

Media Ethics Exam (June 2007)

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“Freedom of the press is to be guarded as an inalienable right of people in a free society. It carries with it the freedom and responsibility to discuss, question and challenge the utterances of our government and or our public and private institutions.”

- H. Eugene Goodwin in *Groping for Ethics in Journalism* p. 368 (1987)

The South African Government’s decision (in 2002) to amend the Broadcasting Bill was met with much disapproval by many in the media. It was argued that this step defeated one of the key objectives of the bill, to ensure that the public broadcaster, the SABC, would remain independent from the government. In trying to reduce the SABC to the status of “government mouthpiece” and so doing argueably losing credibility in the eyes of the public, the government was severely criticized by many media monitors. The government, however, argued that it was exercising its mandate in terms of its responsibility towards the public to ensure a fair and responsible media environment and redress the imbalances created by colonialism and apartheid.

This debate leads to important questions on the role of the media in society: What duties are the South African media, and especially the SABC, expected to perform, and what normative theories do these duties fall under?

The Broadcasting Amendment Bill of 2002 proposed the cancellation of a clause (6.2) protecting the South African Broadcasting Corporation (SABC) "in pursuit of its objectives and in exercise of its powers [to] enjoy freedom of expression and journalistic, creative and programming independence”.

Critics of the clause feared the worst and saw it as a way for South Africa’s ruling party, the African National Congress (ANC), to gain direct control over the public broadcaster. Furthermore, many journalists and editors felt that this would compromise their unspoken contract with the public in undertaking to bring them news which is as objective as possible.

Looking at ethical codes of various South African media groups, it is clear that independence of the media from the government is considered to be of paramount importance while striving to promote freedom of the press. The ethical code of the (now defunct) South African Union of Journalists (SAUJ) states that a journalist “shall at all times defend the principal of freedom of the press and other media in relation to the collection of information and the expression of comment and criticism” (Retief, 2002: 240). The ethical code of the South African National Editors Forum (SANEF) states that one of its objectives is to “defend media freedom through all available institutions” (Retief, 2002: 240). The Freedom of Expression Institute (FXI) strives to “fight for and defend the freedom of expression” and with this comes the objective to “oppose any limitations imposed on the freedoms aforementioned, be they at the instance of the state or civil society” (Retief, 2002:241). It is thus very clear that these organisations/institutes are opposed to any form of government interference in what they publish or broadcast. But what principles in terms of normative theory do these organisations wish to uphold in South Africa, and what are the implications thereof?

In Krüger (2004:4) Berger's four "distinct species" of democratic journalism are identified. Firstly, there is the liberal view of journalism which calls journalists to hold the powerful accountable for their actions and side with the so-called underdog. Secondly, there is the social democratic view where journalists take on a pedagogic role and inform the public. Thirdly, there is the neoliberal view where journalists are dedicated to providing a number of views and emphasise the importance of public debate. This links to Jürgen Habermas' idea of the media as a public space (Krüger, 2004:4). Lastly, the participative approach is a "hands-on" approach which supposes maximum public involvement in the making of public policy. To a certain extent, the South African media occupies all of these roles, but some more strongly than others. Perhaps the most prominent role adopted is the liberal view of journalism.

Within this view, public interest is emphasised. If something is deemed to be in the public's interest, then it is published. Mathatha Tsedu, chairperson of the South African National Editors' Forum (SANEF), said in 2002 that the media (and particularly news media) should "be operating on behalf of the poorer groups in society instead of looking for "sexy headlines that will sell in the green, leafy suburbs". Arguably, the issue of who buys the most newspapers can be thrown into the debate at this point, but it would entail a whole new argument on the political economy of the media.

The fact remains, there seems to be agreement in the South African media that the public interest should (also) be served, and without the SABC's protection from government scrutiny, there was a good chance of this being jeopardized. Although the government maintained that the purpose of the amendment was the promotion of "accurate, accountable and fair reporting by the corporation to advance the national and public interest of the Republic" (Dr Ivy Matsepe-Casaburri in Bloom in Mail and Guardian, 2002), concerns arise as to what would happen if national interests clashed with public interest. Raising another topic of concern regarding the concept of national and public interest, Jane Duncan of the Freedom of Expression Institute (FXI) said that "the national interest is all too often the state interest dressed up as a more enduring and legitimate version of the public interest" (Bloom in Mail and Guardian, 2002).

Siebert, Petersen and Schramm's Libertarian press theory emphasizes the uncensored access of knowledge to the public. Oosthuizen (2002:40-41) writes that among other things, this media theory upholds the role of the media as a watchdog with respect to the government's conduct. Furthermore, it supports the idea that "editorial attacks on governments or political parties are acceptable, since the news media is expected to be the public's watchdog" (Oosthuizen, 2002: 40). The proposed amendment did not support this sentiment. Cancelling the SABC's protection clause could disable it from seriously criticising the government (if the criticism was not seen to "further the interests of the Republic"), perhaps even if it were to be in the public's interest.

Perhaps it is easier to understand the government's motivation for proposing the cancellation of the SABC's protection clause when viewed in terms of the development theory. According to Oosthuizen (2002: 44), this theory wants the media to play a role in building up developing societies and nations and also want to avoid the negative reporting about developing countries so often associated with the Western mass media. South Africa is a developing country and a fledgling democracy with many challenges and problems. To promote South Africa's progress and its success, the government wanted the SABC to emphasise its

strengths rather than focus on its weaknesses. Joel Netshitenze, head of the Government Communication and Information Service (GCIS), defended its decision to implement the amendment due to the fact the media's influence was great and because of this "there has to be some form of accountability" (Bloom in Mail and Guardian, 2002). This notion, however, clashed with the normative role of the media expressed in ethical codes of institutions like SANEF, SAUJ and the FXI.

Although it is completely understandable that the government would want to promote the positive aspects of the country, the truth (even if it is negative), cannot be hidden for the sake of patriotism. In keeping with Berger's "species of democratic journalism", it seems that government interference to promote the interests of "the Republic" is not altogether acceptable. The role of journalists as educators, in the social democratic view, sees journalists as taking the responsibility to inform the public and enlighten them. Would this not in some cases involve the disclosure of information which would potentially harm the government's image, but still be of great public interest and value? Similarly, the neo-liberalist view would perhaps also regard government intervention as problematic. Journalists undertake to provide the public with a pluralism of views, thus giving the public a number of different interpretations of situations. Giving only a favourable interpretation of the South African government does not allow plurality (in this sense) to prosper. Lastly, the participative approach emphasized the involvement of citizens in decisions made by government (these citizens should preferably not be elites). If the SABC is being submitted to a government "filter", then surely this is almost one of the furthest removed things to citizen participation in the media one could get? In the case of the amendment of the bill, the government, who are comprised of elites, reflect their interests upon the media. As said earlier, these interests, which are sometimes claimed as public interest, are in many cases, not definable in the same terms.

The ideas of Ubuntu and communitarianism in the media arise along with these considerations. Perhaps this can also be seen as an explanation for the government's decision to attempt to cancel the protection clause. According to Christians (2004, 249) "revitalised citizenship becomes the press' aim... the news is an agent of community revival". This presents a number of solutions, but also quandaries. The emphasis is on the community and what benefits them. It is on togetherness and finding your identity through who you are in the community. Government intervention in the public broadcaster would perhaps cause the distortion of perceptions and change the way people interpret their positions in communities. On the other hand, government's attempt to interfere with the SABC to try and ensure the upholding of a positive national image may uplift communities' self-worth and sense of belonging.

In a country with such a torrid past and diversity of cultures, it is very difficult to pinpoint one theory which will provide the perfect answer to whether or not government should "guide" the national broadcaster in its representation of news in South Africa. Although any form of government restrictions goes against the sensibilities of most liberally-minded people, other factors cause the decision to be somewhat more complicated than it appears to be.

In November 2002, after much deliberation, the controversial bill was approved by the National Council of Provinces in parliament (Sapa, 2002). The bill, which was revised since its first draft, no longer prescribed presidential control over the SABC. Icasa, the independent media regulator, was charged with the responsibility of ensuring that the SABC adheres to its

founding charter. The revision of the draft shows that the voices in the media industry are still heard, and more importantly – acted upon. One can only hope that their voices will remain audible and that government will value an independent media.

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