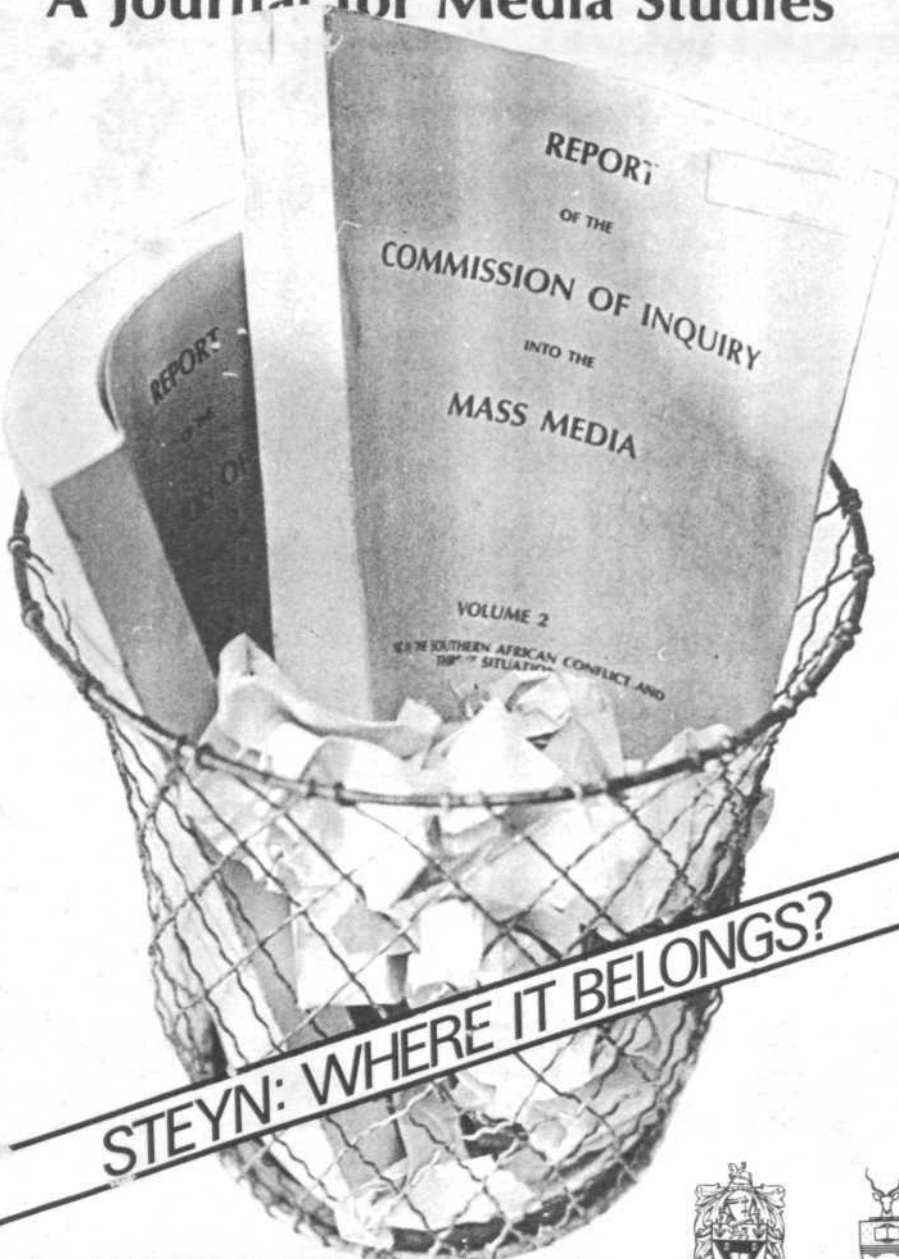


CRITICAL ARTS

A Journal for Media Studies



REPORT
OF THE
COMMISSION OF INQUIRY
INTO THE
MASS MEDIA
VOLUME 2
SOUTHERN AFRICAN CONFLICT AND
THE SITUATION

STEYN: WHERE IT BELONGS?

Vol 2 No 3



CRITICAL ARTS

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Critical Arts

This issue of *Critical Arts* is the first to be produced under the aegis of a larger and more diverse editorial board. It follows considerable self-criticism as to the role and function of the Journal in present day South Africa. It is intended that this self-criticism will be published in a Monograph to be printed early next year. It is only through critical practice that academic advancement can be made. This is particularly the case with the study of the South African media where *Critical Arts* remains the only specialist journal which tries to forge theories-as-explanation rather than description.

Due to unforeseen circumstances, this issue has taken a longer time than is usual to produce, mainly because of the nature of its subject matter, notably the Steyn Commission. Although a number of papers dealing with this topic were submitted timeously, no sooner had they been typed than they were rendered out of date by new legislation, government decisions and responses by the newspaper industry itself. The consequence was that authors requested that their papers be returned for updating and resubmission. One or two papers were withdrawn entirely. These revisions took their toll on scheduling of the Journal and account for the delayed publication of this issue.

Another problem which the Journal faces is the difficulty of publication on a quarterly basis. The editorial board has decided that in future the Journal will be published three times a year to ensure a more regular appearance. Subscriptions will still be sold in lots of four issues.

As the Journal goes into its third year, we have managed to iron out many of its initial teething problems and we are now planning special issues a year ahead. This greater degree of organization and planning will, hopefully, lead to increased submissions from students of the media, particularly those working in Africa. We continue to receive a steady stream of submissions from overseas, but suitable local contributions remain erratic. This is as much due to the fact that media studies are a new area of academic endeavour in South Africa, as it is to the shortage of critically minded practitioners working here. In order to tap the resources of a wider spectrum of disciplines, the following special issues are planned for the coming year: Cinema in the Third World, Culture and Performance in Africa, and Politics and Poetry. A number of other topics are under consideration and suggestions from our readers would be welcome.

Finally, we should like to thank those who worked behind the scenes on this issue: Graham Bell (typing), Shaun Johnson (cover design), Ken Vernon (cover photography), Susan Regnard (proofreading and legal advice), the Rhodes University Print Unit and Central Printing Services of the University of the Witwatersrand.

The Editor

A Journal for Media Studies

Preface: The National Press Union and the Steyn Commission: Getting the Press to do its Own Dirty Work



Irwin Manoim

This article, written in May, is an extension of an earlier feature published in *The Journalist* shortly after the appearance of the Steyn Report. Since May, two significant events have occurred:

- * the passing of the Registration of the Newspapers Amendment Bill in July of this year; and
- * Behind the scenes planning for a new disciplinary body for the press, the Media Council

A postscript has been added at the end of this article to bring it up to date.

It doesn't matter what the Steyn Report says. Not much, anyway. It doesn't matter that its methodology is all awry; that it shows a conjuror's knack for making dire conspiracies pop up from nowhere; that where it tries to dissect problems it disembowels them instead; that in the name of national interest it sanctifies national paranoia. All that matters about the commission is whether it can scare all hell out of the Newspaper Press Union (NPU). Because if the NPU gets scared, it could drop to its knees: that would be the real tragedy for journalism.

The NPU is the newspaper proprietors' organisation - the same one which so eagerly volunteered to negotiate with the Government over the Steyn proposals. Now there is nothing inherently wrong with the principle of negotiation - it is a nice 'adult'-sounding solution, both sides agreeing on compromise, each giving a bit in return for gaining a bit. But what is bothersome about this particular set of negotiations is that the only thing the NPU has to give away...is a little more of our fast-dwindling stock of Press freedoms.

The NPU is hardly the ideal organisation to lead the fight for Press freedom. It was formed in 1882 as a voluntary association of Press proprietors, its aim to "further and protect the interests of members and function as an employers' association". Virtually all proprietors are members - both from the English and Afrikaans Press, the country Press and the magazine industry. Its constitution states specifically that it concerns itself with the business side of the industry, not with editorial, a very necessary clause, for its diverse membership includes publications with widely differing political standpoints. Its most important accomplishments have been commercial ones, for instance the setting up of the Audit Bureau of Circulations in 1947 to monitor newspaper sales and prevent circulation 'padding'. Its major day-to-day functions are the regulation of advertising, the distribution of newsprint and negotiation with the various printing industry unions. Its most senior officials

are management representatives, not journalists, men whose primary interests are business ones, but who have found themselves pushed into the political arena by progressively increasing Government pressure.

As an employers union, the NPU has plenty of clout. As a defender of Press freedom, it has very little. It has clout as an employer's union because its executive council has always included leading representatives of that bastion of the National Party establishment, the Afrikaans Press. Its power as a defender of Press freedom is circumscribed for two reasons:

1. As the representative of newspapers as a business, it must - when faced with the choice of risking the industry's future by defying the Government or playing safe by accepting Press controls - opt for the latter
2. The Afrikaans Press, which so often decries the lack of patriotism of its English counterparts, is likely at best to be lukewarm in its enthusiasm for 'liberal' principles like freedom of information.

This is not to suggest that the NPU is indifferent to Press freedom. Its executive has always included men sincerely committed to the ideal; its sub-committees on the *Steyn Report* include several editors whose brushes with restrictive Press laws have landed them in court. However, the NPU represents a large, capital-intensive industry which takes in a million rand a day in advertising revenue. It behaves no differently to any other industry - it defines its own interests as its business interests. Faced with Government pressure, its instincts tell it to act with prudence. The result: The NPU has consistently allowed itself to be used as the Government's instrument in enforcing a gradual but ever-increasing form of self-censorship - all in the belief that it has staved off the menace of 'Real' censorship.

The NPU's reluctant introduction to politics and censorship began in the early sixties when a stream of publications-related bills, amendments, select committees and inquiry reports poured into Parliament. Many were quietly dropped or softened at the last minute, but the constant threat of impending censorship gave the NPU the jitters. Finally it broke and sent a deputation to the Prime Minister to discuss 'voluntary controls'.

In 1962, Perskor's Mr. Marius Jooste, then chairman of the NPU, announced a 'code of conduct' and board of control for the Press. In case anyone thought the NPU was running scared, he added: "Any suggestion that outside interference or pressure has in any way influenced the formulation and contents of the proposed code is quite erroneous". Erroneous or not, the suspicion lingered, given substance particularly by the final clause of the code, a deferential bow to apartheid policy:

While the Press retains its traditional right of criticism, comment should take cognisance of the complex racial problems of South Africa and should also take into account the general good and the safety of the country and its peoples.

The NPU had made its concession and the Government kept its side of the bargain by making a concession in return. When the Publications and Entertainments Act was drafted in 1963, it exempted all newspapers belonging to NPU members. In return, NPU newspapers were to be subject to their own control board, the Press Council. There was considerable division in the newspaper industry over whether the NPU had done the right thing, whether they had managed to buy off the Government for a small price or whether they had allowed themselves to be intimidated. The Southern African Society of Journalists (SASJ) rejected any self-censorship, whether voluntary or compulsory. Laurence Gandar, editor of the *Rand Daily Mail* said "the lesser of two evils approach" was "surrender by instalment". Several commentators pointed out that the NPU, representing the 'establishment' Press, had protected its own interests by making sacrificial offerings of non-member publications, leaving them to the mercy of bannings and censorship restrictions. These non-member publications included several political periodicals, more radical than the commercial Press and therefore more vulnerable, which were shut down one by one.

The Press Council kept the State's wolves from the door for only a few years. At a National Party Congress in 1973, the Prime Minister, Mr. Vorster, accused the Press - particularly the *Rand Daily Mail* - of publishing "inflammatory material" and sowing racial hatred. He took up the same theme again in October of the same year when he gave the Press an ultimatum to get its house in order or face legislation providing for the suspension of newspapers.

The NPU reacted much as it had done to similar threats ten years before - it tried to stave off further State controls by creating stricter 'voluntary' controls of its own. It 'gave teeth' to the Press Council by giving it the power to impose fines of up to R 10 000 on erring newspapers. And it revised its code of conduct adding an amendment requiring editors to exercise "due care and responsibility" in the publication of reports which might "have the effect of causing serious hostility or offence in racial, ethnic, religious or cultural matters", or endanger "the safety and defence of the country and its peoples". The code was once again met by an angry response from journalists - nine editors dissociated themselves from it on the grounds that they had not been consulted. But the code was pushed through, and several newspapers were fined in the years that followed.

Not that the concession impressed the Government much. In March 1977 the Minister of the Interior, Dr. Connie Milder, introduced a Newspaper Bill, which proposed a Press Council under the chairmanship of a retired judge, with its members drawn from two lists of nominees, one submitted by the Government and one by the NPU. The Press Council was empowered to fine editors up to R 10 000 and suspend publication of newspapers for stipulated periods. There was an immediate public outcry which the Afrikaans Press, led by Perskor chairman (and former Cabinet Minister) Mr. Ben Schoeman, joined in.

In March 1977, the Prime Minister announced that the Bill had been withdrawn - but only at a price. He said he was giving

the NPU one year to discipline the press under its own Press Council and code. The decision was met with relief by the NPU. Its chairman, Mr Hal Miller of the Argus Company, welcomed the opportunity to "demonstrate what the Press Council and code can achieve through self-discipline". He added that the NPU "readily understands the Government's concern that Press irresponsibility could cause grave injuries to our national security and well-being, particularly under present political and economic circumstances". Perhaps Mr Miller was merely being prudent. But his conciliatory statement made one wonder if the NPU had not half-accepted the Government's rationalizations for censorship.

A week later, the NPU announced yet another version of the Code of Conduct. Although Mr Miller assured journalists that the code was unchanged and that the original "spirit" remained, editors thought otherwise. They complained that the wording had been altered and that several clauses were now vague in the extreme. *Sunday Express* editor Rex Gibson objected to the way the code had been brought about "at gunpoint". *Rand Daily Mail* editor Raymond Louw said that "the wide interpretation that can be placed on various clauses in the code of conduct could be to the detriment of a free Press". The Journalism Department at Rhodes University, led by Professor C.A. Giffard, warned that the implication of the NPU-Government deal was that the NPU bore responsibility for the increased censorship of the press.

The Government did not remain satisfied for long. In 1979 the Minister of the Interior, Mr Alwyn Schlabusch, made a speech at the NPU meeting at Skukuza calling for a statutory Press Council with powers to fine and ban journalists. The NPU objected strongly, and at a meeting in February the next year, refused to accept the idea. Letters between the NPU and the Minister followed, and for once the press representatives refused to budge. In June the Minister retaliated by appointing the commission of inquiry we now know as the Steyn Commission.

From the Government's point of view, the Steyn Commission was a weapon specifically designed to shoot down the NPU. Two years have passed since its original appointment, but they have not been wasted. The NPU, so reluctant to budge in 1979, is now eager to talk. The organization's present chairman, Mr Peter McLean, condemned the Report, saying that "the dreadful prospect of journalism coming under statutory control seems imminent". But he said he was pleased by the Prime Minister's announcement that the Government was not committed to the Commission's proposals, and was willing to discuss them. What the NPU did not seem to notice about Mr Botha's seemingly generous offer, was the small print at the end, in which he said: "Most reasonable people can agree with the broad aims of the Commission. There must be thorough consultation with the responsible media and their organizations over the best ways in which these aims can be reached". The press had been invited to parley over the means of its own execution.

What was intriguing about the NPU response was the way its spokesmen, faced with a doom laden post-Steyn future, could suddenly wax enthusiastic about the status quo. The managing director of SAAN, Mr Clive Kinsley, criticised the registration plan, saying that the newspaper industry had always believed in self-discipline

and supported institutions like the Press Council which "served the industry well". That the newspaper industry had not always wanted a Press Council; that the Council's teeth had been sharpened over the years to appease the Government; that the majority of editors and journalists had never "supported" it; all this had suddenly been forgotten. The same week the NPU announced the celebration of its 100th anniversary, which was "not so much the centenary of the NPU as the first 100 years of the Press as *A Free Institution in South Africa*", said Mr McLean. The NPU, it seemed, now believed in the myth that it had helped set up -- that because the controls on the press were 'voluntary', the press was not controlled.

The NPU lost no time in setting up various sub-committees to analyse aspects of the Steyn Report. What was troubling about it though, was the way this matter, surely of great public importance, was dealt with in secret, behind closed doors. Various internal NPU meetings were held, but no statements were issued. The Southern African Society of Journalists requested permission to join in the talks and were turned down. At least two meetings were held with the Minister of Internal Affairs, Mr Chris Heunis, but the public was given no inkling of their content other than being told that they were "friendly". Some people have seen hope in the fact that the NPU coopted five editors to join its Steyn Report committees. But the NPU proprietors have been known to ignore the wishes of editors before.

This time the NPU does not only have a statutory Press Council to argue away. This time it faces a journalists' register and a proposal to cut share ownerships. It has nothing to bargain with and everything to lose. If it wants concessions from the Government, it will have to make concessions of its own. If it wants the Government to give ground on what it considers the two 'chief evils', the shares limitations and the register, it will have to give ground itself elsewhere. It may even find itself having to accept the idea it found so abhorrent two years ago: the 'toothier' statutory Press Council with powers to fine newspapers and suspend journalists: we will all be back just where we started.

The NPU would argue that it has done the best possible under the worst possible circumstances. It has managed to stave off direct press censorship and keep Government blue pencil wielders out of the newsrooms - which is true enough - but what is also true is that the NPU has let itself be persuaded to steadily tighten its own restrictions, then act as an enthusiastic propagandist for the virtues of a Press Council system it previously opposed. Worse, by permitting this 'secret' censorship, it has let the Government off the hook, allowing the Department of Foreign Affairs, for example, to assure overseas readers: "Journalistically, the South African Press constitutes one of the few collective mass media on the continent that deserve the description 'free' in the Western sense.

Legitimacy in the eyes of the Western world is as important to this Government as a servile press at home. The acquiescence of the NPU has allowed the Government to tie editors down with invisible fetters, then announce to the world that we have a free press. The newspaper proprietors, by refusing to stand their ground, have given the Government twenty years

of legitimacy (by allowing them to deny that there is censorship); and twenty years of censorship (by imposing ever more stringent restrictions). One could even argue that this hidden censorship is more insidious than the 'open' kind. It gives the impression of normality to a situation that is far from normal; hidden from the readers' view, it persuades them that they know what is happening in the world when there is much they can not know.

The NPU is once again holding meetings with the Government. The question it must ask itself is whether, faced yet again with the choice of gagging ourselves or being gagged by outsiders, the time has not come to tell the Government to do its own dirty work, there, out in the open.

POSTSCRIPT

In June, a month after this article was written, the Minister of Internal Affairs, Mr Chris Heunis, admitted that implementing the Steyn proposals would be impractical. He introduced instead a last-minute Registration of Newspaper Amendment Bill which was whisked through Parliament with unusual haste. The Bill provided for an independent 'voluntary' body which would act as a disciplinary watchdog over the press. The body would be set up by the newspaper industry -- not by the Government -- but would have to be ratified by the Minister of Internal Affairs.

Subsequent controversy has centred around the role played by the NPU. When the Bill first came before Parliament, the Minister had already seen the NPU-sponsored draft plan for the new disciplinary council, which he said he approved of. No journalists other than editors knew anything about the proposals. A row flared up between the NPU and the South African Society of Journalists, with the latter insisting upon consultation and the former backing off.

When this postscript went to press early in October, no official announcement about the disciplinary council had yet been made. But a draft for a body to be called the South African Media Council was released in June and it gives some indication of what the NPU and Government have in mind: roughly half the members will be "public representatives"; the others will be "media representatives" will be selected by a panel of retired judges from lists supplied by some key "establishment" organizations like the Federated Chamber of Industries, Afrikaanse Handelsinstituut, the Association of Chambers of Commerce, Association of Law Societies, Public Servants Association and so on. There may be some "moderate" black members, chosen for example by the National African Federated Chamber of Commerce,

The new body retains the power to fine publications up to R10 000. Unlike previous disciplinary bodies, this one need not wait for complaints to come in from the public -- it can initiate investigations itself. Neither the complainants nor the respondents will be permitted legal representation (although advisors will be allowed. The Government's blustering has had the desired effect. Not only has the press had to tighten its belt yet another notch, it is now committed to defending the new form of hidden censorship, because, after all, it designed all the machinery of control itself.