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ON THE FAULTLINE

A Critical Analysis of the Human Rights Commission's Hearings into Racism in the Media

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On the Faultline - A Critical Analysis of the Human Rights Commission's Hearings into Racism in the Media

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This dissertation is submitted to the Department of Political Science, University of Witwatersrand, Johannesburg, in partial fulfillment of the requirements for the degree of Masters of Arts in South African Politics.

Abstract

In March 2000, the South African Human Rights Commission launched an inquiry into racism in the South African media. This dissertation discusses a number of issues that were neglected during the Commission's inquiry. The main argument has been that the discussion about racism in the media could have been much more fruitful if the Commission in their research as well as during the hearings themselves would have focused on a wider set of factors that influence media content. Furthermore, if the Commission had shown a greater understanding of the historically troublesome relationship between the media and the government in South Africa it would have facilitated interaction with the media and done less to alienate the media from the process.

Declaration

I declare that this dissertation is the result of my own efforts. The various sources to which I am indebted are clearly indicated in the text and in the bibliography.

I further declare that this work has never previously been submitted for any degree and is not concurrently being submitted for any other degree.

I hereby give my consent for this dissertation to be available for photocopying and for inter-library loan, and for the title and summary to be made available to outside organisations.

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List of abbreviations

ABASA	Association of Black Accountants in South Africa
ANC	African National Congress
BLA	Black Lawyers Association
IDASA	Institute for Democracy in South Africa
MISA	Media Institute of Southern Africa
MMP	Media Monitoring Project
NP	National Party
PMSA	Print Media South Africa
PO	Press Ombudsman
SABC	South African Broadcasting Corporation
SACP	South African Communist Party
SAHRC	South African Human Rights Commission
TRC	Truth and Reconciliation Commission
WAN	World Association of Newspapers

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1. Introduction

South Africa's history of apartheid permeates all facets of life, including the media. This is reflected in the patterns of media ownership and control, imbalances within newsrooms, the lack of access to the media for many marginalised communities and the lack of space for a diversity of opinions to interrogate governance and reform.

The role of the media is highly debated - and highly contested - and South Africa is no exception. An unfettered press, with unbiased and accurate coverage, is an important cornerstone of any democracy. Against the backdrop of South African society and its history the media play a crucial role in giving people a platform to voice diverse opinions, in informing citizens of their rights and responsibilities, and in increasing people's knowledge about ways for them to participate in government processes. The role of the media in defining public understanding and opinion is becoming even more important when people's ability for first hand experiences decreases with the complexity of modern society. For this reason, access to the media and media diversity becomes a most critical issue, Hirsch and Spooney write:

> The media are critical to the success of the democratic system. If the range of opinion is not fairly represented in the media's presentation of issues, then democracy can be said to have been denied to one group or another. For this, and other reasons the role of the media will become more important in the next decade. The power to exercise influence trough the media will determine success in many other areas. (Hirsh & Spooney 1990:10)

The current media debates in the country range from issues concerning racism, ownership, black economic empowerment, lack of diversity, training and qualifications to the troublesome relationship between the media and government. The debate, however briefly and limited, exploded into the open in 2000 when the South African Human Rights Commission (SAHRC) launched an inquiry into racism in the South African media.

The SAHRC was established by the South African government to curb violations of human rights. It is a public institution where complaints of violations can be filed. Many complaints received by the Commission relate to racism and racist deeds in various forms.

In 1998 the Commission was faced with a complaint of racism manifested through the media. This complaint led the Commission to undertake an inquiry into racism in the South African media, a process that culminated in the public hearings held in March 2000. On the basis of the research done as well as the material gathered during the hearings (mainly the submissions made to the Commission by various media institutions), the SAHRC, in their final report, concluded that the South African media is racist.

After having followed the SAHRC's hearings into racism in the media as well as having read the final report issued by the Commission a number of questions about the hearings arise. The process was also heavily criticised. There is little doubt that the media can be both racist and sexist as well as biased in a number of ways, but the SAHRC's inquiry into racism in the media and the research done to assess the South African media fails to show in what way and to what extent the media is racist. The SAHRC's inquiry into racism in the media focused on racist content in the products of the media. The basis of the inquiry and the research done was that racism manifests itself through language, symbols, and pictures often spread via the media. Due to the racist past of South Africa, racist content is disseminated through the media, sometimes easily detected in the form of outright hatespeech and sometimes in less obvious forms.

Instead of engaging in some of the above mentioned issues the focus of the hearings became the issue of the freedom of the press in South Africa. The so sought after dialogue by the SAHRC was stifled by the media's accusation that the SAHRC was acting as the governments prolonged arm trying to curb the freedom of the media. Furthermore, the

issue of the subpoenas and the inadequate research both contributed to the main issue of racism in the media being sidetracked.

1.1 Research questions

The Commission missed its target both in the way that the hearings were conducted and by omitting crucial factors that determine media outcomes. Instead of focusing on the actual contents of the media whether this is hate speech, which is banned in theConstitution[1], or more subliminalmessages of racism, the Commission should have focused on the underlying structures and operations of the media that determines the content of the media. They should have focused on the 'why' rather than the 'what' of the issue of racism in the media.

This dissertation refrains from getting into any deeper discussion about press freedom and the legality of the subpoenas' issued by the commission. Instead the analysis focuses on the issues that were left out of the SAHRC's analysis. The hearings will be assessed from a political viewpoint, discussing the relationship between the Human Rights Commission both as a government institution and as an independent institution on the one hand and the South African media on the other.

Two areas are central to the criticism of the South African Human Rights Commissions inquiries into racism in the media. The conflictual relationship between the media and the government in South Africa poses problems to an inquiry of this kind. The SAHRC went into polemic mode with the media, as they could not assert their independence from Government in the eyes of the media. The media and the government have always had a troublesome relationship in South Africa and the Commission did little to change this

[1] According to the Constitution only hate-speech with incitement to cause harm is banned.

situation. The SAHRC fed into the perception of being the governments prolonged arm by in some ways interacting with the media in the same way as the old apartheid regime. Furthermore, the SAHRC reinforced the 'two camps' approach to the media, meaning that they approached the white English-speaking media in a different way from the Afrikaans-speaking media.

Since the new democratic government took over in 1994 several instances have shown that there are fundamental differences in the way that the government foresees the role of the media and in the way that the media themselves perceive of their role. The Commission took neither of these approaches into account when embarking on their inquiry into racism in the media and the question thus becomes whether or not the two opposing views affected the process and the outcomes of the hearings.

Secondly, the issues discussed in the research of the Commission and during the course of the hearings will be scrutinised. The question is whether the Commission did not omit many crucial factors that ultimately influences media content. While the research commissioned by the Commission looked for racist content in the media as they assumed this is what could be expected in South Africa due to its racist past, they failed to consider the factors that might have an influence on the outcomes of the media. No analysis of racism in the media can refrain from analysing power relations in the media such as various ideological and political concerns, as well as ownership and control mechanisms that influence media content. Nor can an analysis of this kind ignore the way in which the media operates: the working conditions of journalists as well as journalistic practices all influence the products of the media.

1.2 Possible outcomes of the research

The SAHRC inquiry into racism in the media could have contributed substantially to a debate on racism in the South African media and made recommendations towards how to

curb it, had the Commission only focused on a wider set of issues and conducted their research as well as their hearings in a different way.

If the research that went into the hearings and the final report of the Commission had shown a greater understanding of how the media operates and focused on a wider set of issues that shape media content, the outcome of the hearings as well as the way in which the hearings were conducted would have been different. Furthermore, If the Commission had done less to alienate the media and taken greater cognisance of the relationship between the media and government a real debate might have been nurtured about the role of the media in post-apartheid South Africa.

1.3 Personal interest in the research area

Apart from being a trained journalist and taking a general interest in all issues surrounding the media, I worked for the Freedom of Expression Institute (FXI) in Johannesburg in 2000 and monitored the media hearings for their account. During this time I had the opportunity to follow the debate closely and to engage with many of the different stakeholders, including conducting interviews with several of the persons involved in the media hearings.

I believe that the media can play a vital role in shaping a new democratic South Africa. The issue of racism in the media is crucial as the media hold such power to shape our understanding of the world we live in, thus we need an accurate, unbiased and informative media. Thus, it is my belief that if we cannot come to terms with racism in the media, we will not be able to combat racism in society as a whole.

1.4 Previous critiques of the media hearings

The Commission has as mentioned earlier been widely criticised both during and after its hearings and there have been a few academic critiques. When the Commission released

their interim report in November 1999 which contained the two research reports commissioned by the Commission the critique was fierce. The reaction from the South African media was largely negative and hostility towards the inquiry increased.

During the SAHRC's investigation and inquiry into racism in the media, most criticism focused on the issue of press freedom and the independence of the media, only a few commentators and academics concentrated on the actual content and outcome of the SAHRC inquiries. Two well-known academics, Professor Guy Berger and Lynette Steenveld, both from Rhodes University in Grahamstown were asked to critique the research conducted by Ms. Claudia Braude and the Media Monitoring Project. Their critique (Berger & Steenveld 2000) is mostly concerned with the lack of theoretical depth of the research.

A recent article on the Commission by Daryl Glaser in the journal *African Affairs* (Glaser 2000), however, focuses on the intellectual basis of the Commission and the research done by its appointed researchers. Glaser manages well to connect both the issue of the independence of the press with the issue of the research and its questionable findings. Glaser writes:

> The reports are methodologically flawed in various ways that undermine confidence in their pronouncements on subliminal racism. More importantly, they provide an interesting illustration of what can happen when intellectual activity is placed in the service of repressive state power.(Glaser 2000:373)

And this is how the process was seen by many, simply as an attempt by the state to curb the media. A couple of articles however, have been written concentrating on other topics. In October 2000, the *Rhodes Journalism Review* devoted one edition of the magazine to the media hearings and the issue of racism in the media. Some of the articles published in this edition focused on the research and how other factors than just media content should

have been considered. No critique has so far been done of the SAHRC's inquiry linking the process as a whole to the content of the research.

2. Background

In 1998, the South African Human Rights Commission received a request from two professional bodies, the Black Lawyers Association (BLA) and the Association of Black Accountants of South Africa (ABASA) to investigate two newspapers, the *Mail and Guardian* and the *Sunday Times* for allegedly being guilty of racism. In response to the request the Commission sent a letter to the two newspapers respectively urging them to respond to the allegations made by BLA and ABASA. The response from the two newspapers were a refutation of the allegations leading to the Commission launching a much bigger investigation into racism in the South African media. The purpose of this investigation was as stated in the final report of the human rights commission to:

> ...monitor the representation and treatment of racism, sensitivity to equality as pertains to race, ethnic or social origin, colour, culture, language or birth. The Commission hopes that the process will facilitate a robust debate and exchange of ideas about how we can construct a society free of racism. (SAHRC 2000:3)

Furthermore, the Commission set out five goals for their inquiry:

1. To generate debate and dialogue among South African about the nature, meaning and incidence of racism in South Africa.
2. To inform South Africans about racism in order for them to be able to address it.
3. To provide a scrutiny of the media for the benefit of the media.
4. Through dialogue South Africans will learn, understand and have the facility to use race theory and analysis.
5. The inquiry will probe all South Africans in seeking common solutions to racism and constructing a society free of racism.

Finally, the terms of reference set out by the Commission were the following:

a. To investigate the handling of race and possible incidence of racism in the media and whether such as may be manifested in these products of the media constitutes a violation of fundamental rights set out in the constitution.
b. To establish the underlying causes and to examine the impact on society of racism in the media if such racism is found to be manifested in the products of the media.
c. To make findings and recommendations as appropriate.

An independent researcher, Ms. Claudia Braude was contracted to undertake a qualitative research of possible racism in the media alongside this research the Media Monitoring Project was contracted to conduct a quantitative analysis of racism in the media. In addition to the research projects, media institutions were asked to submit written statements to the Commission outlining their views on racism in the media and whether the outcomes of their own institutions (newspapers, radio or TV channels) could be said to be racist.

The process was the following; In March 2000 the South African Human Rights Commission launched the investigation into racism in the media by conducting public hearings with various media institutions. Before the public hearings were held, an interim report had been released on 22 November 1999. As mentioned earlier, this report contained the research findings of the two research projects commissioned by the Commission.

The SAHRC got into trouble from the start when several editors from the major newspapers and media institutions were summoned to appear before the Commission risking jail sentences if they failed to co-operate. The hearings stirred up a lot of emotion and was seen by many media workers as well as analysts and commentators as a severe attack on press freedom and freedom of speech; the issue of the subpoenas of the editors

fueled a hectic debate about press freedom. This of course evoked a lot of criticism and the action exposed a serious division within the media. Some white editors muttered darkly about risking jail rather than submit to the subpoenas. Black editors said they would adhere, and some accused their white counterparts of refusing to do so not on grounds of media freedom but because they refused to bow the knee before a Commission headed by black people (Bhengu 2000:3). The debate mainly focused on the fact that South Africa has one of the most liberal constitutions in the world, however, according to many there is not a widely shared understanding of the meaning of the enshrined right of free speech, and particularly the Fourth Estate's (i.e the media) part in upholding it. Eventually, the subpoenas were withdrawn and the hearings could be held on a voluntary basis.

The hearings finally commenced on 1 March 2000 in Johannesburg and the first couple of days were marked by a lot of agony and hostility as the Commission started calling media workers and publishers to the stand to give witness under oath[2]. After two weeks of hearings where the Commission and the public could listen to the 13 submission made by newspaper editors, media workers and other stakeholders within the media (such as the Press Ombudsman and the Freedom of Expression Institute), the Chairperson of the South African Human Rights Commission, Dr. Barney Pityana, concluded the findings of the Commission in his statement to the media with the words: "South Africa's media are racist institutions" (SAHRC press statement 2000).

This marked the end of the hearings and is the main theme of the Commission's final report - *Faultlines: Inquiry into racism in the media.*

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[2] The panel for the hearings consisted of Chairperson Dr. Barney Pityana of the SAHRC together with his two fellow colleagues Commissioner Jerry Nkeli and Commissioner Charlotte McClain. Furthermore, Mrs Margret Legum and Mr Joe Thlole were appointed as expert members of the panel. The panel was also asisted by Advocate Dabi Khumalo of the Pretoria Bar who lead the evidence.

3. Methodology

The discussion and analysis of the SAHRC's inquiries into racism in the media look at different functionalist and normative approaches to the media in order to be able to elaborate on the role of the media in post-apartheid South Africa. These approaches function as points of reference for a more sociological study conducted through my interviews. Even though the literature, as well as the different research reports used for the study, provides a theoretical framework for the dissertation the emphasis lies on the interviews which constitutes the basis of analysis.

Apart from literature studies and studies of the final outcomes of the SAHRC's hearings into racism in the media, I have conducted interviews with key persons involved in the media hearings. I have identified five different categories of stakeholders from which I have interviewed one or two persons. These stakeholders are:

1. The SAHRC.
2. The media institutions, e.g, the editors and the journalists that were summoned before the Commission.
3. The researchers employed by the Commission.
4. External institutions that presented submission to the Commission, such as the Press Ombudsman and the Freedom of Expression Institute.
5. The initial complainants, ABASA and BLA.

As this study is explanatory and not too extensive, semi-structured interviews have been conducted, as this style of interviewing is well suited to small-scale surveys and case studies (Drever 2000). The interviews are qualitative, rather than quantitative, as the aim has been to get as deep insight as possible into the way in which the stakeholders perceive

of the process and the outcomes of the hearings. Thirteen people were interviewed for this study and they were conducted between March 2000 and February 2002. The major part of the interviews were conducted face-to- face and some were carried out via telephone. Some of the interviewees, after being contacted asked to have the questions sent to them via e-mail and then returned the answers in this way. In those cases where the answers have been unclear or unsatisfying, the person in question has been contacted again either via telephone or e-mail to answer some follow-up questions.

All interviews have been carried out under different circumstances, as well as at different times, however, this should not have any notable significance on the outcome of these interviews. Semi-structured interviews were selected as this allows for the use of additional or probing questions, to make follow up questions according to the interest and concerns of the interviewee.

The ordering of questions becomes of less importance in a semi-structured interview (Drever 2000). A number of different areas relevant to the research have been identified and there after a set of questions for each area were constructed. Furthermore, open ended questions have been used so that the interviewees have been able to express their views, opinions, and sentiments as freely as possible.

In terms of undertaking a literature review, as far as it has been possible, the literature used by the researchers contracted by the SAHRC has been revisited as well as additional backround literature on racism in the media. Here, Professor Teun Van Dijk of Amsterdam University has proved a real authority. He has conducted several studies and written several books on the topic of racism in European media especially the press (Van Dijk 1991).

Furthermore, an extensive range of social scientific studies dealing with the role and functions of the media in society has been used. Apart from a normative discussion, mainly functionalist views of the media, sociological studies conducted on the media in different countries has been consulted, such as the US, several European countries, and of course Southern African countries which provides interesting points of comparisons for this study.

In addition to the interviews the research is also based on a large material of newspaper and magazine articles. Some of these articles and editorials have been coverage of the media hearings and the process written by journalists and editors before, during, and after the hearings. The newspaper articles have mainly been used for the theoretical part of this dissertation, as the analysis is mainly based on the interviews done with the different stakeholders. However, some of the material from these articles has been used for the analysis.

To a lesser extent various online media has been used. Some online database research has been conducted, namely Academic Search Elite, mainly to gather information that has been difficult to obtain or that has not been available elsewhere such as older newspaper articles, magazine articles or foreign academic journals.

Furthermore, some other website material has been used. Being aware of the problems surrounding these kind of sources, mainly articles or statements found on websites have been used when they have been recommended by any of the interviewees as background information that would help clarify any of the viewpoints expressed during the interviews. The SAHRC also has most of their material published on their website www.sahrc.org.za.

4. Analysis of the SAHRC inquiry into racism in the media

The SAHRC's inquiry into racism in the media are not the first media hearings held in South Africa, apart from commissions and inquiries held by the old apartheid regime the Truth and Reconcilliation Commission (TRC) also held public hearings into the role of the media during apartheid. There were mixed reactions to their inquiry as well. During the TRC hearings few media institutions actually came forward and those who did often did it as a newspaper or media group rather than as individual newspapers or individual journalists. Thus, the critique against these hearings have been that the media actually did not disclose much, this despite the fact that there has been many other accounts of the media's support for the apartheid regime as well as of individual journalists close liaison with the old regime (Duncan 2000). One main conclusion that can be drawn however from the TRC process is that no institution is immune from complicity in human rights violations, let alone the media (TRC Report 1998). This was also the basic assumption of the SAHRC when they initiated the process.

This dissertation will start by looking at the relationship between the South African media on the one hand and the South African Government and the SAHRC on the other as this relationship, can be said to form the basis of the conflicts that arose during the hearings.

4.1 The process: The government, the media and the SAHRC

The conflictual relationship between the media and the government in South Africa poses problems to an inquiry of this kind. The SAHRC alienated the media from day one as they could not assert their independence from government in the eyes of the media. The media and the government has always had a troublesome relationship in South Africa and the Commission did little to change this situation.

In many ways the SAHRC fed into the perception of being the government's prolonged arm by interacting with the media in the same way as the old apartheid regime. By reinforcing the 'two camps' approach to the media, meaning that they approached the white English-speaking media in a different way than they did the Afrikaans-speaking media the Commission fed into an 'apartheid model' of media relations.

Even though there has been no comprehensive debate as such about the role and function of the media in South Africa post-apartheid, several separate incidents have indicated that there are fundamental differences in the way that the government foresee the role of the media and in the way that the media themselves perceive of their role. The Commission took neither of these approaches into account when embarking on their inquiry into racism in the media and the question thus becomes whether or not the two opposing views affected the process and the outcomes of the hearings.

As a point of departure, we will look at the troublesome relationship between the media and the government as this relationship in many ways constitutes the basis of the conflicts that arose during the SAHRC hearings.

4.1.1 The government and the media

Since the years of apartheid the relationship between the media and the government in South Africa has been of a conflictual nature. The tension has manifested itself in the form of constant threats in the form of restrictive legislation. However, the form and degree of this tension has varied according to political developments in the history of South Africa (Wigston 2001:34). Roelofse identifies five themes that run through the history of the press in South Africa, which roughly can be described as: there is tension and conflict between the government and the press; divisions in the press are based on language; divisions in the press are based on race; the state sees the press as a threat to peace and

security; there are efforts by journalists to circumvent undemocratic laws (Roelofse 1996:70). All these tensions have a bearing on the SAHRC inquiries into racism in the media as they have shaped and continue to shape the relationship between the various stakeholders.

To understand the mistrust that marked the relationship between the media and the SAHRC one has to understand the history of South African media. The apartheid government put a lot of money and effort into propaganda and naturally both media institutions and journalists were targeted in the battle for influence (TRC report 1998). Even though the relationship has improved under the new democratic government and even though media freedom is protected in the new Constitution the relations are still strained. The media often accuses government of meddling in their business at the same time as the government accuses the media of being unpatriotic and pursuing their own agenda. This rift between the media and the government came to the fore when the SAHRC made public its intent to launch an inquiry into racism in the media.

During the years of apartheid the South African media was basically divided into two camps, the white English-speaking press and the Afrikaans-speaking press. While the English-speaking press in general had a liberal outlook and less openly declared their support for the apartheid regime and the National Party, the Afrikaans-speaking press, with a few exceptions, was allied with the National Party. As Oosthuizen says:

> In 1989 the democratic movement was a minor among Afrikaaners; was, like the paper intent on effecting political and social change (a non-racial democracy); had no real access to Afrikaans mainstream papers - it maintain that all major Afrikaans papers are allies of the National Party. (Oosthuizen 1989:93)

Furthermore, the public broadcaster, the SABC was totally in the hands of the apartheid government and therefore perceived as the biggest government propaganda machine.[3]

This of course built distrust in the media from many people opposing apartheid and from those media institutions that did not support the policies of the National Party. As well as there was media that supported the National Party, there was a media that defied it. However, Rafiq Rohan (Rohan 2002 interview with author) argues that even though there was media that did not support the government of the time, few journalists openly opposed the apartheid regime. When the TRC held their hearings into the role of the media during apartheid in 1997/1998 few journalists came forward, instead media houses submitted one statement 'covering' for the whole media group. This did little to shed light on the role of the media in the apartheid spin machine and has left a huge vaccum in terms of knowledge about the relationship between the media and the apartheid regime and ultimately its ideological articulation with racism.

Therefore a certain amount of distrust towards the media can be seen as rightful and has also established itself as a norm within the new democratic government. This however, has led to the present situation, where the government repeatedly accuses the media for being opposed to transformation, negative towards the new government, and for pursuing a right-wing agenda (Jacobs 2000). The media on the other side defend their right to impart and gather information according to the rights granted to them in the South African Constitution.

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[3] Television was introduced very late in South Africa as the apartheid government did not know how to control this powerful media. The government was fearful that South African audiences were to pick up on the monstrosities of apartheid through foreign programming. However, the late introduction was done under the pretext of preserving moral and Christian values that could be 'poisoned' by the permissiveness of Western culture spread via the television (Fourie 2001:431).

The old government had many times used the media for their own purposes and the new government has many times been accused of doing just the same or at least attempting to do the same. Many comparisons have been made between the present ANC-led government's treatment of the media and the old National Party government's media policies (Fourie 2001). The launch of the SAHRC's inquiries into racism in the media only added to the perception that the new government was no better when it comes to trying to curb the media. Fourie writes that during 2001:

> ..the views of the ANC on South African and foreign media performance, and on media control and ownership, became, like those of held by the National Party government, increasingly critical of the media. (Fourie 2001:433)

The uneasy relationship between the media and government thus continues. The National Party criticised the white English-speaking press of being unpatriotic and spreading a false picture of South Africa abroad, the new government criticises the media for failing to take its responsibilities in a new South Africa. President Thabo Mbeki has on several occasions criticised the media for failing to address the 'realities of democratic South Africa'. Sean Jacobs of IDASA writes:

> Mandela's successor Thabo Mbeki, reminded the media (particularly the printed media) at every opportunity of their racial character (read: overwhelmingly white press writing from the experience of the country's white minority about the country's political, economic and social transition). (Jacobs 2000:5)

The view of the president and indeed the government seem to be shared by many others as well. Jacobs continues:

> Increasingly, there is a view shared by the black elite that the media is racist, that it does not serve the interests of black people. (Jacobs 2001 interview with author)

The sense that the media is biased and that it does not serve the interests of large segments of the population make people even more mindful of the power of the media in shaping public opinion. The National Party started and supported some of the country's largest newspapers in their attempt to control what people inside South Africa should read and not read. Along the same line Mbeki has emphasized the need for a government-owned national newspaper (Swindells 2000:2). It is in this spirit that the ANC launched their own online publication *ANC Today*. In his welcoming letter in the first edition of *ANC Today*, President Thabo Mbeki says:

> Historically, the national and political constituency represented by the ANC has had very few and limited mass media throughout its 90 year existence. During this period, the commercial newspaper and magazine press representing the view, values and interest of the white minority has dominated the field of the mass media. This situation has changed only marginally in the period since we obtained our liberation in 1994. The same views, values and interests also drove the state broadcaster, the SABC. It is only now that changes are being brought about to ensure that the SABC fulfils its mandate as a public broadcaster. Much still remains to be done before this objective is achieved. (ANC Today, www.ANC.org.za)

The fact that the government on so many occasions has criticised the media has made the media mindful of any steps that are taken in the direction of increased regulation or control. The hearings were certainly seen by the media as one step in such a direction. Ed Linnington, the Press Ombudsman said:

> What made many feel uneasy about the media hearings were not so much the fact that the SAHRC launched an investigation into racism in the media. They as anyone else should be free to conduct research in any field. The uneasiness came from the way in which the hearings were conducted. When talking about government and the media in South Africa one has to be mindful of the fact that the media has always been called in to toe the line when it has suited the interest of government. (Linnington, interview with author 2001)

The historically troublesome relationship betweeen the government and the media in South Africa inadvertently created problems for the hearings and the relationship between the Commission and the media. The ideology of apartheid divided all sectors of society along racial lines. This division was also reflected in policy formulation and the legal framework that ultimately regulated the media (Oosthuizen 2001:84). Constitutional stipulations under the National Party did not make explicit provisions for any media rights. Media freedom was instead an inferred right (Tomaselli 1987:78).

The new South African Constitution, however, guarantees the freedom of the media and therefore the decision by the SAHRC to launch an inquiry into racism in the media along the same lines as previous commissions of inquiries held under the old dispensation came as a surprise and naturally evoked a lot of angry feelings, especially when the subpoenas started to arrive at editors desks around the country.

We will now take a closer look at the relationship between the Commission and the media.

4.1.2 The Commission and the media

Already from day one when the SAHRC made public their intention to launch an inquiry into racism in the media, they went into polemic mode with the media. The decision to launch an inquiry was controversial and the Commissions mandate was also questioned as was the *locus standi* of the initial complainants[4]. The issuing of the subpoenas did little to improve relations with the media, and as the days went by it became more and more difficult for the Commission to assert their independence from government in the eyes of the media.

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[4] The Commission rejected this suggestion and asserted that BLA and ABASA did indeed have locus standi, being two professional bodies representing the intrest of black people. (SAHRC 2000:7)

> The focus of most of the articles about the hearings took on a negative slant rather than dealing with the issue of racism. (Kollapan 2001 interview with author)

The debate that the Commission wanted to create was severely stiffled by the subpoena saga and when the various media representatives summoned to appear before the Commission finally did so, the damage was already done. William Bird of the Media Monitoring Project (MMP) says:

> Even though the subpoenas had been redrawn and relations were supposedly better after the Commissions meeting with the South African Editors Forum, I do not think there was anyone that felt particularly happy or at ease with the process. The hearings were marked by raljant word exchanges and deep sighs. I think most journalist felt extremely uncomfortable with the whole process. (Bird 2001 interview with author)

Despite last minute attempts to improve relations, tension marked the first days of the hearings. In his opening speech on the first day of the hearings the Chairperson of the Commission Dr Barney Pityana said:

> We look forward to a rigorous exploration of the issues of racism in the media and to an exchange of ideas about the nature of racism, its manifestations in the media, the root causes thereof and strategies/remedies to address it while giving effect to the right of freedom of expression including freedom of the press. It is our hope that we can achieve a proper understanding of these issues and together we can shape the outcome of this process by cooperation between an independent national institution for the promotion and protection of human rights and various role players in the media. (Pityana 2000, opening address of the SAHRC's inquiries into racism in the media, March 2000)

Emphasising cooperation was definitely a necessity at this point as the media quite reluctantly had showed up for the first day of the hearings after the subpoenas had been

redrawn. Furthermore, Dr Pityana took cognisance of the critique that had been raised by the different stakeholders and especially the media that the SAHRC was simply serving the interests of government and that the hearings was simply a "trick" by the present government to curb the media before the country's second general elections to be held in June 1999[5]. In a letter to the Commission the chief operating officer of Times Media Limited (TML) accused the Commission of representing sectarian interest and severely infringing on press freedom (SAHRC Interim report 2000:10). Thus, emphasising the independence of the Human Rights Commission became necessary as the Commission was simply seen as the prolonged arm of the government.

The issue of the independence and the issue of freedom of expression certainly became the most debated issues throughout the inquiries. The criticism came from various parties both at home and abroad, and there were many voices propagating for the inquiries not to take place. The Executive Director of Print Media South Africa (PMSA), for example, stated in a letter to the Commission that while his organisation was totally opposed to any racist content in the media it was inappropriate for a "government commission" to interfere with editorial content. Some even went further, in a letter to the then president Nelson Mandela, Bengt Braun the President of WAN (the World Association of Newspapers) urged Mandela to stop the investigation and any further attempts from government to interfere in media content (SAHRC interim report 2000:11). These letters were highlighted in the interim report of the Commission together with several samples of articles written criticising the SAHRC and the process.

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[5] The intention to launch an inquiry into racism in the media was first announced by the SAHRC in 1998 and as critique was raised by various parties that this could inflict upon the general election to be held in June 1999 the Commission decided that the research commissioned was to be undertaken only after the elections had been held and that the inquiries were to commence first in 2000.

The critique was fierce and the media really thrived in the twists and turns of the whole subpoena saga. In an article in the *Mail&Guardian*, Rhoda Kadalie of IDASA, herself a former SAHRC member, lashed out on Pityana urging the media to defy Pityana's, as she saw it, 'thought police'. In her article Kadalie also warned that the hearings, reminiscence of the apartheid government, could tarnish the good reputation of the presidency. Kadalie refers to comparisons made with the McCarthy era, the 1950's in the United States, in newspaper editorials abroad (Kadalie 2000)[6].

In defence of the accusations made by the media, the Commission referred to the powers granted them in the Constitution. The South African Human Rights Commission is established under the South African Constitution of 1996 and the Human Rights Commission Act of 1994[7]. Recognising that the protection and promotion of human rights cannot be left to individuals or the government, several independent national institutions were created under the Constitution. These institutions are subject only to the Constitution itself and the law, and they are created to facilitate the transformation of South African society from its unjust past and to deliver the fundamental rights in the Constitution to all in South Africa (Human Rights Commission Act 1994; The Constitution of the Republic of South Africa, 1996, Chapter 9:100).

The South African Human Rights Commission is one such national institution. The SAHRC works with government, civil society and individuals, both nationally and abroad, to fulfill its mandate and serves as both a watchdog and as a route through which people can access their rights .The Commission's work includes the handling and management of complaints concerning human rights violations. The investigation into racism in the media

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[6] Kadalie here refers to an editorial in the U.K *Guardian* comparing the hearings to the McCarthy witchhunt on Communists in the U.S during the 1950's.

[7] The BLA/ABASA request was made in accordance with section 7 (1) (c) of the Human Rights Commission Act 1994. The act grants the Commission the right to investigate any request from any source concerning any violation of a human right as set out in the Constitution.

was according to the Commission fully in line with its mandate to create a national culture of human rights (SAHRC 2000:3).

> For the Commission the initial complaint by the BLA and ABASA, even though this focused on two particular newspapers, emphasised issues that were not confined only to certain media. A larger investigation was therefore initiated. (Kollapan 2001 interview with author)

The media, however, was not convinced that this was the case and they would not be so either. The Commission was however aware of the fact that the hearings as well as the research would evoke a lot of strong sentiments. They acknowledged:

> Predictably, there was a strong reaction. The Commission was accused of draconian behaviour, we were made to believe that the freedom of the press was in grave danger, foreign media organisations urged the President to intervene and have the subpoenas withdrawn, while in the National Assembly there was a suggestion from the opposition that the Human Rights Commission Act be amended to either remove the power of the subpoena or to regulate its use. (SAHRC 2000:14)

While the media accused government of protecting their own interests, the Commission replied in pretty much the same way. The Commission interpreted the critique as the media only defending their own interests, and seeing a chance to discredit government in the run up to the elections. According to the Commission:

> The inquiry was represented to the public by the media (both locally and internationally), itself the subject of the Inquiry and by no means a disinterested party, as a poorly concealed exercise in clamping down on freedom of expression in the run up to country's second democratic elections, and consequently little other than one more slide down the perceived slippery and inevitable slope to an African dictatorship. (SAHRC Interim report 2000)

Hostility towards the inquiry grew and the media coverage was mainly negative. Pityana related:

> The inquiry was an example of the practical application of human rights in South Africa. We used the hearings as an opportunity to elaborate on some theories and principles of the relationship between human rights and the media. We hoped that the hearings would provoke a debate about racism in South Africa, about the extent and limits of freedom of speech and about human rights in general. The media did little to engage on this point, instead it tried to discredit the process and vilify the people involved. (Pityana 2001 interview with author)

This viewpoint was also made clear in the final report of the Commission where it was stated that:

> There was a remarkable consistency in this entire inquiry of how the media ensured trough their reporting that the issue at heart of the inquiry - the incidence of racism in the media - was relegated to a secondary or non-issue. In fact there appeared to be a deliberate attempt to convert other issues to focal issues e.g, the Braude report, the photographs of the marabou storks, the subpoenas and so forth. (SAHRC 2000:14)

The critique by the media was seen as inaccurate and badly informed. According to the Commission it ignored the independence of the Commission granted them as a chapter 9 institution[8]. In reply to the critics, the Commission firmly asserted its role as a state institution designed and established to support constitutional democracy. Furthermore, Pityana dismissed much of the criticism as fear, mostly by white people, of facing the issue of racism. He asserted:

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[8] In chapter 9 of the South African Constitution six different state institutions are listed. These institutions are established to strenghten constitutional democracy, they are independent and subject only to the Constitution and the law and no person or organ of state may interfere with their functioning. (The Constitution of the Republic of South Africa, 1996 Chapter 9:99)

> What was apparent in much of this discursive argument, is that white South Africans were inclined to deny or avoid any substantive discussion of racism. Fear and suspicion fuelled a great deal of the furore about the investigation. Some of that had a lot to do with whether the investigation would not lead to restrictive legislation. There was no rational justification for that, but it was there nonetheless. (Pityana 2000:3)

Despite attempts by the SAHRC to change the focus of the hearings, the debate on the independence of the SAHRC persisted, at least in the media. Laura Pollecutt the former Director of the Freedom of Expression Institute, said:

> The picture that was created in the media about the hearings was very much one of a clampdown on the media by government. Even though the media did a lot to discredit the process as such, the Human Rights Commission contributed to this picture, for example by issuing the subpoenas. This turned the hearings into a process about press freedom in the new South Africa. (Pollecutt 2000 interview with author)

The Commission seemed to be well aware that the debate became one of press freedom and freedom of expression. However, they blame the media for obscuring the real objective of the inquiry. Pityana said:

> The critique that was raised by the media did nothing than divert the attention from the real issue at hand - racism. A lot of effort was put into discussions around freedom of the press, much time and resources were therefore spent on other issues than the task at hand. (Pityana 2001 interview with author)

The final report of the Commission reads:

> What was emerging was that the media had chosen to interpret the inquiry and its consequences for media freedom in a certain way and, with respect, in a way that substantially ignored the reasons advanced by the Commission. (SAHRC 2000:9)

There is little introspection and self-criticism in the Commissions response to the media's reaction. The Commission felt that the media's reply was uninformed and that it obscured the real reasons for the inquiry. There is from the side of the Commission no regrets about the issuing of the subpoenas or the consequences thereof. The report goes on to say:

> The Commission anticipated criticism but at the very least expected that it would be informed; that there would be balanced coverage on the response of the media as well as the rationale advanced by the Commission for the inquiry. This did not happen and unfortunately this biased and ill informed approach characterized much of the media coverage on the inquiry thereafther and the injustice of it all was that it prevented an important debate on the question of race in the media taking place amongst the people of South Africa. (Ibid)

Pityana has also on other occassions, during and after the hearings, criticised the media for obscuring the real objective of the hearings by their, as he sees it, biased reporting focusing only on the issue of freedom of expression. Furthermore, it is the view of the Commission that the media also let down their own audiences by only reporting one side of the story. In the final report it is stated that:

> A grave disservice was accordingly done to the readership of most of the publications in our country by those responsible for providing such information. (Ibid)

Even though the Commission lamented the fact that the hearings turned into a process about press freedom and repeatedly tried to change the discourse, the media could not get beyond the view that the Commission was serving government interests when launching the inquiry, especially with the general elections coming up. Furthermore, it was hard for the Commission to change the perception of the media that the present government was going in the direction of the previous government under National Party rule. The new Constitution however guarantees the freedom of speech including freedom of the media

and any attempts to infringe on these rights would of course bring back fears from the old regime[9].

The criticism in the media also raised concerns that the possible outcome of the hearings would be a higher degree of self-censorship when it comes to reporting on issues of race. Once again an echo of the past - the National Party relayed for long on self-censorship, but when this was no longer enough to control the media, the party introduced a plethora of laws to regulate the media (Oosthuizen 1989:40). The comparisons with the old government were frequent. Jacobs writes:

> The Racism in the Media Inquiry arrived at the wrong time. The mainstream media felt under siege. This was largely a perception born from its experience with any form of state, particularly that under apartheid, and given its liberal democratic origins and ethos. Consequently many journalists perceived the inquiry as part of a grand government conspiracy to attack them. The HRC were the foot-soldiers of the state in this perceived crusade. (Jacobs 2000:5)

The perception that the Commission was acting as the prolonged arm of the government however is refuted by researcher William Bird remarked that:

> There seems to be a common view among many journalists and editors that the government is trying to restrict the media. I do not think this is true. Press freedom is guaranteed in the Constitution and it is ridiculous to compare the new democratic government with the old regime as some people attempt to do. (Bird 2001 interview with author)

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[9] According to the SA Bill of Rights, as contained In the SA Constitution, 1996 (Act 108 of 1996), everyone has the right to freedom of expression, which includes: freedom of the press, freedom to receive and impart information or ideas, freedom of artistic creativity, academic freedom and freedom of scientific research.

The fact that the Commission was so criticised by the media is also highlighted by researcher, Claudia Braude:

> The South African Human Rights Commission should be commended rather than condemned, as it widely has been, for conducting this Inquiry. Responsible for promoting human rights, as well as monitoring violations that occur, the SAHRC (as any individual or organisation concerned with the development of a human rights culture in post-apartheid South Africa) must necessarily pay close attention to the mass media, which plays a powerful role in shaping public opinion. (Braude 2000:6)

Even though, there are diverting views on this issue the Commission could have done much more to counter-balance these accusations and to relieve the media and other stakeholders of these fears. Instead of asserting their status granted by the Constitution more effort could have been put into explaining the objectives of the hearings and engaging in dialogue with the various stakeholders. It is clear that the biggest mistake was the issuing of the subpoenas that severely put the lid on discussions and in many ways only added to the perception that this was a clampdown on the media by government.

> We decided to issue the subpoenas in order to guarantee the cooperation of the media. There were indications that the media would not otherwise appear before the Commission. (Pityana 2001 interview with author)

The media, however, thought the Commission was seeking confrontation rather than consultation and they felt that they were summoned to answer to accusations that came from the Commission rather then the public. As far as a dialogue was concerned the media was not involved. Braude writes in the preface to her research report:

> This research attempts to engage the reader and bring her or him into the debate. It raises general recommendations for consideration by the SAHRC to promote dialogue with the media, to strengthen ethical and professional practice. (Braude 2000:9)

Where the media saw confrontation, the Commission saw cooperation. Pityana says:

> At the end of the day there is still a lot of disagreement and contestation about these issues, maybe there hasn't been much change yet but a least a discussion has started that might lead to change. (Pityana 2001 interview with author)

The media did not feel that they were engaged in any dialogue and it is questionable whether there has been much discussion in the media in the aftermath of the hearings either.

In their final recommendation the Commission is advocating self-regulation in the media. If self regulation is the route to go to combat racism in the media, the creation of a sound dialogue should have been the prime goal of the Commission. Self-regulation in the media is very much dependent on discussion and engagement with issues concerning ethics and the conduct of the media.

> The codes of conduct and ethical guidelines of the media are self-regulatory, therefore the discussion about racism should take place in the media itself, in newsrooms among journalists as well as in the content of the media, in articles and editorials. (Linnington 2001 interview with author)

Codes of conduct and ethical guidelines in the media were discussed during the hearings. According to the Commission and the recommendations made in their final report, self-regulation in the media is inadequate and therefore the codes of conduct and the ethical guidelines of the media need to be reworked. In contrast to the media system under the National Party which represented an authoritarian framework that led to a narrow articulation of the public interest, the current media system in South Africa represents a social responsibility framework with a broader formulation of the public interest. The emphasis is now on self-regulation and the pressure is now on self-regulatory bodies to

articulate values of human rights more prominently. This could eventually lead to the inclusion of these rights in professional codes of conduct of the media (Oosthuizen 2001).

The codes of conduct as well as the ethical guidelines of the media could have been aided by a sound debate during the hearings but due to all the problems that arose between the Commission and the media as well as other stakeholders this kind of dialogue never occurred. However, to a certain extent the Commission seemed to believe that such a dialogue did indeed take place as some of the statements by both Chairperson Dr. Pityana and the Commission's information Officer Mr Jody Kollapan has shown.

After the issuing of the subpoenas there was an attempt at genuine dialogue with the media when the Commission met with SANEF, the South African National Editors Forum. During this meeting, SANEF promised they would urge their members to cooperate with the Commission, however, the Commission did not feel that this was satisfying enough and therefore wanted to keep the subpoenas to ensure the attendance of the media. This of course made the attempts to have a dialogue even more troublesome. Finally, the subpoenas were redrawn but there was still no dialogue. Instead of engaging in a dialogue the Commission was seen to put editors and journalists on trial. Everyone that appeared before the Commission had to take an oath and swear to 'tell the truth and nothing but the truth'[10].

> The hearings had all the features of a trial and if they had been serious about engaging in a dialogue with the media they could have done that. I think that their credibility has been damaged, take for example, the workshop on media ethics, none of the editors were present[11]. (Bird 2001 interview with author)

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[10] There were people summoned by the Commission who refused to take the oath and they were then exempted from doing so.

[11] In 2001, the Commission hosted a workshop on freedom of expression in the media. Even though this event was sponsored by, among others, SANEF none of the editors of the larger newspapers were present.

The fact that the hearings were perceived by the media as a trial comes through in the interviews made with journalists and editors that were summoned before the Commission. Ferial Haffajee, who during the period for the inquiry was working for the *Mail&Guardian*, related:

> The Commission had a preconceived idea about the media very much so due to the fact that the research had already concluded that the media is racist. We all know that we are battling with our past and the media is no better than any other institution. Things are changing though and I think that it was absurd that the Human Rights Commission held its inquiries, we already have a Press Ombudsman's office. It became a trial, and in the process press freedom was tampered with. After all the media has to change from the inside, each and every newsroom must review their work, make sure that codes of conduct that are already in place are abided by. At the end of the day it is all about professionalism. (Haffajee 2001 interview with author)

It is also clear that the media resented the research and that they felt that there had been little engagement from the Commission when the research was conducted:

> We (the *Mail&Guardian*) were initially asked to comment on the Braude research. She had never engaged with us, she had, however, used some articles of ours without even bothering to contact the journalist in question for a comment or an opinion. (Barell 2001 interview with author)

Most of the editors and media workers who came before the Commission stated that they and the media institution they represented were committed to freedom of expression and freedom of the press. Many testified to the way in which they struggled to uphold good press standards in terms of ethics as well as the role and function of the media in society to inform, entertain and act as a watchdog of the state. Furthermore, being aware of the history of South Africa most stated that they were committed to change and that racism in

the newsroom as well as in the content of the media are fought against. This however is not to say that racism is not an issue or that it is not present in the organisations as well as in the products of the media. Mr Arie Roussouw the editor of the Afrikaans newspaper *Beeld* said about his newspaper in their submission to the Commission:

> We do not align ourselves to any political party or ideology. We only associate ourselves with the truth and the interest of our readers and we would endeavour to ensure the freedom of the press, a multi-party democracy and human rights as well as economic freedom and a peaceful and prosperous South Africa. (Roussouw in SAHRC 2000)

Roussouw also stated his newspaper commitment to fight racism by referring to the newspapers firm policy on racism reflected in their editorial columns. The Independent Group followed the same line when they in their submission state:

> We are committed to the betterment and success of the democratic South Africa, ever mindful of the injustice of the country's past. (Submission made by the Independent Group to the SAHRC, SAHRC 2000)

So, if the media says that it is not quite as easy to define what constitutes racism and that they are indeed committed to change - why were they summoned? One answer to this question might lie in the way that the Commission choose to interact with different media institutions during their inquiry depending on the media in question being Afrikaans- or English-speaking. Another answer might lie in how the different parties perceive of the role and function of the media in society and especially South African society with its complex history.

4.1.3 The South African media

In the Commission's interaction with the media there seem to have been different approaches towards the media institutions depending on whether they could be said to be

Afrikaans-speaking or English-speaking media. The traditional division of media institutions into white Afrikaans-speaking and English-speaking media was upheld by the Commission and they also seemed to interact differently with each of these groups. The Commission found that there was greater co-operation by the Afrikaans-speaking media (Pityana 2001, interview with author). Bird stated:

> The Afrikaans press said from the start, no problem we will come forward, we'll come to the party. The so called liberal press, the white owned English speaking press, however, were less positive, and saw the hearings as a clamp down on media freedom, and of course things got worst once the Commission had issued the subpoenas. (Bird 2001 interview with author)

Why is it then that the English-speaking media reacted differently towards the hearings? The answer might lie in the fact that the media in South Africa traditionally has been divided into two camps, the Afrikaans-speaking media and the white English-speaking media, each with its own approach to the politics of the country.

> *The Star* and the *Mail&Guardian* took a classical liberal stance, we don't have to answer to anyone. Why can't they resume responsibility and say this is where we come from but we are dealing with our issues. (Bird 2001 interview with author)

Dr. Pityana's explanation is that:

> Traditionally, the media in South Africa have been divided into two blocks, the English speaking press and the Afrikaans-speaking press. The English-speaking press stood for liberal values, a white political opposition to the government. They never supported the liberation struggle. (Pityana 2001 interview with author)

And he goes on to say that:

> The Afrikaans press has done a lot of soul searching, their role seemed less clear after 1994. They have gone from being mostly supporters of the government to more independent rule. (Ibid)

The white Afrikaans-speaking press is viewed differently from the English-speaking press and it also comes through in the research of the Commission as well as during the hearings.

Different newspapers have different audiences and in South Africa this is very clear. Apart from being a language issue, it has traditionally been very much of a political issue. The English-speaking press comes from a liberal tradition while the Afrikaans-speaking press has embraced the cultural and political values of the Afrikaner.

> There is an awareness and sensitivity in the Afrikaans-speaking media about race and racism. They have had to change. There is another form of complacency in the English-speaking media. (Jacobs 2001 interview with author)

Apart from the different ways in which the Commission interacted with the various stakeholders, another factor that seemed to complicate the relations with the media was the way in which the Commission saw the role of the media in society versus the way in wich the media saw it. Much of the sometimes quite harsh word exchanges during the hearings was due to the fact that there seemed to be fundamental differences in the way that the Commission, and indeed the government, foresaw the role of the media in society versus the way in which the media themselves foresaw their role. Government has many times called for a development approach in which the media take an active part in development and nation building. While the media declared their independence as an institution emphasising the rights granted to the media in a democratic society, the Commission stressed the responsibilities of the media.

Chairperson Pityana asserted:

> A free press and a free media are so critical in South Africa today that is what we wanted to emphasise when we initiated the inquiries. The media has a role to fulfill, it has responsibilities. It is needed to reflect the voice of the people. Ethics of the profession need to be emphasised, a popular consciousness can provide criticism of the press. (Pityana 2001 interview with author)

Bird stated:

> South Africa is a special case, due to our history we cannot tolerate this kind of racist coverage at all. The media never came forward during the TRC process, therefore it must now claim a moral responsibility for the past. (Bird 2001 interview with author)

The role of the media in society and especially in post-apartheid South Africa was never discussed during the hearings, however, there was from the side of the Commission an underlying understanding of the role of the media, emphasising its responsibilities. The way in which the media see their role is slightly different and there are probably as many views as there are journalists. The SAHRC should have declared their views openly and at least there should have been a discussion around this issue, as this could have clarified a lot of the misunderstandings and negative sentiments that arose before and during the hearings.

If a common consensus on the role of the media in South Africa could have been better established before the hearings the understanding of the raison d'être of the inquiries would have been established. At least there should have been agreement on some of the basic principles of the role of the media in a democratic society. The SAHRC could have started with a discussion on the role of the media, which could have functioned as a basis on which to build the discussion on racism in the media. Such a discussion could also have clarified the basic notion and linked the issue of race to representativeness e.g. that the media has a responsibility to represent all people independently of race, gender or class. Lynette Steenveld of Rhodes Journalism School has argued that:

> Democracy means 'rule by people'. The independence of the media to this process is crucial, because in this political arrangement (system) the media constitute an important institution for enabling the political process. A significant feature of democracy is an inclusive, participatory polity. Thus the important expectation citizens have of the media in a democracy: that journalism should be representative of all the people. Most of the problems the media face, have to do with how they are to represent 'all' the people. Here the key word is 'diversity'. (Steenveeld 2000:43)

Maybe, the SAHRC could have avoided a lot of the agony by focusing on diversity rather than racism. If a discussion about representativeness of the media and diversity in the media had preceded the discussion on racism the chances of alienating the media would have been less.

> We need to address a wider set of issues than just race, class, and gender. A start would have been to discuss diversity in the media and how this can be achieved. (Duncan 2001 interview with author)

Media diversity is paramount to combating racism in the media, a fair representation of all groups in society is the first step in this direction. A discussion about media diversity and media pluralism could have been a good starting point for further discussion and research.

Whatever the focus of the inquiry was and whatever it should or could have been, it is clear that issues were left out both in the initial research as well as during the hearing itself. This brings us to take a closer look at the issues that came under scrutiny during the SAHRC process, and even more so to consider the issues that were left out.

4.2 The issues: Ideology, politics, structure, and operations of the media

The Commission's research report and much of the discussion during the hearings focused on media content and the occurrence of racist messages, whether these be explicit or implicit, in the content of the media. The research concluded that there was indeed racist content in the South African media and therefore that the South African media is racist. The research gave several examples of outright racist messages as well as more subliminal forms of racism[12]. However, it failed to explain what constitutes racism and it did not provide any definition of racism. Maybe even more importantly in the case of South Africa with its racist past, it failed to answer the questions to why there is racism in the media.

An even more important question is whether the Commission did not omit many crucial factors that ultimately influence media content. The research looked for and found racist content in the media as this is what could be expected due to the history of the country but by doing so they failed to consider a whole set of other factors that might have an influence on the outcomes of the media. On the whole, the issues that could have been discussed were not, the research and the discussion rests incomplete and the inquiry leaves a lot of questions unanswered. Issues of racism in the newsroom, as well as in the content of the media were left out. Furthermore, the way in which racial stereotypes make it into the content of the media and why was not explored. No analysis of racism in the media can refrain from analysing power relations in the media such as various ideological and political concerns, as well as ownership and control mechanisms that influence media content. Nor can an analysis of this kind ignore the way in which the media operates, working conditions and practices all influence the products of the media.

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[12] These 'subliminal' messages were discussed both by the media and some of the critics of the research reports as there was no definition of racism or what could be said to constitute subliminal racism.

Due to all the mistakes made by the Commission that seriously haltered a debate, the in many ways limited research of the Commission stayed in the spotlight without any other issues being discussed.

4.2.1 Ideology and the media

The Commission set out to examine racism in the content of the media. While hate speech is forbidden in the constitution and fairly easy to detect, more subtle messages are harder to detect. The research therefore came to focus on subliminal racist messages in the media. The research consisted of two separate reports, one qualitative textual analysis and one quantitative textual analysis. Without repeating the criticism that was raised against the two reports, a critique mainly focusing on flaws in the methodology and lack of theoretical grounding, this dissertation will instead focus on the omissions made. By solely doing a textual analysis a whole set of issues that influence media content was left out. The Commission could have avoided much of the critique raised against the research if they had contracted researcher with extensive knowledge of the field and if they had made use of previous research conducted on racism and the media both in South Africa and abroad.

> The research was highly criticised, and in many ways rightfully so, this does not diminish the importance of research in this field. There is so much experience and so many examples to draw upon in South Africa that could be used for further research. (Jacobs 2001 interview with author)

When attempting to analyse subliminal messages it becomes crucial to analyse a broader set of values that influence media workers as well as their products. Every media institution abides by some ideological or political stance that informs everything from the way the organisation is managed to the final media output.

In terms of ideology, every newspaper has its own ideology, to analyse ideology is to analyse a wider set of values, and standards than just norms and ethics concerned with the practice of journalism.

> The ideologies pervading the media are problematic sets of values and aspirations, strongly affected by the diversity of responses from audiences no matter what interpretations are proffered by producers, writers and editors. (Jakubowics et al. 1994)

Every media institution and every media product has its own political colour and its own ideology shaped by publishers, owners, editors and journalists. Most media institutions have been launched with a political aim or purpose in mind. In Europe, for example, there is a long tradition of political party press (McQuail 2000:22).

Aidan White, the director general of the International Federation for journalists says that press history shows that the political colour of the press has been a determining factor when categorising newspapers. In Europe the press has often supported party politics and many newspapers were started with the aim of advancing party politics (White 1999:nk.)

Media and ideology is a field of study on its own. The media in many ways promote ideology. Ideological perspectives come through in the content of the media.

> The way ideology of the mass media legitimates a particular view by providing rationalisation and justification for a narrow perspective from which to interpret reality, while at the same time such an ideological perspective blinds or conceals other interpretations of reality can be found in many newspaper editorials. (Sonderling 2001:323)

Editorial material often highlights the media institution in questions, views or ideology in a more direct way than the rest of the news material. This is particularly the case in the political party press. The political party press has however lost ground to commercial press forms in later years, both as an idea and as a viable business enterprise (McQuail 2000:21). The commercial press however, is not necessarily less ideological, it is just that other ideological views are communicated via the commercial press than the political press. The commercialisation of news is a global trend and South Africa is no exception. Furthermore, more and more the media is organised by large media conglomerates and cross-ownership provides for more or less the same content to be multiplied in several media at the same time.

No reference is made, neither in the research nor during the hearings, to the political or ideological views of the different media institutions summoned. There is a need to look at the press from a political and ideological viewpoint, assessing whether they can be labeled as liberal, conservative or even right wing. Much previous research done on racism in the media has focused on the political colour of the particular media investigated. The Commission, however, seemed to think that this kind of analysis belonged to the past and therefore did not include it in their analysis. Pityana says:

> The Afrikaans-speaking press today emphasises cultural values rather than political. The white English-speaking press however, still see themselves as government opposition. (Pityana 2001 interview with author)

This view is shared by the Media Monitoring Project's (MMP) researcher William Bird who says:

> South Africa is a different case, race has been the denominator rather than political ideology. Due to our past we cannot tolerate this kind of racist coverage. (Bird 2001 interview with author)

Whatever the ideology, political or cultural views of the media it informs the way the media operates and it ultimately influences the content of the media. The ideological and political colour of the South African media does play a role as it has quite clear links to different vested interests. In South Africa the Afrikaans-speaking press, not to mention broadcasting, has had strong political ties to the governing party. Furthermore, the Afrikaans-speaking press was largely opposed to English dominated South African capital. The white English-speaking press on the other hand has had close ties to South African mining capital (Tomaselli 2000:280). These strong ties to the business sector continue to this day.

The Commission, however without acknowledging this in their research or engaging in any discussion around it during their hearings, did make a distinction between the the different ideological or political platforms of the Afrikaans-speaking press and the English-speaking press. In their final report they state:

> South Africa's current media institutions are rich in history and in many ways reflect the history of South Africa. Afrikaans newspapers come from the history of the struggle of the Afrikaners against English hegemony. They seek to preserve the Afrikaans culture and language, asserting the legitimate place of Afrikaans in shaping South Africa. They were previously associated with the political fortunes of the white Afrikaner minority ruling clique in the country. Indeed, they were founded to express the political aspirations of the Afrikaners in South Africa. (SAHRC 2000:19)

Thus, party political press has a history in South Africa. In terms of ideology of the white English-speaking press the Commission says:

> South Africa's traditional English newspapers have always espoused liberal values, affirmed the value of the freedom of the press, were critical of the apartheid regime and, to various degrees, supported opposition parties during the apartheid era. (SAHRC 2000:20)

Given the fact that the media asserted their non-racial stance, it is strange that the Commission, that acknowledged that the media does pursue certain values, did not explicitly question or analyse this in their research. Jane Duncan, Director of the Freedom of Expression Institute (FXI) says:

> Political party press in South Africa has a slightly different connotation than in Europe for example. In South Africa media has been divided for long. The Afrikaans speaking press stood by the National Party for many years and can therefore be labeled party press or "the party" press on the other end of the scale there was the press opposing the policies of the National Party. This press however had no clear affiliation with any political party. This is not to say that there has not been political interest or views guiding the English speaking press. (Duncan 2001 interview with author)

Ideology reveals itself in many ways, when talking about the political colour of the South African media, Mike Siluma, former editor of the Sowetan, stated:

> Stories that do not fit in with the overall view of the paper simply won't make it into the paper. This of course can also sometimes be interpreted as a race issue, black journalists' find their stories rejected more often than white journalists. (Siluma 2000 interview with author)

And he went on to say:

> The South African media landscape does not leave much space for media diversity. There is no real press on the left of the political spectra in South Africa, which of course has consequences for the diversity of views. (Ibid)

Apart from issues concerning political ideology, in many studies on racism in the media class is used as one variable in the analysis. The Glasgow Media Group in the U.K. for example, has in their research of the British media shown, in somewhat similar manner as

the SAHRC, that the media often vilifies the working class, depicting workers as lazy, dirty, operate in mobs etc. Both the Braude report and the research conducted by the MMP is based on a set of assumptions on how black people are depicted in the South African media, such as, black people are lazy, dirty, acting in mobs, die 'en masse' etc. Thus the same analysis comes out of the SAHRC's research, only that in South Africa research substitutes workers for blacks (Bertelsen 2000:19). An analysis of class rather than colour might have been fruitful for the media hearings as the media asserted their non-racial stance.

The researchers of the Commission took another stance though. Braude says:

> In South Africa race has always been the denominator, independently of class, there are those who argue that South Africa today is a class based society. Still you are judged by the colour of your skin. The media still perpetuates racial stereotypes. (Braude 2001 interview with author)

Braude states in her research report that the media uses language to convey a specific view of the world (Braude 2000). Language and ideology are closely inter-linked (Sonderling 2001: 324). Thus an analysis of language in the media should also include an anlysis of ideology.

When looking at racism in the South African media one must acknowledge that apartheid was founded on a racist ideology. Fourie and Karam write:

> At the political level, the ideology of apartheid was founded on various racially based myths, such as black people are unable to govern a country in an orderly manner, just as the state, education and the church, with their apartheid legislation, nationalistically inspired education and early justification of apartheid on Biblical grounds, preached and reinforced apartheid, the media (as a symbolic form of expression) contributed in various ways to the entrenchment of the apartheid myths. (Fourie & Karam 2001:476)

In conclusion, ideology was never touched upon neither during the hearings nor in the research. This despite of the fact that previous research done on the media shows that the media is a powerful ideological and social agent in forming and sustaining people's perceptions of and attitudes towards each other (Fourie & Karam 2001:470). Therefore, an analysis is also needed of the underlying political convictions and ideological viewpoints of both the media and also to a certain extent, the Commission. By addressing these issues and widening the scope of the research the Commission could itself have facilitated a discussion about racism in the media. Furthermore, it could have marked a start for continuous research and discussion in the media itself.

Other factors closely linked to ideology are structural issues, concerning how the media is organised, i.e. who owns the media, and who ultimately controls the outcomes of the media.

4.2.2 Structural issues

As stated earlier the analysis of the research is purely textual, the identification and classification of different traces of racism in the media only refers to the language in the media texts, whether spoken or written, and the pictures published or broadcast. This goes against the initial mission of the Commission that set out to explore racism from several different angles, including structural barriers preventing black journalists from entering the profession or accessing senior positions in the media. These barriers come in the form of ownership, senior positions not being accessible for black journalists, and the lack of training for young black aspiring journalists. Furthermore, on every level in the production line of a media organisation there are gatekeepers that select and edit the content that is to be printed or broadcast.

> Like any other business, the organisational structure of the media influence the products of that particular organisation. (McQuail 1992:87)

No research was done in this area, despite the fact that the initial request to investigate racism in the media made by ABASA and BLA states that if one is to come to terms with racism in the media one has to look at inequities in employment within the media.

Hale Qangule, Director of ABASA, stated:

> South African media is still largely in white hands. There has in fact been litle change in ownership structures since the end of legal apartheid in 1994. Senior positions within the media are held by whites and few black journalists hold posistions where they have the final say over the content of a story and even less so a whole newspaper. (Qangule 2000 submission to the SAHRC)

This view is shared by many journalists' in the country. Furthermore, Lakela Kaunda, the then editor of the *Evening Post* in Port Elizabeth, added that gender equity was another problem in the newsroom, with women constantly being sidelined (Kaunda 2000 submission to the SAHRC). Few women are represented in the newsroom and in senior positions within the media, even more so black women. Excluding an analysis of gender representation in the media further adds to the list of issues omitted in the SAHRC research. Few women were represented during the hearings, and the issue of gender was further subdued by the male dominance of those summoned by the Commission.

The importance of a gender analysis, as proposed by Ms Lakela Kaunda, during the hearings was acknowledged by the Commission. In their final report they have also included the comments from Ms Kaunda. Fighting racism in the newsroom is hard enough and being a black women in a predominantly white male dominated business makes it even harder.

Changing the colour of the media and making it more representative, however, is hard. Mike Siluma, the then Editor of the *Sowetan*, who submitted a submission together with five other black editors[13], said:

> We need to understand that as a black editor or in particular as an African editor, you can either be assimilated and become part of the whole system or you can try to introduce that diversity and bring into play your own thing, your own experience and try to introduce that into the mainstream but that is a difficult thing because if you play along you will be fine. (Siluma 2000 statement to the SAHRC)

Siluma continued:

> Every newsroom has its own culture, its own ways of doing things. You either fit in or you don't. News are shaped by this culture, ultimately there will be someone senior who will decide on what goes in today's edition or not. Trying to impose changes is difficult. It will only change if editors as well as journalists will deviate from the mainstream and take their own stance. (Ibid.)

Thus, the role of the media in the construction and reproduction of race and racism must be understood in the context of media systems and institutions. The media is in the words of Adorno and the Frankfurt School part of a 'culture industry' (Adorno & Horkheimer 1979:349). Once again, important variables in the analysis of racism in the media were left out of the picture. Variables that, if they had been taken into account, could have contributed to the discussion, as well as the research.

Ownership and control of the media has an effect on society. The increasing concentration of media ownership is a severe threat to media diversity. There are basically two levels of control in the media, operational and allocative. Operational control, relates to the day-to-

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[13] Apart from Mike Siluma, this group of editors consisted of Kaiser Nyatsumba of the Durban *Daily News*, Phil Molefe of the SABC, Cyril Madlala of *Independent on Saturday* in Durban and Charles Mogale of *Sowetan Sunday World.*

day activity in the newsroom; operational control is mainly in the hands of the editors who act as gatekeepers for what stories makes it into the news, what angles, length, headlines that are decided upon. Allocative control is carried out on a higher level in the organisation and is concerned with the company/business as a whole. It concerns the organisational structure, owners, shareholders, the use and allocation of resources, formation of basic policy, employment of key personnel, expansions and cutbacks, mergers, and sell outs. It is on this level that ideology is shaped and then transpired throughout the organisation.

In their submission the Black Lawyers Association and the Association of Black Accountants stated that the media remains largely in white hands in terms of ownership and accordingly white males by-and-large continue to control opinion on all current issues, whether of a political, social or educational nature (Submission made by BLA/ABASA to the SAHRC). Their criticism focused mainly on the 'whiteness' of the media industry as well as the omission of coverage of certain communities, mainly, black community issues.

In an article in the *Financial Mail*, media entrepreneur Moletsi Mbeki says when discussing ownership and control in South African media that:

> The owners of the country's print media are predominantly white. Some are locals, others are foreigners. Even the black-owned titles such as the *Sowetan* and *Tribute* ultimately depend on white printing companies, distributors and advertising agencies. (Mbeki 1998)

And he continues:

> After some rearranging of the deck chairs, the white-owned print media has emerged practically unchanged at the end of the nineties. It is as vociferous in its defense of the domination of South Africa's economy by the whites as it has ever been. (Ibid.)

The structural problems in the media come through as one of the main problems of racism in the media, the fact that so few black people are present in the newsroom especially in senior positions continues to be a problem. This is one factor that the SAHRC pointed out in their report, however as a whole there was in the Commission's investigations, especially in the research, little emphasis on these structural issues. Even though emphasis was not put on the lack of black people in South African media from the beginning, the issues was raised during their hearings and questions about staff equity posed directly to the different media groups summoned.

It was on the last day of the media hearings that the inquiry took another turn when NGO's and political parties were brought in to give their views on the issue of racism in the media. Then, for the first time the structural issues were brought forward. Both the African National Congress (ANC) and the South African Communist Party (SACP) testified to the fact that the output of the media is unlikely to change as long as the economic power in this country is still in the hands of whites.

> The ANC, in their submission to the Human Rights Commission made it clear that they were not impressed by the way the media treated the president and the presidency. They also brought forward other examples from the media. J M Coetzee being one example.[14] A white male's reflection of the new South Africa. The bottom line being who controls the media, controls the discourse. (Braude 2001 interview with author)

Deviating slightly from their original starting point the Commission took this issue into account in their final report when they make comments about the lack of representation of black journalists and media workers in the South African media. This is an interesting

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[14] In J M Coetzee's novel "Disgrace", a white university professor is accused of seducing one of his black female students and is thus forced to leave his position at the university. Cotzee's novel has been interpreted as reflecting white South Africans' fear of the black community and the powers that a perceived black government has over contemporary South African society.

issue, as the underlying structures of the media must be analysed as well when talking about the outputs of the media. The failure of black economic empowerment groups to acquire or sustain their shares in commercial media companies has left the media largely in white hands. Mojapelo writes:

> By and large, control and ownership are still in teh hands of white males. They have yet to take into consideration that many institutions are going to be forced by prevailing circumstances to reflect the demography of the country. The white-controlled press, especially the former white liberals and their fellow travellers, seem displeased that they no longer set the national agenda. (Mojapelo 1998:132)

Given said biases, other structural issues such as monopolistic commercial practices, which includes uniform pricing, collusion on advertising, joint ownership of nominal rival organisations, joint ownership of printing plants, joint distribution and joint buying of newsprint also impacts negatively on media diversity (Gumede 2000:12).

The Commission did attempt to engage in the issue of representation of black people in the media industry. However, the Commission failed to explain why a higher representation of black journalists or black editors would change the outcome of the media. Even though there has been some change in ownership over the last couple of years this has not necessarily translated into a change in content. Although according to media academic Guy Berger: "Pluralism in ownership is more likely to correspond with a diversity of contents that would limit ownership, even if it does not on its own guarantee it."(Berger 2000:43)

The South African media is still predominantly in white hands and so also the power of the media. Berger continues:

> 'Race' is still about power and politics and combating racism in the media means appreciating this factor. (Berger 2000:31)

In the future:

> The study of power, influence, and determination will play a role in our critical examination of communication and race. (Gandy 1998:6)

Traditionally, within media studies, much research has focused upon issues of the political partisanship of the press and television companies, that is, upon the degree to which they may support one or other political party or faction, and colour their political reporting accordingly. Lately, however research has come to focus on ownership and control issues (Watson & Hill 2000:227).

As, several persons and organisations testified that the South African media still to a large extent is controlled by white people, research should have explored the implications of this. The operational control is direct whereas the allocative is indirect and at the end of the day it is the allocative control that sets the basic structures for the operations of a media organisation. Ownership is the primary source of allocative control. Questions such as: What is the relation between the two levels of control? And, to what extent does the allocative control influence the operational? are questions that should have been asked as this could have taken the discussion further. The Human Rights Commission in its inquiry into the media missed a golden opportunity to the put the spotlight on South Africa's unhealthy media ownership structure. The fact that most South Africans from a media point of view just does not exist, i.e. poor black South Africans are hardly ever the focus of the news, should have been debated. The structure of the media influences media content, thus, racism in the content of the media must be addressed at all levels of media organisation, and at each step of the production line.

4.2.3 Media practices

In the SAHRC's research and during the inquiry into racism in the media there is a lack of understanding of how the media works. Journalistic practices (e.g., the daily work of journalists) as well as constraints they face are not taken into account when assessing the outcomes of the media.

> The day to day work of the media, including tight deadlines, the selection of stories according to certain news values, all play a role in the formation and reproduction of racism. (Steenveld 2001 interview with author)

No reference is given to news values and the selection of news. News values are often criticised for being centered on the western industrialised part of the world. The selection of news often shows both sexism and racism in the way that some topics are highlighted while others are omitted. So-called agenda setting in the media, that is how the media directs our attention to specific issues or areas by choosing to emphasise one topic and not another is often highly arbitrary and heavily dependent on the values and interests of gatekeepers within a news organisation, not to mention political affiliations and the overall ideology of a newspaper or a broadcaster as previously discussed (McQuail 2000).

Bertelsen, argues that:

> To be valid and reliable, a study about racism in the media needs to address the whole media cycle, engaging moments of production, distribution and consumption. In short, to acknowledge that news is generated by an organisational complex: media ownership and control; gatekeeping mechanisms; professional codes of journalism; marketing and distribution; and audiences. In this context individual new items manifest as secondary symptoms of a complex institutional culture, rather than simple cause or result. (Bertelsen 2000:19)

Furthermore:

> The key operational discourse in news items is a set of internationally entrenched professional codes: news values; categories of story; approved modes of narration; codes of news photography; headlining; captioning and general layout and design. (Ibid.)

Questions surrounding journalistic practices and news values were not included in the research, however, throughout the hearings voices were raised about the way in which the media operate. Editors testified and admitted that a lot of bad journalism existed, sloppy journalism, due to the fact that journalist under constraints of time and budgets as well as lack of skills or knowledge sometimes committed mistakes that might be interpreted as racism. Mr Quresh Patel, channel editor of e.tv said in his submission that:

> Our view is that bad journalism is often mistaken for racism. This view does not ignore racial stereotyping. It does not suggest that the attitudes of both black and white journalists always contribute to racial harmony or that the media often and without malicious intent demonstrate racism in the manner in which whites or blacks are portrayed but we argue that bad journalism is the target and it is bad journalism that contributes to racism in the media. (SAHRC 2000)

Thus, the view of the media itself seems to be that racism in the media rather derives from bad journalism than bad journalists (e.g., journalists with a racist agenda). This view, however, was rejected by the BLA and ABASA who found it hard to believe that there was no racism in the media but just 'sloppy' journalism. Mr Qangule doubted the credibility of this statement as, according to him, white editors constantly espouse the integrity and professionalism of their craft, thus it did not make sense that when it comes to racism, quality journalism escapes them (BLA/ABASA submission to the SAHRC). Mr Qangule also stated that:

> While journalists and editors can agree that bad journalism does exist despite of the guidelines that the media abide by, it is hard to understand why they find it so

> difficult to see that there is also racism in the media. (Qangule 2001 interview with author)

The view that sloppy journalism is to blame for racism in the media was also contested by the SAHRC as a bad excuse. In their final report they say:

> Having found that racism exists in the media, we go on to state emphatically, that racism cannot and must not be equated with bad journalism. What makes for bad journalism is hardly ever the racist content or effect of a particular copy. (SAHRC 2000)

The report continues:

> We are concerned that a too easy resort to an explanation of bad journalism, might be another form of evasion and denial of racism. (SAHRC 2000)

Several views exists on this account. The South African Press Ombudsman, Ed Linnington, who doubted that racism existed at all in the South African media, is however determined that there are mechanisms to deal with the problem if it would arise:

> We cannot say 'this is bad journalism'. Neither can we say 'this is racist' without agreeing on what the basic guidelines for reporting are. There are codes of conduct that are developed to help journalists in their day to day work. These codes are there to prevent racism as well as other forms of discrimination, they are there to prevent 'sloppy journalism'. (Linnigton 2001 interview with author)

Jody Kollapan of the Commission said that:

> Even if we do not think that racism is a consequence of bad journalism it is the responsibility of any journalist to make sure that he/she has got his facts right and that people are not misrepresented. (Kollapan 2001 interview with author)

Alongside the Commission's analysis of the language of the media, they should also have looked at issues surrounding sources. How do black people appear in the news? Are they the objects of the news, either as victims or perpetrators, or are they used as sources to comment on the news, providing us with their views on the topics of the day? Studies have shown that the first scenario is more likely to be the case (Van Dijk 1991). This is another way in which journalistic practices are biased; black people make it into the news only when something negative has happened. The issue of sources and the lack of black people used as commentators in news stories and in newsrooms must also be considered from a structural perspective. Either way, this was not taken into account by the researchers.

The Commission does in their final report admit that it was not in their brief to the researchers to interview journalists for the research reports, therefore the only empirical data used in the reports are the newspaper and radio broadcasts that the researchers used for their analysis.

> The research brief was worked out together with a working group from the Commission. There were fears from the media that the Commission would go snooping around newsrooms and therefore the analysis was made purely textual. (Braude 2001 interview with author)

Many journalists however strongly questioned why they had not be interviewed and why they had not been given a chance to give their views on articles that were highlighted in the research and labeled as racist.

> One of the strangest things with the whole research was that no interviews were conducted. The investigation should have started in the newsroom and it should have included comments from the media and journalists themselves. (Jacobs 2001 interview with author)

In some ways one can say that the media dismissed the research due to not having been adequately consulted. However, to a certain extent there seems to be a fair amount of sensitivity to the critique raised, something that was reflected in the way that the media handled the research reports. Haffajee stated:

> Much of the critique raised against Claudia Braude came from the media. There were several personal attacks launched against her. I think that any one that criticizes the media will have a though time. (Haffajee 2001 interview with author)

The media might be sensitive to critique, but at the same time, the critique that came out of the research reports was inaccurate at best.

5. Conclusion

This dissertation has raised a number of issues that were neglected during the South African Human Rights Commission's inquiry into racism in the South African media. The main argument has been that the discussion about racism in the media could have been much more fruitful if the Commission had considered the following two aspects that are central to the criticism of the inquiry. Firstly, the historically troublesome relationship between the media and the government in South Africa made the media see the Commission as the prolonged arm of the Government. Instead of being a process about racism in the media the inquiry turned into a process about press freedom in post-apartheid South Africa. Secondly, while the research commissioned by the Commission looked for racist content in the media as they assumed this is what could be expected in South Africa due to its racist past, they failed to consider the factors that might have an influence on the outcomes of the media. No analysis of racism in the media can refrain from analysing power relations in the media such as various ideological and political concerns as well as ownership and control mechanisms that influence media content. Nor can an analysis of this kind ignore the way in which the media operates: the working conditions of journalists as well as journalistic practices all influence the products of the media.

Unfortunately, the hearings turned into a process about press freedom in South Africa and the main issue of racism in the media was side-tracked. The real objective of the inquiry was clouded by the subpoena saga as much as by the faults in the research. The so sought after dialogue by the SAHRC was stifled by the media's accusation that the SAHRC was acting as the governments prolonged arm trying to curb the freedom of the media.

In many ways the Commission managed to raise a debate and in some ways a healthy one about racism and its manifestation through the media, however, in the light of the troublesome relationship between the media and the government on the one hand and on the other the sensitive issue of racism in South Africa, the Commission confused the

debate as much as facilitated it.

In terms of the five goals set out by the commission, they certainly managed to evoke a debate. Many views were aired and many angry voices were raised about the powers of the state and the independence of the media. In terms of informing South Africans about racism, as well as providing a theoretical framework for further discussion and for seeking common solutions to problems of racism, a more thorough investigation is needed an investigation drawing upon existing research and that would involve a broader layer of academics, commentators and media workers.

In the research conducted by the Commission the findings of previous research should have been taken into account, at least as possible points of departure. In terms of South African research Lucas M Oosthuizen has in his book *Media Policy and Ethics* (2001) outlined a possible new media framework for post-apartheid South Africa. He emphasises that it is important to differ between the external and the internal media framework, thus differing between rules and regulations directing the media and internal policies and guidelines for journalistic practice. These are exactly the two spheres colliding in the SAHRC inquiries. Oosthuizen has outlined several principles that could be followed both internally and externally to arrive at a media policy which will curb racism in the media.

The Commission also set out to provide scrutiny of the media for the benefit of the media, whether they managed to open a debate within the media itself is hard to say, the media might have scrutinised themselves in their submissions to the Commission but still there was much agony amongst those who contributed to the hearings. The general feeling was that media freedom was tampered with.

The discussion was clouded by the fact that the media saw themselves as being forced to co-operate with the Commission. While the Commission clearly stated that they were

carrying out their constitutional duties, the media and many others perceived the Commission and the hearings as a direct threat to the independence of the South African media, a threat imposed by the South African government.

Racism is a sensitive issue. In the light of South African history and the legacy of apartheid, racism is a topic and field where one has to tread carefully. When the SAHRC launched their inquiry they did so knowing that the issue they were dealing with was a highly sensitive one. It is not the first time that the Commission has dealt with the issue of racism either. Several investigations of human rights abuses investigated by the Commission involved racism. It is therefore remarkable that they did not show greater sensitivity in the way the process was handled. In the terms of reference for the inquiry the SAHRC states that:

> The Commission believes that any inquiry undertaken must be approached from a non-adversarial position.(SAHRC 2000 interim report)

It was held that:

> A study of racism in the media, hopefully, will heighten the sensitivity of all South Africans to the issue of racism and will ensure a greater respect for freedom of expression. (SAHRC 2000 interim report)

This said, it is strange that the Commission persisted in issuing the subpoenas. In order to heighten the sensitivity of all South Africans the SAHRC would have needed the help of the media to start a real debate and discussion that could have transpired to a wider audience. The antagonism shown by both the Commission and the media has not helped people to come to terms with racism in the South African media. While the Commission sees their inquiry as a starting point for a debate, the media sees it a yet another unjustified

attack on them and an infringement on media freedom. The critique that was launched against the SAHRC and the researchers will remain as long as the issue of racism is not dealt with on a broader front, involving a larger part of civil society and including a wider set of issues.

The SAHRC inquiry could have contributed substantially to a debate on racism in the South African media and advanced recommendations on how to curb it, had the Commission only focused on a wider set of issues and conducted their research as well as their hearings in a different way.

The media and the government have always had a troublesome relationship in South Africa and the Commission did little to change this situation. The subpoena saga sent out signals that the inquiry was nothing else but an attempt to control the freedom of the media in the run up to the 1999 national elections.

The hearings were further troubled by the lack of discussion and consensus about the role of the media in post-apartheid South Africa. The differences in the way that the government foresees the role of the media, and in the way that the media themselves perceive of their role in society, was not discussed. While the government advocated a media-development approach, the media themselves felt that they do not have any part in development and nation building in the way that the government expressed. If the Commission had taken this into account when embarking on their inquiry into racism in the media it could have served as a common ground on which to further genuine discussion.

All in all, if the Commission had done less to alienate the media and taken greater cognisance of the relationship between the media and government a real debate might have been nurtured about the role of the media and racism in post-apartheid South Africa. And

if the research that went into the hearings and the final report of the Commission had shown a greater understanding of how the media operates and focused on a wider set of issues that shape media content, the outcome of the hearings as well as the way in which the hearings were conducted would have been far more positive.

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