is a tenuous distinction, and I would argue that it illustrates perfectly the dilemma of hate speech: one person’s hate can be another person’s poetry. Jane Duncan takes this further and argues that a person’s ability to act on their subjective understanding of hate speech depends on their access to power and privilege, leading to the propagators of hate speech often being defined as parties other than the ruling elite, and individuals marginalized by the current political establishment.¹³ In South Africa today, this means that those most vulnerable to charges of hate speech are the growing numbers of unemployed and independent social movements who are increasingly expressing their dissatisfaction with the current economic and political order. Where “Kill the Boer, Kill the Farmer” is concerned, one could argue that it is the farmers (predominantly white) who are marginalised in this instance. In other words, hate speech here is ultimately concerned with a power struggle, and not a struggle about race.

Tleane believes that in the future the temptation to use legislation to ban legitimate criticisms will be even greater in view of the country's worsening disparities between rich and poor. "So if those in power feel fear from a working class increasingly critical of their service delivery, they could ban their speech on the basis that they have a 'likelihood of fear'. Those to the left of the government are most at threat if this 'new hate speech' order becomes a reality. And the propertied class, to the right of government, will use their financial means and easy access to expensive legal representation to ban critical anti-capitalist speech".¹⁴ Tleane argues that freedom of expression is one of the few mechanisms existing for the poor to articulate their aspirations, concerns, frustrations, dissatisfaction, and anger against unemployment, hunger and disease. "We cannot afford, and should in fact resist, any attempt to reverse the gains achieved to attain this freedom".

What Tleane is arguing here, is that there is still such a strong temptation in South Africa to see things in terms of black and white with all blacks poor and all whites rich, as opposed to a class struggle with many wealthy blacks and many destitute whites. For the ANC government, just as it was for the National Party, it is easier to have an ethnically aligned working party, rather than one of mixed races. In the early 1900s when many working-class Europeans arrived to work the mines, and there was a groundswell of working-class political pressure, the mine-owners were also careful not to give black and white workers a chance to act together. (Callinicos, 1989:100). "If a large number of white men are employed on the Rand in the position of labourers, the same trouble will arise as in the Australian colonies," wrote one mine owner, referring to the rise of Australian trade unions. "The combination of the working classes will become so strong as to be able more or less to dictate, not only on the question of wages, but also on political questions by the power of the vote."¹⁵ This was then perhaps one of the primary reasons apartheid was engineered – government keeping whites and blacks apart (institutionalised racism) resulted in direct benefits for both classes of whites – in the form of higher profits for the capitalists and higher-paid, protected jobs for the white workers (Callinicos, 1989:102), ultimately resulting in South Africa's special form of racial capitalism. In our new dispensation, however,

the discourse of hate speech is one that must transcend the discourse of racism.

The second reason I feel strongly that hate speech should be reported, is that failing to report slogans such as “Kill the Boer, Kill the Farmer” can lead to distorted public images with detrimental consequences. Suppressed hatred is, this study argues, more dangerous than expressed hatred. And where this slogan is concerned, it was the assassination of Chris Hani, the former leader of the South African Communist Party, which highlighted the deficiencies of South Africa's English newspapers. It was not until his death in 1993 that the media reported the slogan – in spite of journalists having heard it for years at mass rallies and funerals. Former journalist and political analyst, Anna Starcke, raised the following questions after Hani's death: why did the media, having demonised Chris Hani as a man of violence, fail to correct the image when he turned to peace-making? Why had they not previously recorded the slogan, which had cropped up regularly at rallies and funerals? And why did they wait until ANC youth leader Peter Mokaba used the phrase, “and then beat him to death with it?”¹⁶

These questions are answered by former Sunday Times editor, Ken Owen, who argues that in the late 1980s, both John Kane-Berman of the Institute of Race Relations and Jill Wentzel of the Black Sash pointed out that right-wing violence was roundly condemned, but violence from the left was covered by an “obdurate and politically correct silence”.¹⁷ Indeed, reporting of the aftermath of Hani's assassination concentrated on the fairly limited mayhem caused by young “thugs”, to the exclusion of the admirable and effective efforts of ANC leaders, including former president Nelson Mandela and the then ANC national chairman Cyril Ramaphosa, as well of dozens of anonymous officials. Owen said of newspapers at the time that they “have generically moved downmarket, avoiding the difficult, onerous or costly tasks of good journalism in favour of a frothiness that, at this stage of our history, is almost obscene”.

One way to view censorship is in terms of political correctness. Owen (2002) describes political correctness as having “a sort of utopianism about it, and a touching, if rather authoritarian belief that behaviour, if properly conditioned, will improve.” She argues that the problem with the ideal of political correctness is that, like many censorships, it can turn so easily against what it is meant to protect, encouraging everyone to be on guard against everyone else. This is why free speech advocates argue that there is little connection between hate speech laws and the lessening of ethnic and racial violence or tension. They argue that what is needed is more, rather than less, attention to the ideas of racial and religious superiority; that they must be confronted to be understood; that dialogue and democracy are more effective tools in understanding the anatomy of hate than silence; and for that reason, freedom of expression is necessary. (Ibid). After all, an open wound heals more quickly than a closed one!

Though laudable in principle, it is arguable that these views lack force in the face of much twentieth-century history. They perhaps require us to believe too simply in the power of democracy and decency and above all, rationality; in the ability of a long, slow onslaught on racism, for example, to have an effect; to believe, in the face of so much evidence to the contrary, that there is always progress, however slow. However, Owen (2003) believes that one must come out in the end on the side of defending free speech, simply as a basic principle, because it is what makes people feel their lives matter, makes people feel human. Ronald Dworkin argues this thus:

People who believe in democracy think that it is fair to use the police power to enforce the law if the law has been adopted through democratic political procedures that express the majority's will. But fair democracy also requires what we might call a democratic background; it requires, for example, that every competent adult have a vote in deciding what the majority's will is. And it requires further, that each citizen have not just a vote but a voice; a majority decision is not fair unless everyone has had a fair opportunity to express his or her attitudes or opinions or fears or tastes or presuppositions or prejudices or ideals, not just in the hope of influencing others, though that hope is crucially important, but also just to confirm his or her standing as a responsible agent in, rather than a passive victim of, collective action. The majority

has no right to impose its will on someone who is forbidden to raise a voice in protest or argument or objection before the decision is taken.

It is unfair to impose a collective decision on someone who has not been allowed to contribute to that moral environment, by expressing his political or social convictions or tastes or prejudices informally... This is true no matter how offensive the majority takes these convictions or tastes or prejudices to be, nor how reasonable its objection is... The temptation may be near overwhelming to make exceptions to the principle – to declare that people have no right to pour the filth of pornography or race hatred into the culture in which we all must live. But we cannot do that without forfeiting our moral title to force such people to bow to the collective judgements that do make their way into the statute books. We may and must protect women and homosexuals and members of minority groups from specific and damaging consequences of sexism, intolerance and racism. We must protect them against unfairness and inequality in employment or education or housing or the criminal process, for example, and we may adopt laws to achieve that protection. But we must not try to intervene further upstream, by forbidding any expression of the attitudes or prejudices that we think nourish such unfairness or inequality, because if we intervene too soon in the process through which collective opinion is formed, we spoil the only democratic justification we have for insisting that everyone obey these laws, even those who hate and resent them.

Principle is indivisible, and we try to divide it at our peril. When we compromise our freedom because we think our immediate goals more important, we are likely to find that the power to exploit the compromise is not in our hands after all, but in those of fanatical moralists with their own brand of hate. (Dworkin, 1994:9).

With specific regard to the media, I would argue that press freedom – as part of freedom of expression – is vital in sustaining any democracy. Press freedom is understood here and defined as an environment that enables the press to function essentially unhindered in obtaining and providing a substantially complete, timely account of the events and issues in a society. All societies place some limits on the media, from libel law through to matters of national security some form of intervention is inevitable. However, ultimately I believe press freedom is indispensable in building and sustaining a democratic society. The media plays a vital role in influencing events and shaping values (Jackson 1993: 75), and it is in this context, I believe, that the importance of being able to report hate speech should be seen.

An ethical way forward

Having said that, how should an ethical journalist go about reporting hate speech, without further inflaming a situation? Tleane (2003) believes that resorting to restrictive legislation in an attempt to deal with hate speech “will take us back to the apartheid years”. He argues that controversial speech should be dealt with politically and intellectually, adding that it is contradictory to advocate for restrictions to be placed on freedom of expression when South Africa prides itself internationally “to have found a political/dialogical solution to a mammoth problem called apartheid”.

“...South Africans need to honestly challenge themselves, and each other, about entrenched stereotypes that we hold about each other. The eradication of these challenges is crucial, as it will assist us to develop a better understanding of what actually constitutes the real problems that afflict relations.”

One could argue, of course, that eradicating stereotypes could be done by restricting, just as much as venting, hate speech. The ideal of democracy presupposes a climate where hateful utterances should stop with the individual person; in other words, a society where evil urges should simply be resisted, and where legislation exists to “assist” people in the choices that should be taken. However, I believe that conversely this is where the media can – and should – take a positive role in addressing stereotypes, through adopting an ethical position in a situation that is potentially inflammatory.

A good example of the way in which the media can ethically manage a divisive situation where hate speech is involved occurred in America in 1999, when the editor of the Rutland Herald, David Moats, had to write about the Vermont Supreme Court’s decision to afford equal rights to same-sex and opposite-sex marriages. Because of the controversial nature of the decision, the majority of readers angrily opposed the ruling, with public rallies and hateful slogans the order of the day. However, Moats wrote 20 editorials on

the issue, described afterwards as “even-handed and influential”, in which he praised the court and described the issue in the context of civil rights. In one editorial, he appealed to “supporters of same-sex marriage to see through to the humanity of the opposition and to recognize the reasons for opposition are not always founded in bigotry”, while simultaneously calling on the opponents of same-sex marriages to realize they had an obligation “to see through to the humanity of a vulnerable minority...For each of us, it is normal to be who we are.” (Pynn, 2002).

When an opposition group placed advertisements in the Herald, accusing the governor who had promised to sign the legislation of promoting pedophilia, Moats replied in an editorial: “The Herald does not censor the political advertising it publishes. Nor does the Herald endorse it...Suppressing extreme speech only drives it underground where it becomes more dangerous...Another benefit of allowing the expression of extreme speech is that it allows the public to see extremists for what they are. A person full of hate is his own worst enemy. Freedom of speech exposes his hate for all to see.” (Ibid).

I would argue that this was the ethical way of handling a series of events where hate speech was abundant. Moats was both fair and critical about an extremely significant social and cultural issue, providing the kind of leadership that the media should provide its community in any democracy.¹⁸

Bugeja (1996:43) takes this further. He argues that truths sometimes clash, as a journalist may condemn hate speech but also believe in free speech. He argues that as long as the two truths do not collide, one can believe fervently in both. But the responsible journalist also prepares for the worst-case scenario: a situation that forces him or her to favour one or the other truth, establishing a value to reflect that choice. In each case, Bugeja states, the journalist will have to decide on a specific truth and then accept the consequences associated therewith.

What Bugeja is arguing here is that there could be two approaches when “Kill the Boer, Kill the Farmer” is, for example, chanted at a political meeting. The first approach would be the reporter who believes it is wrong to use certain derogatory ethnic terms – no matter what the context – because of the potential of those words to hurt readers. Consequently, unless there is a very compelling reason, such as the president chanting the slogan, for example, this reporter would use a euphemism rather than the hate phrase. The consequences here might be the editor being angry at the phrase not being reported, in which case the reporter might be disciplined in some way. A larger consequence would be that in protecting the readers from hate speech, the reporter may not be fully communicating the seriousness of an offense or the reality of a news story. But the reporter would accept that too, acting on the assumption that most people can read a euphemism and imagine the seriousness or reality of a news story. This could perhaps be seen as problematic in South Africa, where a large sector of the population is semi-literate or illiterate. However, in the print media in particular, this thesis argues it would depend on both the skills of the writer, and the extent of his or her ethical approach in realizing who he or she was writing for, bearing in mind that most newspapers in South Africa have a target market.

The second approach is more absolutist when it comes to freedom of expression. In this case, the reporter would argue that it is not his or her responsibility to censor him or herself, or protect readers from hate speech, but rather to present that speech in the proper context, so that they can gauge the seriousness or reality of the news. If the editor disagreed, the reporter could still be disciplined. And again, a larger consequence could be that in exercising free speech by including offensive words in proper context, readers may be insulted or hurt. The reporter would accept that responsibility and trust that most readers would not condemn him or her, but rather the perpetrators of hate speech.

Bugeja (1996:44) argues that both of these responses, while on opposite sides of the hate speech/free speech debate, are inherently moral. “They reflect different truths and values but avoid relativism because the journalists

in question ponder and accept consequences associated with their beliefs. That process – pondering and accepting consequences – is necessary if journalists hope to cover or target segments of society ethically and responsibly.”

The belief that the media have a moral or ethical duty to report what they see and hear, is thus fundamental to the handling of hate speech.

In conclusion, the thesis argues that any slogan about killing any human being, or group of human beings, is hate speech. Of course, the historical roots of “Kill the Boer, Kill the Farmer”, might make the slogan more understandable, but should certainly not make it acceptable. The notion of killing, given the shocking lack of respect for self and for others in South Africa, is not one that should be condoned. It is time the culture of casual violence is challenged. But the way to challenge it is not to ban it through legislation, but rather to tackle it head-on at the source. Perhaps hate speech is simply the price society must pay for safeguarding freedom of expression.

¹ Para 43 of the SAHRC Discussion Document on Freedom of Expression released on 21 November 2002.

² SAHRC Discussion Document, p 3.

³ Interestingly, the Zulu roots of this phrase come from a chant heard at ANC rallies in the apartheid era: “Shaya amabhunu”. Many Zulu speakers tend to translate “amabhunu” as white people, and not necessarily Afrikaners.

⁴ SAHRC Discussion Document, p 9.

⁵ Professor JWC van Rooyen SC in Human Rights Commission of SA v SABC 2003 (1) BCLR 92 at para 39. (BCCSA)

⁶ *Jansen v Platy Enterprise Ltd*, [1989] 1 S.C.R. 1252.

⁷ *R v Keegstra* [1990] 3 S.C.R. 697. It should be noted that in *Keegstra*, the court was called upon to consider the constitutionality of a statute, which prohibited the wilful promotion of hatred against any identifiable group. The majority of the court held that the law was justifiable in terms of the limitation clause.

⁸ Carte Blanche transcript, “A Bloody Harvest”, <http://www.mnet.co.za/CarteBlanche/Display/DisplayPrint.asp?ID=2265>

⁹ Editorial in *The Star*, Friday October 17 2003, p 12.

¹⁰ Ibid.

¹¹ Charisse, M. "When hate comes to town," in www.poynter.org/content/content_view.asp?id=9560, 29/11/2003.

¹² Stewart quoted in Tufte.

¹³ Duncan, J. "To say or not to say: the dilemma of radio broadcasting in the light of South Africa's constitution," <http://fxi.org.za/sayornot.html>. 22/10/2003.

¹⁴ Tleane, C. "Banning. No solution at all?" <http://fxi.org.za/banning.htm>. 16/10/2003.

¹⁵ Letter from P. Tarbutt, Director of Goldfields Limited, Chairman of Village Main Reef Mine, to the Transvaal Labour Commission 1903 – quoted by Bozzoli.

¹⁶ Starcke quoted in Owen, Ken, "Newspapers: weak link in the democratic chain?" Sunday Times, May 2 1993.

¹⁷ Ibid

¹⁸ Moats and the Herald won the 2001 Pulitzer Prize for editorial writing.

CONCLUSION

The need for critical journalism in post-apartheid South Africa

"The only thing necessary for the triumph of evil is for good men to do nothing."

Edmund Burke

As we go forwards into the 21st Century, news remains an essential form of knowledge about the social world – albeit a form met with deepening distrust within that world. In the South African context, this has been nowhere clearer illustrated than by the recent furore which raised questions about accuracy and truthfulness, the use of leaked documents, off-the-record briefings, privacy, hate speech, plagiarism, racism in the media, conflict of interest, the confidentiality of sources, and above all, the ethics of journalism. The credibility crisis faced by the South African media has forced the discussion of ethics into the spotlight.

South Africa is not alone in this regard. "The question of ethical behaviour, from the level of the individual, through the totality of organisational manifestations to the level of national and international bodies, has become the number one issue on the global agenda." (Skinner et al, 2003:2). This thesis argues that what is needed in the South African media context is the commitment to become more actively involved in meeting the needs of the country, in order to find some new, more socially engaged forms of news. In other words, there is a growing need for an accepted alternative to conventional journalistic practice – what critic Jay Rosen (1993) insightfully called a new "theory of credibility". The problem, however, is age-old, necessitating finding the way to do this without compromising either the honour and ethics of the journalists involved, or the public's right to know.

The aims of the thesis revisited

The dramatic transition from South Africa's previous apartheid political system to a democratic dispensation, has posed unique challenges for the media. Ethical practices per se are difficult, with journalists being faced with the demanding position of having to act ethically on a tightrope between a totalitarian heritage and a newly emerging democratic nation. Thus Chapter One attempted to map out a new theoretical model of ethical practice for South African journalists – a model that is open-ended, context-sensitive, and emphasises critical and creative thinking, as well as diversity and relativity in the process of moral decision-making.

Considerable debate – both nationally and internationally – currently surrounds the ethical role of journalists. Should reporters be investigators of system failure or initiators of solutions? Should journalists be detached observers or activist participants? Should newspapers be independent watchdogs or convenors of public forums? Steele (1996) asserts that this debate often gets bogged down in polarised positions, as advocates and critics stake out their respective territory, and this is dangerous, as that polarisation may ignore the common ground. In South Africa, these polarised positions have tended to emerge as the two main discourses evident in the local press: the watchdog discourse, broadly corresponding to the libertarian theory of the role of the media; and the nation-building discourse, which approximates to the egalitarian or social responsibility model. This thesis argues that the two discourses are not necessarily mutually exclusive; the theoretical framework does not exclusively support either normative theory as such, but rather facilitates the fostering of both sets of values, represented by each respectively. In other words, this thesis has ultimately attempted to map out an ethics that creatively seeks to guide journalists in both binding people together, and exposing what is wrong between them, in order that they may participate in the crafting of a new moral order.

The case studies examined in this thesis are all underpinned by this idea. Chapter Two, an examination of the violence coverage by three newspapers in KwaZulu-Natal, from 1987 to 2004, demonstrates clearly that there was a complete ethical breakdown in reporting during the years of apartheid, that shadowed journalists into the transitional period after the unbanning of the ANC and the lifting of all Emergency Regulations in 1990. Moreover, it points out similar, if not worse, patterns of ethical neglect, where violence coverage is concerned, continuing into the new millennium. What is important to remember, is that once a problem has been exposed in the way news is selected and produced, distributed, read or used, the next step should be to put it right. But this is a process of negotiation, hard work and struggle against opposing ways of seeing – and this kind of critical attention is limited in practice to relatively few people inside or near news organizations, or in academic, political and certain commercial contexts (Hartley, 1988:9). In South Africa, this simply hasn't happened.

Chapter Three examines South African journalists' approach to coverage of the country's HIV/Aids pandemic. What is clearly highlighted here is the ethical lack of reportage concerning the pandemic, interestingly remarkably similar to the shortfalls picked up in the examination of coverage of the violence in KwaZulu-Natal. Journalists are guilty of the same mistakes, most notably failing to give both issues a human face, their use of authoritative sources, the high predominance of wire service copy, and few analytical or feature stories. Conflict, key personalities and government positions, are strong indicators of newsworthiness. However, an interesting difference between coverage of the violence and coverage of the HIV/Aids pandemic, is that many of the HIV/Aids stories appear overtly critical of government policy. This leads into a discussion of the ethical implications of an advocacy role *vis-à-vis* HIV/Aids, and whether stories should be the product of a proactive agenda for contributing to social change in relation to the disease.

Chapter Four – an examination of privacy, concerning the rather controversial death of Durban businessman Glyn Taylor – illustrates clearly the lack in the culture of the South African press, of any concise articulation of its journalistic mission, or what is expected of journalists. This chapter points out the tension between two moral codes - that of the individual journalist, and the prevailing social mores – and argues that a more clear-cut sense of purpose for media professionals might help in making decisions about ethically difficult stories. It is also important in that it puts forward a considered argument in favour of revealing the private lives of public figures, where their private lives are in distinct contradiction to the values they advocate in public. In the South African context, in particular, because of its multicultural dimensions, this is an ethical landmine area for journalists, and one which needs to be more clearly defined, as it raises questions, for example, about whether or not different social customs should be taken into account. An example of this would be that in France, no media thought it worthwhile to mention that President Mitterrand was running two families simultaneously, while in South Africa, Deputy President Jacob Zuma is in fact running four families simultaneously, and nobody mentions it either. This in spite of the fact that he espouses the virtues of monogamy on public platforms in the context of the HIV/Aids debate!

The questions of whether or not people should be allowed to utter “hate speech”, and whether “hate speech” should be reported in the media, are addressed in Chapter Five. There are also ancillary questions skirting this chapter, such as: can racism, blatant or indirect, be allowed expression in the media? Here again, the ethical considerations involved in making these decisions, i.e. moral decision-making, are explored in some depth, and the options available to journalists having to make such choices are set out. The thesis argues that while hate speech needs to be challenged, and never condoned, it should not be banned through legislation or avoided through self-censorship but tackled head-on and reported in an ethical way.

The ethics of advocacy journalism: independence as the guide

BBC television journalist Michael Burke's 1984 report on the famine in Ethiopia proved to be an enormous stimulus to aid relief, with millions of people making donations in response and governments being provoked into action. The Glasgow University Media Group (1985:176) use this as an example of ethical advocacy journalism, pointing out that Burke was not indifferent to what he saw. "His professional skills, with a proper care for accuracy and reliability, did not result in an impartial, neutral account. Clearly he was on the side of the starving and the effect of his reports showed us just how powerful the mass media can be in certain circumstances."

Although specifically in the context of the HIV/Aids pandemic, it is this capacity to bring about positive change, educate and influence society that Stein (2002) explores. She sees the aim of media advocacy as increasing the capacity of groups or societies to act in a manner conducive to their goals. "Media advocacy is therefore part of an overall plan for achieving social change. In this regard, social change is construed as the promotion and protection of human rights and fundamental freedoms, including the right to the highest attainable standards of physical and mental health." (Stein, 2002:4). It is the same way that certain individual journalists felt when writing during the years of apartheid – that newspapers had a moral commitment to cover apartheid atrocities and to develop a strong advocacy agenda. This feeling of ethical obligation to expose atrocities was far more apparent in South Africa's alternative press than in mainstream newspapers, as is explained in Chapter Two.

In 1980 UNESCO published the MacBride Report, "Many Voices, One World". This included some discussion of the responsibilities of the media in relation to the goal of peace. In a key paragraph we read:

The primary function of the media is always to inform the public of significant facts, however unpleasant or disturbing they may be. At times

of tension, the news consists largely of military moves and statements by political leaders, which give rise to anxiety. But it should not be impossible to reconcile full and truthful reporting with a presentation that reminds readers of the possibility – indeed, the necessity – of peaceful solutions to disputes. We live, alas, in an age stained by cruelty, torture, conflict and violence. These are not the natural human condition; they are scourges to be eradicated. We should never resign ourselves to endure passively what can be cured. Ordinary men and women in every country – and this includes a country depicted as “the enemy” – share a yearning to live out their lives in peace. That desire, if it is mobilised and expressed, can have an effect on the actions of governments. These statements may appear obvious, but if they appeared more consistently in the media, peace would be safer.¹

As South African journalists rethink the nature of their engagement with South African society, they might pause to consider both the above deliberation, and a key contention of their critics – that their engagement does not end upon publication of their stories. “Journalism is a force in the world that it purports merely to portray. And in the case of investigative journalism...critics have long recognised a special potential for political influence: the ability to bring social problems to public attention as well as to push particular reforms higher on the policy agenda.” (Ettema and Glasser, 1998:186).

Journalists in general, and investigative journalists in particular, can issue a compelling call for public moral indignation. Ettema and Glasser (1998) argue that investigative journalists’ stories call attention to the breakdown of social systems and the disorder within public institutions that cause injury and injustice; in turn, their stories implicitly demand the response of public officials – and the public itself – to that breakdown and disorder. “Thus the work of these reporters calls us, as a society, to decide what is, and what is not, an outrage to our sense of moral order, and to consider our expectations for our officials, our institutions,

and ultimately ourselves.” In this way, they argue, investigative journalists are custodians of public conscience, in that they hold the means to report and disseminate stories that can engage the public’s sense of right and wrong. “These journalists are, in other words, custodians of exactly what we imagine conscience to be: a morally engaged voice.” (Ibid: 4).

Fuller (1996:227) argues that, “Readers don’t just want random snatches of information flying at them from out of the ether. They want information that hangs together, makes sense, and has some degree of order to it. They want knowledge rather than just facts, perhaps even a little wisdom.” He asserts that readers want to get a sense of character from their newspapers; that they want their newspaper to stand for something. “This begins with honesty and the related news values. But it also may include such qualities as compassion, tough-mindedness, moral courage, and even perhaps a bit of stubbornness. A little civility would be welcome these days, too. Character is vital to the future of newspapers, no matter how we deliver them, because it is the truest and most durable source of credibility.” (Ibid: 227). In South Africa’s new democratic dispensation, the press has the freedom to display moral courage, to deliver stories in context, and to take a moral stand. But as this thesis has clearly shown, in spite of its new-found freedom, where the issues of violence and HIV/Aids in particular are concerned, it has failed to do so.

Freedom of the Press

It may seem odd to leave a discussion of freedom of the press to the end of an examination of journalism ethics, when so many similar studies start with press freedom, viewing it as “the wellspring for all good journalism”. (Russell, 1994:76). But by what right does the press have freedom, and how is it to be used?

It is true to say that South African journalists, on the whole, are far more despondent and cynical in the new millennium than they were during the late

apartheid era of the 1980s and early 1990s. It can be argued that for many journalists, the battle against apartheid was seen simultaneously as a battle for press freedom – the “enemy lines” were far clearer than they are under the new government.

Certainly the South African constitution articulates freedom of speech and freedom of the press, as was discussed in Chapter Five. Democracy and press freedom are thus symbolically intertwined. Russell (1994:195) points out that freedom of the press emerges from freedom of speech and thought – but it is a freedom that continues to be earned or lost, depending on performance. “And it brings with it clear responsibilities – the responsibilities of stewardship”, because “press freedom is the right of the people”.

So, what is the purpose of this much-vaunted freedom? Russell (1994:196) asserts that “most people seem to agree that freedom of the media has a very specific purpose: to protect democracy.” He argues that freedom of the press gives people in the media enormous liberty, but it is liberty *to*, not just liberty *from*.” Merrill² summarises this very usefully when he identifies two forms of press freedom: “Positive freedom is the freedom to achieve some good, whereas negative freedom is the freedom from restraint.” This partly explains why freedom is all-too-often invoked to shelter the press, rather than to shelter the community. As Russell (1994:196) puts it, “Freedom of the press is, therefore, freedom from restraint, within bounds, in order to inform, entertain, and enrich the audience, and it requires the exponents of it to take responsibility for what they do. It is this mandate that demands journalists be sensitised to ethics.”

This concept of positive and negative freedom links well with Clark’s³ (1994) idea that too much thinking about ethical issues has concentrated on what we may *not* do, whereas proactive ethics suggests things that we *should* do. Clark asserts that our role as detached observers has created a problem, reflected in distrust by the public. He suggests that “the media needs to be more like the people.

Journalists need to be more like the people.” In other words, there are occasions – particularly in developing democracies such as South Africa’s – where journalists perhaps need to step across the traditional line of journalistic independence, and move from being simply observers and reporters to a role more aligned to that of convenors and builders. *Miami Herald* executive director Doug Clifton⁴, describes it thus: “The newspaper that practices public journalism should be able to provide help related to problems of public education, health care delivery, and criminal justice, not by dictating a solution, but by facilitating broad, purposeful discourse on the issue, by celebrating victories, by diagnostically noting failures, by encouraging citizens’ involvement, by outlining and assessing available courses of action.”

This clearly ties into Stein’s (2002) belief that a media advocacy approach in South Africa should be seen as increasing the capacity of groups or societies to act in a manner conducive to their goals.” Media advocacy is therefore part of an overall plan for achieving social change. In this regard, social change is construed as the promotion and protection of human rights and fundamental freedoms, including the right to the highest attainable standards of physical and mental health.” (Stein, 2002:4).

Fuller (1996:228) argues that because newspapers “grow out of the soil of community...they should capitalise upon this communal element as they attempt to harness the power of the interactive medium. The fragmentation of society makes people uncomfortable. They need to have new ways of finding one another and connecting. They need something to build conversations on. That is what the common, traditional newspaper has always provided.” He emphasises the human element inherent in the media, reinforcing Clark’s concept of journalists needing to be more sensitive to the people they serve, and asserts that whether delivered on paper or electronically, “the newspaper must have human editors. It must continue to embody the complexities of human

personality, to demonstrate judgement and character, to have a distinctive voice that relates well to the community it serves." (Ibid: 229).

It is this "problem-solving focus" that the present study argues is necessary for ethical journalism. "Public journalism is not a settled doctrine or a strict code of conduct, but an unfolding philosophy about the place of the journalist in public life." (Rosen and Merritt, 1994⁵). This thesis argues that South African journalists need to reassess attitudes and traditional concepts that no longer serve either them or their communities well, and that an advocacy approach, as combining watch-dog and nation-building roles, when considered carefully and applied ethically, can improve both the quality of life in communities, and the public capacity to solve problems. This by no means entails abandoning such traditional journalistic virtues as good judgement, fairness, balance, accuracy and truth telling. But it does mean employing those virtues "on the field of play, not from the far-removed press box, not as a contestant, but as a fair-minded participant, whose presence is necessary in order for outcomes to be determined fairly." (Ibid). In other words, a South African journalist would view an issue, such as public safety, not merely as an opportunity to report what is happening and how many people have died in the past week, but as an obligation to promote the discourse that leads to solutions – to act as a conscientious citizen would act.

Steele (1996) argues that when a journalist is moving, for example, from detached observer to agenda setter, or from independent reporter to community convenor, it is in the ethical principles as explained in Chapter One that clarity is found.

Journalistic independence is a guiding principle, at the heart of our role as truth seekers and truth tellers. This guiding principle serves as a moral compass to tell us where "true north" is, where to find the polar star. The guiding principle of journalistic independence also serves as a moral gyroscope to tell us where equilibrium is found, where we find some balance, a level point in an environment where we are constantly buffeted

by the winds of competition, the pressures of deadlines, the forces of business decisions, the countervailing influences of our own self interest and of peer pressure. The principle of independence guides us as to our role in society, clarifying our responsibilities to our customers, to the general public, and to our communities.

It is necessary here to remember Ettema and Glasser's (1998:189) three accomplishments of investigative reporting:

- **Publicity** – bringing to public attention serious instances of systematic breakdown and institutional disorder that have been mostly unnoticed or intentionally concealed.
- **Accountability** – demanding an account of the situation from those who are responsible.
- **Solidarity** – establishing an empathetic link between those who have suffered in the situation and the rest of us.

Of these three ideals, in terms of traditional journalist practice, the latter may seem the most alien. However, at the current time in both South Africa and internationally, this value may also be the most urgent, as it entails writing stories that remind humans of their shared vulnerability to suffering and injustice, and thereby enhance our tolerance for differences of politics, race, religion and so on. "But more than that, the very best investigative reporting can help us envision forms of journalism that not only accept such differences but more fully and effectively confront them in an attempt to establish common ground." (Ibid: 200).

Ettema and Glasser (1998:201) argue for solidarity as a regulative ideal, a standard of performance intended to guide journalists by insisting on insight into others as a goal of good reporting. At the same time, they realise that such an understanding of solidarity poses a challenge for journalists that is commensurate with the needs of a culturally plural society like the United States or South Africa, and a global order in which nations and national identities compete for recognition, legitimacy and authority. It is not supposed that either

journalists or the corporate executives who pay them will, however, easily accept solidarity as the key to a set of values that can transcend “objectivity”. It is a new concept for journalists, with none of the easy routines of objectivity. “And for media managers, objectivity has long been the basis of news as a commercial product, whereas solidarity and the other values are of uncertain economic advantage.” (Ibid).

This thesis ends with the words of David Bowman⁶, former editor in chief of the *Sydney Morning Herald* in a country with the most concentrated media ownership in the world.

What is deeply ironic is that, having thrown off one yoke, the press should now be falling under another, in the form of a tiny and ever-contracting bank of businessmen-proprietors. Instead of developing as a diverse social institution, serving the needs of a democratic society, the press, and now the media, have become or are becoming the property of the few, aided by brilliant technology, governed by whatever social, political and cultural values the few think tolerable. Looking at the thing historically, you could say that what we are facing now is the second great battle for a freedom we can no longer afford to take for granted.

Thus the argument of this thesis – the mapping of an ethics that creatively seeks to guide journalists into both binding people together, and exposing what is wrong between them, in order that they may participate in the crafting of a new moral order – has never been more vital.

¹ Quoted in the Glasgow University Media Group’s *War and Peace*, p. 177.

² Quoted in Russell, 1994, p. 195.

³ Clark, quoted in Steele, “The Ethics of Civic Journalism: Independence as the Guide.”

⁴ Clifton, quoted in Steele, “The Ethics of Civic Journalism: Independence as the Guide.”

⁵ Rosen and Merrit, quoted in Steele, “The Ethics of Civic Journalism: Independence as the Guide.”

⁶ Bowman, as quoted in Pilger, 1998, p. 75.

APPENDIX A

11/19 09:23 HANNA STUFF VER-00 BY-HAN PAGE- PUB-11/18

Please hold for Vio Hanna

Captions

1

South African Defence Force members from the Regiment Northern Natal began using horses to patrol the Ndwedwe area — where ongoing political violence has left at least seven people dead in recent weeks — for the first time yesterday.

2

The exit where the shotgun bullet came through Mr Philip Kuzwayo's door.

3

Bhekokwakhe Majola, the dead woman's husband, at the scene of the killing.

Pictures by Peter Duffy

Nicola Cunningham-Brown
Political Reporter

A WOMAN was shot and killed and a man seriously injured by the KwaZulu Police at Ndwedwe near Verulam yesterday morning — and the African National Congress has accused them of acting in the interests of Inkatha in the area.

Eyewitnesses told The Daily News that four KwaZulu Policemen had come to the house of Mr Philip Kuzwayo early yesterday morning.

The policemen allegedly said they were hunting for some youths in the area and left the house.

They returned about half an hour later, stormed into Mrs Isabelle Ngcobo's outside room and shot her in the back of the head, according to eyewitnesses. She was killed instantly.

One policeman then allegedly called Mr Kuzwayo, who came to the kitchen window. An eyewitness said he ducked behind the kitchen door when he saw who was outside, and the policeman shot him through the door with a shotgun.

Half his face was blown away and he is fighting for his life in Osindisweni Hospital.

Eyewitnesses said the KwaZulu policemen left without saying a word.

The South African Police were on the scene within minutes and an SAP spokesman said they were investigating the incident.

Meanwhile, in a separate incident on Thursday night the KZP inadvertently teargassed the South African Defence Force, according to an SADF spokesman.

He said there was a lack of communication between the KZP and the SADF in the area. The KZP also inadvertently fired two shots at the SADF yesterday morning, he said.

Now that the State of Emergency has been lifted in Natal, the SADF are in Natal's black townships to support both the SAP and the KZP and cannot act without prior instructions from the police.

An ANC spokesman in the area said that the incidents yesterday were part of the ongoing violence in the area between Inkatha and the ANC.

He accused the KZP of being partisan and of acting in the interests of Inkatha "to try and scare all the neutral and ANC people out of the area".

The Daily News was not able to contact an Inkatha spokesman for the area.

APPENDIX B



UNITED patrol: a member of the Regiment Northern Natal puts his horse through its paces in the Ndwedwe area.

Pictures by Peter Duffy

Political Reporter

UNITED troops yesterday patrolled the Ndwedwe area, near Verulam, where political violence has left at least seven dead in recent weeks. For the first time, members of the Regiment Northern Natal began using their horses to patrol the area after a man was shot and killed and a man seriously injured. Eyewitnesses said four men were responsible for the killings. They said the incident a group of men had taken to the house of Mr Philip Kuzwayo early yesterday morning. The men allegedly said they were looking for some youths in the area, then left. They returned about half an hour

Troops move in to quell violence in the Ndwedwe area

later, stormed into Mrs Isabelle Ngcobo's outside room and shot her in the back of the head, according to the eyewitnesses. She was killed instantly.

One man then allegedly called Mr Kuzwayo, who went to the kitchen window.

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He accused the KZP of being partisan and of acting in the interests of Inkatha "to try and scare all the neutral and ANC people out of the area".

No Inkatha spokesmen in the area were available for comment.

Captain Coert Marais, police public relations officer for Natal, said the SAP Special Investigation Unit were investigating allegations that the KwaZulu Police were involved in the killings.



okwakhe Majola, the dead woman's husband, at the scene of the killing.



SHOW of force: the troops gather on a country road in the troubled area.

~~M. Moore Editor Fy1~~① Mrs C-brown
Fy1

26 April 1990

FAX TO: News Editor
Daily News

FAX NO: 304 5630

University of Natal

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(please file)PRESS COVERAGE OF NATAL VIOLENCE

This press release is based upon research done by the Contemporary Cultural Studies Unit, University of Natal.

If more information is required, please phone Eric Louw (031) 816 2505.

Sincerely,

P Eric Louw
Acting Director

With thanks. Pse spike. I do
not want to use any story abt
this set of opinions.

The University of Natal rejects apartheid.
It is an equal opportunities,
affirmative action University.

27/4/90

APPENDIX D

1. Tutu's message of hope for 2004
2. Swazis seek miracle cures as Aids hits hard
3. Powell outlines US's New Year's resolutions
4. New lead aids search for missing Dutch woman
5. ANC heavyweights set their sights on KZN
6. Dusi 'batch auction' goes to good cause
7. Botched circumcisions get the chop

8. Aids orphanage sues state over school access
9. No mercy for tourist robbers
10. Blair meets Sir Bob over African development
11. 'Our children deserve to go to school'
12. Drive on poverty tops ANC election campaign
13. 'SA varsities sitting on Aids time bomb'
14. Drive to end poverty tops ANC poll campaign
15. Will love dramas be Kibaki's downfall?
16. 'A shack today, a house tomorrow'
17. Swazi king needs funds for 11 new palaces
18. 'ANC makes promises it can't deliver on'
19. Mbeki battles to catch his breath
20. Teen accused in TAC woman's deadly gang-rape
21. Mbeki recovering well after health scare
22. 'Show some love and mercy to Aids victims'
23. Let's get sordid Hefer over with, says DA
24. Activist Achmat honoured for his Aids crusade
25. New palaces on the cards despite cash crunch
26. Tax breaks for medical fees to be scrapped
27. SA needs decent health centres, says TAC
28. Bill Clinton gives up junk food
29. Changing the economics of HIV and Aids
30. SA flower power might be able to beat TB

31. Aids patient gets lost in the system
32. Museum aims to document effects of Aids
33. Drug prices to be slashed
34. Unhealthy medical aid hikes shocks client
35. SABC joins UN Aids education campaign
36. Ebola may come from 'bush meat' - study
37. 'Cheap drugs are not stopping malaria'
38. New drug plan may shut down manufacturers
39. Ex-pinup supplies 3 litres of milk a day
40. West tries to cool Ethiopia-Eritrea row
41. Schroeder's African safari to stress reform
42. IFP supporters want guidance from Buthelezi
43. Stepmom to face charges over HIV injection
44. Buthelezi warns of one-party state in SA
45. SA judge held over rape in India
46. Shockwaves after Desai rape allegations
47. Woman tells of 'kissing' before alleged rape
48. Statistics row inflames new Aids debate
49. 'Plot to sink Judge Desai'
50. Desai drama takes centre stage in Mumbai

51. Isaacs gearing up for the long trip home
52. Winnie takes a moment to speak with Desai
53. Blood, cuts and Aids in SA's army
54. Long wait for !Xun and !Khwe homecoming ends
55. Police find 28 HIV-positive men at gay orgy
56. Soap operas save lives - really!
57. Did gay orgy men deliberately spread HIV?
58. Human rights foundation to aid in Mumbai case
59. 'Poverty is more important than terrorism'
60. Riddles abound in Desai case
61. US volunteers hoping to help rural families
62. Isaacs withdraws rape charge against Desai
63. Lawyer working around the clock to free Desai
64. Winnie noted for her support in Desai drama
65. Friend swears Isaacs spoke of blackmail
66. We breathe again, Desai says after retraction
67. DA: Replace sport ministry with one for Aids
68. Withdrawal of Desai rape charge still unclear
69. Judge admitted to having sex - Indian cops
70. Red tape keeps Desai on hold in Mumbai
71. Desai homeward bound
72. Rape, she cried, before 'reflecting'
73. Judge Desai's Indian jail hell
74. Vote is key in Aids battle, mourners told
75. Goma lives in fear of volcano's next eruption

76. Students taught how to play the game safely
77. Judge Desai returns home
78. ANC needs to be democratised: TAC
79. Quiet time for Desai after Mumbai ordeal
80. Zulu king calls for compensation from Britain
81. Aids battle is running out of cash
82. Isaacs couple caught up in bitter family feud
83. SA's high Aids toll fuels new invention
84. Top legal minds debating Desai's future
85. Local firms set to produce anti-Aids drug
86. Manto probes merits of new medical aid system

87. Should Desai resign? Experts have their say
88. Leave Desai in peace now, urges Chaskalson
89. Dionne Warwick honoured for her Aids work
90. Should transmitting Aids be a crime?
91. Medical aid subsidy 'favours rich over poor'
92. US to give Zambia \$66m to fight Aids - envoy
93. S Leone's state officials to take Aids tests
94. Boy may lose RAF claim because of Aids stats
95. TAC fears radical cuts in 2004 Aids budget
96. 'Let justice take its course in Desai case'
97. Make the right choice, Aids group tells teens
98. Trade talks the focus of Brazzaville summit
99. Visiting Mars - now that's an adventure
100. Proposed HIV law trashed as 'rubbish'
101. A herb a day will keep the doctor away
102. Bush under fire over global Aids funding
103. Honeymoon over as Ugandan groom arrested
104. Worst drought in a decade threatens millions

105. Proof that Isaacs lied
106. War crimes court to probe Ugandan rebels
107. SA, Angola sign health agreement
108. Get to work - even if no pay is involved
109. U-turn on Aids rape drugs
110. Proposed HIV law shot down
111. War zone abductions on the rise, warns UN
112. We want more jobs - and less crime
113. 'HIV cases overwhelm our state hospitals'
114. 'It's time for Mark Isaacs to face the music'
115. Holomisa launches UDM manifesto in Durban
116. Buthelezi calls for stronger focus on Aids
117. Holomisa calls for free education
118. Sex may surpass drugs in Aids spread in China
119. 'Companies aren't responding enough to Aids'
-
120. IOL and the flat man
121. Swazi Aids orphans get an education lifeline
122. Desai on special leave pending trial outcome
123. 'Sex-and-sun holidays a major health risk'
124. Activists blast Vatican's stance on condoms
125. 'Business sector is not responding to Aids'
126. Kenyan man charged over grandson's killing
127. Leon offers advice to Mbeki
128. IEC creating opportunity for fraud - ACDP
129. Mbeki's address expected to be celebratory
130. Church sex: Catholic bishops approve plan
131. The march will go on, say defiant doctors
132. Robbers allegedly inject woman with HIV
133. Sex, not needles, fuels Africa's Aids crisis
134. Mbeki pours water over opposition fears
135. Mbeki: SA is stable but challenges remain
136. Mbeki slams soothsayers of doom
137. Zambia to make own anti-Aids drugs
138. Less poverty, more jobs, pledges Mbeki
139. DA targets Aids and crime as its main issues
140. Leaders to meet in Rwanda for Nepad summit
141. Mixed reactions greet Mbeki's address
142. Buthelezi calls for absolute majority in KZN
143. Gloves off at DA election launch
144. Petrified child relives rape in court
145. Breast is best... and that's the law, mom
146. Mbeki: Why is there so much emphasis on Aids?
147. PAC makes pantheon of lofty promises
148. Elders tell HIV man to have sex with virgin
149. Muluzi set to unveil Malawi's Aids plan
150. Manto punts 'eccentric' Aids plan once more
151. Countdown to the general elections has begun
152. Government to invite tenders for Aids drugs
153. Lusty Brazilians the focus of condom campaign
154. Breast is best... so say draft regulations
155. Manto's diet now includes beetroot and lemons
156. Manto does a U-turn on Aids drug plan
157. Cape's libraries and clinics may get the chop
158. Nevirapine treatment has drawbacks - study
159. 'Rape is an unfortunate reality in our jails'

- 160. Muluzi urges Malawians to end Aids silence
- 161. Nevirapine poses risk for moms - study
- 162. Healthcare needn't cost an arm and a leg
- 163. Mbeki making a mockery of Aids, says Achmat
- 164. Hug from Madiba makes Desai smile
- 165. Religion and politics threaten polio campaign

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