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Signposts in an earthquake

Journalism ethics and the political transition in SA

By Franz Krüger

A thesis submitted to the Department of Journalism and Media Studies at the University of the Witwatersrand in fulfilment of the requirements for the degree of Doctor of Philosophy (including publication)

Supervisor: Prof Susan van Zyl

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Declaration

I declare that this thesis is my own unaided work and is not copied from any other person's work (published or unpublished). All other work used has been fully cited. The thesis is submitted for the degree of Doctor of Philosophy (by publication) in the Department of Journalism and Media Studies at the University of the Witwatersrand. It has not previously been submitted for assessment at this or any other university.

Signed:

Franz Krüger

17 August 2019

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Abstract

This thesis responds to debates around journalistic practise and ethics in the South African media in the early years of South African democracy, placing the norms themselves at the centre of the inquiry. Analytically, the project investigates the extent to which the norms of journalism can be seen to have changed at this time. Normatively, it considers whether and how they should change. The South African experience raised questions about the relationship between normative universalism and the contingencies of the political, thus providing an opportunity to address a debate that has exercised the field of journalism ethics globally for some time. The project draws on the ideas of Jürgen Habermas, particularly the notion of Discourse Ethics, a meta-ethical theory which argues that valid norms must be established and agreed in discourse. The project centres on four articles published independently in different journals. The first of these explores the opportunities opened by Discourse Ethics, identifying four ways in which Discourse Ethics can provide an enriched understanding of journalism ethics. These four applications are further explored in the other articles. The second article explores normative and critical questions, considering what a role conception for journalism would look like if it was based in Discourse Ethics, particularly in the context of a new but highly unequal democracy like South Africa. The final two articles consider specific examples from the South African experience in which norms in journalism can be shown to have shifted as the result of an often heated public debate. One article considers the coverage of the deaths, 18 months apart, of two prominent figures associated with the AIDS denialist position, where a marked shift in norms is revealed. In the final article, the norm of balance is shown to have come under pressure in the face of political attempts to give credibility to the denialist position, seen by medical science and civil society as not only wrong but harmful. Considered as a whole, the project makes four contributions to the field of journalism ethics. First, it shows how the Discourse Ethics model offers an account of both universal and contingent norms by deriving universal proto-norms from the foundational rules of communication, and allowing for a wide range of contingent variations to be developed in discourse. Second, it exploits the analytical opportunities of the model to provide a new perspective to historical controversies around the media in the South African transition and, in doing so, adds to a substantial body of research described as transitological. The third contribution made by the project, based on experience from South Africa as part of the Global South, suggests adjustments to Habermas's Discourse Ethics approach that takes the reality of contestation more seriously and points to the beginnings of a model of normative change. Finally

the project shows how Discourse Ethics provides a basis for critique of the media, and sketches the implications for a new framework for journalism ethics.

Introduction

In August 2000, the SA Human Rights Commission (SAHRC) released a long-awaited report on racism in the media. The constitutionally founded body had conducted a long and difficult inquiry into the issue, amidst extensive controversy. White editors, in general, regarded the exercise as an illegitimate attempt to strong-arm the press into political conformity, while black editors broadly welcomed it as a legitimate attempt to root out institutional vestiges of the apartheid order. Despite – or perhaps partly because of – the controversy, the August 2000 final report, entitled *Faultlines,* was relatively mild, and stayed well away from any suggestion of state intervention. Although it declared the SA media to be racist institutions, since they "'reflect a persistent pattern' of racist expressions and content of writing (which caused) hurt and pain", (SA Human Rights Commission, 2000, p. 80) recommended solutions were restricted to training, workshops, journalists being exposed to diversity and the like. (SA Human Rights Commission, 2000, pp. 80–84) It also recommended that "the current codes and various declarations that exist be reviewed … to ensure that they are consistent and in line with the current constitutional requirements and that they properly reflect the role of the media in a democratic society" (ibid, p. 83).

This call for new values, and a changed approach to the ethics of journalism was a consistent theme during the years of transition. In September 1997, media trainers and industry representatives met in Grahamstown and, among other things, sought to develop a "new paradigm" of values for the new circumstances. ("A new paradigm for journalism in South Africa," 1997, p. 15) Essop Pahad, at the time deputy minister in the presidency, called for a different and more relevant news agenda during the 2001 Sun City indaba between the SA National Editors' Forum (Sanef) and the cabinet. (Pahad, 2001)

At the time the SAHRC inquiry was underway, I was in the midst of a personal transition. I had joined the SABC in 1994 as National Editor of Radio News and Current Affairs - part of a team whose mandate it was to turn the mouthpiece of the apartheid state into a true public broadcaster, in tune with the aspirations of a democratic society. It had been five rewarding but difficult years, and I found myself needing to move on towards the end of 1999. I began

the year 2000 as a dash sub-editor on the Sunday Times, while building a new portfolio of work as foreign correspondent and sometime trainer. I was, of course, deeply exercised by the controversies around my profession, and found myself particularly interested in questions of values and ethics. The fundamental question of whether, and if so, how, ethics needed to adapt to the changed circumstances, seemed to me particularly important. This interest led to a book, *Black, white and grey: Ethics in South African journalism.* (Krüger, 2004) At the time, I wrote in the preface: "Among other things, (the book) attempts to measure the traditional standards of journalism against the demands of a changing society." (2004, pp. x–xi) In essence, the book traversed the generally accepted principles of journalistic ethics and discussed them from a South African point of view. Particular attention was given to issues of importance to the country, such as race, reporting HIV and AIDS and others, and it included a series of local case studies. But fundamental questions of meta-ethics were given relatively little attention: it was, primarily, a handbook on applied ethics for journalists.

This project returns to the fundamental question in more depth: what happened to the ethical norms of journalism during the social and political change experienced in South Africa around the mid-nineties, and can this tell us something about broader questions on ethics? Normatively, what is one to make of the call to reinvent ethics? Analytically, what in fact happened to norms as expressed in general and applied in practice? The concern can be captured in a metaphor: what happens to signposts when the ground beneath them shifts in an earthquake? Some are likely to fall over, while others may end up pointing in the wrong direction as the reference points in the landscape around them move. How should travellers then orientate themselves? Like all metaphors, this one has its limits, but it does serve to draw attention to the relationship between ethical norms and their context. This relationship is at the centre of the present project, on the basis of the experience of the South African media in the political transition from apartheid to a more democratic order.

1.1 Aim and purpose

The media have had a fractious relationship with the new South African elite and, particularly, the ruling African National Congress (ANC), from early in the democratic era. Time and again, the media have been attacked for failing to transform, for hostility to the new order and nostalgia for the old, as well as for racism. This dynamic and history will be

discussed in more depth below, but for the moment what matters is to note how centrally this was a normative challenge. On the one hand, the argument frequently flared around accusations that journalists were behaving unethically. On the other, more fundamentally, journalists were being challenged to re-examine how they understood their ethics and their role in the light of new circumstances, particularly their relationship to a new constitutional and democratic order. At many levels, these criticisms were valid and needed to be taken seriously. The mainstream media had largely been complicit with apartheid, and old habits and approaches clearly needed to be rooted out, much like other sectors of South African society needed to re-examine themselves. More than two decades have passed, but the argument is far from settled, and what is remarkable is how similar the accusations remain. Positions have become entrenched, as the criticism of the media, still often couched in the same terms, comes across as increasingly self-serving by an elite that has lost the shine of being the liberation movement that defeated the apartheid system.

In this project, I investigate the issues that arise. In order to do justice to the question, it is necessary to take both normative and analytical approaches. The two perspectives need to be kept distinct, and it is important to avoid the mistake, frequently seen, of collapsing and confusing them. Admittedly, the term "normative" can be used to cover any discussion of norms. However, important additional clarity can be gained by keeping analytical perspectives on norms distinct from more narrowly defined normative perspectives. The former takes the form "these are norms which can be seen in the world", while the latter assesses and offers criticism of those norms and other aspects of the media. At the same time, the two kinds of approaches have much to say to each other, and this project demonstrates some of these possibilities. Normatively, it addresses the question of whether the norms of journalism need to be reinvented when the political environment changes as dramatically as it did in South Africa in the 1990s. How far should re-examination go – are there some fundamentals that remain valid, or does everything have to be rethought? Analytically and descriptively, it identifies examples of actual changes in norms and their application, and investigates how far-reaching those changes were. I also suggest a model to explain the mechanisms whereby those changes were effected.

Answers to the first, normative, questions have to be sought in theoretical work, identifying suitable conceptual tools. It would not be possible to address the normative questions

without venturing into meta-ethical theories, and to consider the basis on which ethical norms may be determined. I draw centrally on the thought of the German philosopher Jürgen Habermas. His concept of the public sphere (1989a) has been subjected to extensive criticism but remains enormously influential in writing about the media. Despite some limitations, it is relevant here, but his elaboration of Discourse Ethics (1996a) proves even more fruitful. In an approach which has received insufficient attention in the discussion of journalism ethics, Habermas argues for a procedural justification for ethical norms by placing it in discourse. In other words, norms are justified to the extent to which those affected agree to them in a real discourse. (1996a, p. 93) The approach sets out some basic rules to ensure that discourses themselves are fair – which can provide some reference points for journalism, I argue. However, the approach then refrains from establishing any further ethical norms, thereby allowing for a range of approaches to emerge. A further elaboration in response to criticism from neo-Aristotelians and others (1994) saw him develop an account of how the specific application of norms is decided, again in social discourse, in the light of particular community values and, I argue, specific historical circumstances.

A more detailed discussion of his approach is central to this project, and follows below. For the moment, it is necessary simply to note the opportunity it offers for my aims. I show that Discourse Ethics offers a rich meta-ethical model which provides answers to fundamental questions of media ethics in several respects. In addition, the theory invites a focus on ethical practice, the ways in which norms are applied by journalists and editors in concrete situations. As an account of the ways in which norms are generated in discourse, the theory opens the way to consider the debates which settled some questions of ethics as discourses. The debates that sprang up around particular journalistic controversies were marked by often heated dispute about the appropriateness of professional ethics and values: the media became both the site and the subject of debate.

In these ways, the Discourse Ethics framework offers rich possibilities for understanding questions around norms in both analytical and normative dimensions. As Gimmler notes, "…discourse ethics is neither pure meta-ethics nor applied ethics. It undertakes to combine the claim of universality that is inherent theoretical knowledge with the application of theory to practice. And it even claims to conjoin the sphere of theoretical justification of the

theory with the sphere of practice." (2006) This project's theoretical concerns are to identify and develop the opportunities suggested by Discourse Ethics.

The second, more analytical purpose is addressed in two specific studies, which show how controversies around journalistic norms and practice dramatized the debate around norms. Using tools offered by Discourse Ethics, these will be used to highlight ways in which normative approaches in journalism did in fact shift at this time, under the pressure of a highly politicised discourse. The studies are intended to make a contribution to the literature about the media in the South African democratisation process. In this extensive literature, there has been much focus on changes in institutional arrangements, and attempts to assess the extent to which changes have managed to extend the public sphere. Although normative questions have often been at the core of debates about the media, they have received comparatively little attention. In this project, I focus on those normative issues in order to contribute to the understanding of the dynamics surrounding the media in South Africa's democratisation.

Taken together, the studies offer the opportunity to test the theoretical insights of Discourse Ethics in a concrete historical context, specifically one from South Africa as part of the Global South. Too often, assumptions and experiences from the countries of the North are assumed to be natural, and the project of decolonising scholarship importantly insists on the need to take perspectives from elsewhere seriously. This cannot mean only favouring approaches from the Global South and excluding conventional wisdom, although there is a clear need to surface previously silenced perspectives. It must also mean examining ideas from the North in the light of historical and cultural experience elsewhere.

The literature on journalism ethics, discussed below, has shown itself to be strongly concerned with the extent and limits of universalism, as the mainstream canon is rightly seen as cloaking a eurocentric bias in its claim to universal validity. Below, I will discuss ways in which some scholars have looked for alternative ways of constructing ethics and assert the importance of the values of other cultures. (eg F. P. Kasoma, 1996; Ward & Wasserman, 2010), with, in some cases, an emphasis on the African concept of Ubuntu, and ways of applying its values to journalism ethics (such as Christians, 2004; Wasserman, 2011c). In this project, Discourse Ethics is investigated for its potential to address this key

debate in the field of journalism ethics, the search for a framework that identifies a globally shared basis for ethical norms that avoids eurocentrism, as well as a wide range of variations. The discussion will show that while Discourse Ethics offers great explanatory potential, perspectives from the Global South will suggest adaptation and further development. I will explore ways in which Discourse Ethics points to a model of normative change, as well as undertaking further elaboration of its normative insights in the light of experiences of newly democratic and highly unequal societies.

In summary, then, I aim to develop an account of the relationship between the political dynamics surrounding the South African transition to democracy and the ethics of journalism. Drawing on the theoretical framework offered by Discourse Ethics, I describe the debates around standards of journalism as discourses that sought to challenge the ways in which established norms were applied – and redefine some norms of the profession themselves. I also analyse concrete instances where this dynamic can be shown to have affected the practice of journalists. Conclusions for the framework itself will be drawn.

1.2. The historical context: media in the political transition

Given the troubled legacy which the South African media took into the new order, it was not surprising that there would be pressure for change in this important social institution. In the following, the focus will be on the mainstream media. While South Africa has a rich and fascinating tradition of opposition and alternative media, the debates about media transformation were necessarily focused on the newspapers and broadcasters who dominated the public space during apartheid, and continue to do so. As the present discussion arises from and is primarily interested in these debates, it will focus on the mainstream (although an investigation of the ethical approaches of the alternative media would make a fascinating project for another time).

The media's role under apartheid has been extensively discussed. (Hachten & Giffard, 1984; among others Phelan, 1987; Switzer & Adhikari, 2000; K. Tomaselli & Louw, 1991; K. Tomaselli, Tomaselli, & Muller, 1987) A public, institutional attempt to define the legacy was made by the Truth and Reconciliation Commission (TRC) in September 1997, when it turned its attention to the media, as part of an overall attempt to shine a public light on the past – an attempt to create a common understanding of history across inherited divisions. The TRC

was not without its critics at the time, (Tsedu, 1998) and the criticism has grown steadily since. (Renner, 2013) Nevertheless, the TRC record provides a useful starting point, particularly in relation to the commission's core mandate, which was the investigation of gross human rights violations. Other important themes of criticism were to emerge in time.

One of a series of "institutional" hearings into sectors of society, the media hearing was held over three days in a studio of the SABC, with deliberate awareness of the symbolism of holding such an event at the former state broadcaster. (Lewin, 1998, p. 3) In relation to the question of the media's culpability with respect to human rights violations, the commission in the end accepted the approach taken by journalist Max du Preez, who argued that if the mainstream media and the SABC had followed up on claims of violations properly, "the government would have been forced then to stop, to put a stop to the torture, the assassinations and the dirty tricks. It would have saved many, many lives." (*TRC report*, 1998, p. 188) Although it recognised that state restrictions had played a role and noted the way the security establishment had manipulated the media, it found that with a few individual exceptions, the media had failed to do enough to challenge apartheid and report its atrocities. The Afrikaans press had chosen to support apartheid directly, the SABC had violated the Broadcasting Act and the English press had "often adopted a policy of appeasement towards the state". (*TRC report*, 1998, pp. 188 & 189) Where there was criticism of the government of the day, it accepted the framework created by apartheid. "The media analysed society from within that system and did not provide alternative perspectives and discourses from the outside." (*TRC report*, 1998, p. 186) It also noted the appalling racism often experienced by black journalists at the hands of their managers – including the SABC practice of *sjambokking* black staff - and discrimination against women. (*TRC report*, 1998, pp. 186–187) In summary, what emerged was a picture of the mainstream media as being aligned to apartheid, in the attitude of their journalism and to their own staff.

Given this history, it is small wonder that calls for transformation of the media were strong during the years of transition. I use the term "transition" to denote the political shift from apartheid to a democratic, constitutional order, roughly from the unbanning of the ANC and the release of Nelson Mandela in 1990, through the negotiations process and first democratic election in 1994, and into the opening decade or so of the new order. If the term

suggests change, it is important not to overstate the extent of that change, nor to suggest that the process can be regarded as complete. In discussing the academic literature on media in the transition, below, I will return to some of these critiques.

Journalists responded to the political change by embracing constitutional guarantees of media freedom, claiming the watchdog role they – specifically those in the mainstream – had been accused of neglecting under apartheid. Despite extensive sympathy for the new constitutional order, the media were not about to give the new authorities a free ride. Mandela's government, on the other hand, had a more instrumental view, and wanted to use the media for developmental ends, as argued by Jacobs. (1999) Wasserman notes the existence of "tension between the newly acquired democratic right to freedom of expression and the imperative for the media to contribute to the restoration of the right to dignity". (2018, p. 82) These fundamental differences found expression in a series of arguments, debates and controversies, clustered around the idea of "transformation", a poorly defined but important call for change in the media and other aspects of society to bring them into line with the new order. The term's very looseness lends itself to free-wheeling rhetorical use, and it has been a significant feature of public discourse for the past few decades.

The meanings of transformation: two themes and three dimensions

In an attempt to provide more definition to the notion, Steenveld poses the deceptively simple question, "From what, to what?" (1998) Berger finds a straightforward answer: "The key focus is transformation from a racist society, based on unfair discrimination … to a non-racial society." In addition, he argues, transformation is about democracy and development. (2000, p. 1) Writing in early 2000, in the midst of the Human Rights Inquiry into racism in the media (to which I will return below), it is unsurprising that he places race so simply at the core of the issue. However, I suggest a more nuanced set of categories which provides greater clarity in understanding the ongoing debate about the media, and which find expression not only in the TRC findings but in other controversies and debates, before and after. I identify two *themes* in the public discussion, which can be seen in three *dimensions.*

Of the two clear *themes* that emerge in the criticism directed at the media, race and racism is clearly an important one. But questions of the media's proper relationship to the new

state provide a second theme. Of course these two are closely linked: the apartheid state was white and illegitimate, the new order has the mandate of the black majority. And the two were often fused in the public debate. Nevertheless, distinguishing them from each other provides additional analytical clarity. It is useful to provide some examples of the ways in which these themes emerged.

Mandela drew attention to ongoing white control in the media, arguing this was constraining black journalists' ability to write honestly. In an exchange with editors, Mandela said, "We do not have black journalists saying what they would like to say. They have to work on papers, they want to earn a living. While there are a few exceptional journalists, many like to please their white editors." (1997) His successor, Thabo Mbeki, consistently read criticism of government missteps – particularly when claims of corruption emerged - as clearly racist. In one of his online columns, he accused the media of being "fishers of corrupt men". There were "insulting campaigns further to entrench a stereotype that has, for centuries, sought to portray Africans as a people that are corrupt, given to telling lies, prone to theft and self-enrichment by immoral means". (Quoted in Krüger, 2004, p. 122) The accusation of media racism has been a consistent theme of public discourse.

The ANC has made no secret of its preference for a patriotic media, which are willing to back what the government identifies as national priorities. In a more sophisticated approach, Joel Netshitenzhe argues that while criticism of government is legitimate, it should find its common reference point in the constitution as a founding social pact. (Netshitenzhe, 2002) In 2007, the party embarked on a concerted push to reshape the media's relationship with the state through the creation of new institutional arrangements to deal with complaints against content. In a conference resolution, the party called for an investigation into "the adequacy or otherwise of the prevailing self-regulatory dispensation in the media, whether remedial measures may be required to safeguard and promote the rights of all South Africans, (and) the need or otherwise for a media tribunal to address these matters". (ANC, 2007b) Although details remain sketchy, the suggestion for a statutory Media Appeals Tribunal (MAT), drew strong resistance from the media. The self-regulatory Press Council of SA was revamped to meet some of the ANC's criticism, (Reid & Isaacs, 2015b) and, at the time of writing, the initiative seems to have been placed on the back burner.

The two themes, of race and of the media's relationship to the new order, can be seen to emerge in three *dimensions.* Most easily, they become visible in the institutional shape of the media, around such issues as ownership and control, and in various attempts to reshape it. In this dimension, the inherited media landscape showed several features that clearly needed to be addressed, and progress – or the lack thereof - can easily be identified and tracked.

Because of the particular importance of broadcasting, reform of this sector was high on the political agenda, even before the founding election of 1994. It was clear that the SABC, with its huge audiences and historic role as the prime propaganda organ for apartheid, had central importance. Early measures were aimed at instilling a new ethos in the corporation, and removing state control. Practically, this meant the appointment of a new, more credible and representative board and new managers, who were charged with implementing fair journalism appropriate to the democratic order. At the same time, it was agreed that the sector as a whole needed to be opened up to new voices, and a new regulator was created in the Independent Broadcasting Authority (IBA). The authority licenced new commercial broadcasters and oversaw the SABC's forced sale of its regional commercial stations to private operators, while also licensing community radio stations in growing numbers. (Barnett, 1998 among others; Currie & Markovitz, 1993; Horwitz, 2001; More comprehensive accounts are available in Sparks, 2009) The broadcasting landscape has undoubtedly seen significant change over the years. A number of new players are active, although the new government found it difficult to keep its hands off the public broadcaster, which has experienced almost constant instability. If the call for transformation in the context of the SABC involves a project to establish its independence from the state, it must be declared no more than a partial success.

The mainstream press, being privately owned, "lay beyond the scope of public intervention and was subject to less radical change," writes Sparks. (2009, p. 201) Nevertheless, Berger describes the spate of changes in ownership that took place in the early years. (2000) In an attempt to at least dilute white ownership, a range of vehicles brought black interests and consortia into the big media companies. At the same time, the alternative press, which had played an important role in the 1980s, disappeared almost completely as foreign funders switched their priorities elsewhere. (Sparks, 2009, p. 201) Some foreign commercial

investment flowed into the country, on the other hand, most notably when the Irish tycoon Tony O'Reilly took control of the Argus group, which had dominated the newspaper landscape for generations, from mining giant Anglo-American and renamed it Independent Newspapers. The years since have seen several of the black forays into print media failing, and there has been a re-consolidation of ownership. Of the four dominant companies, two could show majority black ownership by 2017. (Finlay, 2017, pp. 10–11)

As Kabwato points out, shareholding does not always translate into ownership control. (2017, p. 12) And in the same exchange with editors quoted earlier, Mandela said, "Whatever measures have been taken, the truth is that the media is still controlled by whites, and in many cases conservative whites, who are unable to reflect the views of the majority. … black companies that are supposed to be in charge of enormous assets are a hollow claim at present – because they are heavily indebted to white companies." (1997) In addition, there has been a strong push for newsrooms to be more representative of the makeup of the broader population, which meant the appointment of black and women professionals into senior position, in line with developments in the broader economy.

If the first dimension of transformation as an idea, call and practice, dealing with institutional patterns like ownership and staff demographics, has been relatively simple to describe, the second dimension is much more elusive. This is the dimension of content. Although hard to pin down, strong arguments for changes in content are consistently made, to root out vestiges of racism, provide greater diversity of opinion and the like. Often, content is seen as a simple result of institutional patterns. The way in which Mandela described what he saw as the powerlessness of black journalists has been described above, and neatly illustrates the way in which the linkage is made.

It has been impossible to identify changes, or a lack of change, in a consistent and commonly accepted way. In general, whether media content is seen as "caught in the past" or not depends on who is looking. One attempt to identify racist content was made by the SAHRC during their inquiry into racism in the media. (Krüger, 2004, pp. 23–24) Two research reports were commissioned: one, by researcher Claudia Braude, used textual analysis of right-wing media and of a set of mainstream English newspapers to demonstrate that what it called "continuities between explicitly race-based supremacist narratives on

South Africa in transition and mainstream coverage clearly exist". (Braude, 1999, p. 142) The other, commissioned from the Media Monitoring Project, relied on discourse analysis and identified a set of racist "propositions" (such as, blacks are stupid, irrational, incompetent, Western society is civilised and modern etc) and looked for them in content published and broadcast on a range of mainstream platforms. (MMP, 1999, pp. 5–10) The study concluded that "stereotypical representations of race are unfortunately still common in the media". (MMP, 1999, p. 57) The findings were published in the midst of controversy about the hearings themselves, with significant sections of the media seeing them as an attempt to exert political control over journalism. With much of the media feeling defensive and under threat, reporting of these findings was highly critical and they were quickly discredited. But scholarly responses were strongly critical, too. Both Van Zyl and Tomaselli, separately, argued that the studies were flawed because they did not take the intentions and practices of journalists into account, while Steenveld argued that racism was too diffuse to try to identify in the way attempted. (All quoted in SA Human Rights Commission, 2000, pp. 45–46) Berger was particularly sharp, writing that "Braude went in search of racism in the media — and found it everywhere, much like the apartheid regime used to discover reds under every bed and behind every bush." (Berger, 2000, p. 19) Having dismissed Braude's textual analysis, Berger offers his own account of changes in content, but relies on a few disparate indicators, and himself admits that the account remains "impressionistic"(2000, p. 12).

If nothing else, the episode illustrates how hard it is to identify racist content clearly. However, it is significant that the common element in these discussions is the key notion of representations of both black and white which reflect and reinforce stereotypical and prejudiced attitudes. It is an approach echoed in Krüger, where the attempt is made to develop a taxonomy of ways in which racism may surface in content. (2004, Chapter 7) It is a more modest approach, but perhaps has more chance of success than the attempt to prove the existence of racism in particular items or outlets.

If media transformation in the dimension of content is harder to pin down than in the first dimension of institutional arrangements, the third is perhaps even more elusive. This is the dimension of attitudes, ethics and norms – which can be called the attitudinal dimension. Time and again, public controversies about the media have been marked by accusations

that journalists are caught in an old mindset, that their values and norms are out of step with the new order. Mbeki's accusation of media racism, quoted above, is a prime example.

A 2014 article by Blade Nzimande, general secretary of the SA Communist Party, makes the argument forcefully, and illustrates the connections often made between institutional, content and attitudinal dimensions. Nzimande writes that "ownership of the print media …. has largely remained in white capitalist hands. The orientation and value system of our print media has reflected this ownership pattern." He then goes on to identify imbalances in coverage, such as a failure to report corruption scandals during the 2010 World Cup and over-reliance on major Western news agencies in reporting the African story. He also highlights the "chorus of protest" at the removal the white editor of the *Cape Times*, compared to a "deafening" silence at the firing of black editors at Times Media, and the generally uncritical support of neo-liberal economics. (2014) My aim here is not to engage with the validity of the argument – although it is hard to miss the element of political expediency, some of the points have considerable force. For my purposes, what matters is to note the prominence of this kind of argument in the public discourse – many other examples could be found. This example shows with particular clarity how the linkage between the three dimensions is made: ownership patterns cause a set of attitudes and values, and these are reflected in patterns of coverage. The call for transformation wants to see change in all three of these. In this project, I am concerned with the third, most elusive dimension, more specifically, the area of ethical norms.

Media controversies and the transformation debate

The debate around transformation of the media emerged most sharply in a series of controversies that punctuated the period. Various incidents of reporting drew sharp criticism, thereby surfacing the various strands of the argument with particular clarity. In 1997, for instance, The *Sunday Independent* and its sister newspapers published details of a R7billion arms deal the state-owned arms company Denel was negotiating with Saudi Arabia. Details of the deal had been published abroad, but this was the first publication within South Africa, and flew in the face of confidentiality undertakings by the South African government to the Saudis. (Krüger, 2004, pp. 132–135) The ensuing controversy was essentially a debate about content – whether it was reasonable to publish such material. On the one hand, government representatives were outraged that the media could have put a

deal at risk that stood to sustain jobs, a key national priority. Defence Minister Joe Modise rejected the argument that the public had the right to know who the country was selling arms to. "I don't think our people want to know. Not at that price. I don't think our people want to see thousands of people jobless in the streets just because we could not meet the conditions of the deal." (Quoted in Krüger, 2004, p. 133) Prominent black journalists came out in support of the approach. Thami Mazwai, at the time publisher of Mafube publishing, argued for a patriotic media, and said that race played a central role in determining editors' decisions to publish. Privileged whites simply did not care for jobs much needed by the black community. He wrote: "That no black editor has come out in support of the disclosure of Saudi Arabia as the destination for South African arms speaks volumes. It is not surprising that we are not caught in an identity crisis in which we must be South African, Irish, American and European all at the same time. (Quoted in Jacobs, 1999, p. 6) Largely white journalists, on the other hand, defended the decision to publish on the basis of traditional notions of the right to information. *Sunday Independent* editor John Battersby said in reference to an interdict sought by Denel, "We will abide by the decision of the court, but we will do everything in our power to defend the public's right to know." (Quoted in Krüger, 2004, p. 133) In his detailed discussion of the controversy, Jacobs characterises the two viewpoints ranged against each other: on the one hand, the ANC and some black journalists took a developmentalist view of the media, which sees the media's role as crucially one of serving a national developmental agenda. This was ranged against a traditional liberal view, which sees public information as always the primary good, and quickly sees political criticism as being in continuity with the apartheid government's attempts to intervene in the media. (1999, p. 7) For the purposes of this discussion, what needs to be noted is how clearly the controversy surfaced the themes of race, and journalists' role in relationship to the state, which were identified earlier as central to the transformation debate.

The long-running debate around AIDS policy is perhaps the controversy which surfaced the two themes with greater clarity than any other. Trengrove Jones points out that "Reportage on HIV/AIDS has emerged as a focal point for … arguments" on the role of the media as it emerged into "newly endorsed freedoms" while facing accusations that some elements were "hostile to the new government". (2001, p. 39) As both the pandemic and the controversy around it grew in intensity, and as the ruinous impact on all aspects of South

African life became clear, more and more sectors of society, from business to the courts, were drawn into the issue. For journalists, the scale and impact, and increasing levels of politicisation, made it a news story of some importance. At the same time, the story raised ethical issues of considerable complexity. Palitza and Ridgard write: "To the South African public at large, HIV became a human rights question as much as health concern, while to the media it became a story as much about politics and power as it was about health and science." (2010, p. x) As such, the episode provides several opportunities to analyse controversies around ethical practice in order to meet my aims in this project. They form the subject of Chapters 5 and 6, respectively. For their purposes as stand-alone published articles, relevant background is included there. Some preliminary context is useful at this point, however. The following account is based largely on Palitza and Ridgard (2010) and "History of HIV & Aids in South Africa". (2014)

Although the first South African HIV infection was diagnosed in 1982, it was in the midst of the painful and difficult interregnum between the unbanning of the ANC and release of Mandela in 1990 and the founding democratic election of 1994 that the scale of the HIV and AIDS challenge became clear. Although first steps were taken at this time by a range of social actors to formulate strategies in response, the issue was simply overshadowed by the complex transitional negotiations and political violence of those years. Early policy responses by the Mandela administration included several missteps, including a multi-million rand sponsorship for a play, Sarafina II, designed to raise awareness of HIV and AIDS but seen as ill-conceived and wasteful, and endorsement of an untested antiviral drug, Virodene, which later turned out to contain a toxic industrial solvent. By 1998, pressure was growing for the provision of the drug AZT to pregnant mothers to prevent the transmission of HIV to their children, but the government turned down the request on the basis that it was too expensive. In response, the Treatment Action Campaign was formed, a civil society activist group which launched an ultimately successful attempt to pressure government to change course, using mass mobilisation, the courts and other strategies. By 1999, Mandela's deputy Thabo Mbeki took over as President, and it quickly became clear that what could until then have been dismissed as simple bungling, now had an ideological basis. Mbeki had come across the work of the so-called AIDS denialists, or dissidents, who disputed the majority scientific view of HIV as causing AIDS. The reasons why Mbeki was attracted so

strongly to these views are explored in some detail by Gevisser in his lengthy biography, *The Dream Deferred: Thabo Mbeki.* Two issues were central. On the one hand, he saw the conventional view, with its emphasis on sex as the prime method of transmission, as essentially racist. “Mbeki came to see the AIDS discourse as a slight on African masculinity and the latest manifestation of a centuries-old discourse that pathologised Africans as near-savage in their libidinal excess, and thus irredeemable vectors of disease.” (Gevisser, 2007, p. 739) In a lecture at the University of Fort Hare, he said:

> (B)ecause we are germ carriers, and human beings of a lower order that cannot subject its passions to reason, we must perforce adopt strange opinions, to save a depraved and diseased people from perishing from self-inflicted disease. … they proclaim that our continent is doomed to an inevitable mortal end because of our unconquerable devotion to the sin of lust. (Quoted in Posel, 2005, p. 143)

At the same time, he distrusted the drug-based solutions being offered by Western medicine deeply, as he was acutely aware that giant pharmaceutical companies were primarily interested in the huge profits to be made. He had come to believe that “‘Big Pharma’ … was using AIDS activists as its stooges as it dumped expensive products on unsuspecting Africans”, writes Gevisser. (2007, p. 739) If the HIV virus was not the cause of AIDS, the alternative explanation advanced by the dissidents was that the cluster of conditions labelled as AIDS could just as easily be attributed to poverty. In policy terms, this meant that money need not be spent on expensive drugs, and that existing government programmes to reduce poverty would provide the solution. While mainstream science did accept the role played by poverty in exacerbating the condition, the virus’s role as the primary medical cause could not be denied. Denying the existence of the virus, as the dissidents did, was a fringe view. (Gevisser, 2007, p. 747)

For journalists, HIV and AIDS raised a range of ethical questions of unusual complexity. For instance, there were difficult questions around whether and when it might be appropriate to override somebody’s rights to privacy by disclosing their HIV status. There were questions of how to apply the norm of balance to a debate where one side, the AIDS dissidents, was so clearly a minority whose approach was literally costing lives. There were issues of representation and stereotyping, with journalists challenged to be careful of using

sensationalist language. (Jones, 2013; For more detailed discussion of the ethical issues, see Krüger, 2005; Swanepoel, 2011; Wasserman & De Beer, 2004) Some of these issues are at the heart of the discussion in Chapters 5 and 6.

The core themes of the transformation debate surfaced clearly in the discussion around coverage of AIDS. Critical reporting in the media was quickly cast as racist. Journalist Charlene Smith was a prominent voice on the topic, and argued strongly that there was a connection between the prevalence of rape in South Africa and the spread of AIDS. (2000) Mbeki read this as racist, accusing her of seeing Africans as "barbaric savages", and that she saw every African man as a potential rapist. (2004) Even on the orthodox side, there was concern that through choices of images, journalists should not create the false impression that it was a purely black disease. "If we always illustrate stories about HIV and AIDS with pictures of poor black women, we are perpetuating a stereotype about the disease that is both inaccurate and harmful." (Krüger, 2005, p. 131) The question of the media's proper relationship to the state emerged strongly through the way in which journalists increasingly saw their role as challenging government policy. Peter Piot, director of the London School of Hygiene and Tropical Medicine, emphasised the advocacy role of the media, along with setting the agenda and shaping public perceptions. (2010, p. viii) A journalist at the time said the media was trying to "get the President to 'just say yes' … regarding the link between HIV and AIDS," and had "tried to force the government to back down". (Quoted in Finlay, 2010, p. 132)

In sum, this contextual discussion has focused on the debate about the media and its role in the post-1994 South African order, with criticisms often organised around notions of transformation. The focus of the debate was on the mainstream media, who were dominant under apartheid and beyond, rather than the alternative or oppositional media whose influence reduced dramatically with the coming of apartheid. Two key themes can be identified, around race and the media's proper relationship to the state. They become visible in demands for change in three dimensions: the media's institutional arrangements, published content and in the attitudes and values of journalists. It is clear that normative questions are at the centre of the debate: it challenges the ethical norms and role conception of journalists, and calls for radical revision. These themes are the central concern of the present project.

2. Theoretical framework and literature review

This project situates itself in relation to three major areas of literature. First, there is the field of journalistic ethics, as well as linked conceptions of the role of journalists. At the applied and normative level, this field provides the vocabulary of concepts which are my focus. At a meta-ethical level, its historical development has drawn a range of critiques and given rise to important unresolved debates in the field. I intend to respond to some of these, particularly the search for global ethics.

Central to my approach is the thought and contribution of Jürgen Habermas, which provides the central theoretical orientation for this investigation and therefore the second field of relevance. I argue that Habermas's ideas around the Public Sphere provides some useful tools to understand the landscape which experienced the earthquake of the South African political transition. I draw even more strongly on his notions of Discourse Ethics, which provide tools for a historical and critical appreciation of journalism ethics.

Finally, the project also responds to the literature about the South African political transition. The theoretical work I undertake here provides a framework to understand the debates about the media which marked the period of transition, specifically those aspects concerning values, norms and understandings of the media's role. The analytical work done through the investigation of particular controversies responds to this body of literature, and hopes to enrich it in the light of the theoretical insights developed.

It should be noted that aspects of the literature also come up in Chapters 3 to 6, as these stand independently as articles published in various journals. Some overlap is therefore unavoidable, but the present discussion is intended to provide a coherent overview of the relevant literature and theory for the project as a whole. In the individual chapters, only aspects relevant to their particular concerns are drawn out.

"Norms" and "values": a note on definitions

It will already have become clear that my focus is on ethical norms, in the sense of agreed rules of behaviour. I follow Wiredu's definition of moral norms as being those rules of conduct, thought or action which are necessary for the maintenance of human community. (1996, p. 63) They attain moral force through the possibility of social sanction, (Hechter & Opp, 2001b, p. viii) and are therefore distinct from customs, which are culturally bound and contingent. (Wiredu, 1996, p. 30) The strength of the moral force attached to norms – their "oughtness" (Hechter & Opp, 2001a, p. xiii) - can vary greatly, ranging from an injunction to keep off a lawn, to prohibitions against murder. The word "norm" can even include regular behaviours that lack any moral force, what Bicchieri calls "descriptive norms" (2006, p. 29). That weak sense becomes particularly apparent in the derived adjective "normal", which is used to describe things that are merely usual. In the context of journalism, the practice of including the writer's byline at the start of an article could be described as a norm, but is palpably not an ethical question. For my purposes, I use the term to describe rules that include some moral force, though recognising that its strength may vary.

In that sense, norms are distinct from values, which express a judgment of what is good or important in life, as per the common definition. Importantly, concepts of the good, understood to be "the goal, purpose, or aim to which something or somebody moves" (MacIntyre, 1998, p. 56), may vary greatly between societies, communities and times. One society may value material success above all else, while another may place stronger store by honour.

Different traditions in ethics have prioritised consideration of either norms or values, often described as being the difference between questions of the right and of the good. Virtue ethics, in the tradition of Aristotle, are concerned with "what it means to live a 'good life' and what 'goodness' means in a societal context". (Wasserman, 2011c, p. 13) This contrasts with deontological ethics, among others, which are concerned with rules of behaviour. Standing in the latter tradition, Habermas prioritises consideration of norms, although as we will see below, he develops a productive model for how values come into play in the application of norms. While the relationship between norms and values offers a rich field for further consideration, the scope of this project will have to be limited to the Habermasian approach.

2.1 Journalism ethics and the role conception of professional journalists

Ethical norms are the signposts that are intended to guide journalism, and they find expression in different places. Most obviously, codes of conduct like the South African Press Code (Press Council of SA, 2016a) are drafted by industry bodies to summarise the normative consensus in the profession, and are regularly adjusted in the light of new developments in technology, law, business and other areas. The sector-wide codes are most influential, but some media houses also draft a code of their own. (Office of the Group Ombud, n.d.; See, for instance, SABC, 2004) There is a sizeable literature on these principles, much of which is designed to assist working journalists with issues they may confront. In South Africa alone, major titles include Oosthuizen (2002), Retief (2002), Hyde-Clarke (2011), while Rønning (2002) takes a Southern African view. The journal *Ecquid Novi* (more recently renamed as *African Journalism Studies*) has provided a platform for regular discussion of issues in the field. An additional source of guidance comes in the shape of rulings by the self-regulatory bodies, the SA Press Council and the Broadcasting Complaints Commission of South Africa. These bodies accept complaints about particular reports from the public and their quasi-judicial rulings provide often carefully argued engagement with questions of specific application. (Examples can be found on their respective websites, at www.presscouncil.org.za and www.bccsa.co.za)

While there is considerable common ground between different codes, there are differences in the way they are organised and use particular terms and concepts. These differences can also be found in the literature on applied journalism ethics. So the US writer Day uses categories that include truth and honesty in communications; privacy; morally offensive content and others. (2003) The South African writer Retief, on the other hand, uses categories that include accuracy; truth and deception; fairness; objectivity and others. (2002) In my own earlier book, *Black, white and grey: Ethics in South African journalism* (Krüger, 2004), I drew on the framework of four overarching precepts used in the code of the US Society of Professional Journalists (SPJ) (1996) and the related US text, *Doing Ethics in Journalism,* (Black, Steele, & Barney, 1995). This framework has been extensively quoted, and is useful in that it provides a logical system to organise lower-level norms. It identifies the overarching precepts as truthtelling, which includes accuracy and fairness and derives

from foundational notions of the role of journalism; independence, which captures the need to keep a critical distance; minimising harm, which recognises the wide range of kinds of harm that injudicious reporting can cause; and accountability, which calls on journalists to be prepared to answer to audiences for their work. (Black et al., 1995, p. 17) The test of public interest plays a particular role, in that it often provides a way to resolve a particular ethical dilemma. (Krüger, 2004, pp. 13–15)

These concepts have been extensively critiqued. So Rønning casts doubt on claims to independence on the basis of a critical political economy approach which highlights the media's commercial interests. (2002, pp. 48–50) And Wasserman and De Beer question the assumptions behind the notion of public interest by asking, "Which public? Whose interests?" (2005) While such critiques are often valid if normative claims are measured against media realities, they sometimes make the mistake of judging the validity of the norms themselves by the fact that they often remain unmet.

Of more significance for my project is the looseness with which core ethical terms tend to be used. Such lack of precision becomes important as it opens the door to ambiguity and a range of understandings, the area I explore. I have already highlighted the varying ways in which explanatory textbooks organise their discussion of norms, and a similar lack of definition can be seen in professional codes. One looks in vain for definitions of core concepts like fairness in the SA Press Code, for instance. The code uses the term repeatedly to describe the way in which the media should report (2016a, sec. 1.1), publish, (2016a, sec. 1.3) gather news (2016a, sec. 1.4) and comment (2016a, sec. 3.3.2), but makes no attempt to set out what that means. This reliance on assumed common-sense understandings of key terms allows significant differences of interpretation, and much of the literature on applied ethics in journalism arises from a perceived need to clarify such terms for the benefit of practitioners.

The existence of a range of understandings is in itself of significance and interest, as differences and variations can be mapped to contextual factors. Changes in dominant interpretations can be noted, and form the centre of my concern to understand normative shifts in political turbulence. Little in the literature has so far paid attention to the significance of normative ambiguity, which is sometimes cast as evidence of the weakness

of normative ideas. Some "narrative" approaches to ethics have sought to describe varied understandings of ethics by journalists, such as Wasserman's comparison of Namibian and South African views. (2011b) In order to focus on variations and changes in the understanding of norms, the analytical work presented in this project draws on journalists' understandings but also reads journalistic output for what it reveals about the underlying norms that guided its creation. This approach, even less common in the literature, is discussed further below. (See section 3.3, below.)

A brief overview of the development of journalism ethics

The signposts for journalists did not fall perfectly formed from the sky. There is considerable discussion in the literature of the ways in which political, economic, technological and other developments shaped ethical norms as well as related concepts of the role of the media and journalism. As this project aims to understand how norms were affected by a particular political shift - the South African transition away from apartheid - it is useful to engage with the ways in which previous shifts and developments have been understood. Even more importantly, this history has laid the basis for a set of debates about journalism ethics, which the project responds to. I now turn to these issues.

The normative ideas of journalists have roots that stretch very far back, but begin to take recognisable form in the first creation of a periodic press in Britain, the US and Europe in the 17th Century, as Ward argues. (2004, Chapters 1–3) In *The Invention of Journalism Ethics,* (2004) he develops a framework which understands ethical claims as a form of rhetorical speech designed to maintain a healthy communicative relationship with audiences, and calls this the rhetorical theory of value change in journalism. (2004, p. 3) There is room to criticise his treatment of norms as simply rhetorical devices, but his richly detailed account is valuable for the insights it delivers about the specific factors that influenced the development of the dominant normative framework. Relevant developments in the media during the 19th Century, particularly towards its end, included the development of new forms of newspaper in Britain, the US and elsewhere. In order to reach a mass audience, printing presses of sufficient capacity were necessary, and a newsroom organisation that could feed a strictly organised production cycle. It became possible to address a mass audience with a daily newspaper – but doing so required significant capital, and this meant that individual proprietors, often motivated by a personal or political agenda, gave way to

control by corporate interests which demanded a return on investment. (Ward, 2004, pp. 182–183) These new elite and popular newspapers were drawn to liberalism with its emphasis on individual freedoms, free commercial activity and less government, which was "attractive to publishers and editors" as "a free marketplace of ideas made a newspaper of opinion possible". (Ward, 2004, p. 178)

Other technical tools that had an impact on the development of the ethics of journalism included the electric telegraph, introduced in the 1840s, which made it possible for information to be transmitted with previously unimaginable speed across great distances. New wire agencies like AP and Reuters developed a sharp distinction between facts and opinion. (Allan, 2001, p. 17) This allowed subscribing newspapers of varying persuasion to weave their opinions around the basic facts.

These developments served to push journalism towards the adoption of an ideal of objectivity. (Ward, 2004, pp. 190–213) They led to interest in factual information supplanting that in opinion, and a repudiation of the campaigning tradition of newspapering.

> (O)nce news became the main editorial purpose, the norms of factuality and independence moved to the heart of journalism ethics, in theory and in practice. The public came to expect news as a separate newspaper product. News was information stripped of partisan comment and overt bias. In response, editors emphasised the factuality of their news with a rhetorical strength rarely seen before, and required an objective reporting style. (Ward, 2004, p. 192)

Around the same time, journalists began to see themselves as professionals, "a different kind of voice in the public sphere, … mediating between perspectives through the provisions of facts and the balancing of views". (Ward, 2004, p. 193) The first trappings of professional status emerged around the turn of the century. (Christians, 2000) These included university courses, professional bodies and codified statements of ethical principles. An early code was developed by the American Society of Newspaper Editors in the early twenties. (1923)

Radio broadcasting emerged around this time, with many of these normative ideas already in place. The first radio broadcasts in the early 1920s did not include news reporting, at

least partly because newspaper proprietors guarded their turf against the new technology. (Allan, 2001, p. 28) But specific circumstances around radio served to entrench values of impartiality even more solidly than for print. There was acute awareness of the potential power of a medium which could reach much bigger audiences than print, together with fears about possible interference with military and similar point-to-point applications of what was at the time revolutionary technology. (Crisell, 1986, p. 18) In the UK, the BBC's status as a public entity led to particular caution about allowing it to take a position on matters of public controversy. (Allan, 2001, pp. 28–31) In the US, radio developed primarily as private, commercial enterprise. (Head, Sterling, & Schofield, 1994, pp. 30–38) While official pressure was less pronounced, the National Association of Broadcasters imposed an ethical code that "prohibited the discussion of issues deemed to be controversial outside of those news and related programmes specifically devoted to the expression of opinion" in order to prevent official intervention. (Allan, 2001, p. 35)

The underlying role conception and its critics

The dominant ethical traditions were formulated and formalised on the basis of an underlying notion of journalism as a service to citizens that is essential to democracy. This normative ideal also has deep roots, but a key moment in its development came with the Hutchins Commission in the US. (Christians & Nordenstreng, 2004) In 1947, the commission formulated an account of responsible journalism – the social responsibility theory of the press. In response to concerns about the purely corporate, commercial approach of many news organisations, the commission asserted a primary duty to serve the interests of society as a whole. It identified the duty of the press (understood to include broadcasting) as being to provide "a truthful, comprehensive, and intelligent account of the day's events in a context which gives them meaning"; serve as "a forum for the exchange of comment and criticism", give a "representative picture of the constituent groups in society"; "present and clarify the goals and values of society"; and "provide full access to the day's intelligence" (Christians & Nordenstreng, 2004) Although poorly received in the US media at the time, this concept of the press's role became very influential. The social responsibility theory was listed as one of four possible normative approaches by Siebert, Peterson and Schramm in their influential typology. (1963) The others were the authoritarian, libertarian and Soviet communist models. Their approach has been much criticised, and attempts to develop and

refine it have been made by various writers over the decades. (See, for instance McQuail, 1992) However, the social responsibility theory itself has come to dominate normative thinking among practitioners, academics and others around the world. It resonates strongly with notions of public broadcasting, and has found expression in various international declarations and agreements on the media. (Christians & Nordenstreng, 2004) Its importance lies in the fact that it has become the paradigmatic normative theory for the role of the media.

Despite its enormous influence – perhaps because of it – this normative ideal and the associated ethical norms have come under sustained criticism, both popular and scholarly. As new approaches to the study of media and communication developed which moved beyond simple positivism to take more critical directions (Lindlof & Taylor, 2002, pp. 7–15), they served to critique the normative framework, both implicitly and explicitly. Important and fruitful insights have been generated by political economy approaches, which draw ultimately on Marx's base/superstructure model and seeks to explain the media's role and function in terms of its economic base. "… the contents of the media and the meanings carried by their messages are according to this view primarily determined by the economic base of the organisations in which they are produced." (Curran, Gurevitch, & Woollacott, 1982, p. 18) Adorno and other members of the Frankfurt School coined the phrase "the culture industry", seen as a mechanism of social control in the service of capitalism. Culture had become an industry, whose "entire practice … transfers the profit motive naked onto cultural forms", according to Adorno's ringing denunciation. (1989, p. 128) Herman and Chomsky's propaganda model continues to be influential, with its concept of five filters which serve to ensure the media plays its role as capitalist propaganda. (1988) Althusser developed notions of ideology, and reads the media as one of several "ideological state apparatuses" which functioned to constitute individuals in the way appropriate to capitalist relations. (Althusser, 2014) The British cultural studies tradition also situated the media, as a cultural form, in a society understood to be defined by class conflict. But drawing on the thinking of Antonio Gramsci around ideology, hegemony and counter-hegemony, these writers were interested in both the ways in which political groups used media to achieve and buttress power and the ways in which subordinate groups were able to mobilise against them. (Douglas Kellner, 1995, p. 31)

It is neither possible nor necessary for the purposes of this argument to provide a detailed account of this large and influential theoretical terrain, which has provided many fruitful insights into the way the media function and suggested important avenues of research. (The accounts by Curran, Gurevitch and Woolacott (1982) and Bennett (1982) still provide a good entry point.) However, I need to address the argument that sometimes emerges in cruder political economy approaches which seem to invalidate any consideration of normative ideas, as is the focus of this investigation. Ethical ideas are sometimes dismissed as a kind of "false consciousness", in the traditional Marxist formulation. Only the economic base counts, in this approach – everything else is illusory.

Several points can be made. For one thing, cultural studies approaches have highlighted the importance of the ideas that professionals use in their work. As Curran et al point out, the mechanisms whereby economic control finds its way into media content are complex, but professional ideas and work practices play a key role. (1982, pp. 18–19) These would of necessity have to include notions of ethics, and the social responsibility theory itself. In other words, certainly from within the cultural studies tradition, those ideas are important factors in themselves in determining the shape and content of media, and therefore worthy of study.

Secondly, many of the critiques of the media focus on real institutions and practices, showing up how they serve an ideological purpose. This cannot be understood to contradict the existence of norms as an ideal. In fact, critical approaches themselves usually assume and appeal to an ideal which reality does not meet. Fairclough argues: "Critique is grounded in values, in particular views of the 'good society' and of human well-being and flourishing …" (1995, p. 7) Too often, critical approaches do not acknowledge or surface the normative basis of their critique. Frequently, the underlying argument being made is not that media should not serve the democratic ideal, but that they do not *in fact* do so (or do so badly), and that their claims to be serving the public interest are false – an argument that continues to assume the desirability of the ideal. Mixing the analytical with the normative dimension in this way is simply a recipe for confusion.

The issue was a major point of difference between Habermas and Michel Foucault. (Ashenden & Owen, 1999) Foucault had no interest in developing a normative framework,

but offered historical studies “which act as exemplars of his practice of critical reflection” (Ashenden & Owen, 1999, p. 7) Habermas, by contrast, was precisely concerned to define some universal basis for critique. He was not the only writer to criticise Foucault on this score. In a frequently quoted phrase, Fraser referred to the French philosopher’s work as a mixture of “empirical insights and normative confusions”. (Quoted in Ashenden & Owen, 1999, p. 2)

The debate about the possibility of universal principles is a key theme in debates around media ethics, and I will return below to how these have played themselves out.

In general, the valid insight that socio-economic conditions shape media institutions and practices cannot be seen in a determinist way (and indeed only the crudest versions do so). Acknowledging the authoritarian potential of communication, Habermas writes that “there is a counterweight of emancipatory potential built into communication structures themselves”. (1989b, pp. 303–304) Significantly, among the indicators of this potential that he sees is that “normally, the mass media cannot, without generating conflict, avoid the obligations that accrue to them from their journalistic mission and the professional code of journalism”. (1989b, p. 304)

2.2 Criticisms and alternatives to dominant ethical approaches

Having evolved in the ways in which I described in the previous section, the field of journalism ethics finds itself in something of a crisis. In public life, trust in the media is at a low ebb, drawing regular study and soul-searching. A 2017 British study, for instance, found that the public trusted journalists less than estate agents – a truly depressing finding. (Ponsford, 2017) Extensive scholarly writing has critiqued the mainstream Western ethical approach on various grounds, including its false claim to universality. While important questions have been asked, the debate has delivered few satisfying answers. Much scholarship has focused on showing up problems with the existing normative signposts, without making moves to suggest alternatives. In many ways, the debate about journalistic ethical norms has become stuck at this point. At the heart of my project is an attempt to find a way forward, to draw on South African experience and the Habermasian framework to formulate an approach that is universalist, at least minimally, without being eurocentric.

An important voice in the current debate has been that of Christians, who points to the utilitarian basis of the main Western tradition of journalism ethics. Utilitarianism set the well-known ethical test of seeking the greatest good for the greatest number, first formulated by Bentham in the late 18th Century (MacIntyre, 1998, p. 224). It provided an underlying logic to decide various ethical issues in journalism, such as sensationalism, rights to privacy, freebies and junkets. He writes: "Without exception, as the canon of ethical issues was being established, they were articulated in terms of common-sense utilitarianism." (2000, pp. 19–20) Placing its emphasis on the individual's rights and happiness, the approach fits traditional liberal political theory and emphasised the need for neutrality by key social institutions like the media. (Christians, 2007, pp. 116–117) In a sustained body of work, Christians has developed a sharp critique of utilitarianism. He points out, for one thing, that determining a moral question by calculating the results of alternative courses of action demands an unrealistic certainty of foresight. (2006, p. 60) He follows Ross in arguing that the approach reduces the other to a mere instrument, and does not cover the full range of human relationships. Although a consideration of consequences sometimes helps in moral issues confronting journalists, he argues for a duty-based approach: "Duty does not wait until the jury of effects is in, nor does duty apply exclusively to virtuous individuals." (2007, p. 121) Specifically, he calls for an ethics of duty that is social, moving decisively from individualist approaches to those that see the individual in society as primary. (2007, p. 122)

An important influence on debates around media ethics was globalisation in the media, as well as the need to engage with post-modernism and post-colonial approaches. As Christians and Traber wrote in the introduction to their influential collection, *Communication Ethics and Universal Values,* "Communication ethics faces a monumental challenge at present. It has to respond to both the rapid globalization of communications and the reassertion of local sociocultural identities." (1997, p. v111) For some writers like Ward, the former is the key driver of the search for global ethics (2010, for instance), while for others, including in this project, more weight is attached to the latter, what can be seen as the post-colonial challenge. Concern and interest on both counts drove an upsurge of scholarly activity in the field in the 1990s, (Christians, 2000, p. 31) and continues to loom large, as evidenced in the frequency with which the word "global" appears in book and

article titles. (such as Christians, Rao, Ward, & Wasserman, 2008; Cooper, 1989; Ward, 2010, 2015; Ward & Wasserman, 2010)

At the heart of all this work is a fundamental question: how (and whether) it is possible to create an ethical theory which accommodates some sense of shared universals with respect for all the many variants that exist in different cultural contexts and at different times? Christians articulates the difficulty with inherited claims to universal validity: "The modernist project to establish reason and truth as everywhere and always the same has failed. The concept of norms themselves has eroded. Metaphysical certitude has been replaced by philosophical relativism. Moral principles are presumed to have no objective application independent of the societies within which they are constituted." (2005, p. 4) At the same time, it is necessary to find some common ground, he argues:

> How can we legitimately appeal to the supreme value of human life without accepting a network of primal norms that are non-negotiable? Without norms that are more-than-contingent, we cannot finally condemn oppression and dehumanization except on the grounds of personal prejudice or emotional makeup. (2005, pp. 10–11)

Early responses to the call for "a different kind of universal, one that honors the splendid variety of human life while articulating cross-cultural norms" (Christians, 2005, p. 6) searched empirically for common ground between cultures. Cooper edited a collection of surveys of media ethics in 13 countries, (1989) and identified three contenders for the status of universal norms: the search for truthfulness, responsibility (with subsidiary values of loyalty, professionalism and accountability) and freedom of expression. (1992) Traber and Christians also collected ethical perspectives from various cultures, (1997) and Christians identified the sacredness of life as a "proto-norm" which is shared among various cultures. (1997, p. 6) However, none of these approaches succeed in finding a theoretical framework that can accommodate the universal and the particular satisfactorily. Is this even possible? I plan to show that it is.

From universalist to relativist responses

In his overview of the field, Wasserman has identified and critiqued four types of responses to the need for a global framework for media ethics. They are an ontological approach –

which argues that human beings share certain values as humanity is essentially and universally social; contractarian – which sees ethical norms as being socially constructed and agreed; neo-Aristotelian – which gives primacy to values over norms and, finally, post-colonial – which considers claims to universalism as being too often embedded in Western thought. (2010, pp. 71–79) For my purposes, a more useful approach is to classify various ethical approaches by how they relate to the tension between the universal and the contingent. Looking at the literature through this lens makes it clear how central the concern is.

First, there are approaches which situate themselves closer to the universalist end of the spectrum. Hamelink, for instance, explores the possibility of regarding human rights as a foundation for human rights. Although he accepts these have evolved historically – and are therefore not transcendent – he suggests they can "provide (a universally acceptable moral source of) inspiration for the professional-ethical dialogue." (2000, p. 123) Meyers, more recently, argues bluntly that much of the "handwringing" about "ethical hegemony" is "misguided". (2016, p. 199) Following Fotion, he suggests that simply adopting an approach of weaker theory – acknowledging that all frameworks are fallible – go a long way to resolving the problem. (2016, p. 201) He also usefully draws attention to the difference between absolutist claims to eternal truth, and the search for universals, which is more easily justified. However, such approaches do not go far enough in addressing the challenge. I will suggest some theoretical approaches that have more to offer the debate.

Post-colonial approaches tend to sit at the more relativist end of the spectrum, pointing to the ways in which Western theoretical approaches often "masquerade as 'universal'", (See also Rodny-Gumede, 2015, 2018; and Wasserman, 2010, p. 78) and deliberately steer clear of any search for a grand, unified narrative. Rao, for instance, calls for more non-Western perspectives to be brought to bear, and cites the example of the different Indian cultural attitudes to death, which are less private than in Western cultures. Obvious implications arise for ethical norms of coverage. (2008) While useful in pointing to local differences and forcing scholarship to interrogate its own positionality, the post-colonial approach has not so far delivered a sense of alternative universals. Similarly, more descriptive approaches, like narrative ethics which explores the way journalists talk about their normative approaches, (Wasserman, 2011b) provide interesting insights into the rich variety of ethical

landscapes but do little to advance the normative project. "(N)arrative ethics is mute in its own terms on which valuing to value." (Christians, 2005, pp. 4–5)

Values-based approaches come at the problem from a different direction, and also tend to emphasise the relative. Couldry is sceptical of the possibility of establishing rules that are universally applicable, and follows neo-Aristotelianism in arguing that notions of the good are primary over notions of duty. They are also more flexible and adaptable to local differences, he argues. (2008, p. 63) This leads to a definition of fundamental communicative virtues as being truthfulness and sincerity, which arise from a basic human interest in being well informed, and a framework which covers media producers as well as consumers. (2008, p. 67) Feminist ethics of care criticise the "conventions of impartiality and formality" in utilitarianism "while giving precision to affection, intimacy, nurturing, collaboration, and intimacy". (Christians, 2007, p. 124) Wilkins uses the metaphor of parenting a teenager, "which is a negotiation between empathic care and the promotion of autonomy in community". (2008, p. 30) Wilkins usefully connects values with duty through her call for an approach of "care informed by duty". (2008, p. 31) It can be argued that where values-based approaches neglect to make some space for duty, they are condemned to remaining relativist. However, the emphasis on values has served to draw attention to the importance of specific contexts and to the inter-subjective, social, dimension of ethics.

An approach that has had considerable traction is communitarianism. Christians has been a strong proponent of the approach, arguing that it breaks decisively with individualist utilitarianism, foregrounding the common good of society as a whole. (2006, pp. 61–66) Strongly based in a concept of the individual as being constituted in society, communitarianism suggests a role for the press as being "to participate in a community's ongoing process of moral formation". (Christians, 2006, p. 64)

Descriptive and relativist approaches are just as unsatisfactory as unreflective universalism as they have given up the search for a shared basis for norms. In fact, the question can be asked whether relativists can still talk about ethics in any meaningful sense, as the term must assume validity beyond specific contexts. (The reference here is to relativism in its generally understood form. It is acknowledged that a wide range of varieties exist, as discussed in (Baghramian & Carter, 2018), some of which manage to avoid self-

contradiction.) If norms are only relative, they are in fact merely customary, in the sense that Wiredu uses the term. (1996, p. 30) For all the reasons so eloquently set out by Christians this is deeply unsatisfactory. (2005, pp. 10–11) I will show that it is possible to find a formulation that establishes a universal basis for norms, while accepting contingent variations.

The interest in communitarianism, and that in non-Western values coalesced in some South African writing in a focus on *Ubuntu* as a key value that is seen as able to contribute to reshaping journalism ethics. (See particularly Christians, 2004; Wasserman & De Beer, 2004) Interest in the approach, which also drew on Kasoma's earlier work on African ethics (1996; 1994; see also Nel, 2005, pp. 345–349), arguably reached a high point when the *Journal of Media Ethics* devoted a special edition to the topic in 2015. Ubuntuism is based on the isiZulu and isiXhosa saying "*Umuntu ngumuntu ngabantu"*, (usually translated as, "a person is a person through other people"), it has been described as an African humanism, and it fits neatly with communitarian approaches as it suggests that the good of the community, rather than individualist considerations, should guide ethical decisions.

However, the approach remains unsatisfactory. For one thing, it tends to be based in an essentialist view of African culture as fixed and unchanging, and tends to see communities as homogeneous wholes. "Few societies (let alone whole continents) exhibit homogeneity or agreement on what constitutes 'good taste' or acceptable values," writes Tomaselli. (2011, p. 84) Metz (2011) has endeavoured to develop a version of ubuntuism which meets this charge, but the issue persists in much writing on the topic. Fourie is concerned about the possible misuse of such a political philosophy (like others) to suppress dissent. The fact of globalisation make it clear that "normative media theory can no longer be based on a single perspective, philosophy or worldview," he argues. (2011, p. 38)

Most significantly, communitarian approaches – including ubuntuism – tend to assume a simple contradiction between community interests and those of communication. The view is that community interests must be prioritised over those of journalism as communication. However, I would argue that this ignores the fundamental role of communication in human society, as identified by a range of writers, such as the Ghanaian philosopher Kwesi Wiredu, who writes, "language is a system of skills fundamental to being human". (1996, p. 25) As I

will show below, Habermas takes a similar view of the centrality of human communication. If that is the case, then the demands of successful communication have validity that must be taken seriously. Journalism as a prime modern form of communication makes a significant contribution to the communities it forms part of, by providing information and facilitating discussion. It is true that tension may arise between the broader interests of the community to be informed and the interests of individuals or subgroups within it – and ethical codes are formulated to resolve those tensions. Communitarian approaches tend to privilege particular interests as a general rule, and make no space for the broader interest of the community to be informed. Their emphasis on the social dimension of ethics has meant a dramatic step forward in thinking about media ethics. However, if the role of communication as a central feature of societies is ignored or underplayed, it leaves a gaping hole in the model. I argue that a coherent approach to media ethics must take communication seriously as a constitutive feature of human community.

Some theorists have focused on defining markers for what a successful model of global ethics needs to look like, as a necessary preliminary for theory development. Ward calls for a radical rethink of media ethics on a contractualist basis, (2005) and in a more recent work, *Radical Media Ethics: A global approach,* he presents a book-length development of these ideas, to the point of offering an alternative "Ward Code for Global Integrated Ethics". (2015) However, his emphasis in these contributions is on the implications of internationalisation in the media, paying less attention to ways in which post-colonial critiques attack Western orthodoxies at the level of their universalist claims.

In a careful and sophisticated argument that deserves close attention, Ward joins three of the other major voices in the field, Cliff Christians, Herman Wasserman and Shakuntala Rao, to develop a theoretical framework for the field which, they argue, "recognizes the diversity of media cultures while avoiding postmodern criticisms of the impossibility (or undesirability) of global media ethics." (Christians et al., 2008, p. 136) The approach begins with an "ethics of universal being" which is expressed through such universals as the sacredness of life, truth and non-violence. (2008, p. 136) These are "proto-norms" which must be seen as embedded in particular contexts – allowing for change and reinterpretation in history and in particular cultural contexts (for which the authors use the term "invention"). It outlines three levels of ethical theory, which interact dynamically:

presuppositions, which are assumed understandings of the world; principles, the proto-norms that humans share but which come to life contextually, and precepts, the norms that are derived from these. (2008, pp. 141–145) Importantly, precepts are not derived from higher-order principles in a one-directional way, the two develop dialectically. The approach then integrates a strong emphasis on humans as social beings, and, drawing on Gadamer and others, as constituted in language. (2008, pp. 148–150) These elements, then, make it possible to accommodate both the universal and the context-specific. "Our notion of humanness encompasses a dialectic between the universal and the particular" (2008, p. 152) and explains invention at all three levels.

As a whole, Christians et al's approach offers the most coherent attempt so far to create a conceptual framework for a global ethics that accommodates both the universal and the particular, the point where the current debate seems stuck. As it stands, however, the approach has not yet taken sufficient account of the social and communicative nature of human societies. As a result, the model moves too quickly from broad ethical universals to the specifics of communication, without allowing for the specific normative implications of communication as a social practice. In this project, by contrast, I draw on insights from Discourse Ethics to develop a sharper understanding of how questions of universalism and contingency relate in the arena of communication. At the same time, Christians et al's understanding of normative levels provides a useful starting point to better understand the concrete ways in which norms are understood, applied and changed in practice. A refined version of this idea, read with the procedural dimension of Discourse Ethics, makes it possible to develop a model of normative change, as I will show below.

2.3 From Public Sphere to Discourse Ethics in Habermas

I now turn to the contribution of the German philosopher Jürgen Habermas, who emerged from the Frankfurt School and came to exert enormous influence over critical social theory over the past decades. His prodigious output from the 1960s onwards exhibits a clear progression around a set of unifying themes and questions. These revolve, argues White, around the nature of reason itself in the context of post-modern scepticism, and a critical concern to find the outlines of what more just societies might look like. (1996, p. 6)

Outhwaite writes, “In pursuing the project of an interdisciplinary (and still recognizably neo-Marxist), critical theory of society, Habermas has found himself, like the earlier critical theorists, at the centre of contemporary concerns with what we have learned … to call ‘modernity’.” (2009, p. 163) However, his approach to critical theory diverges strongly from the Frankfurt School and their bleak and total critique of modern life, seeking, instead, for some new basis for rationality and hope. Any understanding of Habermas must take his status as a critical theorist on board: throughout, his theoretical approaches seek to identify and support the possibility of change. This project will seek to develop in more specific terms the critical implications of his insights for approaches to journalism ethics.

The Public Sphere

In *Strukturwandel der Öffentlichkeit: Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft,* (1989a) Habermas describes the development of middle-class political life in Britain, Germany and France in the 17th and 18th Centuries with the growth of salons and newspapers as sites of public discussion - an arena which was neither private nor the state, where citizens debated issues of the day and were therefore able to influence public policy. From this early phase, described in ideal terms, the work then traces a process of decline, where the mass media becomes the pre-eminent site for public discussion into the 20th Century. The work is “an inquiry at once into normative ideals and actual history”, an attempt to understand the historic dynamics at play while also pinpointing the “emancipatory potential that it contained despite its ideological misrepresentation and contradictions”. (Calhoun, 1992, pp. 1–2)

The model has attracted considerable discussion and critique. A particularly influential voice has been Fraser’s, who points out that Habermas’s rather idealised account of the early bourgeois public sphere ignores the exclusion of women, working class and other subaltern groups. She draws attention to the ways in which notions of the private serve to exclude some interests, and advances the notion of subaltern counterpublics. (1990) Others have argued that not only is the early account too optimistic, but the later one, of decline in an era of mass media, is too pessimistic; that the model needs to make provision for legitimate contestation between interest groups; and that it is derived from a vision of face-to-face communication which is no longer sufficient for complex modern societies. (See for instance D. Kellner, 2000) In response, later formulations (Habermas, 1992b) provide a more

nuanced account which allows for multiple spheres, makes space for conflict and contestation within and between them and makes allowance for democratic potential even in the current media landscape. What emerges is an analytical category that focuses attention on the terrain where public issues are contested through debate. It emerges as much more messy than in his initial formulations, in Chambers phrase, "a web of conversations" that is often inconclusive. (1995, p. 249) Despite its limitations, it has become enormously influential in both scholarly and popular discussion about the media.

The approach seems particularly helpful in contributing to understanding some of the processes around the media in the South African political transition, which I am concerned with here. There was recognition that the evils of apartheid included, importantly, the intolerable exclusion of black and other marginalised social voices. I have argued elsewhere that this led to a concerted attempt to transform the Public Sphere. "It was an attempt to create spaces and mechanisms for the previously oppressed black majority to participate in public discussion (thereby illustrating how public spheres must also be understood as political arenas, subject to often heavy contestation)." (Krüger, 2011a, p. 63) The concrete manifestation of this process included moves to institutionalise consultative processes around law-making, the constitutional entrenchment of free speech, and, as I have described above, pressure for transformation of the media in the various dimensions I have identified. The institutional measures to broaden access to the media at the level of ownership, through licensing new commercial and community broadcasters from previously disadvantaged groups are just one example of how the call for transformation of the media was a concerted attempt to broaden the Public Sphere. It is important to recognise the impetus, but also its limitations, to which I will return below, in discussing the literature around the media during the transition.

Discourse Ethics

Habermas's later notion of Discourse Ethics provides additional theoretical insights that are useful in understanding normative issues in the way that this project aims to do. He responds to the plurality of moral viewpoints, worldviews and cultural values not with the relativism that is characteristic of many post-modern approaches, but by proposing a narrower set of principles that, he argues, can universally explain a range of possible norms. (McCarthy, 1995) Following Kant, he argues that moral claims must answer the

universalizability test, in other words, they are only valid if they can be seen to be valid for all. But he argues the test cannot be conducted by an individual alone, as Kant argued; it needs to be conducted in discourse. "(T)he problems to be resolved in moral argumentation cannot be handled monologically but require a co-operative effort." (1996b, p. 67) Habermas formulates the rule as "Only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity *as participants in a practical discourse."* (1996b, p. 66 emphasis in original) In other words, the development and testing of norms is a social enterprise. This applies regardless of cultural context, it is universal, he argues. It is this core insight that provides the basis for an approach that can accommodate both the universal and the contingent, which is where the debate about journalism ethics has got stuck, as I have argued.

Habermas shares this contractarian approach with Rawls, who uses the notion of an "original position" (1971, Chapter III) to describe the way in which norms are justified. It is a hypothetical construct which tests concepts of justice by asking whether rational persons in "an initial status quo" (Rawls, 1971, p. 17) would choose them over alternatives. In order to exclude self-interest and advantage, he posits the well-known "veil of ignorance" behind which this discussion takes place: participants "do not know how the various alternatives will affect their own particular case and they are obliged to evaluate principles solely on the basis of general considerations". (Rawls, 1971, pp. 136–137)

The approach shares more than a glancing similarity with Habermas, despite coming from very different backgrounds. (See Audard, 2007, pp. 214–228 for a discussion of the 1995 debate between the two.) However, where Rawls relies on an entirely abstract construct, Habermas seeks to root his theory in insights about the nature of communication as a fundamental feature of all human societies. "(T)he human species also has another universal interest: its 'practical interest' in maintaining that level of intersubjectivity which is achieved in ordinary language communication and is necessary for the reproduction of man as a social-cultural being". (White, 1988, p. 27)

Communication must be based on certain agreed rules if it is to succeed: "(E)very competent speaker who believes he is engaging in an argumentation must presuppose (these conditions) as adequately fulfilled." (ibid, p. 88) Denying this fact involves a

"performative contradiction" – one cannot take that position without contradicting the rules one has tacitly accepted by participating in a discourse. This is an important and generally persuasive line of thought[1]: even a lie cannot succeed unless the liar expects his or her statement to be understood as truth. Taking this approach further, Alexy develops a detailed account of what the rules of practical discourse are, sorting them into a range of different categories. (1995) Habermas in turn draws these ideas into his further exploration of Discourse Ethics, highlighting some particularly important ones. Alexy's scheme provides for basic rules which require speakers not to contradict themselves, use expressions consistently and only assert what they believe. (1995, p. 163) In addition, there are rules of justification, requiring speakers generally to be prepared to justify claims they make. (1995, p. 166) Particularly important for this discussion are what Habermas calls rules of process:

(3.1) Every subject with the competence to speak and act is allowed to take part in discourse.

(3.2) a. Everyone is allowed to question any assertion whatever.
b. Everyone is allowed to introduce any assertion whatever into the discourse.
c. Everyone is allowed to express his attitudes, desires, and needs.

(3.3) No speaker may, by internal or external coercion, be prevented from exercising his rights as laid down in (3.1) and (3.2) (1995, p. 86, gendered references in the original)

Like Rawls, his meta-ethical approach is therefore primarily procedural. It sets out a process for arriving at agreed norms, but provides few clues as to what those norms should contain. In this, he parts company with Karl-Otto Apel, whose approach to Discourse Ethics seeks to use such ideas as a foundation for ethics itself. Apel argues that the idea of what he calls "the counterfactual anticipation of an ideal community of communication" (in other words, the belief that this kind of communicative community is possible, even if the real world seems to show otherwise) is necessary to ground an argument for the existence of ethics itself. (1995, p. 47) Habermas rejects this, insisting that the approach of Discourse Ethics is only procedural, and says nothing further about the content of norms. He writes, "I suspect

[1] It is also a Kantian move, as pointed out by Stephen Ward in correspondence.

that Apel's 'ultimate justification' would amount to just that: the justification of a supernorm that states that justice as such ought to exist." (1994, p. 78), and elsewhere, "An ultimate justification of ethics is neither possible nor necessary." (1994, p. 84)

In this respect, Habermas fails to realise the full potential of his line of thought. To say that communication can only properly succeed if all those affected are involved, is, surely, a normative statement, to use just one example. Benhabib draws attention to this point, identifying two "strong ethical assumptions", first, "that we recognise the right of all beings capable of speech and action to be participants in the moral conversation" and that "within such conversations each has the same symmetrical rights to various speech acts, to initiate new topics, to ask for reflection about the presuppositions of the conversation, etc." She calls these "*the principle of universal moral respect"* and "*the principle of egalitarian reciprocity",* respectively. (1995, p. 337) "The very presuppositions of the argumentation situation then have a normative content that precedes the moral argument itself," she adds. (1995, pp. 337–338) However, she softens the position somewhat by accepting that it is historically situated within the "normative hermeneutic horizon of modernity" and remains challengeable. (1995, p. 339)

The question whether it is possible to draw any conclusions about substantive norms from the presuppositions of argument is an important one for this project. If it is not possible, then we would have to look elsewhere for a universal foundation for journalistic norms as a subset of the norms of communication, or accept that none is conceivable. It seems, however, that the disagreement between Apel and Habermas is about a different point. They diverge on whether morality itself can be founded in the rules of communication. Thankfully, that question is beyond my scope. However, the narrower claim that these rules provide some normative content for *the practice of communication* is easier to sustain, as in the approach taken by Benhabib. Other writers, too, have drawn attention to this implication. So Dallmayr writes, "normative yardsticks or principles …are not simply the contingent outcome of communicative exchanges but seen as premises or preconditions of intelligible language and communication as such". (1995, p. 2)

Two distinct aspects of the Discourse Ethical approach, then, prove useful for this investigation. For one thing, it provides tools for understanding discourse as the mechanism

through which ethical norms emerge: *ethics through discourse*. The procedural approach describes how norms may be justified and, importantly, adjusted as conditions change. Although this provides a starting point, some further work will be undertaken here to develop a more rounded account of normative change. Secondly, Discourse Ethics provides a framework for *norms of discourse* itself, even though this implication was not developed fully by Habermas. The idea that there are rules which have to be assumed for communication to succeed provides a basis for norms of communication, and therefore also of journalism as a significant form of communication. (This formulation of the two applications is based on Brosda, 2010)

Norms and values - context and application

Habermas's neo-Kantian emphasis on duty stands in contrast to the neo-Aristotelian prioritisation of values that are grounded in the experiences of specific communities. The neo-Aristotelian critique of Discourse Ethics includes that values are primary and that the procedural approach is unsatisfactory because it does not deliver actual norms. (Cronin, 1994) Habermas takes the criticism very seriously, and develops the Discourse Ethical approach to make room for notions of value, particularly in *Justification and Application.* (1994) "His declared goal is to find a middle ground between the abstract universalism with which Kantian ethics is justly reproached and the relativistic implications of communitarian and contextualist position in the tradition of Aristotle and Hegel." (Cronin, 1994, p. xi) As significant elements of the South African criticism of established media practices echo the neo-Aristotelian approach by calling for the values of previously marginalised communities to play a greater role, Habermas's response provides some useful tools for this project's engagement with the debate.

On the one hand, Habermas asserts the primacy of norms over values, precisely because norms – questions of justice - have to satisfy the interests of everyone affected, not just a particular community. (1994, p. 151) He therefore establishes the universalist claim of his approach. At the same time, the context becomes important in clarifying the correct application of a norm, a second step that has to be settled in discourse, "Analytically, 'the right thing to do in the given circumstances' cannot be decided by a *single* act of justification … but calls for a two-stage process of argument consisting of justification followed by

application of norms." (36) It is at this stage that community values and contextual circumstances become essential considerations,

> (P)ractical discourses depend on content brought to them from outside. It would be utterly pointless to engage in a practical discourse without a horizon provided by the lifeworld of a specific social group and without real conflicts in a concrete situation in which the actors considered it incumbent upon them to reach a consensual means of regulating some controversial social matter. (1995, p. 100)

In a detailed and careful discussion, Rehg argues that the approach effectively creates space for solidarity, in that co-operation is a "constitutive value" which cuts across differences of culture (1994, p. 171) and that the discursive exchange forces participants to take each other's interests into account. "Precisely the effort to convince others of the justice of a normative expectation demands that I attend empathetically to its effect on others' welfare." (1994, p. 245)

Habermas's emphasis on application allows discourse to be seen as the mechanism through which norms are adjusted in specific historical circumstances such as obtained during the South African democratisation process. It is clear that previously excluded social groups were now part of public discussion, and were able to assert their values. These included attitudes of non-racism and anti-discrimination, as well as cultural values like those around attitudes to death.

In this way, the approach of seeing "discourses as a procedural model of conversations in which we exercise reversibility of perspectives" (Benhabib, 1995, p. 363) to arrive at common normative understandings offers significant insight for the present project. However, some questions remain: for one thing, it is not clear that Habermas's distinction between norms as universal and values as being specific to particular communities can be sustained without adjustment. There seem to be norms that are specific to communities, and conversely there are values that different cultures share. Also, it is not clear whether the notion of application is broad enough: the debates that raged around journalistic norms in the South African experience addressed the validity of the norms themselves, not just how they should be used.

I argue that the controversies around journalistic behaviour and norms seen in South Africa at this time constitute discourses through which norms were adjusted, although they were strongly contested and participants thus showed little willingness to see the issue from each others' point of view. Habermas's notion of discourses of application offers my project much of value, but some of the questions that emerge from the South African experience will need further consideration. They will suggest some refinements of the approach, towards a more fully developed procedural model of normative change through discourse, as set out below.

2.4 Applying Discourse Ethics to journalism as a form of communication

It would seem an obvious step to draw on Discourse Ethics to develop insights into the ethics of communication practices such as journalism. Perhaps because the link has seemed so self-evident, there has been less work done in this direction than one might expect. There has been significant discussion of Habermas's line of thought in and of itself, but contributions like those of Thomassen, (1992) and Benhabib & Dallmayr (1995) remain at the general level, without paying significant attention to implications for specific communicative practices. While Christians has repeatedly referred to the approach as one of several offering solutions to the problem of mainstream ethics being hamstrung by a European bias, (among others, 2014) he does not engage in detail with the possibilities of the Discourse Ethics approach. He tends to prefer communitarian approaches, as discussed above. (See p. 37)

Where the literature does specifically focus on implications for practices of communication such as journalism, a few themes can be identified. On the one hand, there has been an attempt to identify ways of basing norms for communication on Discourse Ethics. In Arens's view, three foundational norms are suggested by the three types of validity claims Habermas identifies. In Habermas's *Theory of Communicative Action*, argumentation consists of participants offering claims of validity, which are criticisable. A claim of validity means it is a claim for whom conditions of validity are asserted, and they can be accepted, rejected or abstained from. The three kinds of validity claims are ones of truth (asserting factual correctness); ones of truthfulness (asserting the integrity of the speaker) and ones of normative rightness (asserting justice). (2004, pp. 38–39) These each suggest norms,

according to Arens: the first suggests a basic orientation to truth and seeking consensus; the second to truthfulness and the third to justice. (1996, pp. 90–92) He writes, "Justice includes two elementary, related dimensions. Firstly it is about creating just relationships; at the same time it is about supporting and advocating for just conditions. In my view these can be summarised under the notions of participation, emancipation as well as advocacy." (1996, p. 93)

While it is difficult to argue with these norms as such, their derivation in Arens seems weak. To say simply that they are "suggested" by the types of validity claims Habermas identifies does not say very much at all. It is not clear why a category of claim - a type of speech - should provide a basis for a set of norms. They belong in quite different conceptual categories, and cannot be linked logically in the way that Arens wants to. I argue that a much more persuasive basis for norms are to be found in the rules of discourse, as identified by Alexy (1995) and incorporated by Habermas. (1995, pp. 84–87) These are identified as rules which must be accepted by anyone wanting to engage in communication. The status of these rules has been discussed above, and need not be repeated here. But it seems clear that they provide a much more secure basis for deriving actual norms of communication, than reference to types of validity claims. In the following (particularly Chapters 4 and 7), I develop this argument further.

In contrast to the English-speaking world, German scholarship shows more extensive engagement with the specific implications for media ethics. An important theme explored here is what Discourse Ethics suggests for the role of journalism. Loretan, for instance, writes, "Journalism that is sensitised to considerations of Discourse Ethics places at its centre the contribution of media to a competent public process of opinion and will formation." (2002, p. 12, my translation)

A similar approach is taken by Brosda, who argues that normative expectations of various communication practitioners, including journalists and public relations experts, exist despite commercial, institutional and other constraints. Participants in a discourse have the obligation to "interpret these standards in relation to their own context and situation and turn them into appropriate norms of praxis". (Brosda, 2010, p. 91, my translation) (Interestingly, studies of corporate communication and public relations ethics have made

substantial use of Discourse Ethics – more, it seems, than journalism. See for instance (Leeper, 1996; Meisenbach, 2006; Noland & Phillips, R, 2010)) Brosda also describes the journalist's role as dual – both participant and enabler of discourse. (2010, p. 98) Lesch, despite various concerns about the model, does see the value of this kind of role definition. (1996) In Chapter 6, below, I develop this role understanding for journalism further, paying particular attention to what it means in the context of new democracies like South Africa.

The procedural emphasis of Discourse Ethics provides an additional, relatively strong, thematic strand to the discussion. For Brosda, Discourse Ethics as a procedural model suggests the need to involve a broader public in discussions about journalistic norms. (2010, p. 93) Loretan draws attention to the structural context of media regulation, and argues that the state is entitled to insist that media develop a set of norms, but should not get more directly involved in their formulation. (2002, pp. 12–13) This aspect clearly demonstrates how firmly embedded this strand of writing is in the European tradition. In the US, for instance, the notion of this extent of state involvement in media is seen as anathema, and the organisational form of media councils is by no means universal. (See Krüger, 2009 for an overview of international practice.) Wahl-Jorgensen and Galperin use the framework to argue that US newspapers should, in fact, be subject to greater state regulation. (2000)

A more promising approach, also drawing from the procedural aspect of Discourse Ethics, as well as the distinction between justification and application of norms, is adopted by Glasser and Ettema (2008), who emphasise the need for journalists to develop a capacity to argue and justify ethical decisions and approaches. They call their approach "being-ethical-means-being-accountable", which is counterposed to a standard journalistic approach of defensiveness. In the US, particularly, journalists tend to see any challenge or criticism as an infringement of the 4th Amendment of the Constitution. "(T)he prevailing view of independent journalism represents the triumph of autonomy over accountability." (Glasser & Ettema, 2008, p. 528) However, the comparatively recent addition of the principle of accountability to the main US press code is seen as a positive step.

These engagements offer much of value to my project, in terms of all three themes identified in the literature. The focus on a possible basis for the norms of journalism is

valuable, although I argue for a different logic to that suggested by Arens. The discussion around a role conception for journalists is rich with insights for my project. Finally, the procedural interest, with its emphasis on discourses of application, is valuable to my interest in understanding the dynamics around adjustments of norms in specific historical circumstances like the South African political transition. Despite their value, the approaches taken thus far lack a coherent approach which encompasses the various implications and opportunities offered by Discourse Ethics. Brosda (2010) probably comes closest, but his overview also demonstrates the other gap that can be identified in the literature: its embeddedness in perspectives and experiences from the Global North limit the insights that can be developed. Experiences of stable – some may say hidebound – societies with a set of settled institutions and practices (European media councils, US fundamentalism with regard to press freedom, for example) are prominent, and prove insufficient to understand the dynamics of changing societies like South Africa. The examples of debates around norms which I investigate in this project provide various additional insights, such as around themes of power, and practical insights into the ways in which such discourses unfold. I argue insights such as these from South Africa as part of the Global South offer valuable additional dimensions to the way in which Discourse Ethics can be made fruitful for understandings of the ethics of journalism. The particular political earthquake experienced in South Africa provides opportunities for new and broader insights into the nature and fate of the signposts used by journalists to guide their paths.

2.5 The media and political change in South Africa

In the contextual discussion, above, I analysed the discussion around transformation of the media in terms of two themes (race and the relationship to the new state) and three dimensions (institutional, content and attitudinal), and pointed to the ongoing difficulty with the discussion about content. I argued that this discussion remains frustrating as claims rarely manage to move beyond being “in the eye of the beholder”, as it were. If questions of content are hard to pin down, the issues of ethics which quickly emerged in these discussions are even more slippery. Scholarly discussion has mirrored the concerns that emerged in the public and political debates. An extensive body of literature has focused on the position of the media in the political transition.

Political change in South Africa came as part of a wave of democratisation processes that unfolded in different forms in Eastern Europe, Latin America and elsewhere. These sparked a sub-field of political science which sought to develop theory around these developments, known as transition theory or transitology. (Horwitz, 2001, p. 6) Sparks has been critical of the general approach of this tradition, arguing that it is based on the assumption that moves towards democracy are an inevitable path, as it is inseparable from a market economy and is simply the best option. He identifies the assumption in the following terms, "(n)ormatively, the best that any country can do is to strive to emulate the 'originator countries'." (2015, p. 506) This criticism notwithstanding, the position of the media in political change of this kind has been an obvious focus of attention for media scholars. Among the works giving attention to this area have been Voltmer (2013), Manaev and Pryliuk (1993) and a body of work by Sparks (among others, 2004, 2008, 2011a). The South African case emerges as particularly interesting as an "unusually communication-saturated transition. The new political culture registered a heightened sensitivity to the importance of free and open media, for only through these could consultation and transparency be realized." (Horwitz, 2001, p. 18)

There has been a considerable body of work which chronicles and outlines various changes in the media landscape in South Africa, particularly in broadcasting, in a primarily descriptive way. (For instance Berger, 2000; Currie & Markovitz, 1993; Horwitz, 2001; K. Tomaselli & Teer-Tomaselli, 1994) Written in the early years, many of these show the optimism of the times, though identifying some of the emerging challenges. (Horwitz, 2001, p. 176) Whether explicitly addressed or not, changes in the media landscape invite critical questions about the extent to which changes have met their professed aims. This is where the weight of scholarly engagement has been. Key approaches have attempted to gauge to what extent changes in the media landscape have supported the democratic project and helped overcome apartheid's legacy of exclusion and racism. In the present project, my interest includes this question, although focused on the extent of change in normative ideas and ethical approaches in particular.

Berger takes a positive view, noting "mammoth change" in the SA media in the first years, although conceding that more research is needed, particularly on content. (2000, p. 29) His intervention appeared in the midst of the controversy about the Human Rights

Commission's inquiry into racism in the media, discussed above, and spent considerable time in refuting both the research purporting to show racist content as well as claims to the inquiry that "nothing has changed". (Media Workers Association of SA, quoted in Berger, 2000, p. 29) Others have been less charitable. Taking a political economy approach, Tomaselli offers a sharp critique of the push for black ownership in the print media. "Replacing whites with blacks in the corporate press is not really going to solve the problem of structural inequality. Neither will this racial substitution automatically provide increased popular access or diversity of opinion in the media," he writes. (P. K. Tomaselli, 1997, p. 49) Writers on broadcasting have repeatedly drawn attention to the fact that the SABC continues to be hobbled by its dependence on advertising income. (Currie & Markovitz, 1993, pp. 103–105) On this basis, Barnett says that the decommodification of communication, seen as essential to ensure real inclusiveness in the media, seems unlikely, and highlights regulatory weaknesses. (1998) Along similar lines, Duncan draws attention to the impact on the media of the ANC's rightward lurch to adopting neo-liberal economic policies. (2000)

An influential voice in this context has been that of Colin Sparks, who draws on the theory of elite continuity, as observed in Eastern European democratisation processes and in contrast to the traditional transitological approaches he criticises. (2011b) The focus on elite continuity highlights continuities in media institutions and staffing, and the growing involvement of the old political elite in the economic sphere. In this view, an increase in democracy is by no means an automatic outcome. The South African experience shows significant differences from Eastern Europe, such as greater degree of mass mobilisation and the more complete replacement of the political elite, and this necessitates some adjustments to the model. (Sparks, 2011b, pp. 213–214)

Nevertheless, the approach highlights the limits of change in South Africa. "The compromise – involving political change and state intervention in the economy via Black Economic Empowerment initiatives that tended to favour a black middle class but failed to have a big impact on economic inequality and allowed white elites to retain their strong economic position – can also be seen in the media." (Wasserman, 2018, p. 39) This is a key criticism of the real outcomes of transformation, whose limits are becoming increasingly clear. In truth, promises of equality and justice are far from being realised – inherited imbalances have

proved intractable. For the media, it must be acknowledged that there has been only limited success of the project to expand the public sphere in order to give substance to notions of a participative, deliberative democracy. Despite the emergence of new tabloid formats which quickly grew new blue-collar audiences, (Wasserman, 2018, Chapter 5) and the growth of community radio, it is undeniable that the media continue to be skewed to favour the elites, who have access to information and expression far in excess to that available to disadvantaged communities. This inequality in the media landscape can sometimes be overstated to such an extent that poor communities are held to be completely outside the information ecosystem. There is comparatively little focus in the literature on the information realities of marginalised groups. Exceptions include Wasserman's volume *Popular media, democracy and development in Africa,* which shows the rich potential of the field, (2011a) and the useful look at the media use of young people presented by Wasserman and Garman. (2014) Given the centrality the Habermasian model gives to the requirement of full involvement by stakeholders, the question of information disparities is also an important concern for the present project. It is clear that the political earthquake left this aspect of the landscape relatively intact. I will develop specific ways in which the critical dimension of the model can be applied in the South African context.

In addition to the literature that evaluates the extent to which transformation in the media has improved democratic processes, a significant share of scholarly attention has been devoted to relations between the state and the media. Again, this interest developed in parallel with the public discourse, as differences between the state and, particularly, the mainstream print media, became sharper. Wasserman and De Beer, for instance, read the media's responses to government criticism and interventions as being based in a liberal, functionalist view of the media, which they contrast with a more critical perspective which recognises the ways in which the media themselves are implicated in patterns of social inequality. (2005) Jacobs identifies a similar difference between approaches to the media's role, but prefers a middle position which recognises the media as power-holders in their own right. (2002) As the ruling ANC began complaining about press self-regulation and broaching proposals for a Media Appeals Tribunal, which would be a parliamentary body to oversee press reporting, (ANC, 2007b) scholarly attention focused on what was generally seen as an attempt to exert state control over journalism and, more widely, self-regulatory

models. (Among others, Berger, 2010; Duncan, 2014; Krüger, 2011b; Reid & Isaacs, 2015a) Some, such as Reid and Isaacs' detailed analysis of the SA Press Council in the light of criticisms against it, were directly aimed at intervening in the policy debate. (2015b)

Another strand of the literature seeks to draw on the African experience, and specifically South Africa's, to develop wider theoretical insights. Berger argues that existing models of the relationship between democracy and the media need to be reworked to take into account trends such as commercialisation, as well as gender and other issues. (2002) Hadland analyses the South African landscape in terms of Hallin and Mancini's Three Models paradigm (2007), while Rodny-Gumede argues the model needs to take into account race, gender, class and other factors. (2015) These various interventions contribute greatly to an understanding of relationships between the state and the media in post-1994 South Africa. Furthermore, where theorisation that draws mainly on examples from the Global North is challenged by insights from South Africa and Africa, this undoubtedly enriches international perspectives. The intersection of this particular area of focus with the present project lies in the question of journalists' role definition. However, I tackle the issue from a more normative direction, which is rare in the existing literature. I draw out (in Chapter 4 and, in more detail, 6) some implications of Discourse Ethics for how journalists should understand their role, taking into account the particular circumstances of new democracies like South Africa. As a whole, my project includes significant analytical elements, but this aspect focuses on normative questions.

Taken as a whole, there is little in the literature on the particular question of the ethics of journalism during the post-1994 period in South Africa, and nothing which seeks to develop an account of the nexus between political change and those ethical norms. Although ethics remain a central theme in the public discourse around the media, this has not translated into significant scholarly attention. In a sizeable body of work, Wasserman provides something of an exception. In a paper I have already referred to (see p. 28), he uses a narrative framework to set out an account of South African and Namibian journalists' views of "social responsibility" and "freedom", arguing that studying local contexts is a necessary first step to developing a global approach to ethics. (2011b) However, this remains a largely descriptive approach. And in a chapter of his recent collection, *Media, Geopolitics, and Power,* he analyses debates around ethics in the light of the international discussion on

ethics. (2018, Chapter 4) This kind of focus is rare, however, and it is more common to find norms and values assumed to flow simply and directly from the racial profile of editors and owners. Tomaselli's critique of this assumption, from a political economy perspective, has been noted. (1997) In this project, by contrast, I look for ways of understanding dynamics around ethical norms from within the framework of Discourse Ethics, which, I argue, provides rich normative and analytical possibilities.

3. Methodology

This project responds to the debate about the ethical norms of journalism as it unfolded through the political transition in South Africa, by seeking to understand how norms may change under such circumstances. It is also interested in finding direct answers to the challenge, by considering the kind and extent of normative change that should be expected. In the terms of my central metaphor, it wants to understand how ethical signposts may shift during a political earthquake, as well as what a new set of signposts should look like.

As mentioned previously, I follow Wiredu's understanding of norms as being those rules of conduct, thought or action which are necessary for the maintenance of human community. (1996, p. 63) Several methodological questions arise, as it needs some thought on how to get a purchase on ethical norms. As previously argued, norms and values are particularly elusive in the public discussion. An ethical notion like fairness, for instance, is widely used, but invested with almost as wide a set of meanings as the range of people using it. Even professional codes and academic literature deploy such terms in many different ways.

A key methodological strategy I use is to separate out the analytical, which deals with the first question, from the normative, which addresses the second. As set out before, I use the term normative in a narrower sense than is usual. General usage allows for a range of different applications, covering various kinds of discussion of norms. There is often an unacknowledged prescriptiveness embedded in usage, as when Merril, Lee and Friedlander write that "ethics is very much a normative field – helping journalists (and other media people) develop principles and practices …" (Quoted in De Beer & Froneman, 1994) Central to this usage is the idea that normative discussions help people do the right thing. However, it is important to recognise that norms can also be treated analytically and descriptively, which outline the kinds of norms that exist in the world, and can themselves be assessed. This latter opportunity is a critical mode, applied to observed norms, and constitutes a distinct mode of discussion. I prefer to use normative primarily in the narrower sense, when assessment, judgment and critique are at issue. (There are contexts where it makes sense to use the term normative to cover any discussion of norms and, indeed, there will be

occasions in this work where I use the term in that sense. However, it is made clear in context when that is intended.) If it is, as so often, loosely applied, the wider usage can lead to a basic and common confusion. Very often, a "reading" of norms is derived from actual journalistic behaviour, and then judgment is passed not only on the behaviour but also on the norms themselves. In an apt anecdote, Wasserman describes an encounter with a student who complains that university ethics classes were a waste of time because ethics don't exist in the real world, which illustrates this kind of confusion between the descriptive and the normative. This kind of argument amounts to a confusion of categories. If anything, breaking the rules highlights their existence. If they did not exist, we would not notice infractions. Wasserman writes, "normative ethics seek not only to describe what the media's professional values in a democracy *are,* but also what they *should be.*" (2011c, pp. 9–10 emphasis in original.) The present project relies on distinguishing the analytical from the normative, in the narrow sense. The distinction also makes it possible to understand more clearly how the two modes of discussion relate to each other.

The distinction also speaks to my theoretical orientation to Discourse Ethics, articulated chiefly by Habermas. Above, I have discussed his formulation of the foundational rule of ethics as the requirement that valid rules need to meet with approval by all affected through a discourse that meets particular requirements. (1996b, p. 66) (See pp. 42-43) I have argued that Habermas himself does not sufficiently recognise the separate analytical and normative implications of his approach. His insistence on describing Discourse Ethics as purely procedural which has nothing to say about normative substance points in the direction of the analytical, but it fails to recognise the model's normative implications. The rule he formulates suggests a test for validity – clearly a normative undertaking, in the narrow sense. At the same time, as I have also argued, the rules he identifies for what constitutes a fair, or communicative discourse, establish a set of foundational norms, at least for the field of communication. On the analytic side, the procedural account he provides invites a focus on the mechanisms whereby norms are revised and adjusted in particular historic circumstances. I exploit both opportunities in this project, investigating the discourses about norms that took place during the time under consideration, and seeing how the normative universe that emerged from these discourses measure up to the foundational standards.

The specific examples of discourses I analyse also serve to reflect back on the theoretical framework. In that sense, too, the approach is Habermasian. His use of detailed analysis of the forms and locations of public discussion at particular times in history to develop the notion of the public sphere is well known. (1989a) "This is an inquiry at once into normative ideals and actual history". (Calhoun, 1992, p. 1) His approach to Discourse Ethics, on the other hand, remained largely theoretical. In this project, I use some concrete investigations of discourses on normative questions to throw additional light on the theoretical insights of the framework.

The broad procedure I adopt is as follows: I start with some theoretical work on the Discourse Ethics model, which provides the framework for some analytical studies of particular debates about norms during the South African transition. I then consider some theoretical issues arising from the model, and finally consider the normative implications. Chapters 4 and 5 are more theoretically orientated, while Chapters 6 and 7 do the analytical work. In this way, I will show how analyses of concrete historical examples can throw new light on the normative as well as the theoretical framework as such.

3.1 Theory development

Theory is one of the most important tools used to understand ethics and norms. For centuries, ethics has been recognised as a core concern of philosophy, and it is necessary to start with a clear theoretical orientation. This is methodologically necessary, since theory provides the necessary conceptual tools. The meta-ethical approach investigates foundational conceptions for the grounding of ethical norms. My theoretical orientation is to Discourse Ethics, and it is necessary to situate the approach in relation to other schools of thought, such as utilitarian, communitarian, ubuntuist and others. (Christians, 2000)

As argued above, the Discourse Ethics approach is rich with opportunities of application to the field of journalism. However, these opportunities have remained relatively unexplored. Habermas's own writing on the subject mostly remains on a very broad level, concerned to clarify the basic parameters of the framework rather than developing the implications for the specific case of media as a central form of communication in the modern world. As argued in the previous chapter, although the general relevance of Discourse Ethics to journalism has been recognised by Christians (2014) and others, little work has been done

to develop the specifics. Exceptions, including Arens (1996), Brosda (2010) and Loretan (2002), have been discussed. In the present project, this line of theorisation will be explored, mostly in Chapter 4.

For the methodological discussion, it is important to be clear on how the notion of discourse is being used here, since it determines the specific analytical investigations I undertake. Habermas's understanding emerges from his project to understand normativity and develop implications for critical theory. "In the wake of the Frankfurt School, Habermas proposes a theory of communicative acts which points to the critical potential inherent in any speech act." (Angermuller, Maingueneau, & Wodak, 2014, p. 360) The focus becomes clear in his definition of discourse. In *The Theory of Communicative Action,* he specifies that the term applies when participants are forced "to suppose that a rationally motivated agreement could in principle be achieved". (2004, p. 42) This comes in the context of very detailed discussion of how participants in discourse exchange arguments. Aspects of his approach are useful, but his interest is in discourse as a general category, rather than specific instances, and this leaves a gap that makes his definition insufficient for present purposes.

The growing field of discourse studies has focused analysis on particular instances of discourse – specific discourses - as well as discourse in general. However, the wide range of approaches has meant that clear definitions are hard to find. Jaworski and Coupland open their useful reader with no fewer than ten possible definitions from a range of theorists, (1999, pp. 1–2) while Renkema draws attention to the lack of agreement on how to classify genres of discourse. (2009, p. 3) The influential approach of Fairclough is rooted in linguistics, and focuses on the detailed linguistic analysis of texts. (2003, p. 215) When used in the plural, usage in the Critical Discourse Analysis (CDA) tradition of which he is a key voice tends to refer to "ways of representing aspects of the world" associated with particular social practices (Fairclough, 2003, p. 124), and is strongly concerned with unearthing patterns of inequality and injustice in texts. While the CDA approach shares with Foucault the concern with critique, its interest in detailed textual analysis distinguishes it from his. (Fairclough, 2003, pp. 123–124) Although I draw on it in some respects, the classical CDA approach is not applicable here, as my interest is less linguistic, and the critical perspective will emerge at a different, subsequent level.

A more fruitful approach is that taken in the sub-field of Discourse Historical Analysis (DHA). Reisigl lists ten characteristics which can be used to identify a particular discourse, including that it is "a socially constitutive semiotic practice" above the level of a single sentence or conversation; whose understanding requires "functionally oriented pragmatics"; it "represents, creates and changes social reality"; it is composed of groups of texts, conversations and the like organised around topics and in genres of expression; and it undergoes historical change. (2017, pp. 51–52)

For purposes of the analytical work to be done here, I take from Habermas the approach that sees discourse as an exchange of arguments (and, separately, I draw on the normative insights it generates), and from the DHA approach the interest in particular discourses in history, organised around specific topics. I argue that the debates around specific media-related controversies that took place during the political transition fit this definition, and become appropriate objects of analysis. This shift from Habermas's general theory of discourse, to the analysis of particular instances of discourse is a necessary one if the analytical potential of the approach is to be exploited, as I do here. At the same time, and again in line with the Habermasian approach, these discourses need to be seen as mechanisms whereby norms are debated and adjusted.

3.2 Studying specific discourses as examples

The discourses that centre on particular issues of ethical norms in journalism can be seen loosely as kinds of case studies, understood as "an empirical enquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident". (Yin, 2009, p. 18) The approach taken here treats the ethical norms of journalism, the signposts of the profession, as the phenomenon to be investigated, and the political backdrop as the context within which it is situated. The discourses themselves, as a series of argumentative exchanges in the broader public sphere, organised around a particular topic, constitute the cases to be investigated. I use the case study approach in a general way, even though I do not claim to meet the considerable requirements set out in the literature around the method.

The emphasis on theory, described above, fits neatly into the method. Where other methods, like ethnography, avoid formulating a theoretical position at the outset, Yin says,

"theory development as part of the design phase is essential" in the case study method (2009, p. 35) and results of the studies can later generate new insights for theory. The present project demonstrates the necessity of using theory to inform the research design and data collection. (Yin, 2009, p. 40)

A key element of the approach involves the carefully considered selection of cases. There have been a considerable number of controversies around the media during the time under consideration, and any could have been selected as suitable for investigation. Both of the cases examined here arose in the context of the particular public controversy about the government's policy towards HIV and AIDS. One (in Chapter 6) deals with the reporting of deaths believed to be related to AIDS. The second (in Chapter 7) deals with the journalistic norm of balance when it comes to AIDS dissidents. The cases were purposively selected for their capacity to surface normative issues in journalism and debates around them. In the contextual discussion, above, I have described how AIDS and the controversy around the government policy on the issue marked a sharp change in the relationship between the new state and the media, coming at the very start of the first post-Mandela administration. Although there were conflicts beforehand, the AIDS saga constituted a sustained crisis in relations. It was marked by intense conflict about the role of the media and their ethical norms, and the very sharpness of the language often used helps to surface the issues particularly clearly. At the same time, the nature of the issue was such that it drew out ethical issues of particular complexity. These points have been canvassed above – here, it is only necessary to point out how they provide the reasoning for the choice of cases. They fit Yin's definition of "exemplary" case design, in that they "reflect strong, positive examples of the phenomenon of interest". (2003, p. 13)

Nevertheless, differences between the two cases can be noted. The first focuses sharply on the discourse around norms in journalism, while the second focuses more on the norm itself. In the case of reporting AIDS deaths, there was extensive public discussion of the rights and wrongs of journalistic behaviour. In the case of reporting the AIDS dissidents, the public debate at the time focused primarily on the dissidents' position itself, less on the implications for journalism. Much of this discussion about the way this impacted on the media, and the tensions that emerged around the norm of balance, emerges in later reflections of the journalists interviewed. At the same time, material published at the time

produces rich insights on the way in which journalists grappled with the issue in practice. In different ways, both studies highlight normative shift and the role of discourse in achieving it. The differences between the two provide additional analytical opportunities, as is to be expected from multiple case studies. Investigating more than one case also avoids possible criticism of single-case studies as being atypical. (Yin, 2009, p. 61)

3.3 Reading for norms

Having established the way in which controversies about journalistic norms are to be treated as examples that can illuminate the Discourse Ethics framework, it becomes necessary to address the question of how norms, as rules of behaviour invested with moral "oughtness", (Hechter & Opp, 2001a, p. xiii) become visible. The most obvious place to look for them is in the direct expression to be found in formal codes of conduct, textbooks, the rulings of various regulatory bodies and the like. These are texts that deliberately set out to formulate norms, to provide signposts to journalists and to rule on disputed points. They bring to the undertaking a measure of institutional authority: codes, for instance, are formulated by representative bodies after thorough deliberation, textbooks are written by people seen as experts in the field, while rulings on complaints emerge from a quasi-judicial process. Nevertheless, it is important to note that such texts cannot be read as any kind of final word. I have previously noted the differences of formulation and definition that can be found in these kinds of texts. These expressions need to be seen as a particular genre (or more accurately, a set of genres) (Fairclough, 2003, pp. 65–66) As much as any other text, they need to be read in context, with a clear awareness of author, whether individual or institutional. Bearing these considerations in mind, such texts have been drawn on for these cases.

In addition, I read journalistic texts for what they reveal of the norms deployed in their creation. This is based on an understanding of norms as existing in practice – norms-in-practice. (Christians et al., 2008) This requires a close reading of relevant media texts in a broadly hermeneutic way against the social and historical context, (Bertrand & Hughes, 2005, p. 201) bringing to bear background knowledge of journalistic norms and practices. Understandings of balance, for instance, can be read from the treatment of particular parties to a debate, from seeing the way in which journalistic conventions are applied in specific circumstances. Journalistic treatment is reflected in tone, prominence, sourcing and

the use of language. Such readings need to be undertaken comparatively, finding contrasts or similarities between different examples. In this context, silences and gaps can also be noted as relevant.

A central intention here is to chart the ways in which norms shift over time. This aim is achieved by reading examples of journalistic practice as "a diachronic series or sequence of thematically and/or functionally connected discourse fragments or utterances". (Reisigl, 2017, p. 53) Comparisons then allow conclusions to be drawn on change in the understanding and application of norms. So for instance conclusions can be drawn from the relative media silence on the cause of death of a political figure linked to the AIDS dissident position, when compared to the intense coverage of the same question in a substantially similar earlier case, as in Chapter 6.

In investigating the selected controversies, it is important to recognise that they involve discourses at different levels. On one level, the discourses centred on a matter of public controversy like official policy on AIDS and were carried out in the media and other terrains. The way in which journalists reported on and participated in these discourses reflect particular normative understandings, and the analysis, carried out in the way outlined above, seeks to highlight complexities and shifts around them. The second level of discourse arose when perceived journalistic norms themselves became the subject of debate and controversy, and needs its own analysis. Keeping these levels of discourse distinct, while bearing in mind the ways in which they relate to each other, requires a nuanced, careful approach that is strongly aware of the context. Both levels rely on published journalistic texts: In the first case, they focus on unearthing normative practice, the second read the content more directly, looking for what they reveal about the key arguments and differences of perspective, as expressed by those directly involved at the time. (Bertrand & Hughes, 2005, pp. 177–185)

In order to identify relevant texts, a number of searches were carried out in both physical and electronic archives. The searches were not restrictive in terms of genre, including news reports, opinion pieces, letters and others. However, for the sake of convenience, the selection was restricted to print and online media, and excluded broadcasting. Broadcast reports are simply more difficult to access, although it is acknowledged that the analysis

would have been enriched if it was possible to include such material. Both case studies suggested time-frames for the selection and analysis, although these were not treated as hard. In Chapter 6, the selected timeframe was naturally suggested by the dates of the two deaths being covered. Usual normal news cycles dictate that a story of this kind will enjoy media attention for a while, but will then be pushed aside by new stories. In Chapter 7, the timeframe suggested itself as running from the time when the Mbeki administration's sympathy with the AIDS dissident position became clear, through to the gradual disappearance of the dissidents from media and public attention.

It has not been possible to include every media item of relevance, nor is it necessary. Rather, the selection is purposive, and focuses on items that are "rich in information" that serve the aims of the investigation. (Baxter & Babbie, 2004, p. 349) Some of these items are used to reveal normative understandings by journalists, others reflect the debate about those norms.

Generally, readings of this kind, particularly those looking for norms-in-practice, are an exercise in making meaning, they represent an interpretation. This holds true both for this research, as well as for the different levels of discourse under investigation. Discussions of journalism drew heavily on readings of journalistic texts, as when a particular treatment was seen as racist, for instance, and it is striking that different positions in the controversies often coincided with racial divisions.

It is acknowledged that comparing examples of coverage, and looking for evidence of shifts in approaches to ethical norms is a difficult undertaking, and must remain tentative. Conclusions will depend considerably on a nuanced reading of circumstances and statements that may well allow for other interpretations. It must be acknowledged that a range of factors may lie behind particular features of journalistic practice. The wording of a headline, for instance, may be due to something as banal as time or space constraints, for instance, rather than more profound factors like normative approaches. Any reading must allow for these contingent factors. However, reading across a number of examples should correct for this pitfall. Also, selecting exemplary discourses which show intense levels of public and professional engagement with normative issues, as I have done, arguably increases the likelihood that these issues contributed to shaping particular decisions. Being

prominent in the public and professional discussion, normative questions can be assumed to have played an important role in decision-making. In addition, the theoretical insights of discourse ethics suggest strongly that shifts in normative approach do take place.

Further perspective is obtained through semi-structured interviews with journalists who were in senior editorial positions at the time of the controversies under consideration. This kind of informant is appropriate because the individuals were directly involved in the debates, both at a broad level and through decision-making about the handling of the stories at issue. They are able to provide a reflective perspective on the issues at stake, as expressed some years later. The interviews are treated, in Lindlof and Taylor's phrase, as "the rhetoric of socially situated speakers". (2002, p. 172) The interviews sought to probe the ways in which arguments around ethical norms were conceived and formulated. "Social actors … produce *explanations* of their behaviour… The interviewer's goal is to draw out the individual, interpersonal, or cultural logics that people employ in their communicative performances." (Lindlof & Taylor, 2002, p. 174, emphasis in original) Part of the object of inquiry for this project is the ethical reasoning applied by journalists in the particular cases selected, and these fit neatly under Lindlof and Taylor's category of cultural logic.

The individuals interviewed were:

- Joe Thloloe, who held a range of senior editorial positions in print and broadcasting during the period under investigation, including being head of news at etv. He was interviewed on 27 July 2015;
- Moegsien Williams, at the time editor of *The Star,* interviewed on 30 September 2015;
- Drew Forrest, who held a number of senior positions at *Business Day* and the *Mail & Guardian* during the period*,* interviewed on 3 August 2015;
- Mark van der Velden, editor of the SA Press Association (SAPA), interviewed on 5 August 2015;
- Mathatha Tsedu, during the period the deputy editor of *The Star*, interviewed on 19 August 2015.

The interviewees were chosen purposively, on the basis that they were in senior positions in the South African media at the time. As such, they were presumed to have been closely

involved in decisions on coverage. The heated public debate and criticism ensured that editors and other seniors were involved in such decisions, and that ethical concerns played an important role in deliberation at the time. In addition, seniors were also involved in the discussion of the propriety of media behaviour itself. They were selected to ensure a degree of racial balance, as well as their involvement with different sectors of the media. In this way, they satisfied Lindlof and Taylor's criteria for good informants, what they describe as "savvy social actors". (2002, p. 177)

The interviews were conducted on a semi-structured basis, in order to allow for the exploration of topics that emerged in the course of the event. (Baxter & Babbie, 2004, pp. 329–330) It is acknowledged that my own history in the media, and the fact that I had prior professional relationships of various kinds with the interviewees, will have influenced the course of the discussion. My position turned the interviews into more of a discussion among colleagues. However, I feel that rather than detract from the validity of the exercise, it added to its value, allowing for more depth in the exchange and insights. The purpose of the interviews was explained, and full consent for the use of the material was obtained. The interviews were recorded and transcribed, and these records have been retained. In this way, any potential ethical issues arising from the research itself were addressed.

The usual limitations of participant interviews must be acknowledged. These include the possibility of faulty memory, miscommunication and the impact of the interviewer's role. (Bertrand & Hughes, 2005, p. 74) Also, the number of interviews, at five, may be seen to be relatively small. However, the seniority of journalists spoken to made for a rich and valuable exchange which offered much of value to the discussion. It should also be noted that the interviews were used alongside textual analysis and theory development in the overall methodological design of the project. As such, they helped to deepen and test the insights being developed. The lack of a gender balance in the interviews can be noted as being, to some extent, reflective of the lack of female voices in senior editorial positions at the time. It is highly likely that richer perspectives might have been generated from the inclusion of some women's voices. Although not a fatal flaw, it must be acknowledged that this remains a gap.

3.4 Normative discussion

The normative discussion, in the narrow sense, emerges from the analysis undertaken. It seeks to describe what new signposts should look like. On the one hand, I develop a new understanding of the role of journalism from the Discourse Ethics approach, specifically applied to the circumstances of a new democracy such as South Africa. I organise this around the notion of journalists as custodians of discourse, with certain implications that arise from the reality of continuing and extensive social inequality. The full argument is developed in Chapter 5.

The other element of this discussion involves tackling the thorny question of what kind of ethical framework is conceivable which is appropriate to changed circumstances in South Africa. If the impetus for this project was the call for a new ethical approach, I answer it by attempting to define what a new framework should look like. Taking into account the insights gained from the case studies, as well as the elaborated Discourse Ethics framework, I argue that change is not so much about the wholesale rejection of existing norms, which are argued to be valid across a range of social and historical circumstances. Some adjustments become necessary from time to time, but mostly take place at lower levels. In addition, I identify significant gaps that need to be addressed. I suggest some markers for an appropriate ethical framework, and introduce the notion of discursive redress as a key consideration. In this argument, it turns out that the earthquake reveals existing signposts not so much as wrong but insufficient. This question is explored in the discussion, below.

3.6 Project design

The project centres on four journal articles, in line with Wits University's rules on PhDs including publication. Two of them are focused on more theoretical aspects, while the two others focus on application. The latter analyse two particular examples of shifts in normative approach, as reflected in practice. The overall design of the submission is as follows:

Chapter 1: Introduction

This chapter introduces and motivates the topic and sets out its aim and purpose. It discusses the historical context and the challenges faced by the South African media during democratisation.

Chapter 2: Theoretical positioning and literature review

This chapter explores the theoretical landscape. The main focus is on the development of writing and thought on journalism ethics, leading up to some of the key questions currently being confronted in the field. It also sets out the relevant aspects of Discourse Ethics, as articulated by Habermas, and takes into account various critical responses. It provides an overview of writing on transitology, the study of societies undergoing social change.

Chapter 3: Methodology

This chapter describes and justifies the methods to be used, and describes the structure of the project as a whole.

Chapter 4: Discourse ethics and the media

This chapter consists of the first of the published articles, which appeared in the journal *African Journalism Studies* in 2016, in Vol 37:1, pp. 21 – 39. The DOI is 10.1080/23743670.2015.1129503

In this article, I set out the ways in which notions of Discourse Ethics can be made productive for thought on journalism ethics. Situated in the context of current international debates around journalism ethics, particularly the desire to define a relationship between ethical universals and local and cultural specifics, this provides a broad grounding for the project as a whole. The article identifies four particular ways in which the theory becomes fruitful:

1. The norms identified by Habermas as "process rules" of discourse can be treated as universal high-level norms for the media, which provide the site for much modern-day social discourse on issues of common concern.
2. The framework allows a new formulation of normative notions of the role of the media. This provides the basis for the third application:

3. This normative framework provides a basis for critique of journalism at various levels, suggesting a yardstick against which actual institutions and practices can be measured.
4. Discourse Ethics provides an account of the mechanism whereby adjustments are made to norms and their specific application under particular circumstances, such as in South Africa during the move towards democracy.

These four applications are used in the further chapters (articles).

Chapter 5: What should journalism do in a new democracy?

This article was published in a special edition of *Communicatio: South African Journal for Communications Theory and Research,* in 2016, Vol 43:2, pp. 23 – 38. The DOI is 10.1080/02500167.2017.1327875.

This chapter explores the normative possibilities that arise from Discourse Ethics, with particular focus on South Africa as a new democracy and highly unequal society. It first defines the role of journalism in three dimensions: *as curator of information and views; as direct participant,* in its own voice; and, underpinning these, *as custodian of public discussion,* whose quality is measured against the norms of fair discourse. It then considers some characteristics of South Africa which impinge on the quality of civic discussion. Journalism's role is identified as being to counteract obstacles to the building of a vibrant public sphere where inclusive, fair civic discourse can take place. The chapter argues that this includes a focus on areas where media practices and institutions themselves stand in the way of the ideal. In this way, the article develops the second application suggested in the Chapter 3, developing a new normative notion for journalism, and then makes use of the third application by using it to critique South African journalism.

Chapter 6: A tale of two deaths: Shifting journalism ethics in the midst of controversy

This article was published in *Journalism Studies,* published online on 13 October 2016 and in print in 2018, Vol 39:6, pp. 846 – 862.

Reporting of two prominent AIDS-related deaths in South Africa in the early 2000s, at a time of intense public controversy about official policy on HIV, provides an illustration of how

ethical norms in journalism may shift over time (thereby using the fourth application of Discourse Ethics identified in Chapter 3.) The media's coverage of the first death drew strong criticism and debate on ethical grounds, specifically about the balance between privacy and the public interest; truth and evidence; and the limits of advocacy. The article argues that this pressure should be seen as the kind of discourse, although strongly politicised, which Discourse Ethics posits as the mechanism whereby norms are adjusted and their application decided.

Chapter 7: Difficulties with balance: Normative contestation, ambiguities and change in reporting AIDS denialism

This article has been accepted by *Journalism: Theory, practice and criticism,* and is currently under final review.

In this article, I analyse the difficulties journalists faced in applying the core norm of balance in the light of the attention given to the views of AIDS dissidents by the SA government in the early 2000s. This makes use of the first application of Discourse Ethics identified in Chapter 3, as notions of balance are closely associated with the basic norms of discourse as identified by Habermas. In the context of the AIDS controversy, the dissidents' views presented a particular challenge because orthodox medical science, civil society and ultimately even the courts considered this position to be both wrong and dangerous, and advanced strong evidence to back their position. Over time, the dissident position became progressively delegitimised and the media stopped giving it attention. Analysis of the way in which journalists managed the normative challenge highlight gaps in how balance is usually understood, as expressed in formal codes. The norm is shown to cover two quite different areas of application, identified here as "balance of opinion" and "balance of evidence". The chapter also uses the fourth application of Discourse Ethics, as the public argument on the issue itself and the amount of attention the dissidents deserved is read as the mechanism whereby the proper understanding and application of a norm is settled by society.

Chapter 8: Discussion

The discussion draws the various threads of the project together. It identifies various ways in which the Discourse Ethics provides new insights for the study of the media in transitional

societies like South Africa's. It explores the way in which the developed the framework answers some of the key questions that have been identified as remaining unresolved in the media ethics literature. It also argues for some development of the framework, specifically arguing that with some adjustments it offers a clear and comprehensive tool to understand normative change. It also addresses the normative question of what kind of framework for journalism norms would be appropriate to the new South Africa, setting out some markers for a new, wider approach.

Chapter 9: Conclusion

The conclusion draws the project to a close, highlighting the benefits of using the Discourse Ethics framework for understanding journalism ethics. It points out how a perspective from South Africa as a part of the Global South challenges the model in a way that allows productive further development, and includes some suggestions of opportunities for further research.

4. Discourse Ethics and the media

(Published in the journal *African Journalism Studies* in 2016, in Vol 37:1, pp. 21 – 39. The DOI is 10.1080/23743670.2015.1129503.)

Abstract

The theoretical framework of Discourse Ethics, as developed chiefly by Jürgen Habermas, has significant capacity to contribute to debates around media ethics. By rooting themselves in what are seen as fundamentals of human communication, Discourse Ethics establish a procedural, social account of ethics which can account for both universal proto-norms and historic and culturally contingent variations. This article explores the approach's fundamental ideas and applies them to the media, seen as an important arena for discourse in modern democracies. Fruitful applications include the development of a refined normative notion of the role of journalism as enabling discourse, which provides a basis for critique. It creates an explicit yardstick against which particular media institutions, practices, sectors and landscapes can be judged for the extent to which they support and enable ideal communication, understood to satisfy norms of inclusivity, openness and justice. In addition, the Discourse Ethical framework allows the derivation of particular norms for media behaviour, and more descriptively, creates an opportunity to understand debates around media ethics, as were seen during the time of the political transition in South Africa, as highly charged and politicised discourses seeking to redefine media norms.

(The full article, as published, follows.)

5. What should journalism do in a new democracy?

(This article was published in a special edition of *Communicatio: South African Journal for Communications Theory and Research,* in 2016, Vol 43:2, pp. 23 – 38. The DOI is 10.1080/02500167.2017.1327875.)

Abstract

The particular circumstances of new democracies invite reconsideration of normative ideas of the role of journalism. The model of communication developed by Habermas posits that various rules are built into the nature of communication, including norms of inclusivity, openness and non-coercion. Based on this approach, journalism's role can be defined in relation to notions of civic discourse in the public sphere. This paper describes the role in three dimensions: as curator of information and views; as direct participant, in its own voice; and, underpinning these, as custodian of public discussion, whose quality is measured against the norms of fair discourse. This Habermasian approach lays the basis for critique, and the three dimensions identified are here applied to the particular circumstances of South Africa's new democracy. It considers characteristics of South Africa as a new democracy and highly unequal society which impinge on the quality of civic discussion. Normatively, journalism's role is to respond to those particular characteristics in building and protecting a vibrant public sphere where inclusive, fair civic discourse can take place. This includes a focus on areas where media practices and institutions themselves stand in the way of the ideal.

(The full article, as published, follows.)

6. A tale of two deaths:

Shifting journalism ethics in the midst of controversy

(This article was published in *Journalism Studies,* published online on 13 October 2016 and in print in 2018, Vol 39:6, pp. 846 – 862.)

Abstract

Reporting of two prominent AIDS-related deaths in South Africa in the early 2000s, at a time of intense public controversy about official policy on HIV, provide an illustration of how ethical norms in journalism may shift over time. The media's coverage of the first death drew strong criticism and debate on ethical grounds, specifically about the balance between privacy and the public interest; truth and evidence; and the limits of advocacy. The change in approach noticeable in the handling of the second case is attributable at least partly to this public discourse on ethical norms and their application. The example illustrates the way in which Discourse Ethics, as theorised by Apel and Habermas, can provide a framework to understand how shifts in ethical norms may be effected in social discourse. It thereby illustrates one productive application of the theory, and also makes it possible to draw out some implications for the broader discussion on universal and contingent media ethics.

(The full article, as published, follows.)

7. Difficulties with balance:

Normative contestation, ambiguity and change in reporting AIDS denialism

(This article has been accepted by *Journalism: Theory, practice and criticism,* and is currently under final revision.)

Abstract

The controversy about policy on HIV/AIDS in South Africa during the Presidency of Thabo Mbeki provides an opportunity to study how journalists manage normative difficulties in practice, and sheds light on normative change. The politically supported entry of AIDS dissidents into debate and policy-making posed a significant difficulty to journalists in the light of the established norm of balance, which requires journalists to deal even-handedly with the full range of views in a controversy. However, the AIDS dissidents' views were seen by orthodox science and the medical establishment as both wrong and dangerous, and were progressively delegitimised and pushed out of the public debate. The article traces this process, focusing on the ways in which journalists managed the normative challenge. Some insights about the nature of norms emerge: part of journalists' difficulty is shown to be due to a fundamental vagueness and ambiguity in understandings of balance, which is shown to include two quite different areas of application, identified here as "balance of opinion" and "balance of evidence". Read in the light of the proceduralism of Habermasian Discourse Ethics, the episode also provides new insight into ways in which broad norms come to be applied in concrete historical circumstances, and how they are adjusted through strongly contested discourses.

(The full article, as submitted and accepted, follows. Minor revisions were still being done at the time the thesis was submitted. During the examination process, the article was published in *Journalism*, with the DOI 1464884919837423. However, what follows is the version submitted for examination.)

8. Discussion

I now draw together some of the key themes and implications of the work done in this project. In responding to the debate about transformation in the media, this research has focused on challenges to inherited norms of journalism, using the South African experience to throw light on broader questions of journalism ethics. It has pursued the inquiry both analytically and normatively. Analytically, it has looked for and charted normative changes during the early years of South African democracy. Normatively, it has looked for answers to the normative challenge itself, asking what sorts of norms are appropriate to a democracy of this kind. For both purposes, the project has drawn on and sought to develop the Discourse Ethics framework of Jürgen Habermas.

In discussing the project as a whole, three aspects need to be dealt with. First, the contribution of the project to the study of the media in the South African transition needs to be canvassed. Specifically, consideration will be given to the ways in which the use of the Discourse Ethics framework deepens understanding of some of the historic and current dynamics at play in South Africa. Second, the question needs to be turned around, to consider the implications of the work done here for the theory of journalism ethics and important debates in the field. The final focus needs to give attention to the normative questions themselves, which critique the quality of journalism and its norms. At the outset, I made the point that Habermas remains a critical theorist, whose intention, with Marx, is not just to understand society, but to change it. It is not enough to assert the claim – it is important to understand the specific ways in which the Discourse Ethics approach opens the path to critique. Each of the three aspects will first be discussed in terms of what the research itself has revealed, before offering some further considerations that arise from the project.

8.1 A Discourse Ethics perspective on the study of the media in the SA transition

The contextual discussion above has highlighted the ways in which the political debates around the media in the South African transition, and too often also the scholarly literature,

assume a simple linear connection between what I have called the three dimensions of transformation. (See pp. 14 - 19) Common logic is as follows: the *institutional* shape of the media, including typically aspects like ownership, cause a set of *attitudes* to dominate – values, ethics, role conception – which become visible in *content,* in actual reporting. The ANC and other critics of the media see unresolved racism, and hostility to the new order in many headlines and exposés, and see the reasons for this in the "untransformed" nature of particularly print media. The 2014 column by SACP secretary general Blade Nzimande, previously cited, neatly illustrates the way in which the three dimensions are connected in the political discourse. (2014) While there is much to criticise in contemporary reporting, the one-dimensional causality that is assumed is clearly inadequate. Assuming that attitudinal issues simply derive from the institutional dimension is superficial and mechanistic. This research responds to the problem by seeking to give more clarity and definition to the attitudinal dimension, and specifically its normative aspect.

It must be admitted that norms, values and role conception are very hard to pin down. The institutional dimension is easy to describe, and content can be analysed with a range of possible methodologies. Undoubtedly, the difficulty in describing the attitudinal dimension with any certainty is one of the reasons why little of the literature on the media in the South African transition focuses specifically on this aspect. As described in my review of that literature, this has left a significant gap. (See section 2.5) The attitudinal element needs proper consideration if transformation is to be properly understood in all its dimensions.

The project understands norms as socially constructed rules of conduct, necessary for humans to live together, and distinct from customs and values. (Hechter & Opp, 2001b; Wiredu, 1996) As outlined in the methodological discussion above, this social understanding of norms also suggests that they can be observed in an empirical sense. (See section 3.3) This has been an important insight for this research, as the empirical inquiries conducted particularly in Chapters 6 and 7 rely on the possibility of observing norms. They do so not only from the formal expressions found in codes of conduct, rulings, textbooks and discussion on the rights and wrongs of journalistic behaviour, but also from practice. Significantly, "norms in the wild", in Bicchieri's striking phrase, (2016) can be seen in the practice of journalists. They are "enacted" (Fine, 2001) through conduct and writing, what can be called norms-in-practice. Sociologists have studied norms in this way, (Hechter &

Opp, 2001b contains a useful collection), but it is hardly known in the field of journalism ethics. The "reading" of norms from journalistic expression, as undertaken here, offers significant opportunities to deepen an understanding of the normative world by testing often rhetorical claims against practice. The approach also provides tools to answer this project's interest in charting changes in norms, both as expressed and practiced. Of course, as also discussed in the methodological discussion, this kind of interpretation has to be undertaken with some care – it is easy to foist pre-existing views onto a text or practice. (See p. 65) The examples studied in this way, in Chapters 6 and 7, have adequately taken such limitations into account, I argue, and are able to offer a coherent account of these instances of normative change in history.

The project has brought Habermas's Discourse Ethics framework to bear on consideration of debates around the media during the time of the transition. Reliance has been placed on the proceduralism that is central to the framework in that it asserts that norms are created and adjusted in discourse. Norms, understood as social constructs, evolve in response to cultural shifts and historical change, and the work of reaching new agreements is undertaken in discourses between social roleplayers. (The literature review (see pp. 42-46) lays the basis for this argument, which is then developed in Chapter 4. I also return to the model in more detail in the next section, to consider its broader explanatory value as well as some limitations.) The approach followed in this project offers a new way to understand controversies around media behaviour and around underlying attitudes seen as revealed in particular examples of reporting.

The research has shown clearly how such controversies can be seen as discourses about norms. Criticism of media behaviour, and the norms this behaviour was seen to express, can be seen as attempts to challenge inherited norms of journalism in order to shift them. In this way, Discourse Ethics offers a new explanatory framework for these debates and controversies, which much of the literature casts as simply a clash of values and of power. While these factors undoubtedly played an important role, they do not go far enough in understanding the way in which attitudinal issues were, time and again, at the often undeclared and unrecognised centre of the debate.

Many examples could be identified, but I have focused on two particularly clear ones. In one (Chapter 6), I discuss the furore about reporting on claims that Presidential spokesperson Parks Mankahlana died of Aid-related causes. Critics of these reports accused the media of infringing on rights to privacy, of disrespecting African culture, of racism and of being driven by a political motive. I show how this outcry influenced the much more restrained reporting of the death, some 18 months later, of Peter Mokaba, another prominent political figure associated with the dissident position on AIDS, and has shaped provisions in the relevant codes on reporting HIV and AIDS. The episode provides clear evidence of how norms can be, and are, shifted in this way, and pinpoints the discourse about reporting as the way in which this is done.

The other (Chapter 7) focuses on the established norm of balance, and the difficulties journalists had in applying it when confronted with claims for attention by the AIDS dissidents. The norm, which echoes the Habermasian discourse rule of full participation by all stakeholders, demands even-handedness in matters of public controversy. In this case the dissident position emerged more and more clearly as not just fringe, but actively harmful, even though it gained traction with the government of President Thabo Mbeki. Over time, civil society, the medical and the scientific mainstream asserted the greater legitimacy of the orthodox view, pushing the dissident position out of the public debate, and therefore out of media coverage. In effect, social pressures shifted the way in which the journalistic norm of balance was understood and applied. In terms of the Discourse Ethics framework, this represents a discourse that adjusted a norm. At the root of the difficulty journalists had with the norm was a fundamental ambiguity, which I identify as a confusion between balance as understood to be the requirement to reflect a range of opinion, and balance as used as a device to deal with conflicting evidence that journalists are unable to resolve. I call these different versions of balance the “balance of opinion” and the “balance of evidence”.

These examples are just two among many instances of debates about media behaviour that illustrate the way in which norms are challenged and reshaped in discourse. It must be acknowledged that they represent two particular examples, and that examination of others might yield different results, particularly if they draw on a wider range of contexts. Such

projects would offer good opportunities to further and deepen the understanding of normative change.

Further considerations: questions of media power

The examples studied in Chapters 6 and 7 answer the analytical purpose of the project, by charting how norms were challenged and adjusted in discourses of this kind, at a particular time in history. Several further considerations did not form part of the main research, but can be mentioned for purposes of this discussion. For one thing, the heatedness of the exchanges is of interest. What was at stake, that there was such bitter conflict?

Debates about the media were, in effect, battles about the shape of the public sphere, carried out on the discursive terrain. Wasserman notes that "control of the discourse is important" which explains "why these debates have been so vigorous". (2018, p. 43) Making the argument that discourse about the media is also about the shaping of identity in a Foucauldian sense, he argues that it is important to consider not just structural impediments to transformation, "but also the perimeters of mediated discourses and how these attempt to set the terms and conditions for the media's social and political roles". (2018, p. 43) In this sense, challenges to the normative basis of the media, and specifically of professional journalism, amounted to an attempt to redefine those terms and conditions.

The fury of many of these engagements can be understood as motivated by deeply held assumptions about the nature of media power. The ANC has consistently articulated its engagement with the media around the concept of a "battle of ideas". In one of many typical formulations, the party's 2007 national policy conference accepted a commission report that said it faces a "major ideological offensive" from, among others, elements in the media, aimed at "the promotion of market fundamentalism to retain the old apartheid economic and social relations". (ANC, 2007a) These formulations evidently owe a great deal to Marxist ideas of ideological struggle.

The extent and nature of media power has attracted considerable scholarly attention, from early effects approaches, which assumed a simple and direct impact on audiences, to agenda-setting theories and beyond. (Curran et al., 1982; Dearing & Rogers, 1996) These theoretical debates are not central to this line of argument, and it is sufficient to note that participants in South African debates about the media were motivated by a strong belief

that the media exercise considerable social power. The nature of that power was, and is, poorly understood, and a considerable range of variants can be read in various expressions. Here, it is only necessary to recognise the strength and impact of the belief, however undefined, that media exercise extensive power.

Wasserman's formulation implicitly draws on Habermasian notions of the public sphere and of Discourse Ethics. If the media in all their forms provide the spaces where modern societies debate and settle issues, then the ethical norms according to which they operate matter a great deal. Again, in line with the analytical approach, I am not now addressing questions of how well they do this, merely noting that they do play this role. Nor am I simplistically assuming that norms and declarations of public service should be taken at face value. Clearly, they are deployed in many different ways, sometimes opportunistically to obscure various other influences on media behaviour. I am simply arguing that the attitudinal dimension also has influence – and the fierceness of contestation about these issues shows that participants in those debates shared this understanding.

Rules which define what constitutes balance, respect for privacy and its limits – to cite just two examples that have come up in this research – shape media behaviour and content, and therefore have an influence on public discourse. The studies presented in Chapters 6 and 7 show how norms shape the choices of the subjects of journalistic inquiry, as well as prominence and other elements of the treatment of stories, defining what is legitimate and what is not. Shifts in normative understanding changed, in one case, the way in which deaths related to AIDS were reported, and, in the other, the extent to which AIDS dissident views were heard. Using the Discourse Ethics framework to read journalistic texts for their normative underpinnings, as I have done here, highlights such changes very clearly indeed.

These changes did not simply happen, they were the direct outcome of the contestation that has been noted. In that sense, the political nature of these discourses is an essential feature of normative discourses as they can be observed in history. The reality turns out to be very far from the Habermasian ideal. Rather than calm, measured discussions that aim to find agreement in the best interests of all those affected, they saw participants use what Habermas called strategic communication – rhetorical and other techniques of powerplay –

to win the argument. (1996b, p. 58) This raises important theoretical implications for the Discourse Ethics model, to which I will return.

An additional point emerges: these episodes also clearly demonstrate that journalists and their norms are subject to social pressure, and that they can be and are shifted. In my examples, journalists and the media where they work emerge as far from the all-powerful institutions of social control that some models (Adorno, 1989; Herman & Chomsky, 1988, among others) assume. The pressure they are placed under forces them to adjust their norms and behaviour. In this way, an analytical deployment of Discourse Ethics provides an illustration of the limits of media power.

The political transition in South Africa represented a broadening of access to power, including the power of expression, to previously marginalised voices. These included political movements like the ANC and black people more generally. Earlier, I described how the transition included a focus on the creation of a healthy public sphere, which was intended to ensure that all social groups would be part of the discourse on important issues. (See p. 42)

In that sense, discourses on a wide range of issues, from economic policy to reconciliation and land, saw new voices assert themselves and their perspectives. This was also true of controversies about the norms of journalism, which accordingly need to be seen as attempts by previously marginalised voices to assert their perspective in this particular area of social life. So, for instance, the Human Rights Commission inquiry into racism in the media was initiated after a complaint was laid by two organisations of black professionals, and relied heavily on a submission by five black editors who, among other things, argued that continuing white control over the media caused black perspectives to be suppressed. (SA Human Rights Commission, 2000, p. 18) It amounted to the use of a new institutional avenue created under the new dispensation to assert the importance and legitimacy of black voices. Similarly, both my case studies have identified the ways in which black voices forcefully brought their perspectives to bear on the issue at hand.

At the same time, the two studies demonstrate the limits of the normative shifts that occurred, and consider what this says about the nature and extent of change in the media. It is striking that the shifts that have been observed amount to an adjustment of norms, rather

than radical revision. In the example dealing with the reporting of AIDS-related death, fundamental notions that call for respect of privacy and dignity as well as ideas of public interest remained intact. What changed was the way in which these were balanced and applied in the particular circumstances. In the example of reporting AIDS dissidents, the principle of balance was not fundamentally challenged. Rather, its application under particular and complex circumstances became problematic. One explanation for the comparative narrowness of the challenge and shift is that although new voices were brought to bear on the issue, they did not include the full range of possible social voices. Most of the participants in the discourses belonged to the elite, particularly the new political and media elite. They were political leaders, editors and senior journalists. The voices of rural audiences, women, youth and others from outside the elite remained almost entirely absent from the discussion. In this way, the examples lend support to Sparks's theory of elite continuity, discussed above, (see p. 52) which highlights the way in which elites manage to safeguard their interests across political change. (2011b) Inherited inequality has proved very difficult to eradicate, and this applies also to the discursive terrain. I will return below to the limited nature of the normative changes made, and offer an additional way of understanding them.

In summary, then, this research has shown how Discourse Ethics framework has much to offer an understanding of the media in the South African political transition. When deployed analytically, the Habermasian model provides a framework for understanding the debates about media behaviour and norms as discourses aimed at challenging and adjusting inherited norms. The challenge came primarily from previously marginalised voices and actors, claiming their space in a public sphere that was being widened both politically and discursively. In that sense, I have shown how the framework provides a way of focusing more sharply on ethical norms, the elusive centre of much of these debates, and seeing and understanding normative changes in expression and in practice. The limits of such change, at the same time, can be seen to illustrate the limits of the extension of the public sphere itself, which remains dominated by elite voices.

8.2 A Discourse Ethics approach to the ethics of journalism, and the implications of some South African insights

If Discourse Ethics has insights to offer the study of debates around the media in the South African transition, this project also shows how the framework has inputs to make to wider debates in the field of journalism ethics. In addition, it demonstrates how historical experiences at the southern tip of Africa provide insights that suggest important adjustments and developments. In order to use Discourse Ethics to tackle the questions at the centre of this research, it has been necessary to look closely at the model, and establish how it speaks to journalism.

This work is undertaken primarily in the literature review and in Chapter 4, where I argue that Discourse Ethics is based on the recognition of communication as constitutive of human society at a foundational level, and of the necessity of a system of rules for communication to take place. Based on this insight, Habermas formulates the rule for an "ethics of discourse", which is that, "only those norms can claim to be valid that meet (or could meet) with the approval of all affected in their capacity *as participants in a practical discourse.*" (Habermas, 1996b, p. 66) It is a procedural approach, although as I have argued, the necessary rules also provide a normative basis for the practice of communication. It is an ontological claim, based in assertions about the nature of communication and of humanness. At the same time, it has a significant contractualist flavour, in the suggestion that norms need to be agreed between people. The model embeds normativity firmly in the social world.

As I have pointed out, application of the model to the world of journalism, as a key form of communication in the modern world, is an obvious opportunity, but there is little in the literature that explores this opportunity. (See p. 47) In order to fill this gap, the research has necessarily spent considerable time on theory development, chiefly in Chapter 4, laying the basis for much of the rest of the project. Unfortunately but unavoidably, given its nature as a stand-alone journal article, the discussion in Chapter 4 repeats some of the material in the literature review. The substantive contribution of the article is that it draws out four ways of applying the model to the ethics of journalism. These are, first, that the model opens the way to a normative concept of the role of the media. The second, normative, application is

that it provides a basis for critique of media realities. This line of thought will be further developed below, in the discussion of the critical implications of the model. The third application is that the foundational rules of communication suggest and explain existing norms of journalism, although I argue against Arens's approach, (1996) which seeks to root specific ethical rules in the validity claims traded by participants in discourse. Instead, I argue that a much more persuasive basis for norms are to be found in the rules of discourse, as identified by Alexy (1995) and incorporated by Habermas. (1995, pp. 84–87) The fourth application of Discourse Ethics to journalism lies in the way it explains practical discourses about journalism and its norms.

These various applications have been developed in the other articles which form the core of this project. The two empirical investigations, in Chapters 5 and 7, exploit the opportunities offered by the model to understand the process whereby norms are challenged and adjusted in discourse at particular historical moments. The more normative opportunities are exploited in Chapter 5, which considers what a Discourse Ethics understanding of the role of the journalist in a new democracy would look like, and critiques the current South African landscape in the light of the norms suggested by the model.

A central reason for the wide range of opportunities that opens up when the Discourse Ethics framework is applied to journalism is that it places communication at its centre. Surprisingly, much of the discussion of the theory of journalism ethics fails to take seriously enough the specific nature and claim of communication, as I have pointed out in the context of ubuntuist approaches. (See pp. 38-39) In most cases, a yawning gap is left between very broad claims about the nature of ethical norms and their specific application to the practice of professional journalism. In some cases, such as in communitarian and ubuntuist approaches, this leads to a failure to appreciate the social usefulness of communication in general and journalism specifically. In some cases, a fundamentally flawed opposition is set up between communication and community interests. Discourse Ethics, on the other hand, places communication at the very centre of the argument. Proceeding from insights about the fundamental role of necessarily rules-based communication, the model is able to draw direct connections from these broad insights to the specifics of the ethics of communication. In this way, the project shows the model's superior explanatory power.

The understanding of journalism ethics that emerges, both analytically and normatively, offers a way out of a key dilemma in media ethics. As I have shown, scholarship in the field has struggled to find an approach that moves away from the eurocentric canon, accepting the validity of other traditions, while still retaining some common ground. (See p. 35) Universal claims from within the European tradition have become deeply suspect as hiding their own cultural bias. At the same time, some common basis needs to be found if the notion of ethical norms is to retain any meaning at all. In Christians's ringing question, "How can we legitimately appeal to the supreme value of human life without accepting a network of primal norms that are non-negotiable?" (2005, pp. 10–11) The challenge has been to find a formulation that accounts both for the universal and the contingent.

Discourse Ethics provides a framework that addresses the difficulty, as I have shown in Chapter 4. Its claims about the fundamental characteristics of human communication are formulated in a way that applies independently of particular cultural contexts. Its model is derived from these, and can therefore claim to apply independently of cultural or historic circumstances. Although emerging from a Western philosophical traditions, its insights on communication have been echoed from elsewhere (See Wiredu, 1996 for instance) and forms part of a linguistic turn that has found wide currency. The model is also able to explain empirical findings, discussed above, (See p. 35) which show significant similarities between proto-norms recognised in various cultures. Its claim of universal application should not be understood to be absolutist. It merely claims validity according to current knowledge of the way human communication works at a fundamental level. It is possible that these understandings may change, and in that sense, the model takes a fallibilist position.

In order to account for normative variations, on the other hand, the project makes use of the distinction Habermas makes between the justification and application of norms. This elaboration was a response to criticism from neo-Aristotelians, and helped Habermas make room for the application of particular community based values. Questions of application were settled in discourses that considered how a norm should be applied in specific circumstances, allowing particular values to be brought to bear. (See pp. 46-48 for the full discussion). This project has taken this insight, and extended it beyond issues of variations of community values, and to historical change. In this way, this research has shown how

Habermas's line of argument can help understand normative change at times of political upheaval and change such as those which obtained in South Africa in the period after its founding democratic election.

In this way, I have shown how the Discourse Ethics model offers a way out of the dilemma of accommodating both the universal and the contingent that has exercised scholarship in the field of journalism ethics. Universally shared proto-norms exist at a high level of abstraction that arise from the nature of communication itself; a rich range of variations become possible through application to particular circumstances. A truly global ethical framework needs to accommodate both.

Despite these strengths, the South African experience and perspective that emerges from my research suggests some weaknesses in the model that need further consideration. I now turn briefly to these further implications of the research, which point in directions beyond the present project.

Further considerations: the problem of contestation

As I have pointed out, the case studies explored here, and the broader South African experience, illustrate nothing more clearly than the profoundly contested nature of discourses about the media and its ethical norms. The bitterness of the debate about proper coverage of deaths believed to be related to AIDS is described in Chapter 6. Chapter 7 outlines the determined way in which the AIDS denialists were pushed out of the public discourse through a range of measures, and placed beyond the journalistic norm of balance. In the previous section, attention was drawn to the way in which the common belief in the power of the media drove attempts to reshape norms, and therefore the discursive terrain.

The question that needs to be confronted is whether this historical evidence undermines the Discourse Ethics model, which relies on a view of communication in which everyone participates with a firm focus on the common good. It is an ideal governed by fairness and justice – far from the South African experience. This contradiction has been briefly touched on in Chapter 4, but needs some further consideration, and this will be undertaken now.

The intersection between power and discourse is complex, and a wide range of scholarly approaches (Foucauldian, Critical Discourse Analysis and others) is available on the topic.

Bringing such approaches to bear on Discourse Ethics would be a fascinating exercise, but lies beyond the scope of this project and will have to remain a subject for another time. For present purposes, what needs investigating is what kind of answer Discourse Ethics itself can supply to the problem of power, understood here, at its simplest level, to be the capacity to enforce an interest in practice. Any practical social interaction is characterised by differentials in power.

Habermas has been accused of failing to take into account the political dimension. (Hamilton, 2009) In fact, however, he accommodates it by making a distinction between "communicative action" and "strategic action". He understands the former as being action which is directed at finding understanding through language, while the latter is directed at influencing others to achieve particular ends. (Brand, 1990, pp. 14–15) In other words, any interaction that is influenced by selfish calculations of individual success, any powerplay or contestation, is called strategic action, and regarded as suspect. In this way, again, his approach shows itself to be primarily normative, it is relies strongly on a sharp differentiation between "right" and "wrong" behaviour.

This suggests the first level of an answer to the problem of contestation lies in a clear recognition of the separate and distinct analytical opportunities of the model. As I have highlighted, I rely heavily on the distinction between these two modes of application – avoiding the common confusion of categories that assumes it to be possible to judge the validity of a norm or a system of norms, whether within journalism or in another field, by whether it is observed or not. (See p. 9) We do not dismiss rules against murder because murders are committed in the real world. The distinction can be applied to the problem of contestation in discourses as follows: If we suspend normative judgement for a moment, it is possible to recognise the fact of contestation as a central feature of real discourses. Reintroducing normative considerations, it is then possible to evaluate how close the discourse comes to the communicative ideal, how wide the gap is between the reality and abstract standards of fairness and inclusiveness. Describing the difference in this way is not meant to indicate a two-step process, it is simply intended to clarify the way in which the two approaches need to be kept distinct. Analytically, we can ask what the nature of observable discourses is; normatively, we can ask how close they are to meeting standards

of communicative action. At the same time, the two can be said to exist in a dialectical relationship.

Some writers have gone further, challenging the normative ideal on its own terms, as briefly touched on in Chapter 4. McCarthy calls the model "too restrictive", (1992, p. 68) arguing that a compromise, too, can be a legitimate outcome of a discourse. With other writers like Moon (1995) and Apel (1988), he argues for the legitimacy of the defence of particular interests. The argument is, in other words, that Habermas's view is too limited, and that not only communication with its eye firmly on the common good is legitimately communicative. The legitimacy of contestation needs to be recognised, particularly, for Moon, in societies where a range of value systems co-exist. He writes, "these are the very societies in which discourse ethics is most applicable. My point in making this argument is not that we should abandon the project of a discourse-based ethics, but that we need to recognize what might be called an 'agonistic' element or dimension of our moral and political lives." (1995, p. 144) As I have pointed out, the South African transition was, among other things, a process whereby social groups with different value systems joined the mainstream. (See p. 42)

Mouffe has placed the agonistic dimension at the centre of her thought about democracy, explicitly contrasting the approach with Habermas's. In place of a belief in the possibility of achieving consensus through rational discussion, she claims "the ineradicability of antagonism" (2013, p. 11). She argues that democracy should be conceptualised as an order providing institutions to channel conflicts into agonistic form, "where the opponents are not enemies but adversaries among whom exists a conflictual consensus". While Mouffe's approach can be criticised on a number of counts that are not relevant here, the recognition of an inevitably agonistic dimension to social discourses and debates is a point well made. Taking refuge in the distinction between the analytical and normative provides insufficient basis for a response. In fact, the approach offered somewhat cautiously by Moon needs to be taken a step further to adjust the Discourse Ethics ideal itself, as follows.

In the debate sparked by Habermas's early formulation of the public sphere, criticism focused on his failure to accommodate marginalised spheres (Fraser, 1990; D. Kellner, 2000) and led to fruitful expansion and reformulation of the concept. In the context of discourses on ethics and norms (and other issues), similarly, differences of social power

must be recognised and addressed. The political dimension needs to be built right into the heart of the ideal of a communicative exchange. An adjusted ideal, then, relies on the requirement of full and fair participation, and insists on redress as a fundamental principle. Normatively, the need to address differences of power must be recognised. This requires *discursive redress,* as I term it: active steps to ensure marginalised voices are supported, including the celebration of assertive practices of disadvantaged voices. In the South African examples, the use of strong language and other assertive techniques by black editors as they staked a claim to full recognition in debates must be recognised as positive, as part of discursive redress. To judge such expression as strategic, and therefore in contradiction to the communicative ideal, would be palpably inadequate.

Instead of Habermas's insufficient idealisation of rational discourse, with the political written off as merely strategic, a new ideal accepts contestation but measures the extent to which differentials of power and the position of marginalised voices are recognised and balanced out. These questions must be addressed in judging whether a particular discourse is truly communicative. Discursive redress, understood as active measures to even out differences of power, becomes central to the ideal. Such normative implications of this line of thought will be taken further below.

Further considerations: towards a model of normative change

A further set of implications arise from the research, using Habermas's concept of the discourses of application that work out how norms should be applied in particular circumstances, in order to build towards a more coherent model of normative change. Again, the beginnings of these ideas have arisen in the research and earlier in this discussion, but the argument will be taken a few steps further at this point. Even so, only first suggestions are being made – a full elaboration of a model of normative change based in Discourse Ethics would constitute a further project which is not possible here. (Renner, writing from within the International Relations tradition and drawing on Critical Discourse Analysis, has developed a discourse-based model of normative change. (2013) My approach here is somewhat different.)

I have outlined the distinction that Habermas draws between justification and application, in response to neo-Aristotelian criticism, as well as the way in which this opens the way to

accommodating both values that are specific to a particular community, as well as norms which can be agreed between people coming from different life-worlds. (1994) In Chapter 4 and elsewhere, I have argued that the approach opens the door to precisely the kind of contextual analysis I undertake here. Nevertheless, questions remain as to whether the model is able to capture the full complexity of the process of revising norms, what Ward and others have called invention. (2004, p. 27)

In addressing this question, a useful starting point is to consider the world of norms as structured hierarchically, with various interrelated levels. Donagan identifies presuppositions as assumptions, usually specific to particular cultural traditions, about the nature of humanity and its place in the world. (1977, p. 33) These form the backdrop to a set of principles, high-level moral rules about human conduct. A central principle is the golden rule, which can be found in most cultural traditions in one form or another, requiring people to do to others as they would want to be treated. (Donagan, 1977, p. 58) Kant's categorical imperative, that one should "act only in accordance with that maxim through which you can at the same time will that it become a universal law", is substantially similar. (Quoted in Johnson & Cureton, 2018) In their discussion of communication ethics, Christians et al develop what they call a tri-level theory. (2008) Following Donagan, they argue that while presuppositions vary between cultures, principles – for which they also use the term proto-norms – are remarkably similar, including such norms as the sacredness of life, truth and non-violence. (2008, p. 136) On the third level of their tri-level theory, specific precepts constitute what one could call rules-in-application, although they stress the model does not treat application as secondary or derivative. (Christians et al., 2008, pp. 143–144) They argue that revision of norms can occur at all levels of the model, which relate dialectically to each other. Ward makes a further distinction between principles and norms, which in his definition are of a "less general nature", and finally maxims and protocols which are "the most specific rules and procedures for recurring situations". (2015, p. xvi) (These and other authors have used terms in various ways. Donagan uses "precepts" in preference to "norms", while Ward uses both with varying meanings. I have generally kept to the term "norm" as the most common.)

These approaches are useful in that they help us see norms in a loose hierarchy of specificity. They can be seen to operate at varying levels of application, from those which

are very broad and general, to ones which apply in a narrowly prescribed set of circumstances. This is not to suggest different levels of importance, simply that more specific norms can often be grouped under over-arching ones. This is easily seen in the structure of many ethical codes. To take just one example, a section of the SA Press Code is headed "Independence and Conflicts of Interest", with subsidiary clauses against allowing non-professional considerations to influence reporting; not accepting bribes; a requirement to indicate where an outside organisation has paid for newsgathering; and keeping editorial material distinct from sponsored content. (Press Council of SA, 2016b, sec. 2) Similarly, in my discussion of the established canon of journalism norms (Chapter 2), and following the approach of Black, Steele and Barney, (1995) I have grouped them under headings of truthtelling (which includes fairness and accuracy), independence, minimising harm and accountability.

Following this line of thought, it is striking to see how the overarching principles of the canon can be linked to the foundational rules of communication, as identified by Alexy (1995) and Habermas. (1996b) Truthtelling is clearly fundamental, while fairness calls for the full participation of all stakeholders in a discourse, as required in the process rules of Discourse Ethics. This connection was highlighted in Chapter 7, which explored the way in which gaps and ambiguities in the general understanding of the principle played themselves out in relation to coverage given to the AIDS dissidents. Requirements for independence and accountability serve to establish the truthfulness, in Habermas's terms, or trustworthiness of the journalist as communicator. The final principle, of minimising harm, fits less neatly into the set of specifically communicative rules. It seems to relate more easily to the Golden Rule and to Kantian respect for the autonomy of persons. Black et al's phrasing, "Treat sources, subjects and colleagues as human beings deserving of respect, not merely as means to your journalistic ends", makes the connection particularly clear. (1995, p. 17) In this way, the four principles can be said to trace a kind of lineage to more foundational norms – proto-norms.

Thinking about norms as existing on varying levels of specificity also assists in developing a clearer account of the process of normative revision, which goes beyond Habermas's concept of application and points to a possible model of normative change. It can be described as follows: a new situation may arise for which existing norms are insufficient, or

a new set of voices may challenge an inherited norm with new considerations. The study undertaken in Chapter 6, which focused on how norms around the coverage of death were challenged by particular circumstances arising from the AIDS controversy, provides a good example. It has shown how discourse – understood as an often conflictual debate – served to revise relevant norms.

Another example of the process of normative change at work can be seen in the way in which South African media moved away from the routine use of racial identifiers in the context of crime reports. In earlier times, suspects and victims were normally identified in terms of race – a "black suspect", a "white victim". However, critical voices pointed out how this affirmed racist stereotypes, and the practice was gradually driven out of media practice. (However, see Krüger, 2004, pp. 118–119 for a discussion of coded ways in which race still becomes visible) The SA Press Code specifically bars racial labels "except where it is strictly relevant to the matter reported" (Press Council of SA, 2016b, sec. 5.1). Given the country's history, it is unsurprising that its codes contain provisions of this kind. A detailed account of how normative discourse on the issue unfolded would make for an interesting exercise.

Clearly, the social work of revising and adjusting norms is ongoing. Such processes can be expected to be particularly dramatic in situations of rapid and challenging social change. Where the earthquake being experienced is particularly violent, the challenge to established norms can be expected to be more profound, and the discourse through which it is adjusted will be more heated. The South African example proves the point clearly.

In another sense, the wider the issue is, the more complex the process. The rise of social media has forced journalists around the world to develop norms around the use of platforms which are both professional and personal, and which draw a much wider set of social actors into the production of media. As the issue affects so many people and institutions, the discourse on the issue has been widespread and diffuse, involving a wide range of perspectives, drawing on a range of value-systems and traditions. An issue that affects only a single newsroom is easier to resolve.

Taking this line of thought a step further, it becomes clear that high level norms are very difficult to adjust indeed. Christians et al argue that invention occurs on all three levels of

their model. (2008, p. 153) Theoretically, this is indeed possible – but it must be acknowledged that high-level norms are less likely to be revised, as they are embedded in fundamental characteristics of human nature and society. Wiredu argues that communication is embedded in the "the basic biological similarity of human beings". (1996, p. 19) And as we have seen, for Habermas, norms are "not simply the contingent outcome of communicative exchanges but are seen as premises or preconditions of intelligible language." (Dallmayr, 1995, p. 2) While changes at these levels are indeed conceivable, they would require some major changes to fundamental and entrenched features of human life and communication. The more extensive the normative challenge or revision, the more complex the discourse about it is likely to be, and the longer it is likely to take to resolve.

This insight offers an additional explanation for the comparatively limited extent of normative revision the South African experience demonstrates, which I previously linked to the theory of elite continuity. It can be argued that the normative fundamentals remained largely unchallenged precisely because they are rooted in the nature of communication itself. In this way, the South African experience can be said to offer historical support for the Discourse Ethics approach. As adjusted here, the framework recognises that norms can be challenged and changed at all levels, but that this is much more difficult at the higher level, that of proto-norms.

These adjustments to Habermas's line of thinking around discourses of application point in the direction of a Discourse Ethics model of normative change. A fully developed model would require further work, but some essential features emerge from this research: it recognises a hierarchical model of specificity of norms, ranging from pre-suppositions, principles (proto-norms) to precepts (specific norms), although it prefers to see these differences as less rigid, with multiple gradations between them. Adjustment, revision and change is possible at all levels. However, adjustment is common and within comparatively easy reach at the more specific end of the spectrum; at the wider end, adjustment is less common and more complex. Such adjustments are undertaken socially through discourses, understood as exchanges of views that are often agonistic and conflictual. The South African experience has pointed in these directions, by demonstrating how the earthquake that was the end of apartheid brought new voices into a range of discourses, including those

about journalistic norms. Their challenges were substantive, and achieved some real changes, but did not affect the more fundamental norms of journalism.

In summary, this research has shown the significant value that Discourse Ethics can offer the field of journalism ethics. It offers a framework that accounts for both universal proto-norms and contingent variations, and therewith provides a coherent and clear answer to the difficulty media ethics has had in developing an account that is both universal and respectful of cultural and other variation. The research conducted on the South African experience has opened the way to two adjustments and refinements of the Discourse Ethics model itself. On the one hand, I have argued that the reality of contestation needs to be accommodated, particularly in the light of imbalances of discursive and other power. At the same time, Habermas's distinction between discourses of justification and of application provides a useful starting point for the development of a model of normative change. I have suggested some pointers to a model of this kind, which I argue can help explain the way in which the ongoing work of normative revision is undertaken in society.

8.3 The normative dimension

In many ways, the starting point for this project was the call for journalists to adapt their ethical norms to a newly democratic order in South Africa. A central question for this research has been the attempt to formulate a response. Should there be a new normative framework? If so, what would it look like? Having discussed the ways in which the project has been able to make use of the procedural side of the Discourse Ethics model to understand normative controversies, it is time to return to the strictly normative question, and summarise the answers this project is able to provide.

In the simplest terms, the critical dimension of the Discourse Ethics model lies in the way it offers a set of criteria for judging how close particular discourses or communications are to the communicative ideal. Despite Habermas's own claim that the model is only procedural, I have argued that the normative implications are clear and need to be explored. In Chapter 6, I outlined in some detail how a new conception of the role of journalists can be derived from the Discourse Ethics model, specifically in the context of a new and highly unequal democracy like South Africa. Such an approach places journalists' responsibility to the quality of public discourse at its centre, describing their role as one of custodianship of

public discussion. This has two additional, subsidiary dimensions: journalists curate the information and views that fuel and include the public discussion; and they participate in their own voice.

The approach opens the way to a critical review of how well existing practices meet these expectations, particularly when an understanding of power and contestation is more clearly integrated, as I have argued. In Chapter 6, I apply this line of argument to the South African media landscape, measuring it against such normative expectations. What emerges is how broader inequalities are mirrored in country's public spheres, with public debate still dominated by the elite, even though it has become more racially diverse. If a central test of quality is the extent to which it allows full participation, it is clear that in South Africa, the gap to the communicative ideal is revealed as still considerable.

I have shown how such a test can be applied to a media landscape, but also to particular media practices and forms – we can ask whether social media like Twitter contribute to discourse of quality. This means assessing the extent to which Twitter, in this case, enables discourse that is communicative in the Habermasian sense. The answer, of course, is likely to be complex. Similar questions can be asked of a particular newspaper or radio show, a media practice or even a particular piece of reporting. In other words, critique that is explicitly based on the norms suggested by the Discourse Ethics model can be applied to various levels and aspects of the observable media world.

At the heart of the normative approach developed in this research is the insight that norms themselves can be observed as social phenomena and can also be critiqued in this way. Following the notion of norms as loosely organised in a hierarchy of specificity outlined in the previous section, it becomes possible to judge the quality of lower level norms against the fundamentals. This can be done by considering how well they fit proto-norms such as truthfulness and inclusiveness. They can also be judged by testing the procedure which led to the formulation of a particular norm: in line with the process norms of Alexy (1995), it is possible to ask whether there was full participation of all stakeholders, whether they could participate fully and openly, and whether there was coercion. Accepting that observed discourses will never be perfect, the extent of the gap can be judged, which will reflect on the quality of the norm itself. So for instance, the fact that black voices were for many years

hardly heard in discussions about the treatment of race in the South African media was obviously a fatal flaw, and led to the development of norms that were completely inadequate. Currently, increasing assertiveness by women's voices in discussions about the media treatment of gender-based harm and rape culture is having a noticeable effect on the discourse. They also affect media norms, such as those which determine when alleged perpetrators can be identified.

Time and again, a key consideration in the critical deployment of a Discourse Ethics approach is the extent of participation. This emerges particularly clearly from the South African experience and the examples described in Chapters 6 and 7, where the historic and continuing marginalisation of large swathes of social voices has been such a central feature. The continuing imbalances of access and participation constitute a fundamental flaw in South African public spheres. In response, a normative model based in Discourse Ethics emphasises the need for discursive redress, as I argue in this project. In this way, the perspective from South Africa as part of the Global South highlights particularly sharply the model's intrinsic call for a more just communicative order.

Further considerations: towards a new system of journalism ethics

The original normative question was whether a new normative system should be developed, and what that would look like. Arising from the normative discussion in this project, first outlines of an answer can be suggested. I have argued that the established canon can, in general, be shown to link back to proto-norms and the foundational rules of communication. It therefore arguably remains generally valid, despite some need for adjustment here and there. However, there are serious gaps which need to be filled. Ward has gone as far as suggesting a "Ward Code for Global Integrated Ethics" (Ward, 2015, pp. 223–228), which contains much of value, although also falls short in some respects. I will not go so far as to suggest a comprehensive code in this way, but will indicate some markers for a new system.

Ward argues persuasively that a comprehensive ethical system needs to take into account both the good and the right: it needs a full theory of human flourishing. (2010, p. 145) It would be highly productive to investigate journalism's potential contribution to that flourishing. In the context of critique of some communitarian approaches, Habermas's

emphasis on the centrality of communication as constitutive of human society has been discussed above. (see p. 38 - 39) This line of thought could also provide the beginning for developing a description of journalism's place in human flourishing. The Capabilities Approach of Nussbaum and others, for instance, not only creates a strong link between questions of the right and of the good, but her list of ten Central Capabilities offer several points where communication becomes relevant and important, and explicitly refers to freedom of expression. (2011, pp. 33–34) It would be most interesting to place such models in dialogue with ideas of Discourse Ethics, and see whether one can develop the kind of comprehensive account Ward calls for. However, this is another road that will have to remain untravelled in this project. At present, the focus will remain on the narrower normative question.

A new ethical framework should start from the view of *journalists as custodians of discourse.* As argued in Chapter 5*,* such a role conception fits traditional notions of social responsibility, but gives them more definition and clarity, and can be linked directly and explicitly to proto-norms of communication.

The importance of bringing in marginalised voices and counteracting the misuse of power in public discussion must be recognised. I have called this a notion of *discursive redress,* and this needs to be a central ethical norm. If the quality of discourse is key, and that quality is profoundly affected by inequalities of access and participation, then a central responsibility for journalists must be to work to rebalance the debate. This approach takes the established notions of fairness and balance, and takes them several steps further.

A new system needs to widen its scope beyond the professional journalist – and this is a key element of developing an approach that takes into account the shifting reality of media production. Traditional approaches are firmly restricted to the individual practitioner who works full time as a journalist. On the one hand, a new system needs to recognise that the process of communication has been significantly democratised. A wide range of people and institutions contribute to the public discourse, from social media influencers to corporate communicators. Although professionals arguably carry greater responsibility as they have more influence, it is simply no longer feasible to ignore the role of other role-players. A new

system needs to set some standards for *non-professional journalists* also, while recognising a sliding scale to purely individual expression.

This approach also suggests a greater recognition of the growing opportunities for interactive communication that arises from new platforms. *Audiences* are no longer simply recipients of communication, they speak, also, and therefore share in the responsibility for the discourse.

At the same time, it is important to focus on the larger, systemic issues that influence the quality of the public discussion. This is in line with the exercise in critique undertaken in Chapter 5, which measured South African media realities against the normative standards suggested by Discourse Ethics. It means outlining the responsibilities of other media stakeholders, including *owners, editors and governments.* Issues such as the extent of media diversity in a particular country need to be understood as ethical matters. Monopoly practices by large companies which squeeze out community media, also, are an issue of ethical practice.

In this sense, a new ethical system should take the form of a *broader social compact* which recognises the central need to safeguard (and build) the health of public communication, which recognises the range of issues that threaten or constrain it and commits to address those. These cannot merely be specific acts of publication by individual journalists, but need to address issues in policy, the economy, education – every area which has potential impact on the discourse that is central to democracy. Such a project is admittedly ambitious. However, if one recognises the centrality of communication and the wide range of ramifications of that insight, it becomes unavoidable to raise one's eye from the narrowly individual, as in most current codes, to the broader picture.

In summary, the research has surfaced a rich set of possibilities to answer the strictly normative question which sparked it off. I have shown how the foundational rules Discourse Ethics sees as built necessarily into communication provide a basis for norms of communication, and therefore offer a basis for critique of journalistic practices, institutions and even lower level norms. I have explored the model's implication for journalists' role conception and have suggested some parameters for a new ethical system for the profession as part of a wider field of communicative activity.

As a whole, the project is of high current relevance, as the search for a new normative framework remains of critical importance today. The call for new ethics may have been posed with particular stridency in the early years of South African democracy, but the debate is still alive. As recently as mid-2017, the admittedly fringe Black First, Land First movement launched direct confrontations with prominent journalists, including at their homes, accusing them of racism. (Finlay, 2018, p. 7) In addition, new challenges have arisen that also necessitate reconsideration of established ethical ideas. At the time of writing in 2018, South African journalists face the realisation that some have been fed dubious information in support of the political project that came to be known as state capture. ("Sunday Times admits to being manipulated," 2018) Worldwide, fake news and the "weaponisation" of disinformation on social media and elsewhere pose serious ethical challenges, (Wardle & Derakhshan, 2017) and the rise of populists who seem to dismiss the very notion of fair and truthful discourse. At the same time, seismic shifts in audience behaviour have undermined traditional business models. (Dugmore, 2018) Globally, journalism has never faced such a range of profound challenges. This research has formulated the key responsibility of journalists as being to the quality of the public discourse (Chapter 5), and this test can be used in dealing with new challenges as much as those of the early democratic era in South Africa. The normative ideas that this research has derived from Discourse Ethics prove to be of significant contemporary value.

9. In conclusion

The rugged, lonely landscape was marked by the events of the night. Trees had fallen, their twisted branches splayed across the path. There were new rockfalls that left bright scars on the mountainside and sections of the path had subsided into the river it was following. Fortunately, it remained clear and distinct, and the traveller was able to pick her way past the obstacles. Still, it was unsettling, and as she made her way slowly up the valley, she could not help wondering whether she would come up against something more serious. What would happen if she could not continue? It did not bear thinking about. She had to get to the city before nightfall, there were important things to attend to, family issues only she could solve.

Progress was slower than she would have liked, but gradually the top of the pass came closer. In the distance, there was the sound of baboons barking. The traveller remembered the night's drama. She had woken with a start in the early hours as the house shook like a thing possessed, and crockery and other things tumbled and crashed. The family quickly gathered in the front yard where the windpump could be seen swaying. There was a deep and ominous rumbling, and the old shed collapsed in on itself. The family had long planned to break it down – at least that work was no longer necessary. Nobody was quite sure how long it had lasted, it could not have been more than a minute or two. It took some time for everyone to settle and get back to bed. She did not sleep again, waiting for the dawn so she could set off.

At last, she reached the top of the pass, where the view opened up onto the plains and the distant high mountains. It was good to see the glittering roofs of the city, even though it was still many hours away. On the crest of the pass, the path split in three, taking different routes down the other side. There was an old sign which showed the way – but it lay uselessly on the ground, another victim of the quake. This was an obstacle the traveller had not foreseen. Clearly, if she took the wrong path, she would never reach her destination before dark. The middle fork seemed to lead in the right direction, judging by where she could see the city, but who could be sure?

She walked down each path in turn, looking for some indication, but found nothing. Feeling more and more anxious, she returned to the crossroads and sat in the sparse shade of an old cabbage tree to think. After some time, she saw an old woman and a young boy pick their way slowly up the right hand path. "Where have you come from?" the traveller called to them as they approached. "Do you know the way to the city?"

The old woman shook her head, also clearly unsure of the path to take. "We come from the farms, and need to get to the main road. Do you know which is the right way?" The traveller could only explain where she had come from, describing also the earthquake damage she had encountered.

Soon, a few other people arrived, coming from different directions. It was a small crowd, all trying to work out which direction to take to their various destinations. They shared experiences of the various path they had come on: some had come from the city, others from the main road, others from various parts of the countryside. One explained that a section of one path had, in fact, become impassable, and he had been forced to take a long detour. Soon enough, the travellers had worked out which path led where and everyone was able to continue.

The traveller had lost too much time, she realised, and the day was slipping away. She said goodbye to the others and hurried off. As it turned out, it was the left hand fork that led towards the city.

(own invention)

Sometimes, it is the simple questions that are hardest to answer. I set out on the journey of this project with the question of what happens to the ethics of journalism at a time of political and social change as experienced in South Africa during the transition from apartheid. More specifically, I was interested in understanding the normative debates around journalism that marked the period, as well as the extent of actual change in norms. I was also interested in formulating a response to the call for change in norms. I asked the question by way of a metaphor, asking what happens to signposts in an earthquake.

Remaining with the metaphor, the answer to the core question can be formulated as follows: an earthquake may well throw established signposts to the ground. Major landmarks are not usually affected, but more immediate orientation becomes difficult. Travellers can and do re-orientate themselves through discussion among themselves, and the more the discussion is open, fair and inclusive, the better the new points of orientation will be.

The investigation led me to Discourse Ethics, a theory developed, mainly, by Habermas, which offered a coherent framework to address these questions. It has become fashionable to dismiss the possibility of a single framework for normative theory in the light of postcolonial and postmodern critiques. (See for instance Fourie, 2011) However, going down this road can only result in relativism. If ethics refers to a framework of norms that is able to regulate relations between people and across cultural borders, then relativistic ethics, at least in its cruder form, is a contradiction in terms. Similarly, if we accept the need to find some common ground, we will have to accept the need to look for explanations that are reasonably coherent. Discourse Ethics offers that possibility, as I have argued, and has hopefully enabled this project to offer several contributions to the debate.

These include the development of a model of journalism ethics arising from Discourse Ethics but going beyond Habermas's intentions. I have argued that such a model is able to offer an account of both universal and contingent ethical norms. This problem has proved to be a knotty one in the literature, with a number of scholars looking for formulations that avoid the unacknowledged eurocentricity of the established canon and acknowledges the multiplicity of worldviews in the world, while still acknowledging some universally shared basis. The issue is often described as the search for a global media ethics. I have argued that by deriving basic but broadly defined norms from the very nature of human communication, and recognising the need for discourses to settle particular applications, Discourse Ethics solves the problem persuasively and elegantly.

This project has used such a model of journalism ethics to shape its methodological approach, developing a way to investigate norms in the particular historic circumstances of the South African political transition. This has involved investigating particular norms through a close reading both of discussion that centres on the norms, as well as journalistic

output for the way it reflects the understanding and application of norms. In this way, the model allows ambiguities, uncertainties and change to become visible, and to be tracked over time.

Reading for norms in this way has enabled a study of specific instances of normative change, achieved in discourse, during the years of political change in South Africa, and offers a way to understand the stormy controversies around media behaviour and norms in those terms. This perspective, applied in the studies in Chapters 6 and 7, hopes to add a useful dimension to the transitological literature dealing with the media during the political transition.

The project has also attempted an elaboration and development of Discourse Ethics as a theory, to begin to draft an outline of a separate model of normative change. This approach sees such change as taking place through discourse, and accepting that such debates are strongly contested. The suggested model of normative change posits a loose hierarchy of norms, ranging from the proto-norms that are rooted in the nature of communication to more specific ones that relate to particular situations. I have suggested that while revision can occur at all levels, it is common at the more specific levels, but harder to imagine at the higher, more general levels.

The project has also explored the narrowly normative implications of a Discourse Ethics model of journalism ethics, which provides a basis for critique. It draws attention to the many structural problems in the media landscape which undermine the quality of discourse. Many of these issues have been identified from within other approaches, such as the political economy school. However, such approaches are less clear on why, for instance, the elite bias of the mainstream media poses a problem. The advantage of using the Discourse Ethics approach is that it offers a clear and coherent set of criteria, rather than appealing to an instinctive and often unacknowledged sense of social justice. The model takes the normative dimension seriously in its own right, not simply as the mechanical result of economic, social and other factors. The project has also suggested a further development of the normative line of thought. I have suggested a refinement of concepts of the role of journalists which would place their custodianship of discourse at the centre. Based on this idea, I have sketched the outline of a new ethical framework that addresses communicative responsibilities in a general sense, privileging a notion of discursive redress.

It may seem unexpected to draw on Habermasian insights to address these questions in an environment when post-colonial and post-modern approaches are close to a new orthodoxy. After all, his philosophy is clearly rooted squarely in the Western tradition. He has been severely criticised on a number of counts, such as for the initial conceptualisation of the public sphere. (Calhoun, 1992) On the one hand, I believe that the exercise undertaken here has demonstrated the fruitfulness of Discourse Ethics. I argue that no other currently available framework has been able to deliver the range of insights that can be derived from Discourse Ethics. Further engagement with other approaches will undoubtedly be fruitful – I have indicated some opportunities, and may yet necessitate further revision or even relegation. For the moment, though I hope to have shown that the framework has done enough to warrant serious consideration.

Undoubtedly, introducing a perspective from South Africa, as part of the Global South, has proved fruitful. It is the experience of South African journalists during the political transition, and the specific examples of normative change described here, that have enabled the development of a new model of normative change. Also, the reality of a newly democratic and highly unequal society has given additional definition to the model's normative implications. In a country like South Africa, the need for an expanded role of journalists and for an active commitment to the quality of discourse and of democracy stares us in the face.

Taking seriously the problem of eurocentrism in the academy is often seen as requiring the destabilisation of received wisdom, as suggested by writers like Rodny-Gumede. "(P)ost-colonial theory has criticised normative ideas around media functions, media performance and ethics for being entrenched in Western philosophical belief systems … (F)or societies shaped by centuries of slavery, colonialism … a different way of theorising as well as conducting journalism is needed." (2018, p. 8) But this is not sufficient. Taking the problem seriously must also mean seeking to formulate that different approach, including the search for alternatives from other traditions. Furthermore, problematising eurocentricity must also mean testing ideas from the Western tradition against other realities. This is the approach taken here, with, I hope, productive results.

9.1 Limitations

Several limitations need to be acknowledged in this project. Some have been pointed out at various points in the methodological and other sections, and do not need to be repeated. However, it is important to recognise that the focus on just two specific examples may have skewed the analysis. It may well be that other examples would point in different directions. In addition, my reading of the texts is, of course, an exercise in making meaning – I do not assume to have uncovered pre-existing, inherent truths.

My interpretation of texts, events and theory has undoubtedly been shaped by my own position. I am a white male with a history in South Africa's alternative media and media transition (before and after 1994), as well as strong views on the role of journalism. Feminist theorists have effectively made the point that it is important to remain conscious of one's own position in conducting research. (Lindlof & Taylor, 2002, pp. 55–56) However, I do not believe acknowledging subjectivity makes the readings and approaches invalid. In this respect, I follow Fairclough's realist attitude. He argues that "no analysis of a text can tell us all there is to be said about it" but this "does not mean they are unknowable". (2003, p. 14) I see the project as a personal but hopefully rigorous contribution to an important and ongoing debate about journalistic norms.

Another limitation that must be acknowledged arises from the richness of the theoretical, normative and analytical possibilities that arise from Discourse Ethics, when applied to journalism. The research undertaken here has constantly opened up additional paths that seemed worth exploring. In writing this thesis, I have frequently had to point out such interesting paths branching off to the side, only to pass on with regret. Going down too many of them would have meant losing focus, and they need to remain as opportunities for further work.

9.2 Further avenues for research

As a richly multi-faceted framework, the Discourse Ethics approach to journalism ethics offers extensive opportunities for further exploration. The following are just some possibilities.

Further case studies which focus on the ways in which ethical norms are shaped in discourses could be conducted. The South African example offers many opportunities in this regard, with the political transition providing the context for many more examples of such debates and shifts. The cases examined here deal with issues arising from the specific controversies around HIV and AIDS, but there were many other examples, within the identified themes of race and racism, and the relationship to the state in the new dispensation. Case studies from other countries in transition also offer fertile opportunity for further investigation, and would open the door to consideration of whether there are different insights that emerge from elsewhere.

There is considerable potential for further work on specific norms in the way they emerge in journalistic work, with a particular interest in differences, ambiguities and shifts. These could be tested not only against the background of new circumstances, but also in comparing different genres, specific functions within the profession, even organisational culture. For instance, it would be interesting to chart how talk show hosts, who are expected to be strongly opinionated, treat issues of balance.

A particularly interesting exploration would be how controversial norms like objectivity relate to the framework, if at all. The idea of objectivity has been strongly discredited (See Ward, 2004) and yet it has done useful work in drawing a line against propaganda and similar forms. A new way of thinking about the issue from within a Discourse Ethics framework could take as its starting point the insight that in order to succeed, communication needs a common basis in fact, norm and understanding.

A different kind of study could be conducted on the ways in which norms are adjusted to new technical or social developments. The challenges posed by social media opportunities have been mentioned. Another example arises from growing concerns about rights to privacy with regard to personal information captured online, or concerns about fake news. Some of these issues have wide significance, and discourses about them would have to be tracked over larger periods of time and across many contexts. These are current examples – historical examples could also be investigated.

Assumptions about the existence of proto-norms have been tested through study of various ethical and cultural traditions, as discussed. A different way of probing such ideas would be

to investigate the ways in which people relatively new to the world of media conceptualise and develop rules for themselves. Social media opportunities have created new kinds of media producers, many of whom have come to the role without being schooled in traditional journalistic ethics. It would be interesting to investigate how ethics in these liminal spaces develop. There is a current MA project at the University of the Witwatersrand which is investigating the way in which new podcasters think about ethics, which is an example of this kind of approach.

From a more critical perspective, there are rich opportunities to measure media landscapes, platforms and practices against communicative ideals. This also opens the door to policy work and advocacy.

Theoretically, it seems there are several opportunities, including further thought about the intersection between power and discourse from a Discourse Ethics perspective. Several other schools of thought offer insights in this regard, and could be brought into dialogue.

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