

The Recent Decline in Press Freedom in South Africa

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Abstract

Since the implementation of the 2008 Protection of the Information Bill and the 2010 proposed Media Appeals Tribunal, it is often argued that these two developments may affect the country's press freedom problematically. The research question of this paper is: how has press freedom in South Africa developed since 1994?

Firstly, two discourse analyses of presidential public speeches that refer to press freedom were carried out in order to gain an understanding of presidential discourse. Secondly, two content analyses of the *Mail & Guardian* were conducted where the articles that refer to press freedom were analysed to examine the way in which they cover this issue. The time periods for the content analyses match those of the discourse analyses so that the results of the comparisons can be compared safely. The content analyses show that journalistic rhetoric has changed while the political rhetoric seems to have remained the same.

As an alternative to the Media Appeals Tribunal, the author suggests the appointment of an independent regulatory body which will be able to solve issues between the two opposing discourses in an easy and fair manner, and the media can maintain its function as the 'fourth estate' while political figures can object to defamation.

I. Introduction

In 1994, apartheid was abolished and a democratic political system was established, thereby ending South Africa's long history of oppression and censorship. However, as countless articles and organisations point out, the battle for press freedom did not.

The recent implementation of the Protection of Information Bill of 2008 and the proposal for a Media Appeals Tribunal in 2010 have brought the issue of press freedom to the fore yet again. It has often been argued that due to these two governmental publications, press freedom in South Africa has decreased in recent years.

This paper aims to identify possible changes in press freedom in South Africa over the past five years (2007-2011). The present writer intends to detect whether the implementation of the Protection of Information Bill and the proposed Media Appeals Tribunal indeed (negatively) influenced press freedom in South Africa. This will be accomplished through two discourse analyses and content analyses, which will both compare 2007 and 2011.

Additionally, the ANC document entitled ‘Media Transformation, Ownership and Diversity’, which argues for a Media Appeals Tribunal, will be analysed in details in a separate section. This is important as this ANC document raised the most concern amongst both media professionals and the public.

Considering South Africa’s history of censorship during the apartheid era, this research topic is vitally important. The prospect of censorship or a reduction of press freedom in any way would be damaging to South African democracy. With regard to the recent developments, this research project is timely as it has often been argued that these two governmental measures are reason for concern as they may jeopardize press freedom in South Africa.

Nevertheless, as will be argued, the media have their own agenda when it comes to the representation of news. It is possible that this governmental publication has been misrepresented by the media. Arguably, the media will always aim to present such governmental measures negatively.

This paper aims to answer the main research question: how has press freedom developed in South Africa since 1994? In order to answer the research question, it is vital to create a theoretical framework, which will provide the boundaries research needs in order to be focussed. This theoretical framework is set out in the next section.

II. The Theoretical Framework

This section defines the theoretical framework. With regard to the Protection of Information Bill and the proposed Media Appeals Tribunal, two parties are involved: journalists and politicians. When it comes to the recent governmental measures, they are in disagreement. It is important to consider their individual interests in order to understand the reason for their disagreement, as well as the way they 'frame' their argument. The theory of 'framing' is a very important one considered in this paper.

Kuhn (2000), Brewer and Sigelman (2002), Strömbäck and Nord (2006) and Zachry (2010) focus on 'framing' with regard to political campaigns, but their ideas are generally applicable. As argued by these scholars, there is a difficult relationship between journalists and their sources, which Strömbäck and Nord (2006) compare to a dance, "for sources seek access to journalists, and journalists seek access to sources" (Strömbäck & Nord, 2006, p. 148).

However, both journalists and politicians have the power to select which issues they want to emphasize. Subsequently, these issues are interpreted by both, which is defined as 'framing'. Both journalists and politicians can choose to emphasize or disregard certain issues, as well as decide to put them in a negative or positive light.

It has also been argued that politicians often spin their (political) ideas and projects as part of their tactic to, firstly, remain in power and, secondly, enable themselves to continue to follow through their ideas under (a manipulated) consent of citizens. This alleged manipulation of the truth often takes place through the media. That is, politicians provide journalists with carefully calculated versions of the truth. As journalists value politicians as official sources, these ideas flow through into the media, where citizens are exposed to them. However, the audience often demands something different and political journalists have to try to juggle the two.

Strömbäck and Nord (2006, p. 161) argue that most of the time, it is the journalists and not the politicians that "lead the tango." The scholars conclude by saying that "[o]n the dance floor, the political actors are doing what they can to invite the journalists to dance, but ultimately, it is the journalists who choose who they are going to dance with" (Strömbäck & Nord, 2006, p. 161).

Firstly, the rhetoric of politicians should be examined while, secondly, the journalistic discourse should be analysed. In order to examine the rhetoric of politicians, a discourse analysis of presidential speeches that refer to the issue of press freedom can be very helpful. By analysing the *Mail & Guardian* articles, the rhetoric of journalists can also be examined. In the comparison of the political rhetoric versus the journalistic rhetoric, conclusions can also be drawn with regard to Strömbäck and Nord's claim that mostly, the journalists "lead the tango" (Strömbäck & Nord, 2006, p. 161).

III. History of the Topic

In order to study the current state of press freedom in South Africa, it is important to first study its history. The importance of preserving press freedom in South Africa can be emphasized by describing the regrettable history during which press freedom was non-existent, as well as the long struggle towards the current state of affairs.

From colonialism through to the regime of apartheid, South Africa has a long history of oppression and censorship. As David Wigston (quoted in Fourie, 2007, p. 28) points out, "[l]ocally produced newspapers did not appear in South Africa until a century and a half after the occupation of the Cape by van Riebeeck in 1652, simply because the Dutch East India Company ... perceived the press as potentially revolutionary instrument." Once the first non-government newspaper, *The South African Commercial Advertiser*, was published in 1824, the "twenty-two year monopoly of the government press" was broken (Fourie, 2007, p. 29). However, the governor of the Cape Colony, Lord Charles Somerset, soon closed it down as he feared "reports of his spurious activities" (Fourie, 2007, p. 29).

Following these forms of oppression and censorship during the years of colonialism, self-censorship was implemented during apartheid. This was forced through by the nationalist government upon all media institutions in South Africa. The government took every measure to "control the flow of information in order to sustain the

apartheid system" (Fourie, 2007, p. 45), by means of the "numerous laws and regulations which muzzle or inhibit the South African press" (Hepple, 1974, p. 61).

In 1978, the South African press disclosed that the Department of Information had secretly begun a campaign to influence public opinion on a global scale with the aim to "sell apartheid to the world" (Hachten & Griffard, 1984, p. 230). This led to "the introduction of legislation which required newspapers to seek permission from the Advocate General before they could expose corruption in state administration" (Fourie, 2007, p. 45). However, the reaction that it brought led to an amendment of the legislation (Fourie, 2007, p. 45).

In 1994, apartheid was finally abolished and replaced with democracy. The new political system also allowed for a free press, which is protected by the 1996 South African Constitution, section 16: Freedom of Expression. Considering the nation's long struggle for press freedom and the fact that it is a fundamental component of a democratic society, it should be noted that it is vitally important that press freedom in South Africa should be maintained now that it has finally been realized.

When the ANC proposed the Media Appeals Tribunal in 2010, several protests and campaigns were mounted by organisations such as the Avaaz and the Right2Know Campaign. Both the Media Appeals Tribunal of 2010 and the Protection of Information Bill of 2008 have been criticized for being (allegedly) unconstitutional. Opponents often refer to section 32 of the Constitution, which states that "every person has the right of access to all information held by the state or any of its organs in any sphere of government in so far as that information is required for the exercise or protection of any of their rights" (Constitution of the Republic of South Africa, 1996).

While the ANC's document is criticized for going against the Constitution, a similar argument is made in the document itself, as it is stated that the "media faces the danger of consigning itself to social irrelevance if it ignores the national mission as contained in our Constitution" (ANC Today, 2010, p. 9).

In order to be able to define whether the ANC's proposed Media Appeals Tribunal would be harmful to the country's press freedom, the next section provides an analysis of the document.

IV. Analysis of ANC's Proposal for a Media Appeals Tribunal¹

In 2010, South Africa's leading party – the ANC – proposed a Media Appeals Tribunal in a document named 'Media transformation, ownership and diversity' (2010). This Media Appeals Tribunal would have to regulate the media instead of the current press ombudsman. The proposal received a lot of criticism. For the purpose of this paper, a thorough analysis of the original document – which covers the proposal to its full extent – will be made in order to verify or falsify these criticisms.

In their document, the ANC state that they expect to receive criticism for it, but this is treated as unworthy of consideration as the ANC claims the media tends to dismiss "any criticism of the media as an attack on press freedom" (ANC, 2010, p. 8). In other words, the ANC believes that the media refuse to consider any critical assessment of the media itself, by immediately accusing any governmental criticism of an attempt to restrict press freedom. This is a valid point but it does not mean, however, that the ANC's proposal should necessarily be regarded as a welcome change to the South African media landscape. It is still imperative to analyse the ANC's proposal in depth, as such an analysis of the proposal should be able to determine whether the implementation of the Media Appeals Tribunal would be detrimental to press freedom or not.

In the document, the media are furthermore criticized for placing their own interests above the interests of the South African public (ANC, 2010, p. 1). As is correctly argued, the media "cannot claim that its role is merely to reflect interests – rather it helps to shape those interests" (ANC, 2010, p. 8). This point of view is one that the author actively supports in this paper. However, at the same time, the present writer

¹ 'Media transformation, ownership and diversity' (2010) covers a range of issues concerning all different media forms and issues. However, for the purpose of the research project, this analysis will only cover those sections that relate to print media and, specifically, to the proposed Media Appeals Tribunal.

argues that politicians function in a similar manner. They too do not simply reflect interests, but instead try to shape those interests. In other words, the journalistic and political rhetoric both have a similar goal – to convince the public that their (contrasting) viewpoint is the correct one.

The ANC document refers to the country's history, drawing on the historical memory of its citizens (ANC, 2010, p. 8). This is remarkable and particularly significant as it relates to the political rhetoric found in the presidential speeches of Mbeki and Zuma. Besides drawing on historical memory, this reference to South Africa's past again paves the way for the proposed implementation of a Media Appeals Tribunal. In other words, by drawing on past issues, the ANC seems to want to justify the need for this measure in South African society. It is implied in the document that a failure to do so could result in a regression in the nation's transformation.

The ANC confirms that "media freedom as enshrined in the Constitution of South Africa should be enjoyed by all citizens, including media practitioners" (ANC, 2010, p. 10). Yet at the same time, they stress that "rights go hand in hand with responsibility hence the need for a balanced, independent mechanism to adjudicate complaints between the media and society" (ANC, 2010, p. 11). Thus, according to the ANC, "[t]he question of 'self-regulation' by the media and the necessity for an independent 'media tribunal' is a matter that should be brought back onto the agenda" (ANC, 2010, p. 11).

The ANC proposes the creation of a Media Appeals Tribunal which would make the media accountable in a structured and checked manner. That is by, firstly, requiring journalists to give an account of their actions and, secondly, by being "liable to sanction if found to have acted in breach of some requirement or expectation" (ANC, 2010, p. 12). While the ANC document addresses many different issues and suggests many different solutions, it is the two ideas of media accountability that received the most criticism.

The ANC confirms that the public "needs media to critique public policies and their implementation, but do so in a manner that adds value to the national endeavour"

(ANC, 2010, p. 11). This aspiration raises a question regarding the media's role as the 'fourth estate' as journalists regularly expose governmental corruption. How would the media be able to continue their role as the 'watchdog' of society exposing wrongdoings of politicians if they must, at the same time, try to 'add value to the national endeavour'?

One of the main criticisms of the Media Appeals Tribunal expressed by media professionals and members of the public is that it is aimed to prevent journalists from exposing politicians' misconducts. It is argued that the setting up of a Media Appeals Tribunal will give corrupt and dishonest politicians a 'green card' to take part in any transgressions without being held accountable.

In conclusion, the present writer agrees with the concerns of those opposed to the Media Appeals Tribunal. The ANC's suggestion to make media professionals accountable so that they would be required to give an account of their action, as well as possibly being subjected to sanctions, would significantly curb press freedom in South Africa. However, at the same time, it should be emphasized that the ANC addresses many valid concerns in 'Media transformation, ownership and diversity' (2010).

The next section provides the research results of the discourse and content analyses.

V. Research Results

This section presents the research results. Firstly, it surveys the results of the discourse analyses and, secondly, the results of the content analyses.

A. Discourse Analyses²

1. The First Research Period: May 18 to September 18, 2007

The then President, Thabo Mbeki, delivered twenty-one speeches between May 18 and September 18, 2007. Only one of Thabo Mbeki's speeches relates to press freedom and is thus relevant to this paper. Because there is only one speech relating to press freedom within the research period, this speech is analysed thoroughly by means of a detailed discourse analysis.

Presidential Speech Delivered by the then President Thabo Mbeki

President Mbeki's opening address is 2121 words long. The tone of his speech is positive, as well as optimistic for the future. The speech was delivered before the Protection of Information Bill was implemented and before the ANC had proposed a Media Appeals Tribunal. Yet while some incidents may already have foreshadowed the current changes in the press freedom climate, the then President Mbeki makes it sound as if nothing will ever be able to stand in the way of the democracy and freedom.

Mbeki cites an article that was published in a 1996 *Cape Times* publication. While the article was published two years after the abolition of apartheid, it is nevertheless

² The discourse analyses have been carried out to analyse the *political* rhetoric regarding press freedom. For the purpose of this research project, only the speeches delivered by the then President, Thabo Mbeki, within the research period of 18 May to 18 September 2007, and those delivered by current President, Jacob Zuma, within the research period of the same dates five years later, in 2011, will be examined.

The author has chosen to analyse the presidential speeches according to the number of speeches relating to press freedom, their length, tone (positive/negative, optimistic/pessimistic), voices (who is quoted?), and finally, the presence or absence of political democracy (Is there a diversity of ideas? Does the President provide the audience with a negotiated discourse?)

The content analyses will be examined with regard to mainly the same assessments, thereby enabling to compare the analyses of the *political* and *journalistic* rhetoric in the most accurate manner.

remarkably positive about the developments of the time. By quoting this positive article written almost eleven years before, Mbeki attempts to ignore the hindsight of the circumstances that are apparent today (and were undoubtedly already visible in 2007).

Thus, in Mbeki's speech there is little (or no) evidence of political democracy. In other words, the then President fails to present a diversity of ideas. Instead, his rhetoric is limited to a 'negotiated discourse'. That is, President Mbeki's uses general ideas and images that everybody would agree on. In this way, his audience will be 'fooled' into believing they agree with the government, yet even the politician's greatest opponent would not be able to argue against such a generality. Furthermore, Mbeki draws on the historical memory of the abolition of a terrible regime. It can be said that he wanted to bring his audience back to a state of nostalgia, remembering 'that great time' when South Africa was reborn as a democracy.

Next, the then President notes a few challenges that have since been overcome, such as "reconciliation and reconstruction", a growing "sense of national cohesion" juxtaposed with South Africa's history of "more than three hundred years of racism and racial division." This juxtaposition of a 'positive present' with a 'negative past' reinforces the idea that politicians are doing a good job in ruling the country – an idea the country's President obviously wants to emphasize.

While Mbeki admits that South Africa has not yet been able to eradicate its legacy of colonialism and apartheid, by calling it a "350-year legacy" the hidden message is planted. How can South Africans expect the nation to be perfect when only thirteen years have passed since the end of this "350-year legacy"?

In his speech, Mbeki is not specific about possible counterarguments, referring to them merely as "[w]hatever genuine concerns there may be." Moreover, the presidential speaker waives these concerns, assuring his audience that the government "shall always weigh actions proposed to contain such forces against the guarantees of free expression as entrenched in [South Africa's] Constitution."

Interestingly, Mbeki refers to the possibility that there is "the necessary chasm between the media and government," stating that this "debate must proceed in openness and honesty." Even more remarkable is Mbeki's mention of other African countries where a "tussle between media freedom and governance" exists. He states that the fact that there are African countries where journalists are in prison is "worrying for all." This is especially significant as the Protection of Information Bill allows for just that – to imprison journalists if they protect their sources or publish confidential government information.

Nevertheless, Mbeki seems to be open in talking about the "problem of media freedom around the continent" seeing it as "an important one". He admits that "[t]his kind of dialogue is new," but is positive about it, stating that it "holds the hope for breaking new grounds in extending freedoms and understanding between political leaders and leaders of our media community."

The next sections of Mbeki's speech refer to topics that are not significant for the purpose of this paper.

2. The Second Research Period: May 18 to September 18, 2011

Between May 18 and September 18, 2011, President Jacob Zuma delivered forty-one speeches. Only one of these speeches relates to press freedom and is, thus, relevant to this paper. Hence, it is analysed by means of a detailed discourse analysis.

Presidential Speech Delivered by the Current President Jacob Zuma

President Zuma's opening address is 1586 words long. The tone of his speech is positive. Like Mbeki, Zuma is optimistic about the future. The President does not refer to other voices in his speech, beside himself and other political leaders. Thus, it can be said that there is no evidence of the presence of political democracy.

Zuma does not present a diversity of ideas. Instead, the President makes use of a negotiated discourse. That is, in his speech, Zuma stresses that everyone, - "government, society and the media industry - have (sic.) a responsibility to develop a free and independent media in [South Africa]," and that the aim is "towards a media that is truly free of political, commercial, factional and other interests." He hereby

resorts to general ideas that everybody can agree on, while failing to discuss specific issues that have been a problem in the past and present. President Zuma fails to refer to the challenges that have come with the struggle for press freedom. Similarly, Zuma does not comment on the issue of maintaining press freedom in South Africa.

Zuma admits that the media is important for the government, as a "communication tool ... in addition to direct contact with the public." Secondly, he expresses that the media is important with regard to the "critical national task of nation building." Thirdly, he states that the media provide a "platform or mirror to project South African life and society." A fourth important aspect of the media, according to Zuma in his presidential speech, is its "influence [on] economic growth and development."

Thus, the beginning of the speech is mainly made up of specific aspects of the media that are regarded as positive. In the next section, the President draws on historical memory and – as will be argued – manipulates the feelings of nostalgia that are still present in South Africa today. That is, he states that "[w]e are fortunate in South Africa, in that due to the selfless and resilient struggle for liberation by our people to secure the rights we enjoy today, media freedom and freedom of expression, we have a progressive Constitution which enshrines amongst others, media and freedom of expression rights."

Subsequently, Jacob Zuma speaks directly about media freedom saying that the government is committed to media freedom "and promote[s] media freedom rights." In his presidential speech, Zuma states that he allows for dialogue and is "happy to entertain" the questions of those present. According to the President, "consultations of this kind are a vital part of the discourse necessary for the deepening of [South Africa's] democracy."

When it comes to injustice against the government as inflicted by the media, Zuma points out a specific issue, as is the case in the section of his speech where he talks about the Chief Justice's extension, saying that "[i]t was unfortunate that some sections of the media gave the impression that there was an infringement of the law, which we felt it misrepresented the facts in this case". By referring to this specific

misstep on the part of the media, but failing to refer to any specifics regarding the mistakes that the government has made, Zuma purposefully paints a brighter picture of his government. What is negative is conveniently neglected, whereas positive developments as well as negative incidents on the side of the media are extensively referred to.

Zuma's closing statement "We look forward to today's discussions and hope that we can anticipate future interactions of this kind to build understanding and partnership in building our country" is again on a positive note, emphasizing the government's willingness to work together as well as its invitation to dialogue, a vital part of democracy.

The fact that Zuma uses a lot of 'negotiated discourse' shows that his political rhetoric does not invite objection. In other words, the political rhetoric does not invite the dialogue they so fervently seem to defend and praise. They merely seem to want to manipulate the audience (South Africa's citizens) into believing that the government does what is in everybody's best interest and that there is no need to object. Everybody agrees on these things.

It is noteworthy that Zuma never acknowledges any counter-arguments regarding press freedom in South Africa today. This is striking as he is doubtless aware of the existence of many such as they have been raised in the media repeatedly. The next section – the content analysis – demonstrates this.

It is furthermore remarkable that the President fails to mention either the Protection of Information Bill or the Media Appeals Tribunal despite the fact that they had been causing an (inter)national outcry for several years at the time of the delivery of his speech.

3. Comparison of the Two Presidential Speeches³

³ The comparison of the length of the presidential speeches shows that Mbeki's speech (2121 words) is remarkably longer than Zuma's (1586 words). However, as the speeches were presented at different occasions, and the length is possibly also related to the amount of time the President was given to deliver his speech, the present writer found that conclusions regarding this difference in length can simply not be accurate. Too many different factors are at play that could explain why

In comparing the two presidential speeches, one notes the number of similarities between Mbeki's speech of 2007 and Zuma's speech delivered in 2011.

Both Presidents use a positive tone and are optimistic about the future. They both draw on the historical memory of the audience. It can be argued that they want to bring South Africans into a state of nostalgia. Mbeki does this by citing a 1996 *Cape Times* article, while Zuma refers directly to the "the selfless and resilient struggle for liberation."

They are also both guilty of using a 'negotiated discourse'. That is, they draw on facts that everybody would agree upon such as democracy and the country's constitution. By doing so, they attempt to unite the nation into believing that 'we all want the same thing.' Even the government's biggest opponent would not be able to argue against such generalities.

While Mbeki uses the *Cape Times* as a source, Zuma does not present any alternative voice but his own and that of the government. Moreover, while it can be claimed that Mbeki does present an alternative voice, it should be emphasized that the then President uses this source to get his own point across. In other words, Mbeki does not provide an alternative voice either. Rather, he uses a source to support his own message.

Both Presidents link positive ideas with the present, while this is juxtaposed with the negative events in South Africa's present. In doing so, the speakers create the idea that South Africa has moved forward, and progressed towards an improved society. However, they fail to discuss contemporary challenges. Neither President addresses specific issues that are a problem in the present society.

Mbeki's speech was longer than Zuma's. As there was only one speech relating to press freedom in each research period, it is, however, safe to say that the political rhetoric has not increased much despite the arguable increase on the political agenda since the implementation of the Protection of Information Bill of 2008 and the proposal for a Media Appeals Tribunal in 2010.

Mbeki quotes the 1996 *Cape Times* article, thereby ignoring issues that have arisen since that time. Zuma fails to mention either the Protection of Information Bill or the Media Appeals Tribunal even though they have both been addressed regularly in the media in the past few years.

This shows that despite the fact that both Mbeki and Zuma seem to be open to "debate" (Mbeki) and "discourse" (Zuma), the political rhetoric actually does not invite objection. In their speeches, they ignore contemporary issues. At the same time, while they claim to invite counterarguments, they do not address and deal with these directly themselves even though they are undoubtedly aware of them.

To summarize, it can be said that both Presidents attempt to 'frame' the government in a positive manner. Their speeches are filled with propaganda-messages and generalizations.

B. Content Analyses⁴

⁴ The content analyses have been carried out to analyse the *journalistic* rhetoric regarding press freedom. For the purpose of this research project, only the newspaper articles published in the *Mail & Guardian* within the research period of May 18 to September 18, 2007 and those within the second research period of the same dates five years later, in 2011, were examined.

The present writer has chosen to analyse the newspaper articles according to the same assessments as the discourse analysis of the presidential speeches. That is, the content analyses will examine the number of articles relating to press freedom, their length, tone (positive/negative, optimistic/pessimistic), voices (who is quoted?), and finally, the presence or absence of political democracy (Is there a diversity of ideas? Does the article provide readers with a negotiated discourse?)

The content analyses can easily be compared to the discourse analyses, thereby comparing the *political* and *journalistic* rhetoric in the most accurate manner.

This section presents the research results of the content analyses. Firstly, it provides the results of the analysis of the 2007 *Mail & Guardian* newspapers. Secondly, it deals with the 2011 content analysis. Thirdly, it provides a comparison of the two, noting the key differences between the content in 2007 and 2011.

1. *Mail & Guardian*: From May 18 to September 18, 2007

In the newspapers published within the research period, the present writer found eight articles that were relevant to the topic of this paper, namely press freedom. All articles found were either of a medium or a large size⁵.

Regarding the position of these eight articles, one appeared in one of the first five pages of the newspaper while three were found on the sixth page. The other four articles were positioned more at the end of the newspaper, that is, after page 25. None of the articles relating to press freedom appeared on the front page, suggesting that perhaps the issue of press freedom was not (yet) very high on the journalistic agenda.

The tone of the article is arguably the most important for the purpose of this content analysis, as defining the tone of the newspaper articles will allow for a comparison between the political and journalistic rhetoric. The present writer found that a negative tone could at the same time be optimistic as some articles negatively reported on the current state of affairs while being optimistic about the future changes. However, not all articles could be easily defined within these boundaries. Some articles appeared to be neutral, whereas others presented both viewpoints (the argument and counterargument).

In addition, the content analyses will examine the position of the newspaper articles, the presence or absence of cultural democracy (Was there a free flow of information? In other words, did the journalist write the article after being able to access all information s/he desired or did some of his/her sources refuse to comment?)

⁵ The Author grouped the articles according to their size. For the purpose of this research project, 'small' was defined as a one column article, 'medium' as less than half a page but more than a column and, finally, 'large' articles being those that take up half a page or more.

Three of the articles were found to be neutral, while one article could not be categorized as such. The present writer found it at times positive and optimistic, while at other times it could be considered negative and pessimistic. Two articles were found to be positive and optimistic, while the remaining two could be seen as negative and pessimistic.

The different voices that were given a platform in the newspaper articles mainly appeared to be that of the journalists themselves, as well as official statements from political parties and other political voices (be it the Presidents or other politicians). However, while the discourse included both journalistic and political rhetoric, in line with the common journalistic principle that they should present their readers with unbiased, balanced reporting, it appeared that the journalistic rhetoric was still favoured over that of the political viewpoints. This is important, as when it comes to press freedom, the political and the journalistic discourses are opposing each other.

The newspaper articles were also analysed with regard to the presence or absence of evidence for cultural democracy. That is, the author looked for proof of a free flow of information and evidence that the journalist wrote the article after being able to access all information he/she desired. The author tried to find lines such as "so-and-so could not be reached for comment" that often appear in newspaper articles and show a lack of cultural democracy. However, in the analysed articles, no such statement was found.

Next, the articles were judged according to the presence of political democracy, asking the questions: 'is there a diversity of ideas?' and 'is there a negotiation discourse?' The last question refers to the way in which some discourses plainly accept or reject certain ideas. This would be against the journalistic 'code of conduct,' which prescribes journalists to report on the news in an unbiased and balanced manner. When it comes to this point, the present writer is divided as some articles did show evidence for political democracy and provided the reader with a diversity of ideas and a negotiated discourse. Other articles, however, did not provide this.

Lastly, the images that accompanied the articles were examined. Most articles did provide images in addition to the text. These pictures varied from images of the

Constitutional Court (which could be regarded as a 'neutral' image) to a picture of people marching to demonstrate against measures that could be limiting press freedom (which could be regarded as a 'negative' image, sending a message against government measures intervening with media freedom).

2. *Mail & Guardian*: From May 18 to September 18, 2011

In the seventeen newspapers published within this research period, a number of articles were found to be relevant to the topic of this paper, namely press freedom. Out of these, two were of a 'small' size, six were considered 'medium-sized' articles and the remaining nine were large.

Regarding the position of these seventeen articles, one appeared on the front page and one on the fourth page. Seven of these articles were found between the page numbers ten and twenty, with two articles between the twentieth and thirtieth page of the newspaper. The remaining six articles were published near the end of the newspaper, that is, after page 31.

Again, the tone of the article was analysed, and rated to be either negative or positive, and optimistic or pessimistic. Eight articles were considered to be negative, but optimistic, with four positive and optimistic. The remaining five articles could be seen as negative and pessimistic.

The different voices that were given a platform in the newspaper articles consisted of those of political parties and their leaders and ministers and other political voices, journalists, experts, organisations ruling for maintaining press freedom in South Africa. The Right2Know Campaign was regularly given a platform in the *Mail & Guardian* articles. It should be noted that while the politicians' rhetoric was given a platform, politicians' quotes and opinions were often immediately followed by reasons why the journalistic rhetoric disagreed with this.

Again, there was no evidence found of a lack of cultural democracy, as the journalists generally were able to access all sources and information they needed to write an informed and balanced article. This is in line with the presence (or lack) of political

democracy. While a diversity of ideas is definitely offered, one should not call it a negotiation discourse as the readers are not plainly given the facts and thus the opportunity to make up their own minds. Generally, the discourse plainly accepts some ideas while rejecting others.

Finally, as with the 2007 articles, most articles published in 2011 provided images in addition to the text. While a few of the pictures could be defined as 'neutral' displaying people in meetings that the article referred to, most pictures were clearly 'negative' sending a message against government measurements intervening with media freedom. The pictures were, among other things, of protesters and two articles even displayed front pages of previous *Mail & Guardian* publications that "would not have been published under the Protection of Information Bill." An obvious image was protesting the limitations that the bill allegedly puts upon press freedom.

3. Comparison of the Content Analyses of 2007 and 2011

Comparing the data of the content analyses of the 2007 and 2011 *Mail & Guardian* publications, the first important difference that stands out is the increase in the number of articles on press freedom. The *Mail & Guardian* published eight articles in the 2007 research period compared to seventeen during the same research period five years later. This is an increase of 112.5 per cent. This increase in newspaper coverage shows that the issue of press freedom has been higher on the journalistic agenda compared to five years ago.

A finding that challenges this point, however, is the position of these articles in the newspaper. The articles that relate to press freedom are still mainly found closer to the back of the newspaper. While 50 per cent of the press freedom articles published in 2007 were found on page 25 or later, 41 per cent of the 2011 articles were this far at the back of the newspaper. This seems to be a decrease of press freedom articles near the back of the publication, but statistics can be extremely deceptive. That is, it can also be said that while in 2007 half of the articles appeared in one of the first ten

pages, in 2011 this percentage was decreased to 12 per cent. Thus, it can be said that perhaps the calculation of percentages in this instance is not that reliable in comparing the two years. The most important observations are that the number of article has increased, even though still many articles are published closer to the back of the newspaper.

The tone of the articles varied considerably per article and thus the present writer considered it to be difficult to draw a comparison between the 2007 and the 2011 newspaper articles. It does not seem as if the overall tone of the newspaper articles has either become more positive or negative, or more optimistic or pessimistic.

There does, on the other hand, seem to be a change when it comes to the voices that are given a platform in the newspaper articles. While the 2007 articles mainly give a platform to journalists and political parties, the 2011 articles seem to provide a more diverse group of voices. Besides the political and journalistic voices, there are voices from experts and from organisations that work for maintaining press freedom in South Africa. The Right2Know Campaign was regularly given a platform in the 2011 *Mail & Guardian* articles.

As noted, an analysis of the 2007 articles shows that the journalistic rhetoric is favoured over that of the political viewpoints. In 2011, the political rhetoric is definitely given a platform, but the overall message of the articles is to show how press freedom in South Africa is or is going to be curbed with the implementation of the Protection of Information Bill and the ANC's proposal for a Media Appeals Tribunal.

Comparing the 2007 and 2011 data in terms of cultural democracy, it can be argued that there was indeed cultural democracy as the journalists did not seem to be denied access to any information sources. There has also been evidence of the presence of political democracy, even though in some articles published in 2007, it again seemed to be absent. The 2011 articles do offer a diversity of ideas, yet the reader often seems to be 'steered towards' the journalistic viewpoint, instead of being given the facts and the space to make up one's own mind about the issue.

Finally, the images showed that the *Mail & Guardian* has taken a more negative stance towards press freedom in South Africa. Compared to the 2007 images, the images that accompanied the 2011 articles had more often a negative than a neutral connotation.

The next section deals with the outcomes of this paper (the conclusions).

VI. Limitations, Conclusions and Recommendations

This section deals with the outcomes of this paper. Firstly, it identifies its limitations. Secondly, it summarizes the key findings which together make up the answer to the main research question. Then, it summarizes the problems that have been identified with regard to press freedom in the 'new South Africa'. Finally, a solution is provided in the form of a recommended way in which press freedom in South Africa could develop in order to meet everyone's needs.

A. Limitations

Every paper is in some way restricted in terms of resources and time. For the purposes of this research project, it should be noted that both the discourse analyses and content analyses are limited as they only cover two four-month-long research periods.

The discourse analyses also analyse presidential speeches only, thereby ignoring other political voices and other ways in which the political discourse is spread. The same can be said for the content analyses, which were limited to articles from the *Mail & Guardian*, while other newspapers and media were excluded from this research. Thus, only part of the political and journalistic discourse was analysed.

Another limitation of the content analysis is that the newspapers were only scrutinized once by one author. Thus, it is possible that the author has overlooked one or more articles.

B. Conclusions

The issue of press freedom has frequently come to the fore in South Africa. As a result of the implementation of the Protection of Information Bill (2008) and the ANC's proposal for a Media Appeals Tribunal (2010), many organisations identify

recent years as the most troublesome when it comes to press freedom in South Africa.

As this research project argues, the change in journalistic rhetoric shows that the general conviction of journalists is that press freedom in South Africa has regressed in recent years as a result of these two governmental measures. Importantly, the political rhetoric seems to have remained the same.

A detailed examination of the ANC's document 'Media transformation, Ownership and Diversity' (2010) has shown that the political rhetoric expresses dissatisfaction with the current state of affairs regarding the media. While journalists argue that a freer press will lead to a freer society in which ideas and debates can freely circulate, politicians also have a point. It is frequently feared by politicians that press freedom gives journalists a lot of power although they have not been elected by the public to be in power. Besides, journalists are not held accountable for their mistakes in the way politicians are. Politicians often criticize journalists for 'framing' them according to their own 'journalistic agendas'. Whilst it must be emphasized that politicians equally attempt to frame their ideas according to their own political agendas, the fact that journalists do so is often overlooked.

The main problem that the researcher would like to point out in conclusion to this research paper is that journalists and politicians do not successfully debate the issue of press freedom. As a result, politicians and journalists alike try to follow through on their opposing agendas, while in the meantime the public interest is ignored.

Simultaneously, a journalistic rhetoric that heavily opposes the political rhetoric – as is the case in the South African media landscape – has another undoubtedly unintended effect. As has been (perhaps rightfully) argued by some politicians, some journalists aim to find the faults in politicians and publish extensively on these issues in protest at their attempts to curb press freedom. Obviously politicians do not appreciate the overflow of negative feedback from the press. They often blame journalists for misrepresenting them. As a result, the argument of politicians for the implementation of more media regulation may be strengthened by the journalists'

actions. In other words, because of unfair reporting by journalists, politicians may be able to point out that their desire to limit the press freedom in the country is more justified.

At the same time, it is problematic for a country to have politicians and journalists who do not see eye to eye. The resulting vicious circle of reciprocal causes and effects, where the politicians and journalists will aggravate each other, will inexorably lead to a regression of press freedom in South Africa.

C. Recommendations

As has been argued, the ANC's proposed Media Appeals Tribunal would significantly curb press freedom in South Africa.

As a conclusion to this paper, the present writer would like to suggest the appointment of an independent regulatory body. The writer is against the establishment of the Media Appeals Tribunal as it would be driven by the 'democratic parliament', which chiefly consists of members of the ruling party and this would be unfair.

At the same time, the current Press Council, Ombudsman, and Appeals Panel have similar limitations, as laid out in 'Media Transformation, Ownership and Diversity.' The ANC rightly points out that it should be seen as a concern that the press ombudsman is a former journalist (ANC, 2010, p. 12).

As an alternative solution, the present writer proposes that an independent group of individuals, with neither journalistic nor political ties, should decide on the concerns raised by the public or political sector and bring in an independent verdict. With the appointment of an independent regulatory body, issues between the two opposing discourses can be solved in an easy and fair manner and the media can maintain its function as the 'fourth estate', while political figures can object to unfair defamation.

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