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Steyn, Nantie

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Investigative journalism and the South African government: publishing strategies of newspaper editors from Muldergate to the present.

Nantie Steyn

Student number 411839

Supervisor: Lesley Cowling

A research report submitted to the Faculty of Humanities, University of the Witwatersrand, Johannesburg, in partial fulfilment of the requirements for the degree of Master of Arts in Journalism and Media Studies

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1. ABSTRACT

The relationship between governments and the media has historically been an antagonistic one, and investigative journalism – the material manifestation of the role of the press as fourth estate – is central to this antagonism. In their capacity as the fourth estate, those newspapers that pursue and publish investigative journalism stand in opposition to government. Governments have responded to this opposition in a variety of ways; mostly, however, by way of legislated censorship of the press. In South Africa, the legislation that regulated what newspapers could print under apartheid was unusually vast. In spite of this, major exposés of government corruption – and worse – were seen on the front pages of those publications that pursue investigations into political malfeasance. In South Africa's post-apartheid democracy, with constitutional protection of the freedom of expression, there has been increasing evidence of what Jackson has called the "embedded qualities of intolerance and secrecy" (1993: 164) in the state's response to revelations of corruption in the press, culminating in the Protection of State Information Bill that was passed in Parliament in November 2011. The passing of the Bill has resulted in wide-spread concern about the possibility of legislated, apartheid-style censorship of the media and freedom of expression. I interviewed five editors who were part of exposing state corruption during and after apartheid, in order to establish what motivates their decisions to keep on printing stories that brings them into conflict with the political powers of the day, in spite of the financial consequences for their publications. Regardless of the different political landscapes, the strategies that they followed in order to keep on publishing were remarkably similar, as is their reason for continuing to publish investigative stories: they believe it embodies the role of the press in a democracy. Indicators are that editors will keep on publishing, in spite of attempts by the government to gag the press.

DECLARATION

I declare that this research report is my own unaided work. It is submitted for the degree of Masters of Arts by coursework and research report in the Department of Journalism, at the University of the Witwatersrand, Johannesburg.

It has not been submitted before for any other degree or examination at any other university.

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CONTENTS

1. ABSTRACT 2

2. INTRODUCTION 6

3. RESEARCH QUESTIONS 7

3.1 Main question 7

3.2 Secondary questions 7

4. RATIONALE 8

5. CONTEXT AND HISTORICAL OVERVIEW 10

5.1 Introduction 10

5.2 Media and government 11

5.3 A South African perspective 13

5.3.1 Investigation 1: Muldergate 18

5.3.2 Investigation 2: Vlakplaas 20

5.3.3 Investigation 3: Oilgate 22

6. THEORETICAL FRAMEWORK 23

6.1 Introduction 23

6.2 Normative theory 23

6.2.1 Libertarian or free press theory 26

6.2.3 Social responsibility theory 28

6.3 Working theory 30

6.3.1 Gatekeepers and organisational culture 30

6.3.2 Journalistic professional practice: the role of journalists in society 32

7. METHODOLOGY 33

7.1 Interviewees 34

7.1.1 Allister Sparks 34

7.1.2 Rex Gibson 35

7.1.3 Max du Preez 35

7.1.4 Anton Harber 35

7.1.5 Ferial Haffajee 36

7.2 Limitations 36
8. FINDINGS 37
8.1 Introduction 37
8.2 The role of the press in society 38
8.3 The role of the editors of newspapers 40
8.3.1 Constraints on decision making 41
8.3.2 Legacy 47
8.4 Strategy, sources and secrecy 49
8.5 The PSIB and the new press code 54
9. CONCLUSION 56
9.1 Normative theory 57
9.2 Values 58
9.3 Legacy 59
9.4 Strategy 60
9.5 Last thoughts 61
10. REFERENCES 63
Appendix A: Publications funded by the Department of Information 66

2. INTRODUCTION

In the introduction to his book, *Tell Me No Lies*, multi-award-winning journalist[1] John Pilger writes, "One of the noblest human struggles is against power and its grip on historical memory" (2005: xiv). The book contains the accounts of the journalists who exposed the meaning of Hiroshima – the effects of radiation poisoning long denied by the occupation authorities; the genocide of Jewish people in the Second World War; the massacre of civilians at Mai Lai in March 1968 during the U.S. war against Vietnam; the shameful and sluggish response of the British Health Ministry, British legal profession and indeed the *Sunday Times*, which prevented the exposure of the birth of 8 000 deformed children due to the drug thalidomide for more than ten years; U.S. and British military support for Indonesian dictator General Suharto, who used this aid to slaughter more than a million people who opposed him; and in South Africa, the exposure of the apartheid death squads that assassinated the political opponents of the National Party government. Investigative journalism, according to Pilger, "...not only keeps the record straight, but holds those in power to account. This is journalism's paramount role" (*ibid.*).

Holding people in power to account – whether this would be in a political or corporate sphere – is the central tenet of a liberal theory of the press and the foundation of the concept of the press as watchdog, or fourth estate. In this role, the press stands in opposition to government (and other powerful social entities) and governments have responded to this opposition, historically, in a variety of ways. The core of government response has been in its legislative powers, through which it produces both direct and indirect regulation of the press in order to cover up corruption. The justification for legislated censorship is 'national security', but this is often a smoke screen for hiding official wrong-doing, not only in South Africa, but worldwide (Merrett, 1994). In South Africa, the relationship between the media and the government has had a particularly combative history. The laws and parts of laws that prevented the exposure of apartheid's corruption and human rights violations were myriad, even by international standards. This made the job of investigative journalists and the editors of their work not only difficult, but dangerous (Tomaselli, Tomaselli & Muller, 1987; Jackson, 1993; Merrett, 1994).

In spite of the severe constraints, editors of newspapers in South Africa have persevered in what they perceive to be a duty to expose corruption and support democracy, often at great personal and professional cost. In a post-apartheid South Africa the freedom of the media is guaranteed by the Constitution, and despite this, newspaper editors still often find themselves in court for publishing information that exposes political and corporate abuses of power. Although the media landscape is, in the new millennium, radically different from the one under apartheid, it appears that only the faces in parliament, and not their attitude to the press, have changed (Merrett, 1994).

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[1] John Pilger has won the British Journalist of the Year award (twice) as well as the United Nations Association Media Peace Prize. He has received, for broadcast journalism, an Oscar, an Emmy, the French *Reporter sans Frontiers* award and the British Richard Dimbleby Award.

The aim of this report is to establish what the main influences are on an editor who has to decide whether or not to publish investigative journalism that could have serious financial or legal implications for the newspaper, in the face of severe government sanctions. I interviewed five editors who approved the publication of significant and sometimes far-reaching exposés, in an attempt to ascertain 1) how newspaper editors see the role of the press in society; 2) how they define their role as editors; and 3) what informs the decisions they make when it comes to publishing politically sensitive stories and investigative journalism, in spite of the sometimes inevitable consequences.

More importantly, the aim is to explore this decision-making process throughout the different time periods, and the different political eras that brought a variety of political and legal challenges.

3. RESEARCH QUESTIONS

3.1 Main question

What informs the decisions that editors make when it comes to publishing politically critical information, in the form of investigative journalism, which could have serious financial or legal implications for the newspaper? I will try to answer this question in terms of:

1. The currency and political realities of different historical periods;
2. The internal requirements of newspaper organisations and the technological demands of newspaper production; and
3. The personal experiences and beliefs of the editors I interviewed.

3.2 Secondary questions

The secondary questions, which were included in the interviews, were posed to determine the background and context of the decisions that were made by the editors. It was important to establish their theoretical approach, as I believe that this must influence their professional practice.

1. What do editors believe is the role of the press in a society?
2. What is their view of the relationship between the media and the government?
3. What is the job of an editor of a newspaper?
4. In the context of their own experiences, what impact do they anticipate the new Protection of State Information Bill to have on the media and freedom of expression?

4. RATIONALE

There is an ongoing and passionate debate in the media and civil society about the Protection of State Information Bill (PSIB) that was passed in Parliament in November 2011[2]. One of the recurrent criticisms of the Bill is that it imposes 'apartheid-style' censorship on the media (Naidoo, 2011; McVeigh, 2011; Ephraim, 2011). The passing of the PSIB confirms the notion put forward by Merrett that although the end of apartheid provided constitutional protection for a far greater free flow of information, it did not mean the end of censorship (1994). Where the PSIB rules that journalists who publish inaccurate reports should be hauled before the courts, it places its architects in the company of John Vorster and his cabinet – who planned "a press court which would define and punish the publication of 'ascertainable factual lies'" (Tyson, 1993: 220). The PSIB is also an example of what Jackson calls "the embedded qualities of intolerance and secrecy" that remain inherent in South African political culture (1993: 164).

One could argue that the PSIB is simply another of the general and historically well-documented examples of the antagonism of governments to press freedom. One could also argue that this antagonism is a necessary condition of the press in society – liberal theorists have argued that newspapers are necessarily either actual or potential adversaries to established power (McQuail 1987: 10). In the traditional liberal theory of the media, however, the watchdog function of the press is its paramount function, and the manifestation of its duty as the fourth estate. In spite of the criticism that has been directed at the liberal theory of the press in the last few decades (Nerone, 1995; Herman and Chomsky, 1994; Curran, 2005), the concept of the press as the fourth estate remains a fundamental one among media practitioners (Jackson, 1993). Despite the multiple variants of normative press theory, they share a common premise that McQuail calls "the unbreakable link in modern Western society between the freedom to communicate and to publish, on the one hand, and human rights and the principles of democracy on the other" (2002:159).

The fierce response from the media and civil society to the PSIB originates in the supposition that the attempt from the ANC government to impose legislated censorship of the media poses a tangible threat to South Africa's hard-won democracy (Naidoo, 2011; Ephraim, 2011; Meersman, 2012). It is the democratic function of the media and freedom of expression that is being threatened by the new Bill. Although it has been said that, in the immediate aftermath of apartheid, the press experienced one of the most free media environments in the world (Harber in Manoim, 1996), the PSIB appears to be the logical outcome of increasing harassment of the media in the last few years, starting with the interdict that delayed the *Mail & Guardian's* revelations that oil company Imvume had diverted a payment for oil, received from the government, to the ANC election coffers in 2004. Pre-publication censorship in the form of court interdicts has been seen with

[2] The Bill was passed by a total of 229 yes votes. One hundred and seven members voted against and there were two abstentions.

increasing regularity since then, and has been called a major threat to investigative reporting (IOL, 2005).

In spite of the many laws that regulated the press under apartheid, far-reaching exposés of government corruption were printed on the front pages of newspapers that were committed to investigative journalism. Without constitutional protection, editors decided to green-light stories that brought them into direct conflict with the political authorities of the day, often at huge financial costs to the paper, and at the risk of being banned, exiled or imprisoned. Going to jail will again be a reality, both for journalists and their sources, if the PSIB becomes law[3]. To discover what motivated the commitment to investigative journalism under hazardous circumstances, and to understand the current threat to the freedom of expression, it will be valuable to explore the process of decision making of editors across the eras in question.

The vigorous current debate around the PSIB shows that research on censorship and the government's desire to hide information from the public remains relevant and important. This research report will map the responses of editors during and after apartheid to the threats mentioned above, by looking at a number of investigations that had far-reaching consequences. The investigations provide the background against which I will try to identify how the press performs what it perceives to be its duty, and how it pursues that duty in the face of opposition from the state.

Little has been written about what exactly motivates newspaper editors to take risks, and to publish stories that may have negative consequences, both for their publications and for them personally. As editors are at the coalface of difficult decisions on a daily basis, this research attempts to establish, through interviews with five editors who made these decisions during and after apartheid, what informs their decisions. I hope that it may illuminate, to some extent, this largely unexplored element of media theory and provide the foundation for further study.

I have tried to explore *how* editors perceive the function of the press and the role of the editor, and *why* they pursued a certain line of action. One possible reason could be that they may be entrenched in a publishing tradition that is hundreds of years old: the watchdog function of newspapers was an outcome of the rise of liberalism as found in the work of 19th century thinkers like John Stuart Mill. In this sense, their dedication will be based in the normative ideal of what the press 'should do'. Their commitment to the fourth estate may also have a shorter history. Potter suggests that the traditions of individual publications may have their own irresistible impetus, and that newspaper journalists are acutely aware of this (1975). In this sense the practical, working experience of media practitioners may be the reasons why editors persist in exposing corruption, regardless of the hazards.

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[3] The PSIB allows for only the narrowest possible protection for whistleblowers employed by the state, and none whatsoever for ordinary citizens or journalists who expose state secrets, even if these indicate wrongdoing or corruption by the state. The Bill allows for a maximum prison sentence of up to 25 years (Naidoo, 2011).

If the PSIB intimates a return, in one specific way, to a previous era of government, revisiting the limitations of press freedom during that time, and investigating the strategies employed by editors to tell the truth to their readers should illuminate the current debate and provide additional perspectives.

5. CONTEXT AND HISTORICAL OVERVIEW

5.1 Introduction

This section looks at the existing texts that outlined both examples of investigative journalism and the historical-political context in which these investigations were published. With regards to the examples, I chose investigations that I thought were great in scope and consequence; it was important that the decisions taken by the editors had been significant ones. Although neither the *RDM* nor the *Express* landed in court for exposing the corruption in the Department of Information, the secret fourteen-month investigation of the *RDM* has been called "perhaps the most brilliant journalistic exploit in the history of the Times Media group[4], carried on in the finest traditions of investigative reporting" (Mervis, 1989: 434).

In order to give a political context and background, I included some reference to the type of legislation that constitutes the proverbial "minefield"[5] that editors had to contend with from the National Party's first victory in 1948. I also looked at the changing political landscape and relationship between the press and the government from the earliest formalisation of apartheid, and the resultant repressive legislation that regulated the freedom of the press, to the current day. This section does not include a detailed history, which is well beyond the scope of this report.

I thought it was important to include a brief international frame of reference because although apartheid was a unique policy, it was also an example of an unfree society, which was not exclusively South African. Merrett, below, refers to a host of examples of governments and their systems of press censorship. In the same way, the current struggles of the South African media to maintain the freedom of expression guaranteed by the Constitution are also not unique.

The existing body of literature on the subject is extensive, but is mostly the work of academics and historians. Some former editors and journalists have written monographs

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[4] South African Associated Newspapers (SAAN), which owned both the *Express* and the *RDM*, changed its name to Times Media Ltd on 9 March 1987 after a major restructuring process. It is now known as Avusa Media.

[5] The origin of this quote is unclear but has been used by many. Allister Sparks, during our interview, attributed it to "a previous editor of the *Star*". Former *Cape Times* editor, Tony Heard, attributed it to "a prominent South African newspaper editor" in his editorial response in the *Los Angeles Times* to the furore that followed the *Cape Times'* publication of a 3600-word interview with Oliver Tambo, exiled president of the ANC and a banned person in South Africa.

(Tyson, 1993), memoirs (Gibson, 2007) and histories (Mervis, 1989; Rees and Day, 1980; du Preez 2005). Although these works are valuable historical records, they do little to illuminate the underlying motivations of editors – the ultimate gatekeepers – when it came to making the decisions that may have had far-reaching consequences for their papers and for the editors themselves. In Rees and Day's *Muldergate*, former *RDM* editor Allister Sparks posed the question: "In a country which constitutes one of the world's great problems, was Muldergate really significant?" Even though he stated that it was relevant, Sparks wrote that this was not the reason why they pursued the story. Instead, they went after it "because it was a great news story, and that is our business. It was only incidentally that the political implications were contemplated" (1980: xiii). Still, his foreword to the book does not explain why he thought it was a great news story, which is what this report aims to discover – *why* an editor decides that a story is news, and *what* he or she thinks is "our business".

5.2 Media and government

Liberal theorists have argued that newspapers are necessarily either actual or potential adversaries to established power, especially, according to McQuail, in their own self-perception (1987: 10). There are widespread historical records of the punishment of printers, editors and journalists, the struggle for freedom to publish and the role of the press in international struggles for freedom, democracy and working class rights. Underground presses contributed to fighting foreign occupations during war and the rule of dictators. Governments, legitimate or not, have responded to the press' self-defined role as opposition and the actual manifestation of this opposition – exposing corruption – in a variety of ways. Historically a gradual shift to greater press freedom also saw a greater sophistication in this response in the form of legal restraint rather than violence, and the imposition of fiscal burdens (McQuail, 1987). Legal restraint comes in diverse forms: from legislation in the interest of national security (or posing as such) to outright censorship of any text that criticises the government. Internationally there are many examples of state efforts to gag the press. In the former Czechoslovakia the unauthorised use of a duplicator was subject to worse punishment than the illegal possession of a gun; in Romania the Securitate took impressions of typefaces whenever typewriters were repaired in order to facilitate licensed control; in Iraq a simple state monopoly on the publication of books and periodicals took care of written dissent; in Rwanda and Guinea open letters to the press landed people in prison and in the Congo the ruling party would decide what topics were fit for press coverage (Merrett, 1994: 7).

A comprehensive study of the relationship between governments and the media in the former Eastern European countries was done by Bajomi-Lázár in the early 2000s. The study included a detailed record of how the conservative Hungarian coalition Fidesz-MMP[6] started cracking down on media that was critical of the government in general, and

[6] Fidesz-MMP stands for the Fidesz-Hungarian Civic Party, comprised of the Independent Smallholders Party and the Hungarian Democratic Forum.

on left-wing newspapers specifically, soon after its election victory in 1998. On the broadcasting side, senior news staff of Hungarian television was fired and editors loyal to the government appointed. Hundreds of journalists were then fired for criticising the new management. Hungarian public radio started giving the government regular airtime without giving the opposition equal airtime to respond. Other tactics included financial support for publications that supported the government and accusations from the government that the media had improper connections with organised crime and that it served "foreign interests". Journalists of opposition newspapers were denied access to party congresses. The government proposed a bill in Parliament that stated, "those who [...] publicly spread unreal facts or real facts in an unrealistic way that could provoke worry or disorder among a great number of people, commit a crime and are punishable with up to three years of imprisonment". Observers noted that the bill aimed to frighten journalists because it treated professional questions as criminal ones.[7] The bill has never been passed mainly as a result of the active opposition of the media and civil society (Bajomi-Lázár, 2003: 95).

Press censorship and media restrictions are not exclusively the domain of historically repressive governments. Modern icons of democracy, like Britain and the United States, are frequently exposed as being dependent on "increased governmental secrecy, greater surveillance of internal and external enemies and repeated excessive claims of national security" (Sand in Merrett, 1994: 7). 'National security' was the reason Tony Blair furnished when he closed down a protracted investigation by the *Guardian* into corrupt arms deals by BAE – the biggest British arms company and one of the biggest in the world. In his speech at the Taco Kuiper Investigative Journalism Awards ceremony in Johannesburg in April 2009, editor David Leigh called it "a most disgraceful charade", but there was nothing they could do.

South Africa could also be called a modern icon of democracy. Its transition to democracy in the early nineties was a negotiated one. Its constitution has been called one of the most progressive in the world and the reason why some analysts believe that the PSIB should not become law: it will not pass "constitutional muster" (de Vos, 2010). It contravenes, in its current form, both Section 16 and Section 32 of the Bill of Rights. The former guarantees everyone the right to "freedom of expression, which includes freedom of the press and other media; freedom to receive or impart information or ideas" and the latter, the right to access "any information held by the state; and any information that is held by another person and that is required for the exercise or protection of any rights". De Vos makes clear that these sections do not say, "...only *some* people have a right to access information held by the state, neither does it state that everyone has a right to access only that information held by the state *which the government of the day believes the population could be trusted with.*" The provisions in the constitution are sweeping and all-encompassing and underpin the notion of an open and democratic society (de Vos, 2011, my emphasis).

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[7] *Népszava*, 2000, September 30; 168 *Ora*, 2000, December 7.

The unconstitutionality of the PSIB has, however, not deterred the ANC government from persisting in its efforts to make it law.

5.3 A South African perspective

In this section I have looked at legislation that affected freedom of the press insofar as it was relevant in terms of the investigative examples I have chosen. As a result, the effects on some of the other historical divisions that existed in the South African press have been omitted. It is important, however, to include a brief overview of those divisions. The South African press has been a sectional press throughout its history. Its primary division was along racial lines, due to the political design of apartheid, and separate publications served the black, coloured, Asian and white communities. From the 1930s onward the majority of publications were, however, white owned, and labels like the 'black press' and the 'white press' served to define not so much the ownership of newspapers, but the publications read by different races (Hachten and Giffard, 1984). The so-called white press was divided even further. Two different types of mass communication structures emerged after 1948: firstly, a press that "was a co-ordinated agency" of the National Party government and part of that government's extensive communication network – the Afrikaans press; and secondly, a press independent of the government that believed its independence was "a necessary prerequisite for its functioning" – the English press (Potter, 1975: 9). The English press, Potter argues, was the official opposition to the government, due to the lack of the failure of the institutional opposition in Parliament.

During the early apartheid years, general reporting in South Africa had been described as "walking blindfold through a minefield"[8]. The National Party government passed a host of legislation that made it impossible for newspapers in this country to report openly and freely. Systematic censorship of the press began soon after the Nationalists' 1948 election victory. Mervis supports Potter's view when he writes, "On Day One of the National Party rule [the English-language newspapers] became 'the opposition press'; and from then until the present day the story of the opposition newspapers is dominated by their running fight with the government on the issue of press freedom" (1989: 278). He suggests that the vehement international hostility towards the newly elected government had, at the time, more to do with the Nationalists' open support for Adolph Hitler and Nazi Germany during the Second World War and that apartheid was, at the time, an aggravating factor rather than the central focus. But even as Germany tried to work its way "back to political respectability by embracing a liberal ideology" (*ibid.*: 279), apartheid legislation worked in the opposite direction.

The Suppression of Communism Act of 1950 marked "the beginning of a process with a relentless momentum" (Merrett, 1994: 2). The Act was pernicious because it allowed the government to decide who the communists were, over and above those who claimed to be so. It gave the government the power to liquidate unlawful communist organisations, list their office bearers, members and supporters, prohibit the printing, publishing and

[8] See note 5, page 10.

distribution of literature reflecting the aims of such organisations, forbid people from attending gatherings and otherwise limit their freedom of movement and association. The punishment for contravention of the Act ranged from one to ten years in jail (Merrett, 1994). At the time of its making, South African anti-communism legislation was not necessarily out of sync with that of the western world. The Cold War was in full swing. In the USA Joe McCarthy turned free-thinking, articulate adults into targets of investigation by the Senate, House of Representatives, police and the military. "Fear of communism had gained such a foothold in the American consciousness that gross abuses of civil liberties [were] tolerated as if they were in the national interest" (Schultz and Schultz in Merrett, 1994: 26). In spite of this, Merrett argues, "...by the end of the decade sanity and the Supreme Court had begun to reassert themselves."

Not in South Africa. Whereas the government banned Chief Albert Luthuli – the ANC provincial president in Natal from 1951 – in May 1959 and put him under house arrest in June of the same year, the world saw fit to award him the Nobel Peace Prize in 1960. In the same year that U.S. president Lyndon Johnson signed the Civil Rights act of 1964, South Africa sentenced ANC leader, Nelson Mandela, to a life term in prison. As the east-west relations thawed, oppressive legislation kept on coming in South Africa: the Unlawful Organisations Act of 1960 allowed the government to declare organisations it perceived as a threat to public order or safety unlawful. The Terrorism Act of 1967 saw the introduction of detention without trial. These laws increasingly restricted the information that newspapers could print (Merrett, 1994).

Although all countries in the world have legislation that prohibits the publication of information relating to its national security, in South Africa the Prisons Act, the Internal Security Act, and the Defence Act (to name a few) prevented journalists from publishing information well beyond that scope. In an interview with researcher Jo-Anne Richards, Mervyn Rees said:

> "At the time of Info[9], we worked out that there were more than 100 items of legislation which inhibited what we could write. But because of this, South African investigative journalists are regarded as excellent. If you could survive here, you could survive anywhere in the world" (in Tyson, 1993: 240).

In addition, the government was constantly threatening to increase the restrictions, extracting promises from the Newspaper Press Union (NPU)[10] that the press corps would 'discipline' itself. The sweeping powers of the government, protected by Parliament, to close down any publication whenever it saw fit to do so, cannot be overstated. It had the

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[9] The South African Information Scandal, also known as 'Muldergate'.

[10] In 1962, the NPU agreed to note 'the complex racial problems of South Africa' and the 'general good and safety of the country and its peoples' in clause 3(d) of the Press Code, the code of conduct drawn up in response to the increasing threat from the government in the wake of the Sharpeville massacre on 21 March 1960. According to Merrett, the commercial press "agreed to police itself in exchange for partial immunity" (1994: 66).

power not only to ban a certain issue of regular publication, but all subsequent issues of it and to withdraw a publication's registration. In this way, the financial threat to newspapers was substantial, and it is understandable that the owners, even more so than the editors, were keen to avoid a banning order.

The government showed, post-Soweto 1976, that it would not hesitate to use the power it had to ban newspapers and journalists. Following reports on the uprisings by newspapers like the *RDM* (that had black reporters on its staff) and the black Argus newspaper, the *World*, the relationship between the press and the government reached a new low. There was a police and military crackdown: black reporters and photographers were beaten or arrested and held without charges. Some simply disappeared and their families and editors did not know if they were alive or dead. The government tried to blame the press for fomenting the crisis, but its own Cillie Commission, set up specifically to investigate the Soweto riots, exonerated the press, and in fact expressed appreciation for the balanced reportage by the newspapers concerned (Hachten and Giffard, 1984). Other forms of intimidation included the confiscation of press cards and car keys, question sessions, detentions and assault (Tomaselli et al., 1987).

Four black *RDM* staffers were detained after the Soweto uprisings: Peter Magubane, Nat Serache, Jan Tugwana and Willie Ngkosi. Magubane was banned for five of the twenty years that he worked as photographer for the *RDM*. Several times, adding up to two years in total, he was imprisoned and of that, he spent 586 days in solitary confinement (Hacthen and Giffard, 1984).

Relations deteriorated further as the political instability grew. The death in custody of Steve Biko the following year caused renewed unrest. After a walkout by teachers and students, the government closed Soweto schools and resorted to drastic action under the Internal Security Act. On 17 October 1977 eighteen organisations, including the Black People's Convention, Beyers Naude's Christian Institute and the South African Students' Organisation, were declared unlawful and three publications, including the *World* and the *Weekend World* were banned for "contributing to a subversive situation". *World* editor Percy Qoboza was arrested, as was *Weekend World's* news editor Aggrey Klaaste. *Daily Dispatch* editor Donald Woods, who had campaigned for a full-scale investigation into Biko's death, was banned (Hachten and Giffard, 1984).

Restrictions on the media were tightened in equal measure to the political opposition to apartheid throughout the seventies and the eighties. Oppression and secrecy gave birth to a number of publications, dubbed the 'alternative press', which published investigations into apartheid's atrocities unreported by the mainstream media.

The 'alternative press' was not a label that was necessarily appreciated by its practitioners. According to Anton Harber, editor of the *Weekly Mail* at the time, the term suggested that the newspapers in question were on the fringe and editors rejected the suggestion that their papers represented a "minority eccentric view" in the overall spread of South African political opinion (in Jackson, 1993: 48). It was also difficult to define what these papers were alternative to: one implication was that they did not provide 'standard' or 'normal'

journalism, which would be the prerogative of the mainstream press. A less contentious label that had been suggested by one such editor was that of 'extra-parliamentary press' – a useful term, according to Jackson, as it reflected the primary focus of these papers. The editors of all these papers regarded political activity outside Parliament as the most significant segment of politics. However, the wide currency of the term 'alternative press', accepted even by some of these papers themselves, made it a convenient and unambiguous label for a group of publications that covered extra-parliamentary politics and were rooted in an active opposition to apartheid. Although it is tempting to place all the publications in a single category, it is important to note that some directly served particular organisations, communities or trade unions, while others kept an independent position. Louw suggests that "Two main forms of counter hegemonic press have emerged: firstly, a progressive-alternative press (such as: *Grassroots* and *Saamstaan*), and secondly a social democrat independent press (such as: *Weekly Mail* and *Vrye Weekblad*)" (in Jackson, 1993: 57). He argues that it is problematic to lump these two together, as the former was more partisan, rhetorical and "organically linked" (less independent) than the latter, which resembled a hybrid of the progressive-alternative press and more conventional libertarian publications.

The state did, however, frequently lump these publications together, and targeted both their political message and their economic vulnerability. The alternative press became the target of ferocious attacks by the government, and although the emergency regulations of the nineteen eighties also applied to the mainstream- and the foreign press, "...the government made no secret that its primary target inside the country was the alternative press", which was the hardest hit (Jackson, 1993: 58).

The exposé of an illegal government hit squad based on a farm north of Pretoria by the *Weekly Mail* and the *Vrye Weekblad* shocked South Africans of all races, but in spite of its scale, it was not picked up by the mainstream press (Manoim, 1996).

The press experienced progressively stringent restrictions that prevented the exposure of corruption and wrong-doing as the National Party tried to consolidate its power (Jackson, 1993; Merrett, 1994). Editors had to be increasingly vigilant of publishing anything that could possibly contravene a growing number of laws, and parts of laws, that regulated the freedom of the press. Harvey Tyson, former editor of the *Star*, told a university symposium in 1989 that the paper, with its lawyers on 24-hour standby, had resorted to finding ways of breaking the law without getting caught. They knew the reports they referred to the legal team contravened the emergency regulations – they simply wanted the lawyers to assess the risk involved in publishing. He said, "One way or the other we are breaking the law perhaps five times a day. It is impossible not to if you are to run any kind of meaningful paper" (1993: 12). In the same year, the list of banned people that could not legally be quoted by newspapers[11] increased from 331 to 537. The list changed on such

[11] The Internal Security Act 74 of 1982 has been called "the single most troublesome and inhibiting set of restrictions on newsgathering and distribution". One of the provisions of the Act was that no banned

a regular basis that it became absurdly difficult for editors to obey the law, even when they tried. The penalty for contravening the law was up to five years' imprisonment, without the option of a fine for individuals (Jackson, 1993).

After the release of Nelson Mandela and the unbanning of the Communist Party and other liberation organisations in 1990, the spirit of change and optimism about the advent of democracy in South Africa did not appear to include a commitment to the freedom of the media.

During this time, censorship was not only imposed by the government. A seminar hosted by the Institute of Race Relations (SAIRR) in August 1990 was precipitated by ongoing reports of an "unofficial form of censorship, perpetrated by political activists, that was largely unrecognised and unreported" (SAIRR, 1991). The speakers included senior black journalists, a writer and critic, and the managing director of South Africa's only black-owned newspaper at the time, *Ilanga*. Thami Mazwai, then the senior assistant editor and business editor of the *Sowetan*, called this type of censorship a powerful threat to press freedom. At a time when journalists were less exposed to arrest and detention by the government than they used to be, they were "threatened and manhandled by political activists in the townships, [...] and [were] told to toe the line 'or else'" (*ibid.*). He said that this made journalists propagandists. In spite of their commitment to the struggle, journalists still fought to maintain their credibility.

The pressures that activists exerted on journalists came from a wide variety of organisations. Kaizer Nyatsumba, a senior political journalist on the *Star*, told of how he was manhandled by Inkatha supporters demonstrating against Archbishop Desmond Tutu's pro-sanctions stance on the Archbishop's return from a trip overseas; had received death threats from the PAC after critical coverage of a PAC draft economic policy document; and had been threatened, in the course of his work, by elements in both the ANC and AZAPO. "No single group of the left is innocent," he said at the seminar.

> "South Africa was heading for typical African press freedom. What was happening on the ground was very far from the multi-party ideal. It was frightening. If the situation did not change there was reason to fear that in the new South Africa the press would be controlled and journalists would be thrown in jail for daring to criticise the government of the day. When leaders of these organisations became cabinet ministers they would not suddenly be tolerant democrats" (SAIRR, 1991: 58).

These words now seem almost prophetic. In the immediate aftermath of apartheid, there was a period during which media practitioners celebrated our media freedom. When Harber accepted the Best International Newspaper award from the International Press Directory in London in 1995 (the same year in which the paper became the *Mail & Guardian*), he said that, "We are now operating in one of the freest media environments in

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person could be quoted without permission. The names of banned person appeared on the Consolidated List published annually by the government (Jackson, 1993).

the world" (Manoim, 1996: 203). Ten years later the same newspaper challenged a growing number of interdicts that caused the editor, Ferial Haffajee, to call increasing incidents of pre-publication censorship a major threat to investigative reporting (IOL, 2005).

Haffajee faced six court interdicts during her first two years at the helm of the *M&G*, starting with the Oilgate saga in 2005. The publication won four cases and lost two. A report by the Freedom of Expression Institute noted that academic writers at the time charted a trend in South African courts to restrict the ambit of free press rights, often based on negative perceptions of the media's trustworthiness, and that, while not all the interdicts had been successful, the frequency of the interdict attempts hindered the efficient functioning of investigatory news organisations. In addition, they argued that the perception that the judiciary is responsive to interdict requests has led both private actors and governmental agencies to rely increasingly on interdicts and that the resultant, constant pressure and high litigation costs contributed to a sense that the complex and time-consuming enterprise of investigative reporting about matters of great public importance was especially risky (Freedom of Information Institute website, 2005).

5.3.1 Investigation 1: Muldergate

There are a few reasons why the well-known South African Information Scandal (also called 'Infogate' or 'Muldergate' after Connie Mulder, the National Party prince elect whose political career was destroyed as a result) is relevant to research of this nature. First of all, the *Rand Daily Mail*, which received the accolades for publishing the full story (if not for publishing it first), was a publication under siege. Although it has been argued that the English-language press did not pose a serious threat to the status quo in South Africa at the time "its limited resistance to Government policy has met with fairly severe repression" (Tomaselli et al., 1987: 70). The *RDM* was considered the most liberal of the English press, and as a result it fielded more than its fair share of flak from the government (Tomaselli et al., 1987). The constant harassment, combined with the far-reaching censorship powers of the government, would have been reasonable causes for the reluctance of Allister Sparks, the editor during the investigation into the Department of Information, to print the story even after months of careful and thorough investigation by Mervyn Rees and Chris Day. It was the *Sunday Express* that published Kitt Katzin's version of the story first, in the end.

Secondly, in 1965 the *RDM* published a series of articles about prison conditions as recounted by Harold Strachan, an activist who had spent three years in prison. In the court case that followed, the state argued that the reports broke the law and that they were in contravention of Section 44 (f) of the Prisons Act, which prohibited the publication of "false information" about prisons or prisoners, without taking "reasonable steps" to verify such information. The *RDM*, on the contrary, went to great lengths to verify the story but when they went to court, as their witnesses took the stand, counter witnesses from correctional services contradicted their testimony. The court ruled against the paper. As a result of the article, the *RDM's* offices were raided, their phones tapped, and Harold Strachan was sent back to prison. The reporter, Benjamin Pogrund, ended up with a

criminal conviction. The paper was fined heavily. The legal costs were crippling – in excess of R250 000,00, which was an astronomical sum at the time. It took great courage from editor Laurence Gandar to print the stories at all, but it also meant the end of his career. Gandar was first sidelined and then fired as soon as it was expedient (Gibson in Tyson, 1993: 243-244). His fate was kinder, however, than that of *Daily Dispatch* editor Donald Woods some years later. As a result of the *Daily Dispatch's* investigation into the death of Steve Biko in 1977, Woods was banned and exiled without any recourse to the law (Tomaselli et al., 1987: 71).

A third reason why the Info scandal is an important case study is because it bears testimony to the strong esteem in which the power of the press was held in the corridors of power. Appendix A lists a number of publications the Department of Information attempted to influence or control, with some success. It bought, and tried to buy, influential publications in South Africa and abroad; it also started its own newspaper. Eschel Rhoodie, who was the Secretary of Information and the most powerful man in the department after the Minister, wrote a book called *The Paper Curtain* in 1969, in which he described how he would counter what he called the "fanatical 'hate South Africa crusade' being conducted by people, organisations, and newspapers of the free world" (Rees and Day, 1979: xv). It was a blueprint for a propaganda war in which the founding of the *Citizen* in 1976 was a very small part.

Muldergate, in South African history, is largely associated with the launch of the *Citizen* – ostensibly funded by South African fertilizer millionaire Louis Luyt. There were rumours that taxpayers' money was used for the venture, but in the first two years of the *Citizen's* existence this could not be proven. Raymond Louw, who was the *RDM* editor at this particular time, suspected that the *Citizen's* circulation figures were inflated. An elaborate sting operation involving both Mervyn Rees and Chris Day, the journalists who would eventually write a 220-page book about their investigation, proved that the bulk of every edition was either pulped or dumped on Luyt's farm. It was only a year later that Rees received a tip from a disgruntled civil servant from the Department of Information (DI) who claimed there was large-scale corruption involving public money. The *RDM's* protracted investigation would show that the *Citizen* was a relatively small element in an extensive propaganda war designed by DI Secretary Eschel Rhoodie that included hundreds of secret projects on three different continents (Mervis, 1989; Rees and Day, 1980). More than than R60 million[12] in clandestine funds was spent on attempts to influence the South African- and international news media, think tanks and opinion leaders by subsidising or buying existing publications or launching new ones, which included the funding of the *Citizen* and a failed attempt to buy the *Washington Star*. The government also acquired a fifty per cent stake in UPITN, then the world's second largest distributor of television news (Jackson, 1993).

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[12] There are various estimates of the final cost the Information Scandal. Jackson quotes a study by Rene de Villiers, which estimates the cost at R60 million (1993), whereas Rees and Day claim it was closer to R85 million (1980).

The *Express* published the first story of corruption in the DI. On 28 April 1978 it revealed that Eschel Rhoodie had taken a party of ten guests, including his wife and daughter, on what was ostensibly a working trip to the Seychelles for five days at the department's expense. And on Sunday 29 October of the same year it was able to confirm rumours that the *Citizen* had been launched with taxpayers' money. This opened the way for the *RDM* to publish, in greater detail, the extensive evidence of corruption that investigative journalists Mervyn Rees and Chris Day had unearthed.

It is possible that a concurrent judicial inquiry, headed by Judge Anton Mostert, into the contravention of exchange controls by the DI prevented a court case for both the *RDM* and the *Express*. But the political fallout was huge (Mervis: 445). The exposé led to the resignation of B.J. Vorster, former Prime Minister and State President at the time, and the National Party crown prince, Connie Mulder, who was the Minister of Information. Eschel Rhoodie was fired and charged. This was not the most important outcome, however. In addition, Jackson suggests, the failure of Muldergate became a metaphor for the ills of apartheid. "South Africa has always prided itself on being a country with a clean administration" and the white electorate believed their leaders were incorruptible and truthful, and that "the governing process [...] was precise and decent" (O'Meara in Jackson, 1993: 20). Even the Afrikaans press, which supported the government, was aghast: an editorial in the *Beeld* read, "This is no time for clemency. Immediately and without regard for the status of the persons involved, there must be a clean-up. Those responsible for bringing shame and disgrace to our national life must pay" and the *Transvaler* called the issue "an unbelievable misdemeanour" and demanded that "those who have misused Government and patriotic trust in such a reprehensible manner" be dealt with (in Mervis, 1989: 450).

Muldergate as a case study is interesting for more reasons than its career-ending consequences. It offers an interesting starting point for the exploration of two aspects of media study that are as relevant today as they were in South Africa in the 1970s: 1) the relationships between government and the press – which includes the government's perception of the power of the press and its efforts to either manipulate this power in its favour or shackle it; and 2) the strategies that newspaper editors have to employ to make sure the information they publish is free of government influence and, more importantly, perceived to be so in the eyes of their readers.

5.3.2 Investigation 2: Vlakplaas

More than ten years after Muldergate, in 1989, the *Weekly Mail* exposed the existence of a secret police death squad based on a farm near Pretoria. Vlakplaas, also known as Section C1, was an elite South African Police unit that planned attacks against anti-apartheid organisations and the assassination of the state's political opponents The *WM's* source was Almond Nofemela, a convicted murderer on death row for killing a white farmer. Nofemela claimed to have murdered nine more people in his capacity as police constable, on the orders of his commander, Captain Dirk Coetzee (Manoim, 1996). Although *Vrye Weekblad (VW)* journalist Jacques Pauw had been investigating the story ever since former Vlakplaas chief Coetzee approached him with it in 1985, while Pauw was still working at

the Afrikaans Sunday paper *Rapport*, the *VW* did not publish it until after the *Weekly Mail (WM)* broke the story. *VW* had good reason to be cautious. The restrictions of the press were much greater in the 1980s than in the previous decade.

Politically the decade "ushered in an array of challenges to the survival of newspapers that lead to extensive adaptation by managers, editors and journalists" (Jackson, 1993: 6). The government was taking increasingly harsh steps against its opponents, which culminated in successive states of emergency from July 1985 onwards and saw high numbers of professionals leaving the country during a time of growing economic problems. The value of the rand was falling and inflation and tax rates were rising. International sanctions saw a massive outflow of capital. A second state of emergency, imposed on 12 June 1986, subjected the press to a wide range of constraints and a series of challenges by the media only caused the government to close the existing loopholes. Vast parts of South African society were declared off limits to reporters; where the freedom to obtain and publish information had already been limited, the emergency regulations granted the ministers of Law and Order and Home Affairs virtually absolute power to close any newspapers they wanted to permanently (Jackson, 1993: 7).

According to Rhodes University researchers John Grogan and Charles Riddle, the South African press had been "battered into submission. Many journalists [were] becoming demoralised, hyper cautious and timorous" (in Jackson, 1993: 12). Coverage in mainstream press was seen to be tempered "by self-censorship, and a weary resignation by some editors to increasingly give their white readers inoffensive, non-controversial news" (*ibid*). Although there are editors and journalists who would disagree with this, *VW* editor Max Du Preez wrote that it was a frustration with the existing reportage in the Afrikaans press that led to the birth of the *Vrye Weekblad*. In his history of the paper, *Oranje, Blanje, Blues* (2005), du Preez writes that on the famous trip to Dakar in 1987, where a group of mainly Afrikaans academics, writers, businessmen and clergy met with the ANC to discuss a negotiated solution to apartheid, he was grumbling about the fact that the Afrikaans press was part of the government's 'Total Strategy', which meant it was impossible to tell Afrikaners the truth about apartheid and its pitfalls. Beyers Naudé, a progressive cleric of the Dutch Reformed Church, challenged him. "What are you going to do about it?" he asked. Back in South Africa du Preez started working on launching an independent, progressive newspaper in Afrikaans and the first issue of the *Vrye Weekblad* was published on 4 November 1988.

Both the *WM* and the *VW* operated during a time of increasingly oppressive legislation and almost random restrictions on publication, but the *VW* was in a position where it had to pay a R30 000 fee to register as a publication – a fee unheard of at the time of its launch, and a fee that could be forfeited in its entirety almost at the whim of the government. Exposing the Vlakplaas hit squad had serious implications for the *VW* – its financial position had been precarious from its inception. The reason du Preez hesitated to publish too soon was the fact that their smoking gun – Coetzee – was a disgruntled former policeman who had been forced into early retirement after a row with his employers. It was important to check his story against known facts and to have corroborating evidence.

In addition, Coetzee wanted a safe exit from the country for him and his family in return for going on record, and again, the financial implications made it organisationally difficult for the paper (du Preez, 2005).

Although Manoim explains that prominent civil rights attorney Brian Currin brought Nofemela's story to the *WM*, little has been published about their reasons to go ahead with a sensitive and potentially explosive story, other than the fact that their source was scheduled for execution.

The significance of Vlakplaas for this report lies in the timing of the revelations and the response of the government – in the final days of apartheid, the state had not only increased the legislated restrictions for the media, but there was a real, physical danger for the journalists and whistleblowers involved. There was at least one attempt on Dirk Coetzee's life, which killed his lawyer, Bheki Mlangeni, instead, and there were attempts on the lives of the *VW* staff. On 3 July 1990, the paper's offices in Newtown, Johannesburg, were bombed.

5.3.3 Investigation 3: Oilgate

In May 2005 the *Mail & Guardian* printed an article – the first in a series – that claimed that South African oil company Imvume Management paid R11 million (part of a R15 million advance on a condensate supply contract it had with the state oil company, PetroSA) into the African National Congress's 2004 election campaign fund. Imvume could not pay its supplier and PetroSA had to pay the default amount again. Imvume applied for an interdict against the paper in the North Gauteng High Court. The company did not deny the allegations but the interdict was granted because the paper refused to reveal its sources.

The interdict was founded on a report by the public protector at the time, Lawrence Mushwana, who refused to investigate the matter because he interpreted Imvume as a private company. The *M&G*, however, had evidence that Imvume was effectively a front for the ANC that had a business relationship with Uluntu Investments, a company belonging to the brother of then-Minister of Minerals and Energy, Phumzile Mlambo-Ngcuka. PetroSA was part of Minister Mlambo-Ngcuka's portfolio. On the day of the Imvume payment to the ANC, a sum of R50 000 was paid to Uluntu Investments. An editorial in the paper read:

> The Public Protector Act contains a number of empowering clauses, including that he or she can investigate "any alleged improper or unlawful enrichment, or receipt of any improper advantage by a person (read ANC) as a result of an act or omission in connection with the affairs of government; or of a person performing a public function; or entity (read PetroSA) in which the state is the majority or controlling shareholder" (M&G Online, 2005).

The findings of the public protector were set aside on appeal in 2007. I chose to focus on this investigation because, in a post-apartheid context, it is indicative of the ongoing difficulties that newspapers experience in exposing corruption, in spite of the constitutional guarantees of freedom of the press.

6. THEORETICAL FRAMEWORK

6.1 Introduction

Initial research showed that in South Africa the dominant approach of editors and journalists, when it comes to the subject of investigative journalism, is that it fulfils the "watchdog" requirement of newspapers: it is how they perform their duty as the fourth estate[13]. McQuail offers the possibility of four different kinds of theory – "sets of ideas of varying status and origin which may explain or interpret some phenomenon" (1987: 4) – that serves in the analysis of the phenomenon of the mass media (press, television, radio, cinema and increasingly the new media in a mushrooming array of platforms) and mass communication, which is what the mass media sets out to do. Of the four, only two kinds of theory are relevant to this report:

1. Normative theory: a body of theory "which is more concerned with how the media *ought* to operate if certain social values are to be observed and obtained" (1987: 4). This approach is important as it not only plays a part in shaping media institutions, but also influences the expectations of the media held by both the participants in media institutions and their market or audience.
2. Working theory: partly normative in nature, this theory was developed and is maintained by media practitioners themselves, and offers guidelines on the purposes of media work. Working theory is again based on how things ought to be done, but from an internal viewpoint: it deals with the application of the abstract principles of social theory in achieving certain ends. These ideas originate in the traditions of publications, professional practices and the behavioural norms that guide media production. This theory is practical and helps us to understand how publishing decisions are made. It deals with the questions of audience appeal, newsworthiness and the responsibility of the journalist or medium.

I have explored these bodies of theory and their application to the research question below.

6.2 Normative theory

McQuail holds that there is no unified body of 'normative theory' due to the diversity of values and aspirations of theorists and their followers. However, normative theorists share the view that the process of every means of publication is not a neutral matter, and has implications both for society as a whole and its individual groups and components. Important for this research report is McQuail's suggestion that the unbreakable link in modern Western society between the freedom to communicate and to publish, on the one

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[13] Joel Mervis's history of South African Associated Newspapers (SAAN) is titled *The Fourth Estate* and he starts it with Edmund Burkes' famous quote: "*There are three Estates in Parliament; but in the Reporters' Gallery yonder, there sits a Fourth Estate more important far than they all*". Rex Gibson refers to the *Rand Daily Mail* in his memoir, *Final Deadline*, as a "watchdog that sometimes yapped too much but never yelped" . See also Tyson, (1993), Sparks in Rees and Day, (1980) and Pogrund, (2000).

hand, and human rights and the principles of democracy on the other, is the firmest rock on which normative theories are based. In addition, there is the belief that the media can serve either as a resource for social betterment or potential social harm, and that the media works on behalf of the 'public good'. As a result, normative theory is diverse, alive and full of contradictions and tensions (2002: 159).

Siebert, Peterson and Schramm's *Four Theories of the Press* (1956) has been the most referenced work in studies of press theory. These theories all fall within the normative framework, which is a strong indication of normative theory's diversity and the ongoing debates. *Four Theories* was the first attempt at a comparative statement of the press, and although it has dated considerably in the last fifty-five years – Soviet media theory, for example, has been rendered mostly obsolete since the end of the Cold War – it is still a starting point for subsequent approaches (McQuail, 1987 and 2002; Nerone, 1995; Hallin and Mancini, 2004).

Four Theories of the Press poses the question: why is the press as it is? Why do its purposes and formats appear to vary so much from country to country? The answers lie partly in a country's ability to pay for its press, available funding for mass communication and the degree of urbanisation, which facilitates and necessitates the circulation of media. It also reflects, simply, what people in different countries do and what they want to read about. The most important reason for the variety, however, is the fact that the press "always takes on the form and coloration of the social and political structures within which it operates". As a result "it always reflects the system of social control whereby relations of individuals and institutions are adjusted" (Siebert et al, 1956: 1-2). This is the foundation of the *Four Theories* thesis. It is also on this premise that several subsequent theorists have based new analyses, most notably and recently Dan Hallin and Paolo Mancini in their "Three Models" paradigm, a comparative media framework that gathered data from eighteen different countries. The primary focus of their work is the relationship between political- and media systems, and they attempt to discover if there are systematic connections between these systems. They also try to identify variations in the political role and structure of the news media, to find out how these variations occurred, and they ponder the implications for political democratic systems. "They attempt, in brief, to answer the question Siebert *et al.* posed in 1956: Why is the press as it is?" (Hadland, 2007: 5).

The theories, or philosophies, as Nerone *et al.* prefer to call them, constructed in *Four Theories* are authoritarian theory, libertarian theory, Soviet communist theory and social responsibility theory. Siebert allows for the fact that Soviet communist theory grew out of authoritarian theory, and that social responsibility theory is a modification of libertarian theory, but suggests that despite their common ancestry, each one has singular and significant characteristics. As a result, they are treated separately. Authoritarian theory is the oldest of the four, and evolved during the late Renaissance, soon after the invention of printing. Truth was thought to be the product of a few wise men and the domain of the king; hence the press was a top-down affair; it belonged to the office of the king and was obliged to support royal policy (1987: 2).

An increase in trade and travel prompted greater political and religious freedom, and in the late 17th century the Enlightenment saw a radical change in the relationship between citizens and the state. Ordinary people were recognised as rational beings who could distinguish between truth and falsehood without the guidance of their rulers, and the right to search for the truth accepted as their inalienable right. "The press is conceived as *a partner in search of the truth*" (Siebert et al., 1987: 3). It became a tool for presenting information and analysis that made governments accountable to the people. For this tool to be effective it had to be completely free from government control and influence; all ideas had to receive fair hearing: there had to be a 'free market' of ideas and information. All people had to have access to the press. Libertarian theory is the one that was written into the American Bill of Rights, and the 'fourth estate' press was the dominant model in newspaper publishing in the U.S. and Great Britain for two hundred years.

Social responsibility theory was the result of twentieth-century developments of the mass media. As publications and other mass-communication enterprises grew they became more and more exclusive: it was no longer possible for simply anyone to start publishing. The rise of large media conglomerates meant a reduction in the market place of ideas, despite the increase in the size of the market. The power of the press had shifted to a new ruling elite: big business. The report of the Hutchins Commission of the United States, released in 1947[14], addressed many of the accusations of critics of a "laissez-faire" media system, including the monopolisation and commercialisation of the media that produced a "debased culture and a dangerously selfish politics" (Nerone, 1995: 77). Social responsibility proposed that the media took it upon itself to see, amongst other things, that the media represented a diversity of views (Siebert et al., 1956).

Historical events in the late 20th century rendered Siebert et al.'s fourth theory – Soviet communist theory – largely obsolete. This historical specificity is at the heart of Nerone's first area of criticism of the *Four Theories*. He argues that Siebert's four theories are in fact only one: that in structure, policy and behaviour, communications systems reflect the society in which they operate. Within that, the authors constructed a schema of different existing philosophies that could be used to define a society and its communications systems. Other than the problem of varying levels of historical concreteness, Nerone suggests that the four theories are not all theories in the same sense. Authoritarian theory is not a theory, but a set of practices. Libertarian theory is derived from a discussion of iconic thinkers like Milton, Jefferson and Mill and has "thus real existence as a theory" (1995: 19). The remaining two theories are grounded in historical realities and formulated as theories of press operation – social responsibility theory was constructed as a set of operating principles, and Soviet communist theory as a tool to serve, in the most explicit manner, the Soviet state apparatus. Nerone's third criticism is the implication in *Four*

[14] The official name of the Hutchins Commission was the Commission on the Freedom of the Press, and the report it produced in 1947 was titled *A Free and Responsible Press*. Siebert felt it was important to note that social responsibility theory was not an outcome of the work of the scholars of the Commission, but that the foundations of the theory had been expressed by "responsible editors and publishers" long before and independently of the Commission (1956: 5).

Theories that any press system can be coherently defined by a single theory of the press; his fourth, oversimplification; and fifth, that *Four Theories* does not deal satisfactorily with the concentration of power in the private sector. All of these criticisms, however, point to what he calls the fundamental conceptual problem with *Four Theories*: that three of the theories are defined from the framework of the fourth: classic liberalism, which divides the political world into individuals versus society and the state. Nerone does not appear to find this problematic *per se*, but feels that *Four Theories* fails to declare this is its point of departure. He points out premodern notions of community do not conform to such opposure between individuals and the state and that Marxist- or postmodernist notions of the state are at odds with liberal notions of individuality. As a result, he argues, these notions cannot be accommodated in a theory constructed on a liberal vocabulary. As a result, *Four Theories* ignores its own presumptions and presents itself as a work of objective scholarship.

Nerone's fairly severe criticism of *Four Theories* is valid, but it is also an example of the absence of the "body of unified theory" that McQuail speaks of. McQuail suggests, instead, all national societies are likely to comply with a distinct and detailed version of normative theory and that additional sets of more general principles can be used to classify different cases. For him, this is part of an everyday discourse, and not very obscure or problematic (1987). It does not serve this report to discuss McQuail's thesis in detail, or the new frameworks constructed by Hallin and Mancini. What is important in a South African press context is the basic tenet of the "unbreakable link" between the freedom to communicate and publish on the one hand, and human rights and the principles of democracy on the other; and the question of how the media is *expected* to operate in a democratic society.

6.2.1 Libertarian or free press theory

The idea that a free media – as defined by the libertarian or free press theory – is both vital to and a reflection of a democracy has been disputed by a number of theorists, but it remains, according to McQuail, "...widely regarded as the main legitimising principle for print media in liberal democracies" (1987: 112). It is rooted in the work of liberal thinkers like John Stuart Mill and its underlying principles are those of the liberal democratic state – individual liberty, the supremacy of reason, truth, progress and the sovereignty of popular will (McQuail, 1987: 113).

It has been said that, "the core purpose of journalism is and should be about producing and distributing serious information and debate on central, social, political and cultural matters. Journalists regulate much of what the public gets to know about the world they inhabit, and this activity is vital to a functioning democracy" (Gripsrud in Schudson 2003: 14). It will be difficult to analyse the findings of this research without placing it in the context of the press as the fourth estate, which lies at the heart of the liberal-pluralist theory of the press. For Jurgen Habermas, the press was the "pre-eminent institution" (1989: 181) of the public sphere – an organ through which the discourse of informed men around the issues of the common good was expressed, and through which the state was held accountable to its people. If the press' principle democratic role is to "fearlessly

expose abuses of official authority", and if this role should "override in importance all other functions of the media", (Curran 2005: 122), then the role of the *RDM* in the undoing of a president, a minister and an entire ministry during the Muldergate exposé would be an unusually near-perfect illustration of that role.

There are obvious limitations to the free press theory, starting with the principle role mentioned above. In the liberal tradition, in order to act as a check on government it has to be completely independent of the government (Curran, 2005; Nerone, 1995). This means that the media has to be commercially viable and that it becomes dependent on market forces and profit-making, which, ironically, reduces the freedom to publish and inhibits the ideal of truth-telling. As a result, the public-interest imperative suffers because the public appears to be more interested in paying for entertainment than knowledge of its political universe. Curran suggests that the liberal point of departure – that the role of the watchdog should be paramount – may be quixotic, considering the limited space in contemporary newspapers that are dedicated to public affairs and official wrong-doing (2005).

Free press theory also holds, traditionally, that government is the sole object of press vigilance – considering its historical origins at a time when government was thought to be the main seat of power because, according to Curran "the state has monopoly of legitimised violence" in a society (2005: 123). He points out that the theory fails to take into account that the market has become a source of corruption: for the modern media to fulfil its watchdog function, it has to be independent of all forms of power, both political (public) and economic (private).

It is important to note the increasing conflation of the two types of power: politicians and civil servants are often involved in decision making that can affect the profitability of private enterprises, whether they are media-related or not (McQuail, 2003). In South Africa this conflation is often seen. Not only have private entrepreneurs been exposed on numerous occasions to be involved in shady dealings with government officials, much of the political scandal that has been exposed by newspapers is in the realm of economic enrichment of ANC politicians[15]. The culture of the 'tenderpreneur' has virtually become standard business practice in South Africa. It often appears as if public servants see it as appropriate to augment their remuneration through doing additional business with the government.

This conflation of power has serious implications for investigative journalism, and is something that editors of South African newspapers have struggled with during apartheid, and struggle with to this day. Our publishing industries have followed international

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[15] For example, during the 'Oilgate' scandal, which is covered in more detail in Chapter 5, the *Mail & Guardian* found evidence that oil company Imvume was effectively an ANC front and that Social Development Minister Zola Skweyiya had personally received R65 000 for renovations of his private residence from the company. And in the second half of 2011, *City Press* ran a series of exposés revealing that ANC Youth League president, Julius Malema, had benefitted personally from a series of tenders in Limpopo.

trends: almost all our daily and weekly papers (the few exceptions include the *Mail & Guardian*) are owned by three large media conglomerates: Avusa Media, Media24 and Independent Newspapers, some of which have a great variety of vested business interests. Avusa, for example, is owned by Johnnic Holdings Limited, an investment holding company with interests in energy, hotels and casinos (Mbendi Information Services website, accessed 8 January 2012). Herman and Chomsky's propaganda theory (1993) provides perhaps the most damning analysis of the effect of media ownership on the supply of information to the public, but they are not alone in their argument that the interests of large corporations will influence media content (McNair, 1998; McQuail, 2002; Curran 2005). Yet, in spite of the constraints imposed by the financial realities and ownership of newspaper production, newspapers keep on investigating and exposing both political- and corporate corruption. This report attempts to establish the reasons for this persistence.

To answer this question it may be helpful to return to the public sphere. Habermas's bourgeois public sphere has been attacked from many directions (Dahlgren in McQuail, 2002 and Fraser in Calhoun, 1992), not least for being archaic – it came into existence in the eighteenth century and although in theory access to the sphere was free and open to all, its members were largely male and privileged. According to Habermas (1989), the bourgeois public sphere was eventually corrupted by the corporate organisation of public life and the commodification of culture. It remains, however, the source of the modern concept of the public sphere: "a neutral space within society, free of both state and corporate control, in which the media should make available information affecting the public good" (Curran, 2005: 135). Whether this is idealistic or not, one has to address the question of what becomes of journalism if it ceases to care about its democratic role. James Carey wrote, "Without the institutions or spirit of democracy journalists are reduced to propagandists or entertainers" (in McQuail, 2005: 182).

At the heart of the free-media-democracy link is the concept of the public interest. Although it is a much-debated concept in itself, the idea that the press should serve the public interest is widely accepted (Siebert et al., 1956; McQuail, 2002). It also underpins the fundamental importance of the watchdog function in libertarian theory. The dichotomy between the public interest and what the public is interested in, however, begins to flag the range of flaws in the market-related foundations of a so-called free press, which I will expand on below.

6.2.3 Social responsibility theory

Social responsibility theory was one response to the perceived failures of liberalism and the free-market theory of the media. Its major premise is that freedom comes with obligations, and that the press is obliged to be responsible to society to fulfil certain essential functions of mass communications. Simply put, it had to reconcile independence with obligation to society. According to Peterson in *Four Theories*, the functions of the press under social responsibility theory are similar to those it is tasked with under libertarian theory. He lists six tasks:

1. Servicing the political system by providing information, discussion, and debate on public affairs;
2. Enlightening the public so that it should be capable of self government;
3. Safeguarding the rights of individuals by acting as a watchdog against government;
4. Servicing the economic system by bringing buyers and sellers of goods and services together through advertising;
5. Providing entertainment; and
6. Maintaining financial self-sufficiency so that it can be free from the pressures of special interests (in Siebert et al., 1956: 74).

The need for a new framework arose because of a perception that the press was failing in the first three tasks. More than sixty years and multiple revisions of *Four Theories* later, one can argue, this perception persists with good reason. The shift towards greater accountability towards communities came at a time of widespread public disenchantment with the increasing monopolisation of the media. Most of the printed publications in the U.S. were owned by wealthy media tycoons like William Randolph Hearst, Robert R. McCormick and Henry Luce, and there were mounting accusations that the media was beginning to wield its power to its own ends and that this situation was beginning to threaten the free flow of ideas (Peterson, 1956). Just as in the case of the public sphere, the very conditions that permitted the "free market of ideas" were causing its demise. It was time to elevate standards and, again, to provide citizens with the "raw material and disinterested guidance" they needed to make intelligent decisions about their own government. Social responsibility theorists warned that unless this happened, the public would allow, if not require, the government to take steps to regulate the media. (Nerone, 1995: 77).

In the light of this, there have been proposals that social responsibility theory was no more than a limited adjustment to liberalism due to business demands in a context of global and national social change. The colour and sex of faces in newsrooms were changing, which implied that different experiences and points of view would add the diversity required of the media. The definition and presentation of news evolved: fairness and balance, coupled with a more objective writing style became accepted as the norm of "responsible journalism". Nerone writes that the media both repudiated and embraced social responsibility theory – in the latter case he suggests that the notion of "responsibility" appealed to the media on a commonsense level (1995: 79).

In order to fulfil this responsibility to society, and to resolve the inconsistencies perpetuated by liberalism, social responsibility theory prompted two kinds of solution. One, according to McQuail, was the development of public, but independent institutions

for the management of broadcasting[16] and the second, the further development of professionalism to achieve higher standards of performance, while maintaining self-regulation by the media themselves.

The concepts of self-regulation and professionalism are both important in the context of the case studies of this report. The provisions of the new Protection of Information Bill that has been passed by Parliament (if not yet legislated) saw the adoption of new Press Code in October 2011 by the Press Council of South Africa.

6.3 Working theory

It has been said that in theory, there is no difference between theory and practice but in practice there is. Social responsibility theory was, as we have seen, a response to the chasm that existed between what the press 'ought to do', and what the press was actually doing. Siebert insisted that the theory was not constructed by the scholars of the Hutchins Commission, but had been expressed by "responsible editors and publishers" long before and independently of the Commission (1956: 5). The sections below outline the practical application of the abstract principles of social responsibility theory in achieving what media practitioners themselves believed to be the role of the press.

6.3.1 Gatekeepers and organisational culture

One of the main criticisms of normative theory, and a problem that social responsibility theory tries to address, is the fact that the profit imperative of large media organisations led to a production process that necessarily undermined the democratic obligations of the press. McQuail suggests, however, that the impact of the technology of mass distribution on newspaper content is not as definitive as some theorists have suggested. He writes that there has been a recognition that "the selection and processing of content within a media organization may have as much effect in shaping content as the demands of technology" and that organisational goals, work practices and the culture of the workplace have considerable impact (2002: 251).

The selection and processing of content was conceptualised in terms of a gatekeeper role in media organisations. The vast amounts of incoming information and material are sorted by editors according to a variety of principles that include both organisational policy and subjective ideas (McQuail, 2002).

Earlier gatekeeper models varied substantially, but they shared certain methodological and other characteristics: they focused mainly on journalists and media organisations, rather than external elements like government, advertising, business organisations, pressure groups and regulators (Herman in Golding et al., 1986). Gallagher notes that the ambivalent relationship between the mass media and other sources of power in society is a central feature of mass communication. There is a network of controls and constraints that

[16] It is important to note that this may not be an appropriate description of the way broadcasting, and the work of the public broadcaster in particular, is managed in South Africa. A discussion of the partisan nature of the SABC's Board is unfortunately beyond the scope of this report.

are external to news organisations, and which is used to "counterbalance the potentially disruptive power of the mass communicators" (in Gurevitch et al., 1982: 154). The obvious example, in the context of this report, is the government and legislation designed to inhibit the freedom of the media. However, these external constraints, Gallagher suggests, do not necessarily control mass media organisations as they are paralleled by equally influential demands that are internal to the organisations themselves. In fact, the internal demands are essential to the claims of professional autonomy made by media organisations, which maintain the separation between the media organisation and the state. Gatekeeper studies have found that the decisions of gatekeepers, then, are a "resolution of management and professional constraints" (Tomaselli, 1987: 28) and that choices are often forced because of deadlines, the production process itself, budgets, personal experience and ethics and company policy.

The "personal experience and ethics" that Tomaselli refers to is an important aspect of gatekeeping, according to McQuail, who argues that media organisational theory tends to emphasise the requirements or culture of the organisation over "the individual as a personal actor in the production process" and discounts the potential for individual views other than that of the media owner (2002: 251). Warren Breed's study on social control in the newsroom concluded that "every newspaper has a policy, admitted or not" (1955: 327). But because journalists work according to the ethical norms – which is covered more specifically in the following section – such a policy is necessarily covert, and no executive would risk the embarrassment of being seen as slanting news to suit its policy. Nonetheless, there is evidence that editorial policy is internalised by new journalists through a process of socialisation (Breed, 1955). A number of reports indicate that the *RDM* management did not agree with the editorial policies of its editors. In spite of this, editors appeared to enjoy considerable editorial independence until it cost the paper money (Mervis, 1989).

There is another level of socialisation, however, that may well have an impact on the decisions taken by the gatekeepers of a news organisation. According to Potter, "Most South African newspapermen share an acute consciousness of the traditions of their newspapers," both as individual publications and as parts of the newspaper groups. "None would be able to define tradition in any other than the most general terms, but they acknowledge that a newspaper's traditions are contained in the attitudes and values for which it has stood and had embodied in the past, as much as in their present interpretation of those values" (1975: 30).

The appointment of Laurence Gandar as editor of the *RDM* in 1957 had a notable impact on the editorial content of the SAAN daily, and Gandar exerted a "profound influence on the character, reputation and fortunes of the Rand Daily Mail" (Mervis, 1989: 457). There is general agreement that Gandar was a visionary editor and that the three editors who succeeded him generally followed the editorial guidelines he established (Mervis, 1989; Tyson, 1993; Pogrund, 2000; Gibson, 2007). According to Mervis, the only directive Gandar was given was to support the United Party, which he agreed to do not because he supported the party, but because "he found the alterative too ghastly to contemplate"

(1989: 341). Other than that, Gandar insisted on complete editorial independence, which gave him the freedom to make the RDM "the doughty, eccentric fighter for justice that it was" (Gibson, 2007: 5). When Gandar saw fit to do so, however, he abandoned his support for the United Party in favour of the newly formed Progressive Federal Party in 1961.

In spite of the great respect that Gandar was shown at home and abroad, the hefty fine and astronomical legal costs that resulted from the prison exposé saw him being fired after nine years as editor. According to Joel Mervis, the SAAN (South African Associated Newspapers) board thought that Gandar's principles "were doing the paper enormous harm" in spite of the fact that many praised the "ethical and moral qualities" of his approach (1989: 457). It was impressed upon Raymond Louw, who succeeded Gandar, that the political policy of the *RDM* was unacceptable to advertisers at the time. Louw, however, through a series of smart marketing ideas and without compromising his editorial policy, managed to show increasing profits and an expanding circulation until the recession in 1974, which changed the economic fortunes of the paper (Mervis, 1989: 458 – 459). In spite of a peak in circulation during December 1976, Louw was kicked upstairs; the board felt that it was time for another editor (Mervis, 1989: 261).

By all accounts the *RDM* editors that followed Gandar persisted with an editorial policy that was underpinned by a desire to tell the truth about the political situation in the country at the time, in spite of both internal and external restraints.

Critical analysis of the liberal theory of the press, mostly rooted in the material existence of the media and the economic realities of modern societies, abound. Curran has called the subject of media and democracy one "where discussion has become repetitive and wrapped in the cobwebs of time" (2005: 120). This report aims to investigate the thinking behind publishing – or not – politically sensitive information in South Africa, at a time when the government was cracking down on newspapers during and after apartheid. If adhering to the liberal tenet that the overarching role of the press is that of fourth estate is not what the press actually does, perhaps it is what it should do, even if that conforms to what Curran calls the "idealist legacy" of liberalism. (2005: 137).

6.3.2 Journalistic professional practice: the role of journalists in society

The critiques of liberal theory showed that, far from the ideal of delivering the information that would liberate and empower the citizenry of a democracy "the news provides, at best, a superficial and distorted image of society" (Bennet, 2003: 10). Social responsibility theory was an attempt to correct this problem. On a practical level such efforts manifested in a variety of ways.

In liberal democracies, professional journalists who embrace the concept of 'responsible journalism' subscribe to a code of conduct, or ethical guidelines, that may vary slightly from country to country but that include, mostly, the following prescripts: tell the truth; act independently; and minimise harm. Krüger adds a fourth principle: that of accountability. "Journalists should be prepared to answer for their work, to their audiences and to the public at large" (2004: 13).

To the question of why people become journalists, Lou Cannon has the following to say: "...people also become reporters because they want to have some impact on the world. The desire to promote change was a motivation for reporters long before modern 'advocacy journalism'" (in Iyengar and Reeves, 1997: 11). During his investigation into the Department of Information, Mervyn Rees worked on his own and in secret for almost two years. In *Muldergate*, he describes how his colleagues often teased him about not publishing stories when they saw him in the office. But despite this frustration Rees compiled a remarkable body of information during a protracted investigation. Rees was able to find information others could not because of his credibility and reputation as a journalist. In an interview, he explained why he thought his first lead in the story came to him. "A lot goes back to my own background as a journalist," he said. "Although I represented a liberal paper, which was not widely liked in government and the police, it was respected. The fact that I was English speaking and represented an English paper was difficult, so I made it my business to develop contacts at a personal level. I would go to every police station in Johannesburg, and meet all the cops, at all levels. I developed a wide network of contacts who trusted me completely."[17]

To avoid reflecting Bennet's "superficial and distorted image of society", and more specifically, to avoid being perceived to do so, publications and reporters need credibility. If the press has no credibility, it makes no contribution to democracy. Jovial Rantao, editor of the *Sunday Independent*, has written, "Credibility is the lifeblood of our profession as journalists. Credibility is to us what oxygen is to the human body. Without it, we are nothing. Without it, not one person will believe a single word we write" (in Krüger, 2004: 4).

7. METHODOLOGY

The aim of my research was to establish, in the face of impending legislation predicted to severely limit the existing press freedoms in South Africa, how editors make decisions to publish information that could have legal or political consequences. I chose the interviewees on the basis of the three investigations that, after a wide examination of existing historical and academic texts as well as current online and print publications, appeared to be significant in terms of the relationship between the government and the media, and in terms of the government's response to the revelations of the investigations. I have already provided details of each of the studies above: the Info scandal (*Sunday Express* and *Rand Daily Mail*, 1978); the exposure of the SAP death squad known as 'Vlakplaas' (*Weekly Mail* and *Vrye Weekblad*, 1989) and the Oilgate scandal (*Mail & Guardian* 2005).

These case studies constitute the starting point for my research, which examines how the government, historically, tries to prevent newspapers from publishing stories that could embarrass the government or expose political wrong-doing, and why the editors of newspapers decided to publish critical investigations in spite of the certain political, legal

[17] Telephone interview with Mervyn Rees, 19 October 2009.

and often financial consequences. The hostility of the apartheid government to the media has been well documented, as I showed in the literature review.

My approach has been qualitative: the findings are based on five one-one-one interviews with the editors involved in the three investigations and who had taken considerable risks to publish investigations into high-level corruption. The interviews were semi-structured, and the interview guide was divided into three sections. The questions in the first section were theoretical and served to establish the world view, or personal opinion, of the interviewees with regard to the function of the press in a society and the role of the editor in achieving that function. I tried to establish whether the interviewees saw the relationship between the media and the government as a necessarily antagonistic one. I asked all the interviewees the same questions. In the second section of the guide, the questions were centred around the specific case studies: I asked them how they responded when the story first landed on their desks and what thoughts they had to the long-term implications of publishing the story. In this section I also asked them about their relationships with the owners and management of their respective publications where applicable – in the case of Harber and du Preez, this was not relevant, but their comments on the pressures of being both editors and owners of their publications provided some insight into the elements that informed their perceptions of their tasks as editors. The third section focussed on the present: the PSIB and the implications for media freedom in South Africa.

The order in which I conducted the interviews was fairly random, and depended on the availability and locations of the interviewees. Gibson and du Preez both live in the Cape, for this reason I did these interviews back-to-back during my research trip. I interviewed Haffajee last.

7.1 Interviewees

As I have mentioned, I chose the interviewees on the basis of their involvement in the three case studies, which were, in turn, relevant to the research topic.

7.1.1 Allister Sparks

Sparks was the editor of the *RDM* from 1977 until 1981, and hence, at the helm for the duration of the Muldergate investigation. At the time of his appointment as *RDM* editor he had been editing the *RDM's* sister newspaper, the *Sunday Express*. Sparks was appointed to the *RDM* after the board fired Raymond Louw. I have already outlined why I thought the Information Scandal was a milestone in South African investigative journalism; it remains only to emphasise that Sparks had to make difficult decisions under the yoke of a great variety of constraining factors, including open hostility from the government and the historical precedents of aggressive government responses to exposés that were published by his predecessors, and the laws restricting the freedom of the press. Although Sparks said that there was no direct editorial interference from the owners and the board, he believed that he, like Laurence Gandar and Raymond Louw, was fired because the board did not like his editorial policy. Rex Gibson, who followed in his footsteps both on the *Express* and the *RDM*, believed that the board appointed Sparks only because they

believed that he had, in fact, a less political approach than that of Louw (interview with the author, 2011).

7.1.2 Rex Gibson

Gibson was the editor of the *Sunday Express* at the time of Muldergate, and the editor of the *RDM* for the last five years of its existence. The *Express* was the first paper to throw light on corruption in the Department of Information. On 2 April 1978 it reported that Eschel Rhoodie had taken a party of ten guests, including his wife and daughter, on what was ostensibly a working trip to the Seychelles for five days, at the Department's expense, and on Sunday 29 October of the same year it was able to confirm rumours that the *Citizen* had been launched with taxpayers' money. The *Express* opened the way for the *RDM* to publish, for weeks to come, the details of their secret two-year investigation. It was necessary to interview Gibson because, although the *RDM* investigation was far more extensive, the *Express* published the story first, in spite of the fact that it could face the same consequences. I hoped that this interview would also help to reveal all the factors that influenced editorial decision making at the time.

7.1.3 Max du Preez

Max du Preez was a founding member and the only editor of the *Vrye Weekblad* for the duration of its relatively short lifespan[18]. I thought it was necessary to interview du Preez because the paper found itself in a situation similar to that of the *Rand Daily Mail* during the Muldergate investigation: they had an explosive story in which they had invested a considerable amount of time and resources, but because of the anticipated consequences, they had to hold off on running it until they were sure that they had covered all their bases.

The paper's brief history, at that stage, had been riddled with court appearances. In their first edition they published, with reference, a photograph of Nelson Mandela that they sourced from a publication of the Bureau of Information. In spite of the public domain of the source, the government took them to court. According to du Preez, they started suspecting that the government's strategy against the paper would be to "terrorise them with the legal system" – to charge them for every single small thing. A week later, Minister of Justice, Kobie Coetzee, refused to register the newspaper: he found in his preliminary analysis that the *VW* would be used, amongst other things, as a medium to express the viewpoint of illegal organisations as defined according to the Internal Security Act of 1982 (Du Preez, 2005: 9).

7.1.4 Anton Harber

Harber was a political reporter on the *RDM* at the time of Infogate, and 26 years old when the paper closed in 1985. According to Irwin Manoim, Harber's co-founder of the *Weekly Mail*, he had "earned a reputation as someone who could be relied upon to when hell-

[18] The paper was launched in November 1988 and forced to close in February 1994.

raising was required" (1996: 2). Harber was the editor of the *WM* when it ran Almond Nofemela's revelations about Vlakplaas on its front page.

7.1.5 Ferial Haffajee

Haffajee started as a cub reporter at the *WM* in 1994 under the editorship of Anton Harber and was its associate editor, media editor and economics writer at various times. She went on to work as a radio- and television reporter at the SABC and returned to print as the political- and managing editor at the Financial Mail magazine from 1997 until 2004. In early 2004 she was appointed editor of the *Mail & Guardian*, a position she held until 2009, when she moved to *City Press* (International Women's Media Foundation website; Who's Who Southern Africa website).

She was the first woman editor of a mainstream newspaper in South Africa. As editor of the *M&G*, Haffajee faced six court interdicts between 2005 and 2007. The paper successfully challenged four interdicts and lost two. At the time Haffajee commented that, "pre-publication censorship [was] emerging as a major threat to investigative journalism in South Africa" (IOL, 2005).

The Oilgate exposé meant that the *M&G* had to recall its entire print run of the edition of 45 000, costing the paper an estimated R1.5 million (Smillie, 2005; M&G Online, 2005). The interdict was significant as it was the first time since the banning of the *M&G* under apartheid's emergency regulations in the late 1980s that the paper had been muzzled (M&G Online, 2005). There are two reasons why it was important, in the context of this report, to interview Haffajee. As this report aims to establish what motivates editors to publish stories that could have serious implications for the newspaper, the Oilgate story and the considerable cost to the paper provided a good contemporary case study. In addition, Haffajee had worked in the print media both during and after apartheid, which means that she could provide insight and a different perspective on the antagonism between the media and government.

7.2 Limitations

It is standard practice in qualitative research to use a small, purposive sample in order to gain an in-depth understanding of a specific research question (Hesse-Biber and Leavy, 2011). A more exhaustive comparison between a greater number of newspapers and their coverage of the exposés I chose might have provided greater insight into the general experience of editors and their publishing strategies. Against the background of the current debate around the PSIB, however, I wanted to investigate the similarities in strategies during and after apartheid. As a result, the timeframe of the research spans four decades, and available resources meant that I had to be specific in choosing the interviewees.

It is important to emphasise here that the editors I interviewed all worked for – or owned – newspapers that published investigative journalism. The theoretical foundations or views of the editors of newspapers with a more commercial focus are not presumed to match those of the interviewees.

8. FINDINGS

8.1 Introduction

The editors I interviewed all confirmed, to a large extent, that they saw themselves as the final or ultimate gatekeepers in their respective news organisations, whether they were employed by a large company, or were both owners and editors of their publications. They believe the final responsibility of what appeared on the page lay with them. In addition, the way that they perceived the role of the press falls firmly within a normative framework of the media: they all saw the watchdog function of the press as either paramount or fundamental.

I divided the findings into four sections. In the first I included how the interviewees defined the role of the press in society. The role of the press, in this instance, can be equated to 'what the job is'. There were some variations in the responses, and some differences in emphasis, but mostly the answers placed 'the job' in a normative and liberal theory framework: to provide their readership with information that enabled them to function as a knowledgeable and responsible electorate, and in this way, to support a functioning democracy. It emerged without exception that for the interviewees the type of information that newspapers provide should be significant in a political context, which supports the view that the role of investigative journalism, the material manifestation of the watchdog function of the press, is an important one. Although not all the editors referred to investigative journalism as such, the questions were structured, in every interview, around the relevant investigative cases, so their answers, unless I have indicated otherwise, were in the context of investigative journalism.

Having established 'what the job is' in the first section, the second section focuses on 'how to do the job' and includes the editors' personal perceptions of the manner in which their job function should be fulfilled – the role of the editor – and the internal and external constraints on their decision-making processes. The findings are that both the external and internal elements noted by Gallagher have sway over the assessments made by editors, but that their perception of their duty to do 'the job' was an overriding consideration when they believed that a story was newsworthy, in the public interest or essential in the context of investigative journalism's responsibility to act as a watchdog against corruption. In all the cases, regardless of the decade in which the publications in questions operated or whether they were part of the 'alternative' or 'mainstream' press, the requirements of the management or owners was not a determining factor in whether to run a sensitive story or not. This section illuminates the motivation and commitment of the editors in following a certain course of action – what impels them to publish stories that could have severe consequences for their newspapers.

The third section looks at the strategies the interviewees had to employ in order to fulfil the obligations they felt in the context of the first two sections. It reveals similarities in the approaches taken by all of the interviewees regardless of the period in which they had to make the decision to publish or not.

In the last section, I present the opinions of the interviewees of the current debate around the PSIB, and the effects they anticipate the Bill to have on the freedom of the media and investigative journalism.

8.2 The role of the press in society

In spite of their remarkably different cultural and political backgrounds, the editors I interviewed had remarkably similar answers to the question of the role of the press in society. They all, in one way or the other, said that newspapers had a watchdog function, and that the free dissemination of information to the public was a prerequisite for a democracy.

Allister Sparks said, "It's first of all to provide information, and it has to do that as comprehensively as it can. [...] I don't know of any country in the world or in history that was a democracy without having free speech. And I don't know of any one that had free speech that was not a democracy." Rex Gibson said that "apart from being a source of information [...] they gain credibility from the way they select from millions of items over a year – the relative handful that will inform people without bias and prejudice," and "fundamental as well is the role of investigative journalism - it's critical to the function of a newspaper that it actually asks the questions that society might not have the opportunity to ask and to find answers."

Harber called that function "a watchdog function to shine light into those dark spaces; that calls to account people with power and authority", but also alluded to the press's function as a public sphere: "a place where the nation or the community talks to itself and among itself, firstly, and by that I mean a kind of multiple conversation. A multiple-direction conversation between those in power and between and among everyone," and then he ended with "and secondly as a watchdog."

Although du Preez did not use the term 'watchdog', he felt strongly that the press had to "defend the people from bad government." He said that the role of the press was:

1. To inform citizens of events in society;
2. To safeguard freedom of speech; and
3. To support democracy.

Du Preez's definition of the role of the press echoes the first three tasks (out of six) defined by Petersen in *Four Theories* (servicing the political system, enlightening the public and safeguarding the rights of individuals) under social responsibility theory. Du Preez adds "safeguarding freedom of speech" and expands on that thought: "I think the printed media especially has a fundamental job to safeguard freedom of speech and that also means democracy." The two concepts, for him, are inseparable. For du Preez newspapers' primary role is their democratic function: "If you do not see it as your role as a newspaper to fight for democracy [...] then you simply sell paper with words on it as a commodity, then maybe you should rather sell soap or detergent."

The only interviewee that used the term "fourth estate" was Haffajee, who saw the role of the press and her role as editor in an "activist" framework. "I have a very activist view of the role of the media in society, in that it must be genuine fourth estate. That I don't really see a role for myself if it was just to document society; I see it as an activist one to change society and to make it a better place." She referred to real instances of the changes that the press have brought about for South Africans by reporting on issues that affect them, like the difficulties South Africans often experience in getting their identity documents (IDs)[19]. Although the Johannesburg tabloid *Daily Sun* is often disparaged by the broadsheet press and media scholars, it has a regular page dedicated to 'Home Affairs Horrors', and according to Haffajee, "They get people their IDs and they have made Home Affairs a better place." The other obvious example she used was that of the "heart-rending story of a kid that needs money for a heart transplant and that will happen, so that is a social function of media."

In her capacity as editor of the *City Press*, however, she said, "The one that I practice more in my life is more a political function of media as the watchdog, on corruption, on abuse, on mis-governance, on making sure that we meet all our constitutional principles."

In terms of the role of the gatekeeper it is significant that for the interviewees the information provided by newspapers should be of consequence and they defined this in a largely political framework. For du Preez a "proper democracy" meant that "the people will have a say, there will be dignity, there will be participation, there will be clean government" – the information newspapers provide have to serve those ideals, or you will be selling "detergent or toothpaste". Haffajee focuses on the "political function of the media". Harber had to "call to account those people in power and authority", Sparks said the information must be "comprehensive" and for Gibson, investigative journalism is "critical to the function of newspapers".

Haffajee is the only one of the five editors who openly states that she leans toward the "social function" theory of the press. Du Preez also said that, "there has to be a social responsibility with publishing", which does not necessarily contradict his views that supporting democracy is the press's primary function. According to McQuail, "No actual media system is governed by any one 'pure' theory of the press, nor does practice always follow what seems the appropriate theory very closely" (1987: 110) – although where the editors tended to emphasise, or give primacy to, the different facets of the role of the press in a democracy, one can conclude that the interviewees see the role of newspapers as a normative one, and more specifically within a liberal/social responsibility paradigm. As I have mentioned above, the interviews were structured around specific examples of investigative journalism, which was the foundation of all the responses to the question of the role of the press.

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[19] The desperation of South African citizens' battle with the Department of Home Affairs culminated in tragedy in August 2009 when 22-year-old Skhumbuzo Mhlongo hung himself after a government official tore up his ID application, calling him a *kwere-kwere* (foreigner). Mhlongo needed the document to start a job at a bird seed factory the following week.

8.3 The role of the editors of newspapers

The job of ensuring that the press fulfils its role as watchdog is that of the editor of the newspaper, according to all the interviewees. They expressed this in varying degrees of absolutism and idealism, and without fail saw the editor as the final gatekeeper.

> *Sparks*: He is like the captain of a ship. He's got to take the crunch decisions; he's got to set the course. And that is where the buck stops. He's got to take responsibility. When there are risks to be taken, that is where they have to be taken. He has got to decide if it is worth the risk, what are the dangers [...] in this case, one of my toughest jobs was to keep these guys[20] sane. They worked for nearly two years without publishing anything.

Haffajee said that she runs her newsroom at the City Press as democratically as she can, and that she saw the editor as the steward and guide of a set of values and principles. Like Sparks, she believes that the editor is "the buck-stops-here person". In that sense the editor becomes the final gatekeeper, who has to balance the commercial, political and corporate factors, and ultimately the possible legal fall-out and its financial costs, when deciding on whether to print a story or not.

> *Sparks*: It's the toughest job, if you are a reporter and you think this is a dicey story, you go to your editor, and that is where the decision gets taken. He says go ahead you go ahead, you GO ahead, you stop worrying about it. The editor worries. You need strong nerves, especially under circumstances like we had in the old South Africa. I think at the best of times it's tough. If someone comes to you and asks, can we hack into the queen's phone number? You got to make that decision. If the reporter does it without reference, then it is a firing offence. No questions, bang, gone. Must go to the editor.
>
> *Gibson*: ...the real function of an editor is to enable a system to exist where you can choose correctly what you put in the paper according to the kind of values you stand for, but also to the kind of beliefs you have.
>
> *NS*: So you think the role of the editor is to set the direction.
>
> *Gibson*: And to create systems where the direction is followed instinctively by whatever executives there are.

Du Preez and Harber both felt it necessary to see the role of the editor against the background of external factors that can impact on the job the editor needs to do and saw that process to some extent as a combative one.

> *Du Preez*: ...when it comes to specifically an editor as opposed to an owner, a media boss – an editor has first and foremost an obligation to serve those ideals. To serve the public with information so public opinion can be informed because without a well-informed public opinion there cannot be a proper democracy. Those are the things a newspaper editor should do. Fight for freedom, fight for as

[20] Mervyn Rees and Chris Day.

much information to the public as possible, look after the interests of the communities of your readers and the broader community.

Harber prefaced his answer with a tongue-in-check reference to the possible perception that people in general may have about the role of a newspaper editor.

> *Harber*: Apart from going to lunch and cocktail parties? The job of an editor is three things I think; to give overall direction, coherent direction to the publication. Four things. [...] To make quick, fast decisions when they have to be made, to give voice to a team of people. In other words, strength usually depends on the strength of an editor bringing out the strength of a team of people and the fourth would be... what was the fourth?
>
> *NS*: Going to court?
>
> *Harber*: Defend those people yes. Defend those people from owner-, shareholder'-, and state interference all around.

In summary, the job of the editor according to the interviewees is to ensure that their publication fulfilled the job of the press in society, as they see it. More importantly, they all took the responsibility that comes with the position very seriously, and their ideals for how the press should serve society appeared to be the most important determining factor when it came to making publishing decisions. Du Preez and Harber also viewed the external factors that can impact on the editor's job, to some extent, in a combative light.

8.3.1 Constraints on decision making

The interviewees all talked about both the internal and external factors that they had to consider in their role as gatekeeper. Harber's view of the editor as the champion of his team fits into Gallagher's observation that one of the internal demands of a mass-media organisation is to maintain professional autonomy and a distance between the media and the state. For the purposes of this report, this is the most relevant external constraint. It is not possible to separate internal constraints (organisational culture, ownership and finance) completely from external influences. The greatest weapon the government had during apartheid, and still has perhaps, is the leverage of the financial costs for newspapers that transgressed the legislated boundaries, as I outlined in Chapter 5. Insofar as it was possible to categorise the responses I have done so, but there are unavoidable overlaps, especially in the interviews of the owner-editors of the *Weekly Mail* and the *Vrye Weekblad*.

8.3.1.1 Internal constraints

Harber was not the only interviewee to suggest directly that the news writers, the members of the organisation who are more concerned with finding and publishing the story than with the commercial longevity of the publication, have a role that is distinct from the board, or the managers in the organisation. The two editors I interviewed that worked for SAAN both said that the SAAN management and Anglo American owners had a hands-off policy when it came to editorial content.

> *Sparks*: It was a cultural inheritance you might say. There was never a document. You got a letter of appointment as an editor that said you were subject to the company's rules and its mission statement. But it was a deeply entrenched tradition at the company to have editorial independence. Now, the phrase itself goes a bit too far. Obviously an editor cannot be totally independent. There are times, you know in terms of the expenditure of money, when you have to go and talk to... if some aspect of policy is hurting the paper... I mean we had many, many discussions, but it was always up to me to make the editorial decisions. There was no way a managing director could phone me and say 'you mustn't run such and such a story'. Or 'you really ought to be'.... Unless he was tipping you off, like a friend or a member of the public saying 'you ought to be covering such and such a court case, there really is very interesting evidence there'. You would appreciate that, because you are colleagues after all. And sometimes some of the editors in our company would say that to each other, you talk about things like that. But when it comes to actually deciding what goes in the paper – that must be sacrosanct.

Sparks' observation agrees largely with Mervis's notes on Gandar's appointment, above. Gibson believed that Anglo was embarrassed about being newspaper barons.

> *Gibson*: ...one of the best things that happened to the entire English press in this country is that Anglo American owned it. And Anglo was so embarrassed by this ownership that it pointedly never ever took any part or any notice of or any interest in its newspaper empires and the result is we had far more freedom than the British newspapers did – where the proprietors would tend to phone up the editors and say 'this is where we stand on this issue'. So we, by freak circumstances, because of Anglo's unwillingness to accept ownership, we had more freedom.

At the same time they voiced the contradiction: although the board never prescribed to the editor, once they felt that the editor was not acting in the commercial interests of the paper they would fire him: Gandar, Louw and Sparks. (Gibson was the editor when the paper closed down.)

> *Sparks*: So you got to pursue that kind of story. Not everybody does, but that was the kind of *Mail* and the kind of commitment that the *RDM* had – Laurence Gandar had started it, Ray Louw pursued it, all of us got fired in the end because we pursued it and they felt that was at the cost of the commercial success of the paper. So there is the old balancing act on that front. You know, we were never shut down by the government.

Of the five interviewees, two are former editors of newspapers that they did not own (*RDM* and *Sunday Express*), and Haffajee is currently the editor of *City Press*, owned by South African media conglomerate Media24 (formerly Naspers). The interdict brought against the *Mail & Guardian* came in her second year as its editor. Although she knew that publishing the story could cost the paper millions, Haffajee felt strongly that they had to go ahead, and in this she had the support of the owner and manager.

Haffajee: It was a shocking, scary time, because we were going to lose millions. And the deputy [editor's] view was that I should stand it down. In fact he had taken that decision. I was busy putting the final pages away, and I said to him go and meet the lawyers, and they had taken the decision to stand down the article and fight it in court. And then I came and I said, absolutely not, we will go to court now. Because otherwise they would have tied us up for years and years. But we had good lawyers, they kept painting scenarios – you can do this or you can do that. You can lose so much.... And luckily we also had a bloody fantastic COO and CEO in Trevor Ncube and Hoosain Karjieker who just had absolutely no money, but said, go for it, we will fund it afterwards.

8.3.1.2 External constraints

The fact that both du Preez and Harber were owner-editors of the *Vrye Weekblad* and the *Weekly Mail* respectively, did not hinder their conviction to go out on a financial limb when it came to publishing politically sensitive stories, even though the state of emergency regulations substantially increased the danger of banning. For du Preez, public interest was the primary consideration whether or not to publish a story.

Du Preez: When you are talking news, then public interest is the main thing.

NS: In terms of that same question, if you think about the *Vrye Weekblad* and if you think about the Dirk Coetzee story, were there additional elements that influenced your decision to publish that story as soon as you can?

Du Preez: Additional to what, public interest?

NS: You must have thought about the consequences. What if?

Du Preez: *Ja*, in fact the minute I realised what the story was about, if I had a time machine and I could have turned the clock back and said I don't want to know about this, I would have. [...] I would have said fuck, I didn't want to know this because now that I know it I have no choice. [...] Remember other newspapers had known about this. Look, Coetzee had gone to other papers and they didn't have the same kind of attitude that, 'once I know about this I have an obligation and it might mean the end of me, it might mean the end of the newspaper,' which it did. You have no choice any longer, you have to, you have to expose it; you have to write about it. So we knew, *ja*. I remember very clearly the kind of conversations we had, Dirk and I. He used the expression, '*Nou speel jy met die leeu se bal.*' (Now you are playing with the lion's testicle.)

When it came to the *Weekly Mail's* publication of the Nofemela revelations, Harber said:

I mean first it was unbelievable. I mean it really was first, 'is this guy genuine? Are we being set up?' It was just bloody unbelievable. We felt reasonably okay because we had an affidavit and we had the guy and we didn't think they would come down on us the next day. You know, sometimes you publish a story and you think '...they are just going to hit us for this.' I don't think we felt that, we felt

nervous but we seemed to be on reasonably strong ground. We knew it was a story of extraordinary consequences.

Harber remembers that the paper's relationship with Nofemela's legal counsel went some way to reassure them about their decision to publish.

Harber: ...that counted a lot because we had a relationship and we knew him (civil rights attorney Brian Currin) and we trusted him, you know what I mean? So that was a big factor there but I think, in general, if one looks back at those moments where we thought this story is going to get us closed, but we are running it anyway, it tended not to happen. [...] So the response was most often unpredictable. There were cases – when we did Inkathagate[21] we knew this was a big one. [...] I mean if you look back at that period we had lots of bits and pieces of the [Vlakplaas] story. We had lots of elements of it over the years. We only look back at Nofemela with particular significance because it drew Dirk out the following week, so I think that's the context one has to see it in. I think we were nervous of the story and we knew it was a big one and we didn't realize what would flow from that.

Harber's owner-editor position made it possible for him to take great financial risks:

Harber: No, in many ways it made it easier because one could just make that decision. You didn't think, 'would my shareholders or my boss fire me' but the context you have to see it in is that we had fuck-all to lose. It wasn't as if we would lose a lot of money and the institution was precarious most of the time. We never knew whether it would survive another six months. If we closed the paper we would probably do better financially, do you know what I mean? It wasn't as if we were the *Rand Daily Mail* and there's hundreds of millions of shareholders' money and it disappears and then, 'oh my god, what have I destroyed?' We were losing money all the time so if we didn't publish we would lose less money. *Ja*, we could maybe get some sleep.

NS: It would be the end of your troubles?

Harber: Exactly, exactly and we could have a bit of rest. I do remember us laughing when they closed us for a month. When was it... '89 or '88, they closed us for a month. In a sense we were in shock but also we said 'we have got a month off!' It's like 'aaah, go home and sleep, come back in a month everyone!' [...] It didn't work like that of course because you have to do all sorts of things.

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[21] On 19 July 1991 a *Weekly Mail* report by Harber and Eddie Koch revealed that the South African security police had provided funding for an Inkatha rally. It ended the political careers of Police Minister Adriaan Vlok and General Magnus Malan, and President FW de Klerk ordered a halt to all other covert activities. In spite of this, a report on 9 August 1991 uncovered a secret training base where members of the South African Defence Force trained Inkatha hit squads (Manoim, 1996).

For du Preez:

> We were there to fight for democracy and to end apartheid and we knew we were not going to be profitable so it made it easier to a large extent to say we will never please the advertisers, we will never please a lot of people. So we might as well stick to telling the story as fully and as clearly as we can but the issue did come up. If you ask my former colleagues on *Vrye Weekblad* they would tell you that on Friday mornings when we had conference, I was sitting there saying, 'do we really have to do this? Anglo American has taken out a full page ad, do we really need five pages to nail them this week?' And you know on the sixth page is their ad. Sadly, in the kind of newspaper we had the answer was 'yes'.

Harber and du Preez's personal financial stakes in their publications at the time appear to have liberated them to some extent from their obligation to a board or owner. It was not the case, however, with Sparks and Gibson. The penalties for invoking government ire and the possibility of closure – and the associated cost – necessitated the question of whether the threat of closure caused self-censorship.

> *NS*: What were the self-regulatory guidelines for the press at the time and did you feel compelled to follow them? What would the consequences have been if you didn't?
>
> *Gibson*: We were aware of them and we didn't disregard them but nothing in them prevented publication. If you believed that what you were publishing was true and in the public's interest, there was nothing in the code that even raised an ethical issue. And rightly so there shouldn't have been anything.

Sparks's point of view about the government's threat of 'clean your house or else' was quite different.

> *NS*: Did government regulation, or the threat of regulation, influence the publishing strategies of the investigation into the Department of Information and did the threat of closure or action of some sorts sometimes cause an editor to be more cautious than they otherwise would have been?
>
> *Sparks*: Yes, I think that is certainly true. And I think to that extent it sharpened our journalism. We lived dangerously, we knew we were living dangerously, but that meant that our checking strategies were as good as we could make them. And they had to be consistent. You could not just be sloppy for a few days, go on holiday.... Everything had to function. It was a matter of being constantly vigilant, 24/7. And I think that that sharpened our journalism in terms of ... it did not make us more timid, if anything it sharpened us, because it made us dig further.

In the context of a hostile government the decisions that the editors made to implement their ideals of the role of the press were often what Sparks termed "crunch decisions". During the 1970s and 1980s, such decisions were rendered even more onerous by the antagonistic relationship between the English press and the government. I have already outlined some of the legislation that inhibited and prevented the publishing of politically

sensitive stories. But the legislation itself was not always the stumbling block. According to Sparks "the greatest danger [...] was not so much the laws. The laws you knew. You knew, okay, there were mine fields, but the mines weren't buried, you saw them, you knew what they were, you could navigate your way through the minefield. What you could not judge, and that was my biggest concern [...] that [the investigation into the Department of Information] was so big, the implications were so big with the Vorster government and PW Botha, and these... how would one describe these incendiary people, they were real mines in themselves, big ones, and they could just get angry and shut the paper."

Gibson said, "You start off with the basic principle that if it is news you ought to publish it – that's irrespective of which particular political lobby it suits or doesn't suit, and I think that is perhaps the most decisive thing in your judgment – is if there is a genuine interest in the subject then you ought to publish."

> *NS*: Are there any additional elements that would influence your decision if the story is politically sensitive and you have to make that decision in the context of an antagonistic government?
>
> *Gibson*: Look, there are areas of concern in the back of your mind. You don't particularly want to get closed down – you don't have the right to get your newspaper closed down, and that was a serious issue – it's what led to Allister and I following entirely different patterns in the Info investigation.

It is possible that the *Express*, in addition, was in a less vulnerable position in terms of its relationship with the government than the *Mail*, which bore the brunt of Prime Minister John Vorster's irritation with the English press. Pogrund succinctly describes how threats from the Nationalist government meant that, "we were ensuring that we stayed inside the ever-increasing spider web of laws. For the government it was free censorship." According to *RDM* political correspondent Bernardi Wessels, Vorster "spent the first twenty minutes of just about every speech attacking the *Rand Daily Mail* and the English press, but particularly the *Rand Daily Mail*." (in Pogrund, 2000: 281.)

The threat from government increased during the 1980s and resulted in self-censorship, according to some theorists, and "sunshine journalism" in South African newspapers. In spite of what they called the "honourable exceptions", Grogan and Riddle rightly asserted in 1987 that "the South African press is experiencing the blackest year since it was founded early in the last century" (in Jackson, 1993: 12). The political climate under apartheid was perhaps the primary factor that influenced the decisions of newspaper editors when it came to publishing investigative journalism, and remains a critical factor in the new South Africa. But in spite of the consequences, the editors of the papers that printed the stories that contributed to the end of Nationalist rule took risks.

> *Haffajee*: I think the political climate is the ultimate decider. But I think that editors were making decisions even in tough times. I don't know what it was like to work when you didn't have constitutional protections, when you [couldn't] go to court and argue public interest, when the entire system [was] so set against you. I think but for the later editors who came, like Max, Anton, Tony Heard,

> Raymond Louw, there were many who were too cowed by political context. And you should never be. I mean, sometimes I see people getting cowed now. And you should never be.

Considering the scale and importance of the investigations that they pursued and published, the five editors that I interviewed were not cowed. In spite of the variety of restrictions on the free flow of information – notably more so under apartheid – they took great risks. The interviews confirmed that their personal beliefs of how the press should serve a democracy and the role of the editor in achieving that service superseded external constraints when it came to making hard decisions.

8.3.2 Legacy

In section 8.3 above, I discussed the role of the editor and the approach of the interviewees when it comes to fulfilling what they perceive to be the role of the press in society. On the whole, if one can generalise, the editors see their role in a normative context: their reasons for publishing the investigative stories in question support the notion of the press as watchdog. There is one aspect, however, that not much had been written on in the past: that of legacy. To some extent, it shares Breed's (1955) analysis of the socialisation process of journalists in a newsroom, and Potter's (1975) theory of newspaper traditions. Whereas the socialisation of reporters does not necessarily explain why they choose to observe existing publishing principles when they become the final gatekeeper, the "acute consciousness" of the "values for which [the paper] has stood and had embodied in the past," might (Potter, 1975: 30).

> *Gibson*: ... each succeeding editor of the *Mail* [...] was part of the Laurie Gandar school – the Laurie Gandar kindergarten. When Laurie Gandar was fired they appointed Ray Louw, who was one of his kindergarten. When Ray Louw was fired they appointed Allister Sparks and when he was fired, after a weird kind of interregnum, they appointed me who was also part of the Gandar thing. So wherever we went we carried that baggage of being a so-called liberal or communist paper, if you prefer that...

Sparks supported this view, if indirectly, when he said, "That was the kind of commitment that the *RDM* had – Laurence Gandar had started it, Ray Louw pursued it, all of us got fired in the end because we pursued it." Sparks explained how the arrival of Laurence Gandar at SAAN changed the direction of the *RDM*. He said that the English press had been "organs of the United Party" and "oblivious to the existence of black South Africans – black South Africans never appeared on those pages." At this time, there were a few editors that were, as he called them, "liberals" and he mentioned John Sutherland of the *Evening Post* in Port Elizabeth and Rene de Villiers from the Argus company specifically.

> *Sparks*: But I think the arrival of Laurence Gandar, [...] it was a fulcrum point. Because he immediately, personally took a profound interest not just in politics but in racial politics. And he came to power roughly when Verwoerd [...] became Prime Minister. Gandar arrived on the scene. He had been in the Argus company; he got bored with it. He was always interested in politics. But it was terribly bland

> stuff, it was always anti-Nat [National Party], but it never dealt with race policy. It was the old English-Afrikaner politics... political divide which really was passé by that time. Post-war it quickly became passé and apartheid became the big issue. But it took a long time for the English press to catch up with that. They still thought the Nats were sort of crude, dumb Afrikaners, and that was the end of story. And they sort of hammered away at this tired old drum. [...] And then Laurence Gandar punctured all that in the 1961 election. He began taking Verwoerd seriously, looking at apartheid and saying, 'is this the solution?' Concluding that is wasn't, he decided that its alternative was the only real solution, and started urging the United Party to come to terms with the alternative to apartheid, which was gradual integration, relaxation of the segregation laws. And then he broke ranks totally by supporting the Progressive Party in 1961. Publically, big front-page leader, this is ours.... That won Helen Suzman the election.

Harber, who joined the *RDM* during its final years under the editorship of Gibson, felt that the paper's battle for survival at that time encroached on this legacy.

> *Harber*: Rex was desperate to save the paper and to do that they had to hold on to the right readers. So I was a young, fresh-from-student-politics radical – in their terms radical, I don't think I was so radical – but in their terms I was radical so I was in fairly constant conflict with Rex and particularly Benjamin Pogrund because Rex kept saying we need less black politics and more white politics and I think he was purely arguing a kind of tactical argument, which may well have been correct, but I wasn't interested in that.
>
> *NS*: So in your perception of the news room at the time of your arrival – it was not the one with the spirit of Laurence Gandar in it.
>
> *Harber*: No, look, there were a lot of good people there with whom one could… you know what I mean... there was a connection. It wasn't like going into a foreign news room, there was definitely a connection but the paper was struggling for its survival and that was holding it back. So there was this tension around those issues.

The paper that Harber and his partner, Irwin Manoim, formerly from the *Express*, started was very different from the *Rand Daily Mail*. I have already outlined the differences between the English liberal press and alternative press, above. One could argue, however, that if the political landscape in the 1950s called for newspapers to take a different political direction, the 1980s presented a similar opportunity for editors who wanted to see change.

> *Harber*: The Rand Daily Mail supported the progs[22]. We definitely saw ourselves to the left of that. [...] We never supported anyone, partly sort of tactically. We had to say we're independent. But we definitely saw ourselves in that sort of

[22] Progressive Federal Party.

> UDF[23]-extra-parliamentary constituency. Our *raison d'être* was 'Parliament is covered by the newspapers and it's boring' and the PFP[24] was, like, 'no way.' So what we are going to do differently is that we are going to cover extra-parliamentary politics, and do it in a way nobody else does and that's what our focus would be. So we never even said we want somebody in parliament. So it was in an extra-parliamentary sphere that we saw our impact and you know, we were close to the UDF, without any doubt. But we had a view of independence and when that independence came to be tested in relation to the UDF and the ANC we asserted it quite strongly. Like in the late '80s, early '90s we faced those 'do we want to switch over?' And the answer was no. But let me just clarify one thing about it; we were very clear we stood for certain things. So we would never call ourselves objective, neutral, those were words we would never use. We stood for and believed in certain things and that was what the paper was about but that didn't involve affiliation to political structures.

The *Weekly Mail* had many run-ins with the government, which saw fit to publish a number of warnings to the *WM* in the *Government Gazette* before a one-month banning in November 1988 (Merrett, 1994; Manoim, 1996). But the approach of Harber and Manoim resonated with at least some of the journalists that started their careers with the paper.

> *Haffajee*: I found a culture that I was steeped in. I got there when I was 23 years old. I was highly influenced by Anton Harber and Irwin Manoim and their activist editing: blocking out words in the paper making censorship visible so that it never becomes subliminal but active – you show people what you are not allowed to see. And that really embedded itself in my DNA so I always do that, you know we always find ways to show censorship. And that is because I learnt from them. So if that was the publishing tradition, then that was one that I happily embraced.

In spite of the fact that there had been other editors at the *Weekly Mail* after Harber and before Haffajee, the "activist editing" culture of the early *Weekly Mail* was something she took with her to the *City Press*. "We taught it here. We taught the culture here. You learn how to strategise around it. You just try to get the paper out quickly because if you can argue before the court that you pressed print and the horse has bolted. So you just inculcate a set of practices."

8.4 Strategy, sources and secrecy

Haffajee's response to the attempts from the state to use the courts in order to keep embarrassing information out of the press echoes that of Sparks, when she says, "We chose an activist format. We developed a set of precedents and practices that mean we never step

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[23] The United Democratic Front was an anti-apartheid, non-racial coalition of about 400 civic-, church-, students'-, workers'- and other organisations (national, regional and local). It was founded in 1983, and had an estimated three million members (South African History Online. Available at: http://www.sahistory.org.za/organisations/united-democratic-front-udf. Accessed 1 February 2012.)

[24] Progressive Federal Party.

down in the face of an interdict, we will go and fight it. So if anything it makes your newsroom more aggressive, not less."

> *Sparks*: They loathed us. And of course they attacked us. I was in court six times. Through the Erasmus Commission and other things. And you had to be very careful, so I reached a point that whenever we had these dicey stories I insisted we weren't only working on the story, were were working on the court case that might come afterwards. In other words you had to have a backup witness. [We] often sent two reporters, or someone else to go with the reporter for interviews... tape recorded stuff, stored the stuff, [we] stored stuff here (what used to be his parents' home, where the interview was conducted). My own home was not a good place. [...] I had been advised by the lawyers to make a note of something that was said and sign and date it, and keep that. It was not quite an affidavit but it was better than nothing. So we were always prepared for a court case. On any tricky story, we would make sure that we could back up the primary witness.

The above section touched on this approach, or strategy, already: Sparks said that they had to be vigilant and sharp, and that their "checking strategies were as good as they could make them".

> "Newspapers learnt the hard way that, in this political climate, it was virtually impossible to carry out investigations unless one could marshal one's facts one hundred per cent, and prove absolutely everything. They set a very high standard of accuracy and integrity" (Mervyn Rees to Jo-Anne Richards in Tyson, 1993: 239).

The interviewees represent the South African media landscape from the 1970s to the present, and in spite of the radical political changes that have taken place in the country, it is significant that both Allister Sparks – the 'first' interview, in a sense – and Ferial Haffajee – the youngest of the interviewees and the only one whose editorship is located exclusively in a post-apartheid publishing era – have the same approach to publishing a politically sensitive story. Both of them prepare for the court case at the same time as the investigation of the story evolves.

> *Haffajee*: It is becoming a minefield again. Because almost every single difficult story now is going through this rigorous new Press Code at the helm of which you have a very conservative ombud [that] has brought to bear an immeasurably conservative outlook on media freedom, so we plan every difficult story with a defamation suit in mind.

The *Weekly Mail* and the *Vrye Weekblad*, as members of the alternative press, operated at a time of extreme oppression by the state as outlined in the historical overview above. But the worst that could happen, according to du Preez, was not the loss of their registration fee or even the closure of the paper.

> *Du Preez*: No, they could kill us, and that was the real danger. And as we now know, they tried, and we suspected there might be one or two other instances that we don't know of, of them trying to kill us. But we know – we have one confession that they wanted to come and kill me on my farm, shoot me in the head. So there

was that danger, there was the danger of an accident happening to someone, that kind of thing. There was the danger of planting stuff on us, which happened. From the beginning I knew that whenever someone came with a fantastic story, then you have got to say, 'is this a plant?' And we had one of those. A fantastic story and we just smelled a rat and held back and in between getting the story and wanting to publish it, two weeks later, we got the spy and he came clean and he said; 'I couldn't help it but they told me to give you this story'. So you publish it but it's completely untrue and [they] nail you. Nail you in terms of credibility and nail you in terms of court cases and whatever. So there were lots of consequences. There were consequences for journalists and their families.

On 3 July 1990, after their ongoing revelations of government death squad plans to assassinate ANC leaders, the *VW's* offices were bombed (Merrett, 1995). From the comment by du Preez above, it appears then that strategy, for the editor of the *Vrye Weekblad*, included anticipating the ways in which the state could ambush publications in order to shut them down. This was not the prerogative of the government in the 1980s. The difficult relationship between journalists and their sources was also evident during the 1970s.

Sparks: You can become a prisoner of your own sources. To keep your sources, to keep your sources happy. There are lots of perils in all of this. You build up a relationship with your source, you become a friend of your source. Your friend asks you to keep something out of the paper, what do you do? Or feeds you a line that you don't actually check out as thoroughly as you should. And the old government – in fact, Craig Williamson[25] testified to this, [...] there were several who testified to this at the commission[26], it was called Stratcom – strategic communications – they planted stories.

He provided an example.

Sparks: ...they spread the story that Joe Slovo had in fact killed his wife, Ruth First. And Joe could not sue because he could not come here. He sued in Britain. The *Star* ran that too. So you can plant stories.

Harvey Tyson, who was the editor of the *Star* at the time of the Slovo story, provides details of the incident in his book, *Editors under Fire*, where he calls it his "greatest mistake" (1993: 371).

In spite of the complicated nature of the relationship between journalists and their sources and the possible dangers, as described above, whistleblowers are important starting points for uncovering corruption. As a result, newspaper journalists and editors will fight very hard in order to protect their sources.

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[25] 'Superspy' Major Craig Williamson, a police agent that had infiltrated various anti-apartheid organisations, and had been involved in a number of assassinations (Pauw, 2006).

[26] The South African Truth and Reconciliation Commission.

> *Sparks*: ...that was the problem with Muldergate. We had Myrtle. Myrtle had a grievance. Myrtle spilled everything. And we knew everything on day one. The rest of the two years were spent backing it up. Essentially. It's a bit of an overstatement but essentially that was the strategy. We could not go with Myrtle because we could not produce Myrtle. Because we'd said we wouldn't. We had given the pledge so we had to have a backup witness who could be produced in court. I also decided that if we got big enough... they would not dare shut us down in the face of it. And that is why, when the *Sunday Express* ran the story we were able to drop the whole bombshell, and the nuclear explosion was so big that were safe... that both papers were safe.

In the Oilgate case, Haffajee initially hesitated to publish the story.

> *Haffajee*: And it was a feeling like, 'what are you telling me? No ways, how can you say the ANC got the money? Where is the proof?' So for months I made them go look for the smoking, gun, until they found it.
>
> *NS*: Did you make this decision with a view to the political consequences?
>
> *Haffajee*: No, I just needed a smoking gun. If you are saying that oil money from Iraq was being channelled to the ANC because it's running out of money and it needed funding... that is big shit, you have to prove it, you actually have to prove the money going into the account and that is what they did.

The interdict was granted by the judge because Imvume claimed that the paper obtained the banking information illegally, which it did, and refused to name its sources.

> *Haffajee*: No, I could not give them the information; I have to protect my sources. Stefaans[27] would have to go to jail for that and me too probably. Because banking records are just a little less private than medical records. But we are going to fight that, now, to make them enjoy a lesser degree of privacy. To pierce the veil a little bit.

Sources are, however, not always powerless. Gibson attributes the different decision he and Sparks made with regard to the timing of the Muldergate exposé directly to the different requirements of their 'Deep Throat' contacts.

> *Gibson*: ... because of Kitt's[28] reputation as a solid investigative reporter - nothing to do with the paper I think – he was approached by our Deep Throat who actually dictated the terms on which he would lead us to the story on the *Citizen*. And his terms were these: he would feed us information on lesser items related to the Information Department but apparently unrelated to the *Citizen* and if *the Sunday Express* would both do the proper investigation but also undertake to publish, we would reach the end goal of establishing the *Citizen's* story after this rather

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[27] Stefaans Brummer, one of the investigative journalists of the Oilgate story.

[28] Kitt Katzin, investigative reporter for the *Sunday Express*.

> torturous process. Kitt obviously said 'well look, I can't give any undertakings about the paper' so then Deep Throat wanted to meet me. So Kitt and I went to meet him in the Clock Bar at the old Carlton Hotel. [...] Anyway he asked me this question: could I guarantee that we would publish it and I said no, I guarantee that if you give us factual information that proves to be correct and if our facts are right we will publish. We won't be scared off but we are not going to guarantee to publish it willy-nilly just because you want us to. Now that enabled us to draw certain conclusions. A: that he wanted to control the flow of information and in a sense wanted a tap that he could turn off when his goals – whatever they were – and we asked him bluntly, 'What's in it for you? Why do you want to give us this?' and he said 'I have my reasons' and that was it.
>
> *NS*: He never told you why?
>
> *Gibson*: ...let's say in simplest terms it was political motive - which you would have concluded anyway. So that's why we didn't go the Sparks route of collecting all of the information in one big bang publication. The only way we could get information out of Deep Throat was to do it his way, which was fine. The first thing he said was 'look - Rhoodie and his mates went off to the Seychelles. They carried with them a bag full of money and they had a wonderful free holiday, we think on the Department of Information but that is something you would have to check out.' So that was our first story. We sent Kitt off to the Seychelles and with that small hit – that Rhoodie had been there, that he had a suitcase of money and we didn't quite know what he was going to do with it or who was paying for it but it was a wonderful holiday.

In order to avoid being set up by a source, or a plant, newspapers had to take greater care and construct meticulous schemes to double check information. They had to be able to prove, as Rees said, "absolutely everything". In order to prove everything without being pre-empted by the government, journalists worked in secret as far as possible. This was made difficult by the government spies that had infiltrated newsrooms. It was not always easy to spot them.

> *Du Preez*: The guy who was… turned out to be a spy was a very sweet, progressive man and that is what he is today. But something happened in his life and they had a lever over him and they trapped him. [...] We do not even know if he was sent there or he turned… he became one later. We don't really know. And we did not make his name public because he's basically a nice guy. And he could not do us too much damage because we knew by then what the security police and these guys were like, so we did not do this stuff on the phones and in the office… The secret stuff remained secret. They didn't know. The people of *Vrye Weekblad* did not know about the Vlakplaas story until two hours before it got published.

The spies in the newsroom, however, were not strictly a 1980s phenomenon. Both the *RDM* and the *Express* had this problem: the RDM was perhaps more infested.

Sparks: It was not the visible mines that bothered me so much, but the scale of this, this was a nuclear investigation... if one of them realised what were were doing... so we had to work in secret. That was the defining thing, the one different thing about it. Obviously they must have known what were were up to, but we worked in secret, we held meetings in hotel rooms, in the open air, many were held here, and we would go down into the garden, well clear of tapped phones and bugs and stuff like that. They were held in hotel rooms... the only trouble is eventually I discovered that my secretary was an agent.

The required secrecy meant that papers housed in the same building, under the same umbrella, did not share any information of their DI investigations.

Gibson: ...the extraordinary thing in Main Street Johannesburg was that there were three newspapers that worked there – four if you count the *Financial Mail* – that's the *Mail*, the *Sunday Times*, the *Sunday Express* and occasionally the *Financial Mail* – but those three. But each was doing its own investigation and each was doing it in total secrecy, which a lot of people cannot believe. 'You are all in the same building, you all work for same employer and you are all owned by the same company – didn't you share your information?' Well, only once in my experience... I saw Tertius[29] in the corridor – because our offices were back to back – and he said to me, how are we going on the Info thing, and I said 'okay' – non committal. He said, 'You know it's just bloody silly. If we were to pool all our knowledge we would probably have a story we could run tomorrow.' So I said to him 'Ja, you are probably right, so please let me know when you are ready to share your secrets with us.'

8.5 The PSIB and the new press code

The concepts of self-regulation and professionalism are both important in the context of the case studies of this report. In the wake of the PSIB a new press code was adopted in October 2011 by the Press Council of South Africa. Although some of the interviewees, like Max du Preez, believe this was a good thing, others, like Allister Sparks, oppose the principle of self-regulation altogether. Du Preez felt that professional standards have indeed been suffering during the post-apartheid era, and that the code was useful in addressing the problem.

Du Preez: We have seen in the last few months, the massive mistakes that a newspaper like the Sunday Times makes. Completely unforgiveable. I have been a journalist for more than 35 years. I have never had to apologise. I've never had to publish a correction of my own work, in my own paper. Never, not once. [...] That is partly why we are in trouble. Because we gave ammunition to people like the ANC and Communist Party and these anti-democratic forces. 'We want to control you, see how irresponsible you are.' We are sometimes grossly unfair to people. My hair stand on end when I see the way that we treat children. Minors. There is

[29] Tertius Meyburgh, editor of the *Sunday Times*.

> a very important principle that you do nothing as a journalist to damage an under-age person. You don't publish his or her picture, under any circumstances, unless it is clear that it won't damage. You don't. The laws... they don't even know the laws, the laws are not applied. But you go beyond the law on cases like domestic violence, and rape, and child abuse, we have a sacred obligation to protect the children. Instead we make them victims again, by cheap publicity. [...] Those kinds of things have just fallen by the wayside. We used to be like that, in the 80s, we used to be very careful. You don't publish if you don't have the other side of the story. You might put your own spin on it, but at least you are fair and balanced. And that is the one thing... We were so-called activists… advocacy journalists. *Ja*, I was, I am.

In South Africa, as in the rest of the world, the changes in media consumption as a result of new media platforms make it more and more difficult for the printed press to remain profitable: the outcome is younger, cheaper and less-experienced media practitioners. The sustained emphasis on profitability means that greater output is required at lesser cost, a process during which the fact checking of stories and thorough investigation suffers. There is a greater reliance on press releases and other official sources for content (McQuail, 2003; Curran and Gurevitch; 2005). From a social responsibility point of view, this means that the press is again failing in its obligations to society. But Sparks felt that self-regulation could become a scapegoat for the government: should self-regulation fail, in the eyes of the state, it could then justify its reasons for stricter legislation.

> *Sparks*: When it comes to press councils, I don't like them. If a government is intent on controlling a paper it can simply say, 'alright, have your press council, if it does not deliver the scalps I want, we will bring in our law'. And then they can use it as a front [...] My attitude quite simply on all of those things is that if the government wants to control it let them do it. But then they must be seen to be doing it. And I as an editor will then do what I did before and that is to do my damndest to navigate around the rules, as long as I know what the rules are. If they are going to close the paper or fire the editor then they must do it; that was my approach; that is why I got fired and why my paper was closed. But they were *seen* to do it. And I think you emerge with more honour than if you bow and scrape and start belly crawling and trying to comply. You then lose dignity as well as effectiveness.

Haffajee had a very different view of the press code. She expressed a view that the code might have good outcomes on the practice of journalists.

> *Haffajee* ...you sit and work with lawyers, who are working with a new code. I am sure it is not half as encumbered as it was in those days, but it's not that simple, it's not a system of high liberalism I don't think. And that is good. Our power must be checked. It makes us more careful.

Du Preez agreed with her, and added the idea that the code may return credibility to the profession in South Africa.

Du Preez: I think it is a good reaction - it is a bit sad that we had to face threat from government before we cleaned out our own front *stoep*. But *ja*, I think the new plans.... I thought it was the right way to go. So to keep it in terms of self control, industry control, but make it credible, mostly to the people out there. Because the government, they don't give a shit. They just want to control it. But you have to sell this to leaders, to opinion leaders and if this new system has credibility among them, then we will survive.

The question as to what will happen if the PSIB does become law elicited unambiguous responses.

Du Preez: ...that will be the next step, is defiance. We will have to defy it.

Harber: Well I read a piece by Shaun de Waal, he is very good, he wrote a piece saying investigative journalism will be dead. Rubbish!

NS: A slight exaggeration?

Harber: Completely, I mean we are not going to stop doing it. Stefaans Brummer is not going to say, 'ok I am now going to go and become a doctor' or something. I mean, will it make it more difficult? Yes. Will it make it more risky? Yes. Will it stop it? Forget it.

9. CONCLUSION

The aim of this research report is to establish what informs the decisions that editors make when it comes to publishing politically critical information, in the form of investigative journalism, which could have serious financial or legal implications for the newspaper. In addition, I tried to answer the questions:

1. What do editors believe is the role of the press in a society?
2. What is the job of an editor of a newspaper?
3. How do editors see the relationship between the media and the government?
4. In the context of their own experiences, what impact do they anticipate the new Protection of State Information Bill to have on the media and freedom of expression?

On the whole, the findings show that, regardless of the era or the political landscape within which the editors I interviewed pursued stories of government corruption, their answers to some of the questions, notably question one to three, were remarkably similar. I also found that they all had a personal, vested interest in the concept of the press's role as the watchdog of government and the belief that the press, through investigative journalism, should hold those in power to account.

With regard to the role of the press in society, all the interviewees said that newspapers should be a source of information and this function was closely linked to the concepts of freedom of speech and democracy. Sparks said, "I don't know of any one (country) that had

free speech that was not a democracy." For du Preez, freedom of speech was, to some extent an additional function to that of informing the citizens of a society, and he said that the printed media "has a fundamental job to safeguard freedom of speech and that also means democracy." The two concepts, for him, are inseparable. Haffajee saw the role of the press as a more activist one "to change society and to make it a better place" and in addition to that, the press for her is a "watchdog, on corruption, on abuse, on mis-governance, on making sure that we meet all our constitutional principles." For Gibson, investigative journalism is "critical to the function of newspapers." In addition to its function as watchdog, Harber also saw the press particularly as an embodiment of the public sphere - "a place where the nation or the community talks to itself and among itself."

What emerged very strongly was a confirmation of what McQuail calls "the unbreakable link in modern Western society between the freedom to communicate and to publish, on the one hand, and human rights and the principles of democracy on the other". In spite of constraints, even the severe restrictions on the freedom of the press under apartheid, the interviewees persevered in what they perceive to be a duty to expose corruption and support democracy, sometimes at great personal and professional cost.

9.1 Normative theory

The views of the editors with regard to the role of the press as outlined above fall within the ambit of a normative theory of the press, and more specifically, a liberal framework. The press as fourth estate remains the central tenet of the liberal theory of the press, in spite of existing critical analyses of the mass media that suggest that the economic imperatives of media organisations and the resultant modes of newspaper production makes this theory difficult to support. Although both Gibson and Sparks indicated a concern for the economic survival of their papers, they were seemingly less anxious about the personal consequences. Although they took great care to publish only facts that they could defend, when it came to exposing government corruption, they did not hesitate to print stories that could cost them their jobs.

The actions and approaches of the participants showed that they implemented on a very practical level the principles of social responsibility theory. If we accept Nerone's suggestion that social responsibility theory was constructed as a set of operating principles in an attempt to address the chasm between the ideals of liberalism and the technological demands of newspaper production, we can conclude that the way in which the interviewees pursued the investigations outlined in this report shows both a commitment to these ideals and determination to realise them.

To summarise, we can conclude 1) that normative theory remains, to a large extent, the foundation by which "truth seekers" justify their approach to decision making, and that 2) a combination of normative theory and social responsibility theory is the framework that best describes the professional practices of editors committed to investigative journalism in South Africa.

9.2 Values

This section deals with the responses of the interviewees that reveal the reasons for the decisions that they made in relation to the pertinent investigations. I have outlined, above, the various political landscapes and the concomitant restrictions under which newspapers operated under apartheid, and still operate currently, in South Africa. Considering the seriousness of the consequences, then and now, it is important to look at the underlying motivation of the editors that went out on a limb to implement their beliefs of what newspapers should do.

Although we have established that they all subscribe to the ideals of press freedom and the duty of newspapers to supply information to the community as an electorate, this does not explain fully why they would often take personal risks in order to fulfil their mandate, as they understood it.

In the 1970s the consequences for contravening the laws regulating the freedom of the press meant jail time or financial penalties for the editor and their publications. In the eighties, personal danger was added to these sanctions. The demise of apartheid, as we have seen, did not mean the end of Jackson's "embedded qualities of intolerance and secrecy" and newspapers still find themselves in court, despite constitutional protection. Neither the political realities nor the requirements of the organisation (in the cases where the organisation and the editors were separate entities) appeared to prevent editors from publishing stories that they thought were newsworthy. In all the cases, regardless of the decade in which the publications in question operated or whether they were part of the 'alternative' or 'mainstream' press, the requirements of the management or owners were not a determining factor of whether to run a politically sensitive story or not.

For du Preez and Harber, as owner-editors of their publications, the possible financial consequences of offending the government did not influence their decision to print or not. For du Preez, public interest remained the primary consideration: "You have no choice any longer, you have to, you have to expose it; you have to write about it." He admits that the decisions were difficult. "I was sitting there saying, 'do we really have to do this? Anglo American has taken out a full page ad, do we really need five pages to nail them this week?' [...] Sadly, in the kind of newspaper we had the answer was 'yes'." Harber was of similar mindset, and slightly more sanguine. "We were losing money all the time so if we didn't publish we would lose less money."

The interviewees' persistence in the face of adversity, I think, is best described by Gibson, who said, "The real function of an editor is to enable a system to exist where you can choose correctly what you put in the paper according to *the kind of values you stand for*, *but also to the kind of beliefs you have*" (my emphasis).

The implication of this statement is that, in spite of the external (political, commercial) and internal (organisational) constraints, editors bring a personal value system to the job. Haffajee said that the editor was "the steward and guide of a set of values and principles". The idea of 'values' as a motivating factor is not foreign to normative theory (Potter,

1975; McQuail, 2002) but during the interviews it emerged strongly that personal values was a fundamental factor for the editors when they had to make difficult decisions.

In a sense, one can conclude that, contrary to the existing distinctions between the external and internal constraints mentioned above, all the constraints defined by normative theory become external, and the only internal constraint lies in the personal values or beliefs of the editor. Their decisions were their personal responsibility: for Sparks and Haffajee, the editor is the buck-stops-here person. For du Preez, "An editor has first and foremost an obligation to serve those ideals (of providing information and supporting democracy)."

The findings support the theory that personal experience and ethics is an important aspect of gatekeeping, in spite of the tendency of media organisational theory to emphasise the requirements or culture of the organisation over the individual (McQuail, 2002: 251).

9.3 Legacy

A key finding of the research was that of legacy. Although studies have shown that organisational values are inculcated by journalists though a process of socialisation inherent in working newsrooms, it emerged from the interviews that the personal vision of and editorial principles set by an editor can have a major impact on the journalists in a news organisation. Both Sparks and Gibson supported existing texts when they spoke of the influence and legacy of legendary editor Laurence Gandar. The significant changes that Gandar made to the editorial direction of the RDM are both undisputed and applauded by other editors and journalists. Sparks went so far as to call the arrival of Gandar at the helm "a fulcrum point."

The way that legacy works is implied in one of the functions of an editor that there was general agreement on. All the interviewees agreed that the editor sets the direction of the paper. Gibson not only said that the editor sets the direction, he more specifically believed that an editor should "create systems where the direction is followed *instinctively* by whatever executives there are" (my emphasis). Haffajee's experience supports the way in which young reporters internalise the working principles of an editor. She was "highly influenced by Harber and Irwin Manoim and their activist editing" to the extent that it "really really embedded itself in my DNA".

Although Harber, who joined the *RDM* during its final years under the editorship of Gibson, felt that the paper's battle for survival at that time encroached on Gandar's legacy, it appears that in the same way that Gandar redefined the political direction of the *RDM*, the political situation at the time of the founding of the *Weekly Mail* called for a change in editorial approach, again, in order to fulfil the requirements of the press in society, as Harber saw it.

In the case of du Preez, the interview did not reveal any particular allegiance to a previous editor mentor. It was his frustration with the existing reportage in the Afrikaans press that led to the birth of the *Vrye Weekblad*.

9.4 Strategy

Despite the radical changes in the South African political sphere after apartheid, it was interesting to note the similarities between the strategies employed by editors when it came to publishing investigative journalism that would cause conflict with the government.

Allister Sparks – the 'first' interview, in a sense – and Ferial Haffajee – the only one of the interviewees whose editorship is located exclusively in a post-apartheid publishing era – have the same approach to publishing a politically sensitive story. Both of them prepare for the court case at the same time as the investigation of the story evolves. This is directly as a result of their experiences in fighting their cases in court. Haffajee, as we have seen, fought six interdicts in the first two years as editor of the *Mail & Guardian*. Sparks said that he had been in court six times as editor of the *Rand Daily Mail*. Du Preez wrote that following the *Vrye Weekblad's* first legal wrangle with the government after the paper published a photograph of Nelson Mandela sourced from a publication of the Bureau of Information, he suspected that the government's strategy would be "to terrorise them with the legal system".

The increased frequency of interdicts against the press in the last decade has caused concern that both private actors and governmental agencies are taking advantage of what they perceive to be the judiciary's responsiveness to interdict requests, and that constant pressure and high litigation costs may make newspapers reluctant to invest in investigative reporting about matters of great public importance. At the *City Press*, where Haffajee is now the editor, this is not the case. She said that, "We developed a set of precedents and practices that mean we never step down in the face of an interdict, we will go and fight it. So if anything it makes your newsroom more aggressive, not less."

In order to be ready to fight a case in court, newspapers who were taking risks were trying to reduce this risk by eliminating error and increasing their vigilance in their reporting. It was not enough to rely on single sources that would bring their own motives to the mix. Sparks warned against becoming "a prisoner" of a source. The *RDM's* Deep Throat on Muldergate, dubbed 'Myrtle the turtle' (Rees and Day, 1980) could never be revealed, and as a result, the paper embarked on a protracted investigation in order to verify everything that Myrtle told them. In order to avoid being set up by a source, or a plant, newspapers had to take greater care and construct meticulous schemes to double check information. They had to be able to prove, as Rees said, "absolutely everything."

Kitt Katzin could not provide any assurances to his source on the Muldergate story, so the source insisted on meeting the editor, Gibson, who also refused to guarantee publication unless the source could "give us factual information that proves to be correct."

Haffajee would not publish the Oilgate story without a smoking gun. And even then, Haffajee said, "You really have to have your public interest argument lined up in sophisticated and complex ways because busting a bank account is not something you do lightly." The close relationships between editors and the legal counsel for newspapers

emerged as a common way in which editors try to anticipate the consequences and minimise the possible damage.

9.5 Last thoughts

It is assumed that newspapers play an enormously influential role in the political life of modern societies. Although media scholars may struggle to identify what impact they have, they agree that the press does have an impact (Jackson, 1993). It is public opinion, after all, that keeps a government in power in a democracy. Although many studies have failed to prove conclusively that the media influences *what* people think, the theory that the media informs what people think *about*, persists (Blumler and Gurevitch, 1982). According to Michael Schudson "...leaders from various sectors of society who disagree on almost everything else agree that journalists are the most powerful, dangerous and irresponsible group in the country" (2003: 16). Whatever the influence or impact, governments believe that the media has power over public opinion, for there can be no other explanation of the lengths that they would go to inhibit this power, or to wield it. The ANC government has forwarded what they have called the unaccountability of journalists as one justification for the PSIB. "Who guards the guardians, they ask" (de Vos, 2012).

The PSIB has elicited a vigorous response from both media practitioners and civil society. The Right2Know campaign[30] organised well-supported protest marches and demonstrations. In October 2011 the organisation coordinated a number of protest events, countrywide, that commemorated 'Black Tuesday' – that saw the banning of a number of newspapers, including the *World* and the *Weekend World* on 17 October 1977. The march to Parliament that they organised in Cape Town was attended by a large number of well-known media personalities, ANC politicians and opposition leaders, as well as hundreds of ordinary citizens. Official statements condemning the PSIB came from a wide variety of organisations and businesses, including Pick 'n Pay (Meany & Eliseev, 2010), the Jewish board of deputies (timeslive.co.za, 18 August 2010) and the Congress of South African Trade Unions (Rossouw, 2010).

The editors I interviewed, to some extent, had different thoughts as to the question of the possible effects of the PSIB on media freedom. About the ensuing press code, Haffajee said, "It's not a system of high liberalism I don't think. And that is good. Our power must be checked. It makes us more careful." Du Preez admitted that there is room for improvement for current journalistic standards. Although he condemned the PSIB itself, he felt that the journalistic community's reaction to the PSIB, the new press code, was "a good reaction" and that the plans "were the right way to go".

The penalties for whistle blowers and journalists in the PSIB are draconian, but there are strong historical precedents of how fear of the outcome does not prevent people from seeking and publishing the truth, and doing what they perceive to be in the public interest. And it would also appear that self interest on the part of whistleblowers may override the

[30] An NGO committed to the issue of media freedom in South Africa.

negative consequences that their whistle blowing may have. As Katzin and Gibson's Deep Throat said, "I have my reasons." Analysts have suggested effects of the PSIB on media freedom may not be as dramatic as some believe (De Vos 2012). Harber believes that despite the greater risk and increased difficulty that may result from the regulations, investigative journalism will survive. Sparks said, "I will then do what I did before and that is to do my damndest to navigate around the rules, as long as I know what the rules are."

Whether the external restraints on publishing strategies came from the government or from the material production process of newspapers, exposés of corruption were reported on, regardless of the consequences. Siebert contends that the function of the press as a check on government was "the archaic foundation of most national press systems in the world, and still persists" (1956: 3). It appears that this is as true today as when he wrote this in 1956. It is important to consider that South African newspapers – those that do see themselves as the fourth estate with a obligation to hold those in power to account – have historically survived many and sometimes disturbing attempts from the government to restrict the freedom to publish and to prevent the press from acting as a watchdog. The legacy of editors that emerged from this conflict and the political realities of apartheid appear to have entrenched a sense of indignation and injustice, and fostered a commitment to investigative journalism.

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Appendix A: Publications funded by the Department of Information

The Citizen	October 1975 – failed takeover bid of SAAN by Louis Luyt. Decision then taken by Eschel Rhoodie, General Hendrik van den Bergh and Connie Mulder to start an English-language newspaper that would support the government. They old Louis Luyt he was chosen by president. Luyt agreed to be the front man. Did a budget and estimated that running costs per year would be about R12 million. They were very far wrong and the paper was losing about R25 000 a day from the beginning.
Stepping into the Future	Book commissioned by the DI (*RDM* report 15 April 1978) Cost: 320 000,00.
To the Point	Magazine along the lines of *Newsweek* and *Time*, with a pro-SA editorial policy. Editorial offices in Antwerp. Editors lived in luxury and splendour – forensic investigation showed that it had to lose money – all their expenses were paid from Johannesburg.
The Washington Star	R10m given to John McGoff who failed to buy the paper but kept the money. Finally paid it back two years later. The reason for the deal was to counteract the *NY Times*.
Drum	Failed in negotiations with Jim Bailey.
Pace	Initially quite a success – when the staff found out who funded it they went on strike and the publication was sold.
Hit	Magazine aimed at a black audience.
Other	Failed to buy, in 1975, the *Daily Express* in London, but set their sights on the *Evening Standard*, *Guardian* and the *Observer*.
Vacanzes	French travel magazine.
Business Week (US)	Paid for a special supplement on SA 1975 – 1978, cost of R300 000 a year.
Mighty Man	A comic strip featuring a black SA policeman who did Superman-type deeds – the terror of Soweto.
Tiger Ingwe	Comic Strip.