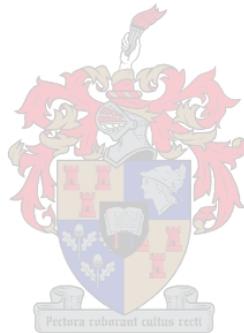


**The South African Media's Coverage of the Abu Ghraib Prisoner
Abuses:
An Ethical Case Study of Two Selected Newspapers**

Christine Buchinger



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for the degree of M. Phil (Journalism) at the
University of Stellenbosch**

Dr. Herman Wasserman

April, 2006

Declaration

I, the undersigned, hereby declare that the work contained in this thesis is my own original work and that I have not previously in its entirety or in part submitted it at any university for a degree.

Signature:

(Christine Buchinger)



Date:

April 2006

Abstract: This study analyses the reporting of the Iraqi prisoner abuse issue at Abu Ghraib as reported upon by two South African newspapers from an ethical point of view. The focus falls on the issue of accuracy. Accuracy in war reporting of geographically distant conflicts as exemplified with this case study is a delicate and important matter, the media often being the only window for the public to learn of and about a conflict. In this case study, the two South African newspapers *Cape Times* and *Mail&Guardian* will be analysed to show the extent of their adherence to codes of conduct and exemplify the problematic practicalities in ethical reporting on international news. With the main focus of the study being on the ethical issues concerning accuracy, other relevant topics, such as ‘objectivity’, balance, fairness and truth telling, as well as more practical concerns will also be partially considered. The selected case studies are contextualized within the South African media environment so as to yield a better insight into the choices made on an editorial and/or newsroom level. As case studies, selected articles from the *Cape Times* and the *Mail&Guardian* during a three-month time-span are analysed using Day’s Situation/Analysis/Decision (SAD) model. Each article will further be analysed from the point of view of the newspaper’s own code of conduct and overarching ethical codes such as the South African Press Ombudsman’s Code of Conduct as well as in terms of the South African laws relevant to the media industry.



Opsomming: Hierdie studie ondersoek die verslaggewing oor die mishandeling van Irakese gevangenes by die Abu Ghraib-gevangenis, soos gedoen deur twee Suid-Afrikaanse koerante. Die fokus val op die kwessie van akkuraatheid. Akkuraatheid in oorlogsverslaggewing oor geografies verafgeleë konflikte, soos deur hierdie gevallestudie geïllustreer, is ’n delikate en belangrike kwessie, aangesien die media dikwels die enigste manier is waarop die publiek kennis oor ’n bepaalde konflik kan verkry. In hierdie gevallestudie word twee Suid-Afrikaanse koerante, die *Cape Times* en die *Mail&Guardian*, geanaliseer om vas te stel in watter mate hulle voldoen aan gedragskodes, en om die praktiese problematiek van etiese verslaggewing oor internasionale nuusgebeure te illustreer. Met die fokus hoofsaaklik op etiese kwessies rakende akkuraatheid, word ander tersaaklike onderwerpe soos ‘objektiwiteit’, balans, billikheid en waarheid, sowel as meer praktiese aangeleenthede, ook behandel. Die gevallestudies word binne die Suid-Afrikaanse media-omgewing gekontekstualiseer om beter insae te verkry in die keuses wat op redaksionele nuuskantoor-vlak gemaak word. As gevallestudies word geselekteerde artikels uit die *Cape Times* en die *Mail&Guardian* oor ’n periode van drie maande geanaliseer deur gebruik te maak van Day se Situasië/Analise/Besluit-model. Elke artikel word voorts geanaliseer uit die perspektief van die koerant se eie gedragskode en oorkoepelende etiese kodes soos die Suid-Afrikaanse Persombudsman se kode sowel as relevante wette.

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Chapter 1: Introduction

“I’m unwilling to report on them unless I can get some confirmation. (...) Everyone involved in this mess, including Arab journalists, needs to write as accurately as possible because ‘a lie gets halfway around the world before the truth ever gets its boots on.’ That’s what’s happened with the alleged rape photos and people will die because of them. (...) [Media] printing them when they admit they are not confirmed should be ashamed of themselves.”

Independent journalist Chris Albritton in *Back to Iraq*, 5 May 2004 on the faked photos of the alleged rape of prisoners by soldiers of the American forces at the Abu Ghraib facilities

The 2003 Iraq War seemed causeless and endless to many. Weapons of Mass Destruction had not been found. And the pro-US PR-campaign, led by the White House, was losing its foothold.

What started the ball rolling was a picture. Then more pictures followed. Pictures which show men and women being humiliated, molested, beaten and tortured by American soldiers in the US-led, prison facilities in Iraqi Abu Ghraib. Such pictures are said to “serve the highest functions in journalism. They tell a truth in a way that can’t be argued” (McBride, 2004). And they created front-page, special report, breaking news.

The scandal happened against the background of a war which had lost its imminent *raison d’être* at the same time as the media was confronted with even more hidden scandals being uncovered about the 2003 Iraq War. A war of public opinion rallied along with a war of weapons and a war for human dignity: the controversy around the “mediated war”, which the 2003 Iraq War had become, gained yet another facet with the pictures of prisoner abuse. Löffelholz sees modern wars as “mediated wars”, as the media influence the war just as the war influences the media (2001: 28). This had become a painful reality at the time of the appearance of the mentioned pictures in the media and forms the background onto which the ensuing media scandal must be seen.

The mistreatment of Iraqi prisoners had gone on ever since the end of the invasion, with (amongst others) the International Committee of the Red Cross and the Red Crescent (ICRC)

sounding internal, written and spoken, warnings to the coalition forces, including the US-government, as early as May 2003 (Gilmore, 2003) as ample evidence now shows. And with these pictures finally available to them, the global media was able to make the scandal into its top story; the rumours had turned into facts and facts could be reported.

The prisoner abuse situation in Iraq pervaded global media as these pictures and, later, the films spread across newsrooms at digital speed. And, as the reporting on the abuses and tortures increased, so the ethical discussion widened. With the emergence of the pictures proving mistreatment, abuse and torture had taken place, many relevant media ethical questions were raised. How to report this? How to verify the sources available? In a nutshell: should journalists “accede to the state’s demands for ‘patriotic’ conformity in wartime, or attempt to retain peacetime standards, such as ‘objectivity’, ‘neutrality’, ‘balance’? In a democracy, how far does the public’s ‘right to know – and the media’s function as watchdog on the state, its ‘Fourth Estate’ – extend in wartime?” (Carruthers, 2000: 11) If the media chose to medially exploit the topic for what it was worth, report it as a scandal, without inhibition, then the coalition forces and in particular the USA would be seen in a negative light – especially at a time when much of the opinions were rallying against the 2003 Iraq War and the USA’s continued presence in the country. On the other hand, the material met every criteria of newsworthiness, and reporting on it would mean to fulfil the media’s true function of reporting worldwide occurrences to its readers/viewers/listeners/users.

What most of the media chose to do, however, in Europe, Africa and in the USA, was the latter. The US army had, apparently, chosen to address the matter away from all media coverage, seeing as how none of the material available was made public until the first media released the first photos showing the abuses taking place. But, when the pictures became public, the global media industry covered the matter extensively. As many other countries, the South African jumped on the wagon to report the scandal at great length and in quite some detail.

Outside of Iraq and the US – the two countries directly involved – media relied heavily on sources from international and national news feeds and the media of the USA and Iraq to cover the events. Such media organisations are becoming increasingly globalized and are neither bound to any one particular territory nor state. They enable, for example, South African media to cover conflicts many thousands of kilometres away, bringing foreign news to its readers. News feeds and the internet therefore have enabled a significant change:

no war is ‘theirs’ but potentially they may make any conflict around the globe ‘ours’. Internationalised media, it has thus been claimed, play a central role in

the constitution of ‘global crisis’, in selecting [through news flow processes and “gatekeeping”-functions for news value and news-worthiness] which of the many wars ongoing around the world at any one time will receive global attention and, with it, a place at the top of policy-makers’ agendas (Carruthers, 2000: 198).

As an example of how human rights violations within a war context is reported in the framework of “Other People’s Wars” (Carruthers, 2000: 197), the South African coverage of the issue will be examined. Focusing on the specifically South African coverage of such prisoner abuse topics in two South African newspapers this study thus attempts to define underlying patterns and frameworks of ethical decision-making in war-reporting as well as human rights violation situations in the case of “Other People’s Wars” (Carruthers, 2000: 197) (see also Chapter two, section 2.4.2. for the selection criteria). These underlying frameworks are especially relevant in the discussion surrounding accuracy, as well as touching upon the usage of single or multiple news feeds (e.g. Kupe, 2003:38; Matlare, 2003), ‘objectivity’¹ (cf. Cunningham, 2003; Endersby/Ognianiva, 1996), balance, fairness and other ethical considerations. The theoretical/normative background, such as self-regulation, codes of ethics and conduct, as well as the specifically South African legal restrictions for media all become relevant.

In South Africa, the Abu Ghraib abuses constituted international news and foreign reporting, and the South African media invariably had to rely heavily on sources from the US, on international news feeds and/or on sources from Iraq to get the story. Getting the news from outside sources only and, thus, relying on outsiders in getting ‘objective’ and accurate news, is an ethical consideration at the heart of this study: “many journalists schooled in certain traditions of ‘objectivity’, (...) regarding themselves often as mere ‘mirrors’ to reality, journalists deny what invariably distorts their reflection” (Carruthers, 2000: 17). These distortions bring with them many media ethical questions, especially on the aforementioned subjects of accuracy, ‘objectivity’, balance, fairness, etc. Some of these questions are:

- If the South African media covers another country’s wars by means of information obtained from foreign news networks and agencies, do the same standards of accuracy apply as when covering “home-based”, geographically closer conflicts? How can sources used in covering foreign news be checked and confirmed to ensure accuracy as best possible?

¹ Fully aware that the term ‘objectivity’ is problematic and highly disputed, it is used in this study in quotation marks to indicate that journalistic ‘objectivity’ as such is, in fact, a impossibility (see chapter two for a full definition of the term as it will be used in this study).

- Should the South African media still be independent – according to normative codes – or can they take sides in such situations? Can the politics of war be brought into and discussed in the same article as the Abu Ghraib prison abuse or should the two subjects be kept separate?
- What did the South African media do in their coverage of the Abu Ghraib prisoner abuse situation, and was this coverage ethical when measured according to the self-regulatory standards the media obliged itself to?

With these questions as the starting point for the study, the media ethical considerations to be considered here are, roughly, the following:

- How did the media ensure the accuracy of their reports in the coverage of the Abu Ghraib incidents?
- Did different publications approach and tackle the problem differently?
- Were the relevant and applicable codes of conduct adhered to?

To answer these questions, this study will focus on selected case studies from two South African newspapers, *Cape Times* and *Mail&Guardian*, one a daily and the other a weekly, during the first two weeks of the reporting on the Abu Ghraib prisoner abuse scandal (see chapter two, section 2.4.2. for the selection criteria). The case studies will be analysed using the so-called SAD-method (see chapter two, section 2.4.1. for a detailed explanation of the model), and the relevant media ethical issues identified will be analysed. Then, the formulated research questions will be answered and a conclusion will be drawn based on the findings.

First, however, the following chapter sets out the theoretical and methodological background, with a brief discussion of relevant media theories and a definition of the relevant terms of this study. Then the formulated research questions as well as the selection criteria of the case studies are presented together with the research methodology utilized. In chapters three, four and five, a brief outline of the external influencing factors concerning the case studies will be given. Chapter three gives a brief overview of the status quo of the 2003 Iraq War as well as the Abu Ghraib incidents and the media coverage of these matters. Chapters four and five give further insight into the relevant South African media laws and self-regulatory mechanisms as well as the media landscape within which the two publications are embedded. With the relevant theoretical and methodological background of as well as the external factors impacting on the

case studies. The last chapter then attempts to draw a synopsis of the findings, summarize the study and evaluate the study itself.

Chapter 2: Theoretical and Methodological Framework

In this study, the focus is on the media ethical considerations – mainly the question of accuracy – of the coverage of the Abu Ghraib prisoner abuse situations in two South African newspapers, *Cape Times* and *Mail&Guardian* (for selection criteria, see also section 2.4.2. of this chapter). This chapter constitutes the theoretical and methodological backbone for the subsequent analysis of the case studies. It provides an outline of the study and an explanation of its theoretical basis. Although not all concepts and theoretical discussion surrounding ethical frameworks or related topics such as news flow can be thoroughly discussed, these should be touched upon in order to properly contextualize the study, the research questions and the case studies.

The following chapters focus on the external factors of the case studies, namely the South African media landscape (chapter five) and the status quo of the 2003 Iraq War at the time of the media coverage thereof (chapter three). The case studies will further be seen according to the normative frameworks in South African media organisations with which the newspapers abide as well as the individual newspapers' code of conduct (see chapter four). In the selected case studies to be analysed, the adherence to the self-prescribed codes of conduct will be described, specifically in relation to the issue of accuracy. Further, the differences and/or similarities between the two newspaper's coverage will be analysed in terms of the relevant codes (for the case studies, see chapter six; for a discussion of the case studies, see chapter seven).

2.1. Theoretical Discussions

In applied ethics, such as is being practiced in newsrooms, not only ethical frameworks of the South African media play a role, but so do the practical factors influencing such ethical decision-making processes. The latter are tied to fundamental definitions of what news is, as well as practical considerations such as where news should be obtained from. Practical factors (news feeds, international news flow, war reporting, etc.) dictate the information available for inclusion as news coverage – thus indirectly also influencing the ethical decision-making process and the extent to which the given normative frameworks are applied. While these contextual factors will

not be analysed in detail in this study, it could be helpful to briefly look at some of the reasons why the Abu Ghraib incident was considered newsworthy in South Africa, and how this may have affected the ethical choices made by the South African media.

Studies of international news flow, as Denis Wu finds in his international comparative study “Homogeneity Around the World: Comparing the Systemic Determinants of International News Flow between Developed and Developing Countries” brings to light, among other things, the “superstar status of the US in the world’s news media” (Wu, 2003: 19). Wu contends that “economic interaction, population, the presence of international news agencies and geographic proximity are positive factors in gaining newshole in other countries” (Wu, 2003: 19). As such, the US – being powerful both in political, economical and military terms – naturally attracts foreign reporting as “international news coverage gravitates to the powerful” (Wu, 2003: 20).

This suggests that news involving the US would feature prominently in the South African media and, similarly, that the US is a factor for the selection of inclusion in the South African media. “The content of the ‘globalised’ media broadly reflects the interests, concerns, and values of elites, and generally of First World elites” (Carruthers, 2000: 202), namely the economically powerful, such as the USA, China, Russia, France, UK, Germany, etc. that Wu (2003:20) names.

With the 2003 Iraq War, the powerful nation USA and the “democracy-building” they embarked upon made the conflict itself a global centre of attention. “Whether or not a war is deemed newsworthy depends on a multitude of factors, amongst others the involvement of so-called elite-nations, the cultural, economical and political distance and the element of surprise” (Löffelholz, 2001: 29). Research conducted by the Media Tenor Institute South Africa even show that “September 11 has turned the watch back to the pre-1990s, virtually eliminating all events and issues that are not related to either the United States or its coalition partners – especially when reporting on conflicts” (Media Tenor South Africa Research Journal, 2003).

In the case of the Iraqi prisoner abuse situation, one needs to further consider the PR-machinery which the US established to avert as much “damage” to the image as possible from its military and, more importantly, its President, George W. Bush.

Recognising that media can forge bonds between the home front and the fighting front – increasing civilian commitment to the war effort, while raising the morale of combatants – militaries sometimes encourage or cajole journalists into providing what veteran British correspondent Martin Bell calls ‘military mood music’ (Carruthers, 2000: 5).

For the South African media practitioners, this would mean that their ethical decision-making process was particularly difficult: American news-services were the sources of much South African reporting. As such, sources like CNN, different American newspapers, the wire-services Reuters and Associated Press (AP) and many more could all have a possible pro-American, pro-war slant, playing such “military mood music”, due to their proximity to the US in terms of political connections, economic ties and/or cultural obligations. This could have implications for the South African media’s accuracy and independence.

Another consideration was that, in media terms, a new definition for many of today’s wars needed to be integrated into this study. In the 2003 Iraq War, South Africa was confronted with such a special situation: the war had no immediate relevance to South Africa, yet the implications of the war had worldwide effects. At the same time, it was newsworthy as one of the world’s “elite” nations was involved – in fact, the instigator of the armed conflict. “What happens when media are confronted with ‘other people’s wars?’ (...) if media organisations lack a simple identification with one particular nation, and owe allegiance to no single state?” (Carruthers, 2000: 197).

The two investigated newspapers, *Cape Times* and *Mail&Guardian*, were faced with such a situation, faced with an ethical decision-making process about information about occurrences geographically distant. This, in turn, could have an effect on the type and content of coverage, as a geographically distant context would make the matter less socially dangerous, i.e. less immediate and therefore less emotionally touching to audiences/readers/users/listeners, less controversial as only others are involved, etc.

Although not the main issue of this study, theories about the role of the media within South Africa needs to be touched upon in order to assess the way in which the selected newspapers in this study adhered to the specifically South African normative roles. The different views of the role of the media within a society most likely have an influence on the two newspapers’ ethical decision-making process concerning the coverage of the Abu Ghraib prisoner abuse.

In conflict situations, the roles assigned to the media are numerous and slightly different as to the media’s role in a peaceful situation (Putnam, 2002: 119). Most relevant for this study in this regard is that “the media is an active agent involved in the social construction of the public image of a conflict” (Putnam, 2002: 119). This active role – away from the passive “reflector” of the truth that media often claim to play, as discussed earlier – is most important in the ethical

consideration of the case studies to follow. This is so because the media are always, but especially also in conflict situations, “a gatekeeper, who sets agendas, filters issues, and accentuates other positions to maintain balance of views” (Putnam, 2002: 119). This setting of agendas, accentuating and filtering process is crucial in a foreign reporting context when considering that the South African public rely on the accuracy of the reports on geographically distant places. The readers of the publications have no means of backtracking or checking the news presented to them against their own observations, as the occurrences are geographically distant and within another cultural, social and religious context.

For the particularly South African context of this study, it is also useful to note De Beer’s comments on the South African media’s position and role: “when one probes the broad political structure and dynamics in Africa, a socialist democracy (...) within the framework of the developmental model (...) is taking form with a concomitant effect on the press and its reporting on peace and conflict issues (De Beer, 2002: 269). In the developmental approach of the extended version of the “Four Theories of the Press” model by Siebert et al (Fourie, 2001: 273), “the developing countries advocate the positive use of the media to promote national development, autonomy and cultural identity” (Fourie, 2001: 274). This theory allows for government restrictions of the media in favour of positive contribution to “the national developmental process” (Fourie, 2001: 274).

Siebert’s “Four Theories of the Press” is a normative approach to the role of the media in society. Siebert, Peterson and Schramm together established this categorization in 1963 in an attempt to “clarify the link between mass media and the political society in modern world” (Steinulfsson Skjerdal, 1999). The theories – the authoritarian, the libertarian, the Soviet, and the social responsibility theory – should serve to illustrate the media’s position in a country in relation the state and its politics. In more recent years, this theoretical division has been expanded to include two further categories: the developmental and the democratic-participant.

To some extent, South African media has adopted the developmental position for the role of the media, as can for example be seen by the formation of the Media Development and Diversity Agency (MMDA). The MDDA was established in 2002 to monitor the media diversity in the country and offer support for the development of a more diverse media market. Its primary purpose is to “promote conditions conducive to media development and diversity (...) in print, broadcast and new media” (Media Development and Diversity Agency, 2000). As a statutory body, it is meant to be free from political interference and has the right to initiate legislative regulatory processes to ensure a spectrum of diversity within the country’s media. The MDDA

allocates indirect subsidies to media products in order to ensure diversity on the media market (Media Development and Diversity Agency, 2000). With the formation of a body such as the MDDA, the importance of a free and diverse South African media was emphasised, as was the media's function within a developmental framework. Although the agency's establishment met with quite some criticism during its formation, the MDDA nonetheless exemplifies the synthesis of government action to contribute to national development in order to ensure a greater range of media voices, i.e. diversify the South African media market through public funds. It creates the government supported possibility of non-profit, community based media to grow while, at the same time, monitoring this growth (Wasserman, 2003b).

In contrast to this, the press codes and codes of conduct of the different media corporations and organisations stand in stark opposition to the developmental model. The South African media laws and Constitution are both conducive of a democratic, unbiased media landscape, supporting liberal democratic principles. In effect, the codes of conduct are largely based upon the social responsibility theory, indicating in their preambles or elsewhere that the media fulfil an important function in society, are, in fact, under an obligation to fulfil these, as well as that the media should remain independent and maintain certain standards (Fourie, 2001: 272). The extensive self-regulatory network and the statutory bodies in place to regulate the South African media would suggest that, to some extent, the South African media landscape follows the social responsibility theory.

Although both sides could be argued, these models are normative and the descriptive reality of the South African media's role must be seen to lie somewhere in between. It is neither strictly developmental, nor strictly social responsibility. This does, however, sometimes cause tension: in most papers, the economic considerations of the management stand undoubtedly sometimes contrast with ethical and journalistic considerations of the editorial staff. It is also a point of contention between South African politicians, who would like to see the role of the media as being a tool for development, and the journalists, who support the view that the media has a social responsibility towards the public (cf. Mbeki, 2003: 15).

2.2. Research Questions

Based upon the more general questions previously posed (see also the introduction chapter of this study), the ethical decision-making process, especially concerning the central issue of accuracy, in the case of the Abu Ghraib prisoner abuse cases becomes the focus of study.

Although studying all the issues raised in the preliminary questions would be too broad a scope for this study, the core issues raised will be analysed. Three central research questions have been formulated in this regard:

1. How was the issue of accuracy addressed in the reporting on the Abu Ghraib prisoner abuse situation by the *Cape Times* and the *Mail&Guardian*?
2. What are the similarities or differences between the two newspapers in this regard?
3. How were the relevant codes of conduct interpreted?

In the analysis of the case studies, it will be attempted to identify the general patterns in the ethical decision-making processes of the two newspapers in question when dealing with foreign and war reporting as well as reporting on human dignity abuse. As such, the articles selected for the case studies were particularly representative of all articles examined within the time-frame (see later in this chapter for selection criteria of the case studies, of the publications and of the time-frame), both in order to answer the above research questions and in order to demarcate the decision-making process within an ethical framework.

2.3. Discussion of Prominent Terms

Some of the terms used in the research questions, in the study generally and in the analysis of the case studies specifically (see also chapter six for the analysis) need to be supplied with clear definitions. This should serve to clarify broad concepts, demarcating which denotation of such concepts will be used in the realm of this study. In this regard, the issue of accuracy, including its immediately relevant ethical concepts will be explained along with some other key terms.

2.3.1. Code of Conduct

Codes of Conduct are “implicit policy formation” (Oosthuizen, 2001: 166). As a tool of self-regulation, *codes of conduct* or *codes of ethics* are formulated by the media “because the media are accountable to society” and because “such codes usually also make provisions for the avoidance of reportage that could lead to crime, violence or public disorder” (Oosthuizen, 2001: 166). In the realm of this study, several codes of conduct become relevant: the “Independent’s Code of Conduct” (applicable to the *Cape Times*), the “*Mail&Guardian*’s Professional Code”, the “South African Union of Journalists’ Code of Ethics”, and the “South African Press

Ombudsman’s Code of Professional Practice” (see appendices A through D for a full version of the codes).

As policy formation on this level is an indicator of the social responsibility media are seen as having within a specific country, they articulate the normative framework and ethical boundaries of possible media coverage. As such, they also to some extent delineate the role of the media within a specific society and accentuate the nexus between the ethics and legal framework of South Africa.

2.3.2. Normative Framework

The codes of conduct to be discussed within this study to a large extent already contain the basic *normative – or prescriptive – ethical framework –* of South Africa. By definition, *normative theories* are “ideal views (...) about the role of the press in society” (Fourie, 2001: 269). As Roelofse points out, “normative theories are mainly concerned with the freedom of, or restrictions on, the newspaper industry (media) in various situations” (in Fourie, 2001: 269). As such, *normative theories* or *frameworks* form the backbone of the different media’s codes of conduct.

From a media ethical perspective, *normative frameworks* are prescriptive or deontologist decisions, based on the fact that the “means are not justified by the ends” (Retief, 2002: 10) (see definition on deontology, section 2.3.8. in this chapter).

2.3.3. Prisoner Abuse vs. Prisoner Torture

In much of the reporting concerning Iraqi prisoner abuse found in American publications, the term *abuse* is preferred to the term *torture*. This is despite the fact that the treatment of the prisoners at Abu Ghraib clearly met the legal definition of torture. In the UN’s “Convention Against Torture and Degrading or Inhumane Treatment”, the term *torture* is defined as acts by which severe pain or suffering, physical or mental, are intentionally inflicted on a person in order to obtain information or a confession, in order to punish him for an act s/he committed or is suspected of having committed. This also includes intimidating or coercing her/him or for any other discrimination of any kind. The defining factor is that these acts must be committed by or through a public official or person acting in an official capacity (in Nichols, 2005). In the *New York Times*, however, *abuse* was used instead of *torture* and the explanation was that *torture* was seen as being “inflammatory” (Okrent, 2004) to readers. The definition was that “torture occurs

when a prisoner is physically or psychologically maltreated during the process of interrogation, or as punishment for some activity or political position. Abuse occurs when the prisoner's jailers maltreat her or him separately from the interrogation process" (Siegal in Okrent, 2004). As such, no differentiation between the phrases *prisoner abuse* and *torture* will be made in this study, seeing as how media used the terms interchangeably and because, in some instances, one must speak of *torture*, while in others, *abuse* is more appropriate.

2.3.4. Accuracy

The concepts of *accuracy* and truth-telling are closely linked. Often, there is no deliberate deception by the media themselves, but instances when the media serve as mere mouthpieces for government institutions, echoing their words without further contemplation or taking the source of the information into account are numerous. Often, simple repetition of information released by the government can compromise *accuracy* should no scepticism be exercised during the writing and reporting of an article.

Yet, deception cannot be completely ruled out because journalists are mostly aware of the PR-function of media spokesmen of government institutions. The media should know and go beyond these PR-gimmicks to search for the truth. "Associated Press (AP) states that 'the newspaper should background, with the facts, public statements that it knows to be inaccurate or misleading'" (Hausman in Retief, 2002: 53), and any media institution who does not can only be accused of either engaging in lazy reporting or being biased in favour of, e.g., the US government and its actions. True "[a]ccuracy can be achieved only if the relevant facts are put into the proper context" (Retief, 2002: 49). But "the fact is that information provided by any government should be treated with skepticism [sic]; reporters might try extending their critical approach to the U.S. military's statement" (Fair, 2003: 3).

This calls into question the 'objectivity' (see later in this chapter for a discussion of this term) of the media and thus also evokes accusations that they are propagandists without impartiality or scepticism. This also applies to the South African media when reporting on the 2003 Iraq War and the Abu Ghraib prison abuse scandal because South African media, forced to rely heavily on, amongst others, American sources, used material possibly biased in this way. During war times, the countries involved in the conflict may limit some of the information flow:

There are (...) occasions when the journalistic imperative to report the truth is held hostage by more powerful forces that are just as determined, for their

own ends, to control the flow of information to the public. Media coverage of military conflict is a troublesome and recurring example (Day, 2000: 83).

Taking the example of media coverage during the Operation Desert Storm, Day quotes *Newsweek*, which described many of the first-time war reporters as

callow children of the video arcades, stupefied by the high-tech at press briefings (...) At times, (...) news organizations seemed so busy courting generals, they forgot to ask questions. Competing correspondents, papers and networks played right into the Pentagon's hands (*Newsweek*, cited in Day, 2000: 83).

When media coverage becomes this clouded with subjective perceptions and government manipulation, it is difficult for the public to distinguish fact from fiction and accurate presentations from ethnocentric and subjective perceptions.

Retief (2002: 68) notes a further difficulty that arises in war reporting: "it is possible to think that you serve 'the truth', but to find in the process you are actually undermining it". All this makes balancing reports, striving for fair, 'objective' reports and continuously searching for *accuracy* by including as many different viewpoints as possible even more essential

Approaching *accuracy* from a deontologist's perspective, one must first acknowledge that the moral obligation of truth telling is a fundamental societal value. But what when journalists have not lied, not purposefully deceived, yet still have not told the truth? And, even more difficult, is it lying when sources are not revealed, especially when there is a good possibility that these may not be reporting truthfully?

"Journalists can report 'accurately' *and still be wrong*, causing immeasurable harm" (Retief, 2002: 50). Most of the time, journalists probably do not purposefully wish to deceive their viewers/listeners/readers, but by reporting information released by the government uncritically, without due scepticism or – at the very least – comment about the source of facts, the media can give a one-sided perspective. I agree with Retief that "[t]he role of the media is to inform societies thoroughly about the full spectrum of issues in a conflict" (2002: 103). As an ideal, *accuracy*, and therefore also "[f]airness[,] means pursuing the truth with both vigor [sic.] and compassion, and reporting information without favoritism [sic.], self-interest, or prejudice (...) avoiding biased reporting, stereotypical portrayals, and unsubstantiated allegations" (Black, Steel & Barney, 1995: 53).

The concepts of accuracy and 'objectivity' are thus tightly connected. As Matlare put it in an article in *The Sunday Independent*: "[j]ournalists [are] becoming the pawns in an increasingly complex politico-media environment" (Matlare, 2003: 6) that make both journalistic maxims increasingly difficult to obtain.

2.3.5. 'Objectivity'

Accuracy is thus inextricably linked to the issue of 'objectivity', as reporting 'objectively' includes striving for balance and fairness in search for truth that is also entailed in reporting accuracy.

One of the most disputed concepts in media ethics and in war reporting is undoubtedly 'objectivity'. "In journalism, objectivity is sacrosanct" said Charles Phahlane in an article in the *Cape Argus* (Phahlane, 2003: 10) and coins the main problem of this concept. It seems that there are as many definitions as there are participants in the debate. Cunningham agrees: "Ask ten journalists what objectivity means and you'll get ten different answers" (Cunningham, 2003: 2).

'Objectivity' seems to serve as a sort of umbrella concept in media ethics, uniting many of the most salient ethical issues of journalism and reporting, such as accuracy, fairness, balance, truth-telling and many more, under its wings. As stated earlier, most critics seem to agree that 'objectivity' is not attainable in reporting. "Though absolute objectivity may be impossible, as well as undesirable (...), its legacy remains in the quest for factual accuracy, balance and fairness" (Endersby & Ognianova, 1996: 9). As Wasserman (2003a) rightly points out, "[i]t is one thing to engage in a philosophical debate about objectivity as a concept, and quite another to abdicate one's responsibility as a journalist to remain committed to seek out the truth".

Yet, "*the process of news reporting is by nature already interpretation (subjective). (...) [T]he process of selection (...) already is interpretation*" (Retief, 2002: 101). Retief speaks for a "strive to be objective" after the realization that no human being can be truly and completely detached, impartial, unbiased or objective (2002: 102). This should be taken into special consideration by any journalist, because any type and form of reporting "is an unintentional (but inevitable) form of social intervention" (Retief, 2002: 103).

There have been different ways to tackle the problem, but this has most effectively been done by the BBC's "Producer's Guidelines", which speak of "due impartiality", where "due" has the meaning of "adequate or appropriate to the nature of the subject and the type of programme" (in Retief, 2002: 101-2). In fact, the guideline goes on to say that "due impartiality does not require absolute neutrality on every issue or detachment from fundamental democratic principles" (Retief, 2002: 102).

'Objectivity', in turn, is not only linked with accuracy, but also with fairness, balance and truth.

2.3.6. Fairness

The above definitions of accuracy and ‘objectivity’ shows how all the three mentioned topics are connected, one leading into the next and overlapping with each other. Aside from the aspects already mentioned, Retief mentions the basic proposition of *fairness*: “Fairness should be an important issue for all journalists because unfairness causes harm. Remember the most basic ethical principles for journalists: maximum truth, minimum harm” (2002: 84). According to Retief (2002: 84), the following aspects of fairness should be considered:

- In any report, the diction and juxtaposition of the written word is important;
- Without striving for a proper context – and thus also, indirectly, ‘objectivity’, no story can be fair;
- The inherent subjectivity of all persons – including the journalist himself – must always be kept in mind; and
- *Fairness* also means balancing the report.

This becomes especially important in the sense of the social responsibility the media is seen as having (see section 2.3.7. in this chapter for a definition of social responsibility) and in the sense of foreign reporting. With the limited first-hand knowledge of the South African public in the Abu Ghraib prisoner abuse cases, the media must strive for maximum *fairness* – maximum possible truth – in order to serve in accurately informing the public. *Fairness* – as part and parcel of and with other concepts such as accuracy, ‘objectivity’ and balance – should serve as the top priority in the ethical-decision making process.

2.3.7. Social Responsibility

Social responsibility builds on the basis that journalism has its primary “obligations to the people who read, listen and watch the news” (Broder, 1990). As such, according to the Hutchins Commission, journalists are required “not only to present the facts, not only the truth behind the facts, but to be accountable to society if he or she failed to do so” (Altschull, 1990: 284). This body, created just after the end of the Second World War in the United States, was the founding stone of the later formulated “Four Theories of the Press” (see section 2.1. in this chapter for a discussion of these theories). The Commission incorporated the so-called Social Responsibility

Theory in their “Four Theories of the Press”, but here, the term is used to mean the moral and social obligation the media is seen to carry as a component of – and a contributor to – society. In effect, *social responsibility* in media must be seen as “a moral right” because it is in tight connection with freedom of expression – one balancing the moral and social right of the other (Altschull, 1990: 284).

As Retief succinctly puts it, the media have a large degree of influence on the lives and (possibly) on the behaviour on society. “And precisely because of this influence, the media have a huge ethical – and social – responsibility” (Retief, 2002: 216). The ideal expression of *social responsibility* as exercised and carried out by media is self-regulation apparatus that helps in balancing the rights of freedom of speech with the responsibility to protect, for example, children from harm through media (see chapter four, section 4.2. for self-regulation apparatus). In South Africa, there are some further legal means that exemplify *social responsibility*, overriding the right to free expression: the prohibition of hate speech and propaganda for war (see chapter four, section 4.1. for media law) as well as the Films and Publications Act 65 of 1996 which classifies the films produced and distributed within South Africa and regulates their audiences. In other words,

Lurking in this rather abstract concept of social responsibility is the principle of reciprocity, the notion that individuals and institutions have a moral obligation to the public’s welfare, in return for which society bestows its respect and trust (Day, 2000: 36).

In reporting on war and conflict, as well as in the reporting of human dignity violations within a war or conflict situation, the *social responsibility* of the media could be said to be maybe even greater than during other times. This also applies in reporting on international news. “Media coverage of international topics, such as war and peace, is especially influential because the public cannot rely on other sources of information, such as personal experience or interpersonal communication” (Beaudoin & Thorson, 2002: 45).

2.3.8. Deontological Approach

In the meta-ethical part of this study, included in the analysis of the case studies to be analysed later in this study, all three of the following three approaches (see later in this chapter, sections 2.3.9. and 2.3.10. for definitions on the teleological approach and the Golden Mean approach) to ethical problem-solving will be reviewed and used in order to reach an ethically valid solution to the case studies analysed.

The *deontological approach* defines situations when “decisions are made according to the principles of duty” (Retief, 2002: 9). The eighteenth-century, German philosopher Immanuel Kant developed this duty-bound approach. In *deontology*, every individual is obliged to act according to the principles of the society, without taking the consequences of the actions into account. This is because it is thought that the individual is acting according to “certain universal moral duties” (Day, 2000: 59). Actions are, as such, defined by their intentions, regardless of what the outcome may be. In other words: “the ends do not justify the means” (Day, 2000: 60).

Deontology has the advantage that a set of fixed rules are easy and clear to follow, but tend to be absolutist in their approach. In the busy newsroom environment (and every-day environment for that matter) there may be situations that require breach of one moral right to adhere to another. On the other hand, “a set of principles always makes it easier to make decisions” (Retief, 2002: 10).

2.3.9. Teleological Approach

The *teleological approach* is, more or less, the opposite of the deontological ethical theories. In the *teleological approach* to ethical decision-making, the outcome of an action matters more than the act itself. In one version of *teleology*, the egoistic approach, this means maximizing good for the ego, the individual (Day, 2000: 61). The most influential branch of *teleology*, however, is utilitarianism. This is “the conviction that something is good if the majority benefits by it implies that the public interest (...) is held to be of the outmost importance” (Retief, 2002: 8). The focus is thus, indirectly, also on minimizing harm (Day, 2000: 61).

In the media business, *teleology* is easily (sometimes too easily) adopted by media practitioners because of the conviction that they are working for the greater good of people. When, for example, justifying certain decisions with an appeal to the public interest, this is *teleology* (and, more precisely, utilitarianism) at work. Being more flexible to accommodate different situations, the consequentialist approach allows some leeway in finding solutions for ethical problems. On the other hand, however, predicting the outcome of one’s actions can sometimes not be foretold.

2.3.10. Aristotle’s Golden Mean

Aristotle's *Golden Mean* presents the third, and final, ethical approach which will be included in this study. Unlike the duty-bound and consequence-bound theories, the *Golden Mean* presents a virtue-bound approach to ethical decision making. This theory emphasizes the virtues of the decision-making party in reaching moderate conclusions in extreme cases where neither extreme would have produced a satisfactory outcome (Day, 2000: 62). Aristotle held that a good character of a person would also lead to a choice between two extremes, i.e. "virtue lies somewhere between vices" (Retief, 2002: 10).

The *Golden Mean* does not, however, present a simple treading of the middle-ground in making ethical decision in the production of articles – this would be pure lazy journalism, avoiding conflict at all cost. The *Golden Mean* can lie not halfway, but sometimes close to one extreme than the other, depending which is closer to the truth. Very often, the normative roles as well as the codes of conduct are an attempt to encourage a virtue-based decision-making process in that most media institutions do not conform easily to either consequentialism or non-consequentialism, both tending to lead to "unacceptable extremes" (Retief, 2002: 10).

2.4. Methodological Framework

This study will be based on qualitative work, as applying the *Verstehen* principle (De Beer, 2005: 11) is its foremost purpose. Findings will be based mainly on a specific type of qualitative content analysis of a number of selected case studies of the two newspapers *Cape Times* and *Mail&Guardian* (see section 2.4.2. of this chapter for detailed selection criteria of the case studies, the publications to be studied and the time-frame chosen).

The content analysis method used is that of a critical textual analysis which "draws on (...) journalistic practice dealing with selection, exclusion, emphasis, and organization through reporters and editors" (Alozie, 2004: 44). Within the ethical analysis method used, the focus will be on the text of the individual articles. With the text as a basis, deductions will be made as to the journalistic production process, i.e. the external, non-ethical, factors involved in the ethical decision-making process (cf. Day, 200: 65). The articles here to be presented as case studies will be media ethically analysed, using the SAD model (described here below, in section 2.4.1.) by critically assessing the issues mentioned. In so doing, the ethical decision-making process at work during the creation of the article can be discussed. Critical textual analysis entails multiple readings of the articles in question, with detailed analysis after the identification of ethical issues

involved, possible considerations to be made according to external factors, etc. (cf. Alozie, 2004: 44-5).

In this study, the textual analysis will constitute case studies related to the central research questions, namely the ethical issues arising in the coverage of the Abu Ghraib prisoner abuses in reports by the *Cape Times* and the *Mail&Guardian*. Each chosen article will undergo analysis according to Day's SAD model (see also section 2.4.1. in this chapter for a detailed outline of the SAD model). It is thought that the first two weeks after initial reports about Iraqi prisoner abuse should be the time-frame (see also later in this chapter for selection criteria). For chapters three, four and five, historical and literature research will be conducted in order to form a solid basis on which to perform the further research and the case studies.

2.4.1. Analysis

Louis A. Day's SAD Formula will be used as the method of systematically assessing the selected case studies in content analysis. The analytical steps in the SAD Formula for reaching a well-reasoned ethical decision are (Day, 2000: 64):

- (1) "the situation definition;
- (2) the analysis of the situation", including a discussion of alternatives; and
- (3) a discussion of "the decision or ethical judgement", i.e. a description of the final article in relation to the normative frameworks, to "local" ethical frameworks and to the relevant codes of conduct.

The first step involves defining the ethical issues at stake, describing and listing these, discussing how they are important in the decision-making process. By describing the facts and identifying "the relevant conflicting values and principles implicated in this ethical dilemma" relevant, ethical issues, such as accuracy, truth-telling, balance, fairness, media credibility, 'objectivity', competition and economic factors in a deadline-oriented media environment will be identified (Day, 2000: 65). When influencing factors have been identified, a clear and specific statement of the ethical issues involved will be made (Day, 2000: 65-66).

In the analysis of the situation, the pros and cons of the clashing values of the ethical dilemma, including all possible ethical alternatives, are dealt with. Besides using the available information, an assessment of the external factors influencing an ethical judgement – i.e. the broader context of the specific case (such as references to the 2003 Iraq War situation, the

general Abu Ghraib prisoner abuse, etc.) – is made, referring to culturally conditioned contextual factors such as legal constraints, company policies, etc. where applicable. This also includes considering the effect of the articles on individuals and groups of the readers, e.g. religious concerns, etc. The second step of the formula includes critically considering ethical alternatives in terms of the meta-ethical theories of teleology, deontology and Aristotle’s golden mean where applicable and relevant (Day, 2000: 65-66).

In the final section, a discussion of the newspaper’s and journalist’s decision will be presented with references to the applied theories (Day, 2000: 64-67), as well as to the normative frameworks and applicable codes of conduct.

2.4.2. Selection of Case Studies

The selection of the individual case studies to undergo critical content analysis within an ethical framework in this study is limited by time, accessibility and to two newspapers.

Choosing South Africa for the place of investigation was driven by the wish to investigate an African perspective of the 2003 Iraq War and South Africa, being one of the dominant countries on the sub-Saharan continent in terms of economic stability and prosperity. Further, the mixed religious population of South Africa was another reason for the choice of this country: South Africa contains



significant Muslim and Christian populations, as well as other faiths. It has always been argued that in countries where people profess different faiths (Christianity, Islam, and other traditional beliefs), the mass media play a large role in promoting understanding on national and international issues, especially in cases where there may be religious connotations, such as the 2003 Gulf War (Alozie, 2004: 40).

Although this issue cannot be explored in full detail within the realm of the study, it nonetheless proves an important selection criterion: within a country that is “purely” Islamic or “purely” Christian, the media’s outlook on the conflict may be very different, possibly slanted according to which sides in the conflict it sympathizes with. In South Africa, the media has a mixed population as readers/viewers/hearers/users, and can thus not “afford” to take sides if it is to gain and maintain stability within society at large. Further, the South African media laws and Constitution are both conducive of a democratic, unbiased media landscape.

The newspapers selected are the *Cape Times* and *Mail&Guardian*. This study relies on the electronic versions of the two papers for reasons of accessibility. The daily *Cape Times* and the weekly *Mail&Guardian* were chosen because they are both well-known and well-established

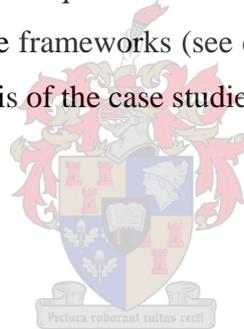
South African newspapers with a nationwide (through the internet: global) reach. Both publications serve an English-speaking, elite audience with an interest in world affairs as can be seen by readership figures (see chapter five for figures on readership), albeit to a somewhat different extent. This means that opinion-makers and leaders within the country and internationally, as well as the greater public are likely to read the publications. The motivation for the choice is thus that it determines the publications' content and quality of critical and in-depth coverage of the Abu Ghraib incidents. Being an issue of international news, such publications were expected to report on the matter at greater length and more in-depth than, for example, local or community newspapers – tending, generally, to focus more on local news.

The *Cape Times* and the *Mail&Guardian* do, however, also have a number of differences, which made the combination of the two for research particularly useful: one is published regionally, the other nationally; one is a daily, the other a weekly. And although both have readerships within the same market segment, one appeals more to the economic and intellectual elite of South Africa, while the other aims more at a mixed-race and gender regional readership (Whitfield, 2004). This should give the researcher the opportunity to investigate articles from two ends of a spectrum: aimed at somewhat different readerships and having different goals (weekly and daily publications differ in their coverage of a specific matter in terms of available space, deadline pressures, amount of information available for coverage, etc.), the newspapers in question undoubtedly attract different advertisers and thus also underlie different pressure groups. This, in turn, would indicate slightly differing codes of conduct and aims as well as, perhaps, slightly differing points of view in terms of reporting (see also appendices A through D for the full version of the codes of conduct).

The articles included in the selection process to determine the case studies here presented stem from the time-frame between the 1st of April 2004 and the 30th of June 2004. All articles – excluding commentaries, opinion-editorials and letters to the editor – covering the Abu Ghraib incidents were included into the closer selection process, but only two from each publication will be analysed in-depth here. This time-frame is limited enough to allow a first, exploratory case-by-case analysis according to the SAD-model (see above for explanation of this model) in order to determine case studies to be analysed in-depth. The selection was based on their representability of ethical issues involved in the two newspaper's coverage. It also ensures that the initial “media boom” surrounding the issue is covered. It makes this time-frame particularly interesting because, as news items “break”, their coverage may, (a), be more extensive but also, (b), possibly more dominated by sensationalist reasons. Agrees Steele (2001): “Such stories

produced by television and radio stations and networks or published by newspapers tend to be very reactive and focus on breaking news of the crisis of the moment. Given the very nature of an unusual and scary event clothed in emergency response, the stories tend to be sensational (...) the reports generally offer us little in the way of meaningful knowledge and understanding.” Due to the economic considerations of a publication on a competitive media market, such news “needs” inclusion, but the time-frame for research may be limited. In such stages of “breaking news”, therefore, the ethical decision-making process of the journalists is of particular interest. There case studies to be presented here are, aside from the aforementioned reasons of selection, also of particular interest as examples of the kind of ethical issues at stake when reporting on international news, reporting on war and on human dignity abuse.

Before actually undertaking the analysis according to the SAD model, the case studies need to be contextualized – both in terms of the 2003 Iraq War, the background of the Abu Ghraib incidents and their respective media coverage (see the following), as well as in terms of the position of the two newspapers in question within the South African media market (see chapter five) and legal and normative frameworks (see chapter four). All such contextual factors will contribute to the in-depth analysis of the case studies.

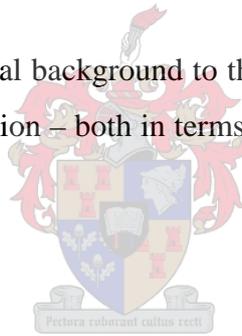


Chapter 3: Context 2003 Iraq War and Abu Ghraib Prisoner Abuse

With the issue of accuracy central to the study, the context of South African reporting on the Abu Ghraib prisoner abuse incidents is important in order to understand the background of the ethical decisions made in the production of the newspaper articles here analysed as case studies.

The context of the war and the pre- and post-war reporting that had preceded the Abu Ghraib prisoner abuse scandal is important for this study as it provides the backdrop to the media coverage of the scandal. This could also influence the interpretation and application by the individual media practitioners of the normative frameworks and gives an indication of the information available to them.

In this chapter, some historical background to the 2003 Iraq War will be given in a brief summary of the 2003 Iraq War situation – both in terms of the war itself and the media coverage thereof.



3.1. The 2003 Iraq War

Actual military invasion in Iraq began on 19 March 2003, when combined forces belonging primarily to the United States and the United Kingdom invaded the country. Other countries, such as Australia, Poland, Denmark and Spain, supported the invasion politically and with own forces sent as support (as part of the 49 nations constituting the “Coalition of the Willing”) (cf. Anderson, Bernis & Cavanagh, 2003). The three-week war toppled the Ba’athist government of Saddam Hussein and began the occupation of Iraq. The final ultimatum for the war to begin was the expiration of a 48-hour deadline, set by US-President Bush, demanding Iraqi President Hussein as well as his family members in office to leave the country after a long-drawn disarmament crisis (American Friends Service Committee, 2004).

The reasons behind the invasion, according to the US-government, were that the relation between the US and Iraq had never really warmed again after the Gulf War in 1991; there were fears that Iraq was developing weapons of mass destruction (WMDs) – in violation of a UN

resolution; and the Iraq Liberation Act, passed by US-congress in 1998, which states: “It should be the policy of the United States to support efforts to remove the regime headed by Saddam Hussein from power in Iraq” (Iraq Watch, 2004). On the other hand, there were numerous scandals surrounding the reporting on the alleged existence of WMDs in Iraq (see later in this chapter, section 3.2., for a discussion of the media coverage of the 2003 Iraq War). The most prominent example is probably the (at the time of writing) jailed Judith Miller. “Relying on a small circle of highly interested parties (often anonymous ‘sources’), she became the leading journalistic purveyor of the fallacy that Saddam Hussein had WMD and that he was tied to Al-Qaeda” (Baker, 2005) – a fallacy that became one of the US media’s main legitimization attempts for the war.

Global protests – with mass demonstrations in, especially, European countries and Islamic, Middle Eastern countries – showed opposition to the war. With “The World Says No to War”, the largest coordinated day of protest took place on 15 February 2003, with more than 600 cities participating (American Friends Service Committee, 2004). On a political level, the invasion was criticised by, amongst others, Canada, Germany, Switzerland, India, Indonesia, Brazil, Mexico, the African Union as well as the Arab League. In legal terms, the US-led invasion was invalid as the UN Security Council’s majority had voted against the attack. This, as well as the peace demonstrations around the globe, received extensive media coverage.

Although there was no evidence to support allegations that Iraq was planning an attack on the US or that there was a connection between al-Qaeda and Iraq, such a link was often mentioned in the run-up to the war (San Jose Mercury News, 2003). Even US Defence Secretary Colin Powell confirms the lack of evidence in retrospect: “the information leading up to the war ‘wasn’t as solid as we thought it was.’ In particular, said Powell, U.S. intelligence on Iraq’s weapons of mass destruction turned out to have been exaggerated” (in United States Institute of Peace, 2004). Adds Powell: ““there was no error in the fact that Saddam Hussein had never given up the intention of having usable weapons of mass destruction”” (in United States Institute of Peace, 2004).

When no weapons of mass destruction were found, it was argued by the US and the coalition forces that the invasion was justified because of human rights abuses committed by Saddam Hussein. Critics on the political scene, as well as Human Rights NGOs within the UK, the US, in Europe, Africa and Asia question why the US-government did not think of intervening

into such conditions earlier. The main question is: why was the war then justified on other grounds previously? (Solomon, 2003).

At the time, however, the general fear that Iraq might be building WMDs remained. In November 2002, the United Nations under UN Secretary General Kofi Annan had passed the UN Security Council Resolution 1441 which meant a resumption of the weapons inspections in Iraq (American Friends Service Committee, 2004).

Officially secured on 9 April 2003, US forces took Baghdad, Kikurk and Mosul and declared the Saddam Hussein regime as ended on 1 May 2003 (American Friends Service Committee, 2004). The declared end of the war, however, did not mean that Iraq was peaceful. Until the time of writing, the Iraqi resistance groups continue fighting. On December 13, 2003, Saddam Hussein was captured by the US army in Iraq. His sons and grandson were killed earlier in 2003. This marked another turning point in the ongoing occupation of Iraq (The New York Times, 2003).

3.2. Media Coverage of the 2003 Iraq War

In terms of the media coverage, the new policy of “embedded” reporters as well as live coverage of the military invasion around the globe meant that the media coverage was different in certain ways from previous wars. US-Assistant Defence Secretary Victoria Clarke had devised the new strategy of embedding reporters with military units, making TV-viewers able to watch tanks rolling into Baghdad live on screen. David Zucchino gives an insider perspective in his article “The War, Up Close and Very Personal”: his military embed in the US-army during the Iraq war, what he calls “the grand journalistic experiment of the Iraq war” (Zucchino, 2003: 2), got him “stories I could not have produced had I not been embedded. (...) For journalists, the greatest enemy was ourselves – our ingrained human tendency to identify with those beside us.” (Zucchino, 2003: 2-3). Traveling, living and reporting the war alongside the US-troops coloured the news and added subjective experiences to the overall war reporting.

Al-Jazeera, a Qatar-based television news network, gained worldwide attention for providing an alternative view to CNN and BBC in the coverage of the war, although it was criticised for its very graphic coverage of civilian casualties (Solomon, 2003). SABC used, amongst others, al-Jazeera as one of its news feeds when covering the war, along with material from BBC, CNN, ZDF as well as SABC’s own correspondents and the South African Press Agency’s (SAPA) coverage (Matshikiza, 2003: 26). The argument was that a greater number of

sources would yield a more broadly differentiated (and thus more 'objective') coverage of the 2003 Iraq War. Still, critics like Tawana Kupe asked whether the "local angle" on the war was well balanced, given the footage shown on SABC and e.TV. He concludes that both SABC and e.TV gave ample airtime to worldwide protests and "brought home the realities of `collateral damage'", but that there were "precious few local commentators and analysts (...) and even less special debate programmes" (Kupe, 2003: 38).

In South Africa – as in many other countries around the globe – there was heavy coverage in all media leading up to the war, during the war and of the attacks after the official end of the war. Leading up to the war, "the economic impact of an attack gained a great deal of attention in the African press" (Alozie, 2004: 49) and was also covered to a large extent in South Africa. According to research of the coverage of the Iraq War in the Czech Republic, Germany, South Africa and the United States, the role of the media itself in the conflict situation in the 2003 Iraq War became a topic in the reporting. Journalists "enriched the coverage with extensive insights into their own working conditions (...) with audiences sensitized to the situation, correspondents no longer had to be sensitive about the sources of their information" (Media Tenor, 2003: 11). Although there were some differences within the South African broadcasting landscape as to how the war was handled as a news item, the broadcasters generally reported in a very superficial way and "displayed much more emotion in their coverage than their non-U.S. counterparts abroad" (Buchinger, Wasserman & De Beer, 2004: 219).

In general, it can be said that "sub-Saharan Africa opposed unilateral use of force" (Alozie, 2004: 51) and that this was exposed through the media coverage of the events leading up to and immediately following the invasion. There were some voices, notably the South African newspaper *BusinessDay*, which departed from this mainstream: although most sub-Saharan press agreed that a peaceful resolution to the conflict should be sought, others thought the USA should be supported for acting to remove a dictator from power – something that still remained to be done in different parts of Africa (Alozie, 2004: 50).

What should not be forgotten, however, is that, "while watching this war unfold in the various media outlets is a good example of how bias clearly exists on all sides, there are nonetheless positive signs that international media are collectively moving toward becoming more objective, by force of necessity" (Harman, 2003: 1). This is because if one media outlet reports something, its reported facts are either undermined or confirmed by other outlets reporting the same news on the same day (Harman, 2003: 1).

3.3. The Abu Ghraib Incidents in the Media: Breaking the Story

The organisation of the International Committee of the Red Cross (ICRC) sounded the first alert about appalling treatment of prisoner and conditions of captivity, in the Abu Ghraib and other facilities. At first, oral reports about the contravention of the Geneva Convention were given to those in charge of the coalition forces. Later, these were put in writing. In fact, the ICRC had “warned U.S. officials a year ago [i.e. in May 2003]. Yet it took those appalling photographs to turn this into a huge story” (Gillmore, 2004). Only then did the ICRC’s report become heard by the US-military. Several other Human Rights Organisations, such as Amnesty International, are said to have complained that “American troops are mistreating Iraqi prisoners” (CBC, 2005) as well, but no greater weight was put on these complaints – not in the media, nor in the ranks of official investigations.

In January 2004, a military policeman presented investigators with a disk of photos proving the prisoner abuse at the Abu Ghraib prison. Following this, “Central Command issues a brief press release announcing an investigation into the mistreatment of Iraqi prisoners” on 16 January 2004 (CBC, 2005). At the same time, the ICRC again issued a confidential report to the coalition forces stating that prisoners thought to have intelligence on certain matters were systematically tortured (ICRC, 2004: 3). Although there was a public statement, the media did not pick up on the matter. A few days later, there were suspensions and an investigation into the prison system in Iraq, leading to the so-called “Taguba Report”, was begun. After its completion on 26 February 2004, it is decided that neither the report nor its content should be released to the public (CBC, 2005).

The media coverage of the abuses begins with the American news magazine *60 Minutes II* on the US-channel *CBS*: the magazine broadcasts “pictures that show leering American soldiers taunting naked Iraqi prisoners who are forced to assume humiliating poses” (CBS, 2005). In the show, former Marine Lieutenant Colonel Bill Cowan said that “we went into Iraq to stop things like this from happening, and indeed, here they are happening under our tutelage” (in CBS, 2004). Only two days later, there are six charges by the US military of the US soldiers depicted in the pictures.

On 1 May 2004, the *The New Yorker* magazine reported that it has access to the Taguba Report and published pictures of American soldiers smiling next to hooded prisoners (CBC, 2005). In the UK, *The Daily Mirror* published pictures of an Iraqi that claims to have been

tortured by British troops during his imprisonment in Iraq. Although both US-Defence Secretary Donald Rumsfeld, US President George W. Bush as well as UK Prime Minister Tony Blair apologize for the abuses and took responsibility for what has occurred, the global media express concern that such abuses may have been more widespread (CBC, 2005).

On 19 May 2004, the first US Soldier, accused of participating in the abuses was court-martialled and, shortly thereafter, guidelines for the conduct of US soldiers and interrogations techniques were issued. An independent commission set on the matter concludes its report in August and claims that Pentagon military and civilian officials share part of the blame for the occurrences (CBC, 2005).

Further sentences of the soldiers involved were handed down in September 2004, October 2004 and January 2005 (CBC, 2005). In total, 17 officers were removed from duty, and seven soldiers were charged with mistreating prisoners (CBS, 2005).

Within South Africa, the media covered the events in the prison abuse case with great detail, much as it had covered the war. As in other countries, the reporting occurred on the background of the previous US, pro-war propaganda stories and in the midst of recurrent violence between Iraqis and coalition forces. For the reporting, South Africa relied heavily on international and national newsfeeds as well as the international TV-channels.

But the South African reporting on the Abu Ghraib prisoner abuse cases was also determined by specifically South African, so-called, external factors (Day, 2000: 66): aside from the newspaper and journalist's limitations in terms of means, the South African media laws and self-regulation apparatus, e.g. codes of conduct, delineates within which realm the case studies to follow should be considered. The following chapter, chapter four, briefly describes these codes and laws.

Chapter 4: Codes of Conduct, Media Laws and Self-Regulation

In order for the discussion of the different case studies to follow, the applicable newspapers' specific codes of conduct as well as the South African media laws must be briefly discussed. A brief look at the legal environment directly relevant to the following case studies is also necessary because of the nexus between law and ethics. As Day puts it, "not all moral issues can be, or should be, legally codified (...) nevertheless, legal obligations are based on moral ones (...) thus, it is clear that most legal issues have a moral dimension as well" (2000: 33). As such, ethical issues go hand-in-hand with moral considerations and legal restraints, often overlapping, and making the South African media laws directly relevant for the case studies.

After having discussed the theoretical background as well as contextualized the reporting in terms of the 2003 Iraq War and the Abu Ghraib incidents themselves, this chapter should serve both to contextualize the discussion within a specifically South African setting as well as aid the discussion of the case studies in explaining the framework within which (and the viewpoint from which) the articles were written. The media laws serve as a basis for these codes of conduct, and, as such, will be briefly discussed before discussing and explaining the codes themselves. A short look at the South African media self-regulating system should further help to contextualize the case studies as well as the codes of conduct.

4.1. South African Media Laws

Media practitioners in South Africa as elsewhere face the challenge of balancing the precarious see-saw between their constitutional freedom of expression and other constitutional rights of their sources and subjects. According to Penfold (2003), some of the central issues of South African media law for practitioners are:

- Freedom of expression,
- Defamation,
- Privacy, and

- Hate Speech.

All of these points are relevant for the case studies in that they touch on directly relevant ethical issues (see also chapter six on the case studies). Within the reporting, albeit foreign reporting, a number of settings make certain laws, such as defamation and invasion of privacy of, e.g., the victims or the accused, directly relevant – in an ethical as well as in a legal sense. But the freedom of expression – the most important constitutional right for any free media environment – first and foremost ensures that media may report on subjects of their choice. Freedom of expression in South Africa is guaranteed under section 16 of the 1996 Constitution which stipulates the following:

1. Everyone has the freedom of expression which includes
 - (a) Freedom of the press and other media;
 - (b) Freedom to receive or impart information or ideas;
 - (c) Freedom of artistic creativity;
 - (d) Academic freedom and freedom extend to of scientific research.
2. The right in subsection (1) does not
 - (a) propaganda for war;
 - (b) incitement of imminent violence; or
 - (c) advocacy of hatred that is based on race, ethnicity, gender or religion and that constitutes incitement to cause harm (The Constitution of the Republic of South Africa, 1996: 9).

The Constitution's limitation clause (section 36) states that all rights in the Bill of Rights may be limited by way of law of general application, provided this "is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom" (Burns, 2001: 106).

The issue of the law of defamation is rather complex because it involves balancing these two – sometimes contradictory – laws. Defamation is the "wrongful publication of defamatory material" (Penfold, 2003) and the most common defences are truth in the interest of the public and fair, substantiated comment without malice. Defamation becomes one of the matters to consider in the case studies to follow: as the scandal of the abuses in the Abu Ghraib prison facilities "broke", journalists around the globe could not be sure of whether the information was indeed accurate and could be relied upon. As such, they could not be completely sure if the

accusations against the American officers in charge of the prison facility had indeed committed the abuses. Going along with this information also meant a possible breach of the laws against defamation – especially as soon as the names of the persons in question were mentioned. Although one could expect that, with the media acting as watchdogs of the public in the case of the Abu Ghraib prisoner abuses, freedom of expression would “override the right to reputation” (Burns, 2001: 151-2) against defamation, the law of defamation nonetheless must be considered when considering the reporting on the Abu Ghraib prisoner abuses. With the persons committing the abuses singled out and presented in public, this becomes very important, especially in the foreign reporting context of the articles published within South Africa as it underlies the ethical discussion of the media’s social responsibility of publishing accurate, reliable material. This is especially so in the view of the fact that the public has no chance of verifying the information presented to them within such a foreign reporting context.

The law of privacy is, again, a balancing act and Penfold defines two categories for a breach of privacy:

- the wrongful intrusion into a private sphere and
- the wrongful disclosure of private facts (2003).

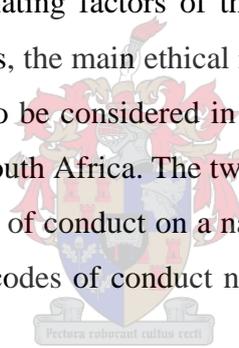
Some persons, for example politicians, generally have less expectation to privacy because their public conduct can generally be said to be of public interest.

In the case of the Abu Ghraib prisoner abuse reporting, the invasion of privacy is a concern, although more in an ethical than in a legal sense. Are the victim’s names to be published (or their faces revealed on the photos)? Are the names of those accused to be published? Would that constitute an invasion of privacy – ethically and/or legally? If no, is there an overriding public interest and/or are they public figures (being members of the American army) so as to justify this invasion? These are only some of the questions that could become relevant in the analysis of the case studies (see also chapter six for the case studies).

The final point on the list of Penfold is hate speech. Such speech is prohibited under the Constitution’s section 16, 2, (c) and is further criminalised in section 29 of the Films and Publications Act. Similarly, the Equality Act states that “no person may publish words based on the prohibited grounds that can reasonably be construed to demonstrate clear intention to be hurtful” (Penfold, 2003). However, *bona fide* reporting in the public interest is excluded from these laws. This exclusion provides much lea-way for the media and is particularly relevant with regard to the publication of articles concerning the Abu Ghraib prisoner abuse scandal. Should

the reporting have been clearly intended to be hurtful, this could nonetheless be argued to be in the public interest as it conveys important information to the South African public about the ongoings at the prison facility in Abu Ghraib. All the same, is the South African media allowed to express some sort of opinion – negative or positive – as to the occurrences? Where can the line between negative reporting and hate speech be drawn? Away from the purely legal sense, the ethical considerations in publishing, for example, opinions anti-US or anti-US army could, in fact, constitute something near hate speech. Aside from the mentioned reporting, hate speech also means abuse “directed at individuals or groups who represent a specific race, religion, ethnic background, gender or sexual preference” (Burns, 2001: 112). With the conflict some geographical distance away how did the *Cape Times* and the *Mail&Guardian* handle this issue?

Together with the legal issues of invasion of privacy, hate speech and defamation, the two publications in question had to balance the constitutionally guaranteed freedom of expression in the reporting on the Abu Ghraib prisoner abuse situation. But these only constitute the legally binding, externally regulating factors of the *Cape Times* and the *Mail&Guardian*. Underlying these legal considerations, the main ethical issue of accuracy remains the foundation. Other externally regulating factors to be considered in the subsequent case studies are the self-regulatory mechanisms in place in South Africa. The two newspapers in question, having obliged themselves to abide by certain codes of conduct on a nationwide, publication-encompassing and individual professional level, these codes of conduct need to be examined before analysing the individual cases.



4.2. Self-Regulation in South Africa

The main self-regulating body of the South African media scene is the “Print Media South Africa” (PMSA), an “umbrella organisation administering individual bodies, namely the ‘Newspaper Association of Southern Africa’ (NASA), ‘Magazine and Publishers Association SA’ (MPASA), and the ‘Community Press Association’ (CPA)” (Government Communication and Information Service, 2003). The PMSA acts mainly as a type of administrative body for the entire industry, it does not itself have any specific objectives or aims. NASA represents over 40 national dailies and weeklies, while MPASA represents the interests of over 300 magazine publishers. CPA is a body representing 158 community newspapers. PMSA has its own ethical code (consisting of the Press Ombudsman’s Code of Conduct and the ASA Code of Advertising Practice) which all its members must adhere to, although the code – as most self-regulatory

measures – itself is not legally binding (Government Communication and Information Service, 2003).

A further organisation is the South African National Editors' Forum (SANEF) which brings together senior journalists from all the different media as well as journalism educators from tertiary institutions nationwide (Government Communication and Information Service, 2003).

One of the most important regulatory functions is fulfilled by the Press Ombudsman, whose office was opened in Johannesburg in 1997 (see later in this chapter for a discussion of the Ombudsman's Code; see the appendix for the full Code). The public can lodge their complaints with the Ombudsman who will then deal with the matter. If the complaint was not have been dealt with to satisfaction, it may be taken further to the independent appeal panel. The office of the Press Ombudsman was set up by the PMSA, SANEF, the Media Worker's Association of South Africa (MWASA), and the South African Union of Journalists (SAUJ) (Government Communication and Information Service, 2003). The politically and trade union independent South African Union of Journalists (SAUJ) is affiliated to the International Federation of Journalists (IFJ) and provides its members with extensive benefits. The SAUJ's main cause is the fight for acceptable working conditions and free and independent media.

The Freedom of Expression Institute (FXI) was set up in 1994 and helps defend victims in freedom of expression court cases that cannot fund their own defence. In the same field, the Media Development and Diversity Agency (MDDA) was recently established (2002) to monitor the media diversity in the country and offer support in form of sponsorships for the development of a more diverse media market. Although a statutory body and not a self-regulatory mechanism, it is an important new self-regulatory mechanism, founded by the media industry itself and set up to create more diversity of products on the media market by including rural, alternative and previously excluded groups into the media realm.

For this study, SANEF and the Press Ombudsman's codes of conduct are the most relevant as these are self-regulatory codes that media practitioners of both the newspapers in question adhere to. The self-regulatory measures of the SAUJ will also be considered, although on a more individual level, i.e. these codes provide ethical guidance to the individual media practitioner, while the SANEF and Press Ombudsman's code – much like the publication's own codes – are designed to guide the entire staff. On the background of legally binding media laws, the self-regulatory guidelines serve as the ethical, moral and legal backbone for the decision-

making process involved in the production of any article. All of these codes and laws considered together make up the self-regulatory and regulatory apparatus and thus also the normative guidelines which will be considered in the case studies to follow.

4.3. Discussion of the Codes of Conduct

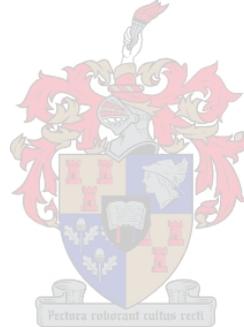
In terms of accuracy, balance, fairness and ‘objectivity’, the main issues that came to fore in reporting on the Abu Ghraib prisoner abuse cases, the South Africa Press Ombudsman’s “Code of Professional Practice” states in section 1.2.: “news shall be presented in a context and in a balanced manner, without any intentional or negligent departure from the facts, whether by (...) distortion, exaggeration, or misinterpretation; (...) material omissions; or (...) summarization” (see Appendix D for the entire code of conduct). The South African Union of Journalists (SAUJ) Code of Conduct states that “a journalist: (...) shall strive to ensure that the information he/she disseminates is fair and accurate, avoid the expression of comment and conjecture as established fact and falsification by distortion, selection, or misinterpretation” (see Appendix C for the entire code of conduct).

Accuracy is treated in all relevant South African codes of conduct. Both the *Cape Times* and the *Mail&Guardian* address this matter in their relevant ethical codes. In the *Cape Times* (Independent Newspapers’) code, which is relevant for all the publications of the Independent publishing house, “fairness, accuracy, honesty, responsibility, independence and decency are our guiding principles” (see Appendix A for the entire code of conduct) are mentioned as the guiding principles of the publishing stable’s publications. This integrates both of the important concepts of accuracy and ‘objectivity’. There is no further, direct mention of the concept of accuracy, although several points relate to the matter by advising reporters to check facts. The *Mail&Guardian*, adhering to their own Code of Conduct (see Appendix B for the entire code), is direct in this regard, specifically stating that “it is the responsibility of the reporter to ensure that everything is done to update a story before the newspaper goes to print”.

The *Cape Times*, adhering to the Independent Newspapers’ Code of Conduct views ‘objectivity’ in the following way: “we ensure reporting is impartial and balanced by making every effort to reflect all sides and by maintaining clear distinctions between comment, conjecture and fact”. The *Mail&Guardian* does not accentuate this issue specifically, but does state that “all possible effort should be made to avoid single source stories”.

The main difference between the two codes must be seen in the point-of-view: the *Mail&Guardian*'s is clearly more practically oriented – defining specific limits and examples of gifts, freebies, circumstances, etc. – while the Independent's is more general as well as more abstract. This is also because the latter is directed at several publications while the former is aimed only at a single newspaper. More importantly, though, this could affect the day-to-day newsroom adherence of the codes: while the Independent's code is meant as a self-regulating, ethical guideline for journalists, the *Mail&Guardian*'s code mentions that direct, disciplinary action will be undertaken against reporters that contravene the code of conduct.

With the theoretical background as well as the following case studies embedded within the 2003 Iraq War, the Abu Ghraib incidents as well as the South African legal and self-regulatory framework, the external factors of the South African media landscape should also be briefly considered. This should help to position the publications within the South African media landscape and their respective audiences, giving a clearer view of the ethical decision-making process and their underlying economic considerations.



Chapter 5: The South African Media Landscape

For this study, the position of the two selected South African newspapers *Mail&Guardian* and *Cape Times* within the South African media market is particularly important as background for the ethical decision-making process. Taking into account that a decision-making process most often also involves practical (non-ethical) considerations, like readership figures, target audience concerns, etc., the production process of an article is highly influenced by, amongst the factors treated in the previous chapters, the ownership structures and relative media market position. Louis Day names such factors as “company policy, legal constraints, and the demographic composition of the local community” (Day, 2000: 66) as being such “factors external to the case situation itself that might influence the direction of moral judgement” (Day, 2000: 66). In terms of a media-ethical case study following Day’s SAD model (2000: 65), it is thus important to know which readers each of the publications cater for, as well as how it is positioned in the South African media market. In order to do this, a brief overview of the South African media possibilities – in terms of infrastructure, population size and heterogeneity, etc. – must be given. Also, a brief summary of the history of the South African media will serve to further contextually embed the *Mail&Guardian* as well as the *Cape Times*.

5.1. Media Environment in South Africa

“The media in South Africa has always reflected the fissures and inequalities of society” (Media Development and Diversity Agency, 2000). Historically speaking, South Africa’s media has been owned and controlled by the white minority establishments to a large extent. In particular, this was big business; in the case of broadcasting, it was the apartheid state (Media Development and Diversity Agency, 2000).

South Africa is a difficult market for media producers, seeing as how the gap between poor and rich, different population groups and between the different provinces within the country is so wide. One example is the discrepancy within each of the population groups themselves: “at present, the income of the top 20 per cent of African households is probably 40 times higher than

that of the poorest 40 per cent” (Terreblanche, 2003: 133). Terreblanche (2003: 133) contends that within the last few years, the redistributive effect that is said to have occurred with the new, democratic government since 1994, only occurred among the top two layers of the South African population, i.e. the rich have become even richer while the poor have felt next to nothing of the benefits.

For example, the household income/consumption by percent share is only 1.1% in the lowest 10% of the population, while the highest 10% have 45.9% of the income at their disposal (Terreblanche, 2003: 133). Low purchasing parity of a specific population group means little interest from advertisers generally which, in turn, means low income for the relevant media products. Also, black and community media practitioners argue that the advertising industry seems to still be predominantly white and thus there is a lack of understanding of black markets resulting in adspend “that is heavily skewed against media that primarily serve white consumers, despite their readership and listenership numbers” (Media Development and Diversity Agency, 2000).

For both publications, this means that their target market is as skewed as is the rest of the country’s economy (see also section 5.3. later in this chapter for a publication-specific analysis of these numbers). This can also be seen when analysing their readership according to population group: the *Cape Times*’ readership, for example, is 44% White, 41% Coloured, 13% Black and 2% Indian (Whitfield, 2004). In terms of general newspaper readership, the South African dailies only have 17.1% reach in the total, adult population (Media Direction South Africa, 2003: 8). Of the group reached, penetration is highest amongst Indians (34.6%), and lowest amongst Blacks (12.4%) (Media Direction South Africa, 2003: 8). Penetration among the White population group lies at 33.6% and among Coloured it stands at 25.2% (Media Direction South Africa, 2003: 8). With weeklies, the figures are slightly better: general penetration is at 30.8%, while Blacks have the proportionally lowest penetration (23.7%), Coloureds and Whites come in second and third (with 41.6% and 54.2%, respectively) and Indians having the highest number at 72.5% (Media Direction South Africa, 2003: 8). Comparing all categories of media and the respective population groups’ access to these, Black do not have the highest penetration in any single case, with the highest ranking being a third of four (Media Direction South Africa, 2003: 8).

5.2. Brief History of the *Cape Times* and the *Mail&Guardian*

“The roots of the print media in South Africa can be traced back to the 19th century” (Government Communication and Information Service, 2003). The mainstream newspaper industry has been dominated by two main groups: the Afrikaans press, owned by Nasionale Pers and Perskor, which supported the Apartheid government, and the English press owned in the main by the mining and industrial conglomerate the Anglo-American Corporation (AAC), and supportive of white opposition parties. The AAC controlled two companies which dominated the English market for years, namely the Argus Group and the SA Associated Newspapers (SAAN). This duopoly was vertically integrated at the level of print, distribution and product. A few family-owned newspapers independent of those media houses existed, but for new outside their respective areas, they “relied heavily on the news service provided by the ‘South African Press Association’ (SAPA) which was owned by the duopoly” (Media Development and Diversity Agency, 2000).

The first edition of the *Cape Times* rolled off the presses in 1876 and, according to the newspaper’s own website, “was best known for its fearless commitment to fighting for the ordinary man and against human rights abuses” (Whitfield, 2004). It presents readers with a mixture of hard news, lifestyle, analytical reports, business news, arts and entertainment pages (in a special Friday supplement) as well as sports and aims to supply readers with “a quick fix on the day’s big news when they get up in the morning”, but make sure readers return to lengthier feature elements (Whitfield, 2004).

The *Mail&Guardian* has a very varied history, taking the lead after the *Rand Daily Mail* and the *Weekly Mail* – the latter the predecessor of today’s *M&G* paper which built its reputation as a critic of Apartheid since its launch in 1985. Conceived and run as a fiercely independent, opposition paper, a number of clashes with the government led to the paper’s suspension in 1988. In 1991, the *Weekly Mail* together with the British *The Guardian* broke the Inkathagate-Scandal. After this cooperation, the two papers built a closer relationship which finally, in 1995, culminated in *The Guardian* becoming a major shareholder in the paper, renaming it to *Mail&Guardian* (Mail&Guardian, 2004). Today, the paper sees itself moved from being in opposition to the government to a true ‘watchdog’ position, its strength being investigative reporting into, especially, corruption (Mail&Guardian, 2004).

Bearing in mind the publications’ self-declared goals, one could expect that the *Cape Times* would probably give readers “a quick fix” (Whitfield, 2004) of the incidents in Abu Ghraib, (i.e. a more superficial and brief overview), while the *Mail&Guardian* should cover the matter in-depth, critically and possibly from new perspectives.

5.3. The Newspaper Landscape of South Africa

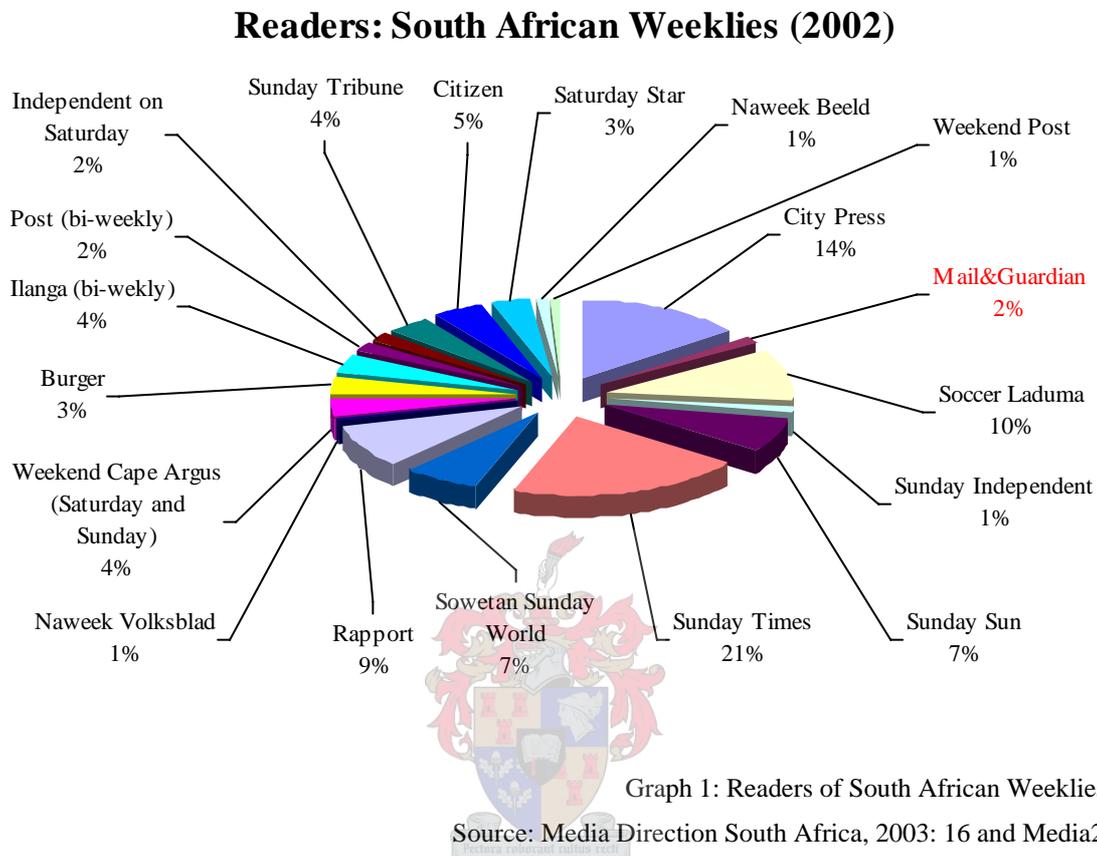
“The size of the country – 1500 km separating the main centres Cape Town and Johannesburg – still precludes national dailies in the true sense of the word” (Government Communication and Information Service, 2003). The only truly national newspapers are the four newspapers *Sunday Times*, *Rapport*, *Business Day* and *The Sunday Independent* and the weekly newspaper *City Press*. All three are published simultaneously in various cities, using the printing facilities of related dailies.

At the time of writing, there were 20 dailies and 20 weeklies in South Africa. “Almost 158 Print Media SA (PMSA) community press members or country newspapers, most of which are weekly tabloids, serve particular towns or districts in the country by covering local affairs and carrying local advertising. Most are published in English and Afrikaans” (Government Communication and Information Service, 2003) on Fridays. Incorporating all these, however, would stretch beyond the scope of this study.

The mainstream South African newspapers and their relative distribution numbers are shown in the table here below. The graph shows the South Africa readership of the weekly newspapers. Although *Sowetan* is the leading daily newspaper (please refer to graph further below), its weekly counterpart, *Sowetan Sunday World*, is not quite as popular with only 7% of total readers. The best-selling weekly is *Sunday Times* with 21% of total readership, followed by the *City Press* with 14% of total readership. In the Afrikaans sector, *Rapport*, comes in at 9%. The *Mail&Guardian*, with 2% readership, has a comparatively small percentage of total readership. The newspaper prides itself on having a reputation of being a critical watchdog of government (Whitfield, 2004), relying on its strong investigative reporting which has uncovered many scandals and corruption cases in the past.

The market of the South African dailies is quite similar (please refer to graph here below). The dailies *Cape Argus*, *Citizen* and *Burger*, have readerships of 7%, 9% and 8% respectively. This is only a small percentage when compared to the *Sowetan*'s 31% and the *Stars*' 10%. The dailies *Beeld* with 6% as well as *Daily News* and *Cape Times*, each with 5%, rank next in the readership figures. Although the *Sowetan* and the *Star* clearly dominate the

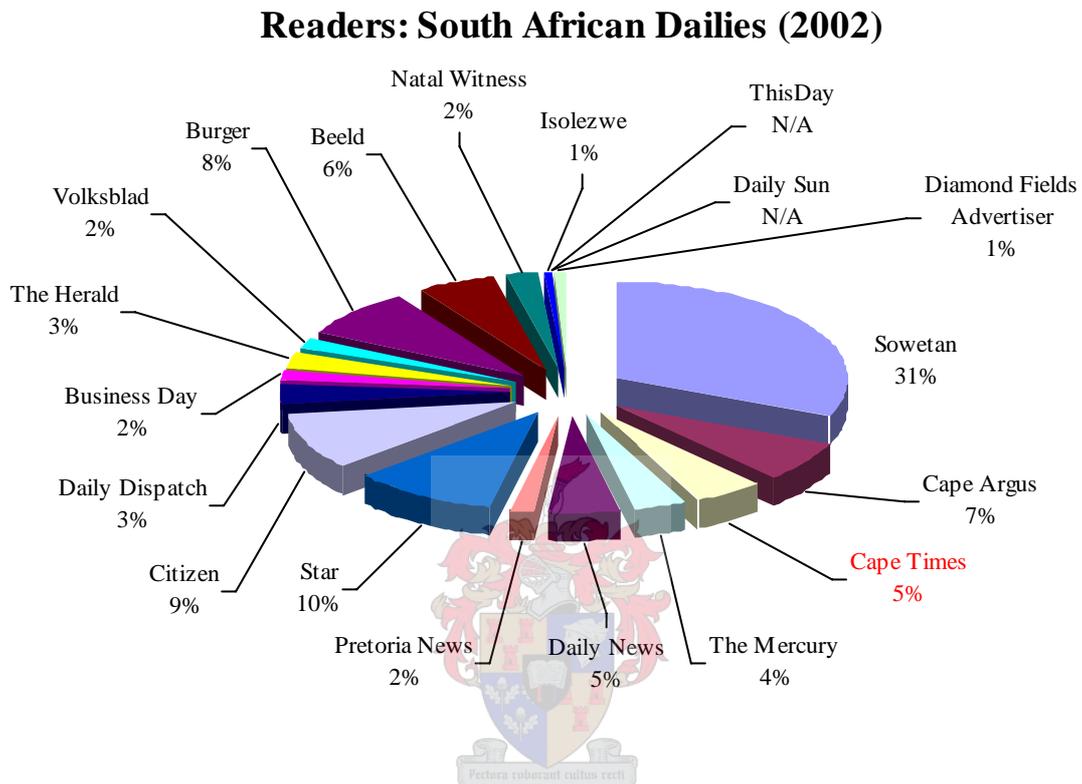
market, there is a large variety on offer in terms of number of titles. Language variety is limited to English, Afrikaans and Zulu.



The *Mail&Guardian* does not directly belong to any one of the larger publishing stables, but has remained independent for a long time. Today owned by 87,5% by Newtrust Company Botswana Limited, in turned owned by Zimbabwean publisher and entrepreneur Trevor Ncube (now CEO of the paper) and by 10% by the *Guardian*, it has no direct ties to any of the other South African publications on the newspaper market (Mail&Guardian, 2004), also making it an independent publication. As such, however, the *Mail&Guardian* undoubtedly has easy access to any sources of information and news agencies that, for example, the British *Guardian* publication has. For the case studies in this thesis, this means that those pooled and shared resources give the *Mail&Guardian* some additional sources of information, possible not easily accessible for other publications, such as independent newspapers or purely South African-owned publications, inside and outside larger publishing houses.

For this study, the *Mail&Guardian*'s access to a wide range of sources for the reporting on the Abu Ghraib prisoner abuses must be noted. Availability of numerous resources, especially

also outside of South Africa, could influence the accuracy of the reporting. A *Mail&Guardian* journalist, with many sources at hand, can combine and compare the information from many sources, thus possibly attaining a higher degree of accuracy.



Graph 2: The readers of South African dailies (2002).

Source: Media Direction South Africa, 2003: 15.

The *Cape Times* is not one of the leading dailies in terms of nationwide readership, but its popularity regionally within the West Cape is large: with an adult population of 1,855,000 in the Cape Peninsula, the *Cape Times* has an average readership of 248,000 readers (or 97% of its total readers) in this area (Whitfield, 2004). Although smaller in national readership numbers than, for example, *Die Burger*, the *Cape Times* nonetheless has a stronger regional readership on the Cape Peninsula. Within this region, the *Cape Times* has a penetration of 13.4% on the total, adult population, while *Die Burger* only has 6.4% penetration (Whitfield, 2004). At the same time, the average monthly income of the readers of the newspaper is between R4000 and R6999

(24% of total *Cape Times* readers), R7000 and R11999 (30% of readers) and the range of more than R12000 (28%) (Whitfield, 2004). This would mean that the newspaper caters – more than the *Mail&Guardian* – for a middle to top income target group. If one looks at the readers according to population groups, the newspaper serves coloureds (41% of readers) and whites (44%) mostly (Whitfield, 2004). This is a further indication that, although the two newspapers cater for some of the same target group, the *Cape Times* aims more at the coloured population group than does the *Mail&Guardian*.

The Independent Newspapers Group (INC) is an international player, owning 65% of the Irish newspaper industry, the fourth largest newspaper group of Australia and has more than a quarter of the interests in the British *The Independent*. In one sense, then, “South African groups cannot prescribe what can or should be published in Independent publications” (Wigston, 2001: 65). Today, publications such as the *Cape Times*, *Cape Argus*, *Isolezwe*, *Sunday Independent*, *The Post* and *The Star* are produced under the roof of this newspaper publishing group.

In the realm of this study, this means that the *Cape Times* has extensive access to the copy and material of a range of other newspapers within the same group. *The Independent* has (like other media corporation) pooled and shared resources among all its publications in news in order to produce effectively. This means that the same range of sources is available to most of its publications as well as that the publications have interlaced working patterns, i.e. the *Cape Times* undoubtedly had access to the sources and information also available to British *The Independent* publications. Like the *Mail&Guardian*, then, the *Cape Times* may have access to an increased number of sources.

Chapter 6: Case Studies

In this chapter, the case studies will be analysed individually according to the Day's SAD model (2000: 64) (see also chapter two, section 2.4.1., for the detailed description of the model and the methodology). Although each of the articles could, of course, be discussed in much more detail, the focus will here be laid on the central ethical issue of accuracy and directly related issues, such as fairness, balance, etc. were relevant and applicable. Also, previously mentioned topics, such as war reporting, "Other People's Wars", newsworthiness, the adherence or non-adherence to the applicable code of conduct, etc. will be taken into account in the analysis of the individual case studies. The following and last chapter of the study will focus on the findings of the case studies and attempt to provide answers to each of the research questions. The findings will then be seen jointly, related to the research question and considered in the light of the mentioned external factors. Depending on the findings, recommendations will be made for possible alternatives in the ethical decision-making process within the realm of war and "scandal" reporting in the international field.

6.1. Case Study I

"Desecration of dead body, rape in new Iraq pictures" by Rupert Cornwell, *Cape Times*, 10 May 2004

The article reports that new photographs of prisoner abuses from the Abu Ghraib prison had emerged and appeared in different US media and that the Pentagon allegedly had more material about the matter. It also reports that the Pentagon allegedly had approved new techniques of questioning prisoners² for the Guantanamo Bay prison in Cuba, and as well the reactions of what is implicitly referred to as the global public. At the end of the article, a short section about the war itself – with the bombing of a marketplace and fighting between US troops and the Shia army – are reported upon. The latter section is seemingly disconnected, and only mentioned very briefly.

² Although the US media, following the lead of the US government and army, used and continues to use the term "enemy combatant" in referring to those imprisoned in such detention camps at, amongst other locations, Guantanamo, the ICRC, numerous other Human Rights Organisations and many other nations chose to use the more standard term Prisoners of War (POWs). In much of the media, the problematic term was circumvented by simply referring to the inmates of these facilities as "prisoners" or "detainees". This term was also used by both the *Cape Times* and the *Mail&Guardian* and will thus also be used here.

The South African author of this article used two news agency sources, the US-sponsored Reuters as well as its British print media publishing stable, the Independent, for information. Within the article, *The New Yorker* magazine, US-Senator Chuck Hagel of Nebraska, the former Pentagon-specialist Mark Jacobsen, anonymous sources within the Pentagon, the Pentagon itself and the *Washington Post* are quoted. Some of these sources are undoubtedly quoted second-hand, i.e. they are the primary sources for either Reuters, The Independent or one of the US-publications cited, and integrated into this article as well, although this is explicitly mentioned only once.

The main ethical issues at stake in this article are accuracy, confidentiality, ‘objectivity’, balance, fairness and privacy. With the practicalities of a deadline-oriented newsroom, the main issues of this study – accuracy – goes hand in hand with media credibility and truth in the public interest. The central question in this case study is thus how critically media should handle unconfirmed information from official sources in war situations, especially when it concerns a scandal such as this in the midst of a war situation. Another question is that of ‘objectivity’: how many different sources and viewpoints need to be integrated within a single report to make it as accurate as possible, given the fact that information can only be received second- or even third-hand through other reporters and wire-services on the scene. With all the difficulty that war reporting entails, the accuracy of the report also carries a great weight of social responsibility – the media being the only source of information about occurrences geographically distant. And, with reporters largely sensitized to the PR-gimmicks of governments engaged in war and not wanting to receive negative press, accuracy becomes the main question when considering an article concerning public opinion on the Abu Ghraib abuses.

Considering the fact that much of the US’ pro-war PR-gimmicks, intended to create hero-stories or great achievements that were, in reality, neither, had been uncovered before by the global media scene, if the South African newspapers unflinchingly accepted US-sources’ word for truth, this becomes problematic. Examples of the fabricated heroic tale surrounding Jessica Lynch or the so-called smart missiles story had revealed that many news items stemming from official sources within the US had proven not entirely false, but “PR-ed up” to support the war effort and ensure continued support for the war itself (cf. Franz, 2003). One way in which to counteract having to use US sources of which one must would be to use a range of sources where, in effect, one could be used to counter-check the other. In this way, a higher degree of accuracy, balance and ‘objectivity’ could be attained and – through the plural-faceted outcome – this would maintain media credibility.

Most media institutions and wire services are dependent upon the information given to them by the government institution, the soldiers and embedded reporters and other journalists on the scene. This makes even the search for truth and accuracy difficult, as journalists at home rely on other people's experiences and reports thereof. They cannot go to experience or investigate first-hand, but instead have to build on the texts provided by the different wire agencies and the information from the government. In this respect, should reports prove to be false, it is very difficult for the media to allocate the exaggerated, false or distorted facts and even more difficult to correct them.

Of course, "the nature of news production inevitably leads to a 'systematically structured over-accessing of the media of those in powerful and privileged positions. The result is (...) that these 'spokesmen' become what we call primary definers of topics" (Hall in Tumber, 2002: 136). Top-end, official sources are easier to access, especially also in a foreign-reporting context, and their words generally carries more weight than that of the passer-by on the street. By contextualizing official sources with their adversaries as well as with other sources available, a healthy journalistic balance could be stricken.

Having said this, however, media institutions carry a very large, social responsibility and it is essential for a public that they be well-informed in order to be able to make sound judgments and decisions, especially so during armed conflicts. How can the public make up their minds about whether the war is worth fighting, whether the abuse allegations are true or not, if they are not informed or misinformed about the actual occurrences? The government's PR-machine will undoubtedly present either pros or cons of the arguments, depending on which side the political parties believe to be of benefit to them. If a pro-war campaign is being held, the outcomes, possibly fatalities, etc. will "beautified" and unflattering statistics and predictions will be kept as quiet as possible. On the other hand, if the party or government is against war, these same statistics will feature prominently in their press releases.

The practicalities of the newsroom in distant Cape Town invariably meant that Cornwell had to use as large a range of sources as possible to balance out possible erroneous information and US pro-war propaganda. At least there is not direct indication that any of the information contained in the article were retrieved through publication-internal sources – only the publishing house's own, located in Britain. Yet, when analysing the sources he chose to use, his choices become somewhat questionable: Reuters is US-sponsored; the Independent British-owned – both nations are the coalition forces involved in the war and in the prisoner abuse cases; and all other sources are named sources from within US publications, senate, officials or unnamed sources

from within the Pentagon itself. The sources are thus heavily tilted towards the coalition – and particularly the US – side, with no direct counter-position source from, e.g. al-Jazeera.

The US-Senator quoted, Chuck Hagel, makes a claim of over 30 investigations being underway into prisoner abuse cases in Afghanistan and Iraq, but it is not stated in the article to which side Hagel is politically aligned. Within the context of the scandal having just “broken”, the global disdain to the 2003 Iraq War, many US politicians took advantage of the situation to position them in a positive light and distance them from President Bush’s pro-war campaign, especially the opposition party. Keeping this in mind, it would be important to give some very brief background information on any US-politician giving their opinion at the time. Journalists should, therefore, be especially weary when it comes to PR from public officials, as they never stop routing for votes and public approval. Political figures and groups always have the “hidden agenda” of presenting themselves in the best possible light so as to gain voter approval. This is no big secret: PR is commonly known for its purposes of selling a product and thus trying to set it in favourable light. Journalists know this (or should know this) even better than the average person, because they deal with press releases from companies, institutions and interest groups all the time.

Concerning the content of the article, most of the specific information mentioned is attributed correctly. The “unnamed Pentagon officials”, however, that “accuse Rumsfeld’s top civilian aides”, must be noted as a somewhat ethically questionable issue. Generally, confidential sources are a difficult matter, as “confidentiality can also easily be misused by the source (the latter’s motives may be suspect)” (Retief, 2002: 118). In this case, such unnamed sources may have the same intentions that opposition politicians have: in discrediting the current ruling party, their support will grow. And: Assuming these sources exist at all, who says the sources are really from within the Pentagon? There is no way of evaluating the sources reliability for either the reader and – in case it was a secondary source for Cornwell through one of the news agencies, for example – neither does the journalist. With the external factors to be considered at the time and the large amount of criticism being sounded, it can be questioned whether the public interest in voicing these suspicions weighed more heavily than did being able to check the trustworthiness of the sources. Also, with criticism abounding everywhere, other, openly named sources could have been found to confirm the allegations, still producing the undoubtedly newsworthy, heavy criticism of the military intelligence in Iraq. On the other hand, it must be added that the sources are not “wholly anonymous” as their Pentagon affiliation is mentioned. Although this weakens the arguments against using such sources in this case, with the external circumstance ensuring other, readily available sources, it remains questionable.

All of the above considered together, this makes striving for ‘objectivity’ and truth by reporting accurately even more important. If journalists have failed to do so, this can very often only be excused as being lazy reporting, shying away from controversial topics and investigative reporting that may also be critical of institutions and those in power. If the reports from official sources are not treated with the scepticism with which all information (regardless of its origin) in war times should be treated, and claims are accepted and reported as facts in the name of sensationalist news, then this is not because journalists have blind faith in the ruling parties and individuals. They know (or should at the very least know) better. Instead, careful reporting, with deliberate weighing of different viewpoints and appropriate sourcing of the claims and facts, can achieve balance and accuracy.

Analysing this ethical dilemma from a deontologist’s perspective, one must first acknowledge that the moral obligation of truth telling is a fundamental societal value. But what when journalists have not lied, not purposefully deceived, yet still have not told the truth? And, even more difficult, is it lying when sources are not revealed, especially when there is a good possibility that these may not be reporting wholly truthfully?

The journalist did indeed strive for truth in using a great variety of sources, especially also sources with credibility (such as Reuters, etc). On the other hand, using Reuters and similar sources an ethical dilemma arose because such sources could perhaps not be properly balanced. In effect, the practicalities of the newsroom largely barred the journalists’ possibility of getting the balance such an article would have needed in light of the social responsibility the media is seen to have within South Africa.

From a teleological approach, no positive consequences can be found when accuracy is compromised. The media definitely did not function as a “Fourth Estate”, its social responsibility has been disregarded and one cannot argue with overriding newsworthiness or social benefit when facts have not been (or/and cannot be) confirmed by more than one source. Just like with the duty-bound ethical considerations, the sources would need to be mentioned to justify the publication, because a mention of the sources would have given the facts the proper legitimacy or show possible hidden agendas. This is the same conclusion that one would have reached had one used Aristotle’s golden mean theory: the accusations are definitely newsworthy and the media has a social responsibility to inform the public of the events in the war and of the Abu Ghraib prisoner abuse situation. At the same time, however, the accusations made by the unnamed sources within the Pentagon are, in fact, unsubstantiated claims. They cannot be confirmed and cannot be balanced with other viewpoints. Appropriate measures must thus be

undertaken to insure that the readers/users are aware of the sources and these sources' motives for releasing the information.

In viewing this article against the background of the applicable codes of ethics, the "Independent Newspapers' Code of Conduct", points 1. (on fairness and accuracy), 6. (concerning balanced reporting), 10. and 12. (confidentiality and anonymous sources) (see also appendix A for the full version of this code of conduct) are applicable. For the SAUJ's "Code of Ethics" (see also appendix C for the full versions of this code), the points 2. (balance and accuracy), as well as points 3. (fairness and truth) are applicable. From the "Press Ombudsman's Code of Professional Practice" (see appendix D for the full versions of this code), the whole of point 1. (truth, accuracy, fairness, balance and 'objectivity') is applicable. Also, point 5.1. (coherence and relevance of headline with content) must be considered.

Considering the article in the light of the above mentioned codes of conduct, all the relevant points were only partially adhered to, although all relevant media laws were followed. The Independent's points on accuracy, similar to those of the SAUJ's and those of the Press Ombudsman, have been adhered to as much as was possible, considering the practicalities of the hectic newsroom: by check-and-balancing a number of sources against one another, the journalist heightened the level of accuracy, so compensating for not having first-hand information. The journalist thus strove for maximizing truth in minimizing possible bias, subjective perceptions, etc. As concerns the Press Ombudsman's code concerning the coherence and/or relevance of headlines with the content, it must be said that the ethical standards were not upheld: "tagging" on two smaller stories about casualties in Iraq during fighting, the headline of the article was no longer actually relevant to the content as such. As mentioned, this also meant that the context's of the two articles "rubbed off" on one another, the larger one setting the tone for the shorter one.

Finally, it must be said that the *Cape Times*' self-declared mandate about "providing a quick fix" of news to its readers, has been fulfilled, although not wholly satisfactorily. Considering the social responsibility of the media, "a quick fix" of news has to be accurate all the same. It does not justify the "tagging" on of the two smaller news-bulletins at the end of the article. The number of sources used does, however, show diligence towards the social responsibility of the newspaper, despite the unfortunate inclusion of the unnamed Pentagon sources.

Summa summarum, it must be said that Cornwell probably did not purposefully wish to deceive his readers/users, but by reporting information released by the government uncritically, without due scepticism or – at the very least – comment about the source of facts, the articles

gives a one-sided perspective of the information to the South African public. Worse still: to some extent, lazy reporting was done, without balancing the facts to available, alternative sources.

6.2. Case Study II

**“No evidence soldiers were ordered to abuse prisoners, says general” by Andrew Buncombe,
Cape Times, 12 May 2004**

This article details the findings of the so-called Taguba Report and his testimony to the Senate Armed Forces Committee in the matter of the abuse cases. It also outlines the possible consequences for US-Defence Secretary Rumsfeld and other senior military officers. The end of the article also gives some contextual information as to the importance of the Taguba Report in US politics.

With no further sources of information mentioned aside from the newspaper’s own correspondent and the lack of other voices mentioned in the article than that of Major-General Antonio Taguba and US-President George W. Bush, the article has difficulty in attaining balance and ‘objectivity’, at the same time as making it difficult to attain media credibility. In Case Study I, although accuracy and ‘objectivity’ could be doubted, the public’s view of the credibility of the *Cape Times* cannot be said to have been at stake – the number of different, mostly credible, sources “strengthened” the article, giving it a legitimacy of sorts – without relying on whether the information was accurate or not. As a reader/user, one has to assume that the information contained in this case study is first-hand, i.e. that Buncombe was present at the Senate Armed Forces Committee during the Taguba testimony and/or at the press conference about this meeting. Also, the quotations of the White House spokesman reinforce this. Should this be so, then the credibility and the accuracy (assuming no malignant distortion of facts has taken place on the part of the journalist) are very high, the striving for truth at a maximum. In this case, however, it would only be beneficial to the newspaper if a small sentence along the lines of “from our US correspondent in Washington” were included within the article itself or as an indication of sources at the end. This would both benefit the publication – trustworthiness of the publication, etc. – as well as ethically

On the other hand, one must say that, as compared with Case Study I, an article published two days earlier, the accusations made are substantiated by the named source – the Major-

General and his report – eliminating the ethically difficult balancing act of confidential sources. As such, all quotations are attributed with diligence, especially when George Bush’s reactions to the pictures is quoted and attributed accurately “to his spokesman” rather than to himself.

The ethical issues at stake are thus mainly accuracy, and, connected to this ‘objectivity’, balance and fairness. One could also argue that the ethical issue of privacy was involved, if only to a lesser degree. Again, these issues must be considered against the economic pressure at the *Cape Times*. As the scandal unfolded, the South African media had to include updated news about the scandal on a regular – at this stage of the scandal, daily – basis, meaning that there was quite some pressure on the media (in South Africa as elsewhere) to continuously be on the “up-and-up”. Was balance, weighing of different points of view, one of the victims of the deadline-bound news environment in this case? Is it fair to the South African public to quote only Taguba and President Bush? Both are government officials and both are from the US, indicating that both could show the same bias and so calling for another source with a different perspective altogether to balance the article.

While being aware of the geographical distance and that scarcity of information may pose certain difficulties for South African reporters, this article does not show a counter-position or alternative voices. Should it indeed by a foreign correspondent piece, then an alternative view would have been easier to achieve – and the ethical obligation to include it for a proper balance and context even more binding. Incorporating more voices would have given a fairer, more balanced – and thus also more accurate – picture of the situation. With the reporter writing the article from within South Africa, his access to more sources on the matter would necessarily be limited, but a critical voice concerning the Taguba Reports would, nonetheless, add some perspective and reinforce or weaken the Major-General’s findings and quotations.

The material used, on the other hand

The issue of privacy, although not involved primarily, must be mentioned in the analysis of this case study for the sake of completion. Unlike other news reports on the matter around the globe, this did not seek to drag personal histories, stories and preferences of the Major-General to the fore. With the petty excuse of reporting on the report, some media published personal achievements and life history of Taguba, although this was not immediately relevant to the subject matter of the article. In such a scenario as this, when the report and Taguba as a high-ranking member of US armed forces, were involved, one cannot claim it to be in the public’s interest to investigate into his personal life. Buncombe remains very factual throughout and does not invade Taguba’s privacy.

When comparing the ethical issues involved in this case study with the relevant codes of conduct, roughly the same points of relevance must be noted as with Case Study I: The Independent code's points 1. (fairness, accuracy, honesty), possibly point 3. (the media as being a constructive critic of society) and point 16. (privacy) are applicable in this case. From the SAUJ's code, the points 1. (accuracy/balance), 2. (fairness, accuracy and truth) as well as point 6. (privacy) are relevant. As concerns the Press Ombudsman's code, the entire point 1. (accuracy, truth, fairness, 'objectivity' and balance) – especially 1.2., 1.3. (due context and without distortion) and 1.4. (accuracy, trustworthiness of sources) could be applied. In this case study, a decision as to whether or not the journalist has adhered to the codes becomes difficult as no indication of the primary sources was given. Assuming the journalist himself was the primary source, then all the points concerning accuracy and truth were adhered to. What must be mentioned in this regard, however, is that, simply because the Buncombe has first-hand experiences, this does not make the reporting 'objective': "journalism is subjective (...) A news report is a moment in a process of interpretation, and the specific interpretation chosen is 'biased' by the horizon of the journalists and readers" (Retief, 2002: 99). Without one less person in the line of information transferral in between the readers/users and the actual occurrences, the accuracy and reliability – and so also the 'objectivity' – of the report is heightened.

If, however, this was not the case, the trustworthiness of the sources remains questionable as does the accuracy. In this case, media credibility and social responsibility would also suffer, because the reader/user does not know the origin of the information, i.e. the source from which the journalist received the information.

In any event, the issue of balance and 'objectivity' remain questionable. Viewed from a duty-bound perspective, one could say that Buncombe's choices were not ethically justified in the article, because they did not tell the *whole* truth. The whole truth includes re-evaluating facts in relation to alternative opinions as well as balancing an article. As with the first example, the context lacked and so did some peripheral information (such as sources). It being our moral duty to tell the truth – and thus tell the whole truth – such actions cannot be deontologically justified. This is equally applicable if the reporter received the information second-hand and did not question the authenticity as much as he should have: apparently, not many sources were consulted in the production of the article.

Acknowledging the mentioned, practical difficulties of foreign reporting and the pressure to produce new news on the Abu Ghraib issue on a daily basis at this time (although relatively little information was in circulation and available), this article is very quick glance at facts only –

i.e. a very quick “quick fix” of news. Unfortunately, this is at the cost of balance of perspectives, views and alternatives. Despite economic pressure to report on the matter, the core ethical values mentioned here cannot be compromised within the deontological perspective.

This must be seen in a similar light from a teleological point of view: sacrificing balance in order to get the news out, possibly not mentioning news agencies as primary sources for the journalist cannot be justified within a consequence-based approach. It cannot minimize possible harm caused because alternative view-points on the Taguba report are lacking. As a possible alternative, within the Golden Mean approach, the journalist could and should have consulted more sources, especially such with a contrary opinion. With virtue lying somewhere in-between vices, presenting such contrary opinions and facts could have helped to make the article more ‘objective’, put it into context. Then the reader/user could have decided for him/herself, where the whole truth lies.

6.3. Case Study III

“US military in torture scandal”

Mail&Guardian, 30 April 2004

This article, published toward the beginning of the scandal, deals with the emergence of the first photographs in the Abu Ghraib prison abuse scandal and links this to the role of the private contractors used by the US army in interrogations in Iraq. It details the comments made on the topic in the first broadcast in the programme *60 Minutes II* on American television and investigates, in-depth, the legal difficulties in attempting to prosecute employees from the hired, civilian contractor companies without knowing which specific law is applicable.

From the article, it clearly emerges that the *Guardian* newspaper is the main source of the article, although it seems that some of the primary sources were approached directly for comment (i.e. the Pentagon, and the contractor companies CACI International Inc. and Titan Corporation). It properly contextualizes the abuse allegations, detailing the charges, and uses Brigadier General Mark Klimmitt’s statements made during the mentioned TV-programme to outline the status quo of the investigations. Also, it describes the content of the photographs on which these accusations are based.

The ethical issues involved in this case study are, as with the articles from the *Cape Times*, accuracy, ‘objectivity’, balance and privacy. As with the mentioned articles, the external factors, such as economic considerations, of the *Mail&Guardian* must be included in the

analysis, although the time-pressure of the paper, being a weekly, is not quite as high as with a daily. Although the length and detail indicate a near-exhaustive coverage of the matter, the economic considerations nonetheless remain important. What further needs to be considered is the issue of social responsibility concerning the issue of publishing the actual photos of the abuses. The main questions in this regard, were: was the choice to describe the content of the photos instead of publishing them social responsibility? Or would publishing them have resulted in a more truthful account, and therefore have been more ethical? Was accuracy ensured, by checking sources and counter-balancing statements? Was there care to ensure proper balance by using a wide variety of sources? Was care taken as to what sources were used, so as to ensure credibility? Was the privacy of the accused soldiers respected?

Media ethically analysing this article on the issue of accuracy, the diligent attribution to sources, careful balancing of the statements made and detailed reporting on the matter must be mentioned. Using, for example, the former CIA agent's, Robert Baer's, very negative opinion on the "role of the private contractors in the interrogation of detainees", a counter-balance with statements from the Pentagon was attempted. When the journalist could not get the proper comment before publication, s/he nonetheless indicated this intent and the reason for not being able to accomplish a proper balance of opinions. This also was the case when mentioning the two private contractors in question: the attempt to contact both companies for comment was noted, although both could not be reached.

The sources that the journalist does use, including the actual military report on the Abu Ghraib cases, are checked – were possible – by counter-balancing them with opposing points of view and research. As the article does not mention any news agencies as sources, it is assumed that all were primary sources for the journalist. What also has to be considered is that, at the time of publication, very few sources were available to journalists, with rumours being more abundant than actual facts. Circumventing this to some extent, the journalist uses statements made during the "breaking news" programmes first releasing the prisoner abuse material and, through the ties with the *Guardian*, gains access to the military report. At the time, these must be considered the most reliable sources possible, considering the fact that neither the Pentagon, nor the private contractor companies or others directly involved were available for comment.

An unusual choice when compared to many other publications around the globe is that the journalist (and editors) of the *Mail&Guardian* chose not to publish the photos along with the article. Instead, the option of describing their content to the readers/users was taken. The clashing values of social responsibility and economic pressure were evaluated clearly in favour of social responsibility.

Such graphic visuals are no doubt attention-grabbing, potentially attracting more readers, but the media also has a moral responsibility to society, especially also to children and sensitive readers, as well as a responsibility to minimize harm such publication may cause. The primary question, in such situations, is “deciding whether to use potentially offensive and shocking pictures, [because] media practitioners must weigh newsworthiness against other values” (Day, 2000: 301). Considering the specific South African context, another question would be if the *Mail&Guardian* would have been justified in publishing the photographs at all, as South Africa was neither directly involved in the war, nor in the prisoner abuse cases.

One must not forget, however, the other side of the ethical scale: Is the South African public not entitled to see, with their own eyes, the truth? In a sense, it must be argued that the publishing the pictures alongside the article would have been striving for the journalistic ideal of truth. Although balancing truth-telling with social responsibility poses a difficult ethical conundrum in this case, it would be argued that the substitute offered – a verbal description of the content of the photos – sufficed for the South African media. As mentioned, the country was not directly involved and a simple, factual description of the photos is enough to accurately describe the situation to the South African public.

The issue of privacy of the accused soldiers also becomes an issue in this case study, as the name of at least one of the accused is mentioned. There are two main ethical values which need to be considered: invasion of privacy versus public interest. Of course, factors such as newsworthiness, economic pressures and sensationalism also come into play, as publishing the names and revealing the “faces” of the wrong-doers sells. As Day points out, “competitive pressures can also lead to unwarranted invasions of privacy and harassment” (Day, 2000: 138), and the question here is whether this was an “unwarranted invasions of privacy” or not. Although mention is made in the article of six accused soldiers, only one, Staff Sergeant Chip Frederick, previously quoted on CBS’s *60 Minutes II* was named. His point of view was allowed some room by including his lawyer’s statements, quoted from the *Guardian*.

By allowing him (or his lawyer, speaking on his behalf) to voice his opinion on the matter without publishing further, personal details about him, the newspaper respected his dignity and personal sphere by minimizing the intrusion into his privacy. The intrusion that did take place can be argued to be in the public interest, considering also that his viewpoint was given quite some room. Day mentions in such instances that “media practitioners have a moral obligation to respect the solitude of others unless they have relinquished their privacy (either voluntarily or involuntarily) through participation in some newsworthy event or unless there is some overriding public interest in violating this right in a specific instance” (2000: 126).

Analysing this case study from both a consequence-based and from a duty-based perspective, the publication of this article can be morally and ethically justified. Not only are all the journalistic principles and social obligations adhered to, but so it must also be said that the outcome of the article is ethically justifiable. The article shows that great diligence was taken to balance the viewpoints and facts presented, ensure that sources were accurate and even mentions attempts to do so that did not succeed. Not publishing the pictures with the article, opting to only describe their contents, is deontologically defensible in that the journalist adhered to the social responsibilities of the media without compromising the duty of truth-telling. In the same way, this choice is teleologically valid as it achieved the goal of telling the truth while minimizing harm.

From the “*Mail&Guardian* Media’s Professional Code” (see Appendix B for the full version of the code), point 11. (avoiding single source stories – balance and accuracy), and 12. (do all one can to get relevant comment – accuracy and truth) are applicable. Further, points 2. (balance and accuracy), 3. (fairness, accuracy and truth) and 6. (privacy) from the “SAUJ’s Code of Ethics” should be considered. In the Press Ombudsman’s code, the relevant points are 1.1. and 1.2. (truth, accuracy, fairness, ‘objectivity’ and balance), 1.3. (trustworthy sources, objectivity) and 1.4. (accuracy).

In short, all ethical standards as presented within the codes were adhered to, except for maybe one: the newspaper’s own code point 12. Analysing only the text, we cannot be sure that the journalist did indeed attempt, as best possible, to contact the sources not available for comment, and can only assume that s/he acted ethically and morally in this regard. The code, aimed at the journalist, appeals to the individual’s sense of right and wrong, and this is a point that cannot now be verified.

Being wholly ethically defensible, this case study thus also caters for the near-special-interest audience of the *Mail&Guardian*. This is not to say that only the high-end of the society deserves such high-quality journalism. Rather, the in-depth reporting and complex connection of facts is adapted to readers that take more time – as opposed to the “quick fix” of the *Cape Times* – to read newspapers.

6.4. Case Study IV

“Top brass called to torture hearings”

***Mail&Guardian*, 22 June 2004**

The status quo of the hearings in the Abu Ghraib prisoner abuse cases and individual cases of some of the accused are the topics of this article. Published towards the end of the selected time-frame for study, quite some information about the scandal, the emergence of the photos and the soldiers accused of prisoner abuses was available to the media. It focuses on the court proceedings of those accused of POW abuse and mentions that the judge has now authorized the questioning of senior commanders for the defence lawyers, who aim to prove that interrogation techniques and the treatment of POWs were approved and condoned by senior military officials. The article gives both the defence lawyers' account as well as the judge's point of view on the matter and details two of the accused soldiers' cases. A paragraph at the end of the article describes some recent occurrences from the ongoing violence after the end of the war, but does so very cursorily and stands rather disconnected to the rest of the article.

The ethical issues to be considered in this case study are, first and foremost, the accuracy of the facts included; the issue of invasion of privacy of the soldier's standing accused as well as the 'objectivity' and balance in giving an account of their respective charges. This also includes the aspect of fairness with which their charges and they themselves are presented. In addition, the social responsibility of publishing or not publishing the photographs involved in the charges must be considered. Questions arising are thus: How much personal detail can be included about the accused in an article about their trial, concerning severe human rights violations? Where should the line be drawn? And: how much room should the accused (or their lawyers) be given to comment for a counter-position? Is it even necessary, given that at the time, most of the public was already familiar with the photos in question, to publish the photos? Or does truth-telling no longer make such a publication necessary? Also: Can including some information about the war in an article about the prisoner abuses be justified in the sense of fairness and balance?

Although the choice of not including the photographs for publication along with the article were probably more practical – as previously mentioned, they had been published frequently and widely at the time – than of an ethical nature, refraining from their publication can be viewed as socially responsible. With the photos known to most, their description on three occasions during the article is sufficient to recall them to the memory of the reader/user. As such, the truth value cannot be said to be undermined: the public had already seen the truth and being confronted with the pictures again would be unnecessary.

In naming some of those soldiers being accused of prisoner abuse and including personal and private information about some of them, the issue of invasion of privacy (touched upon in the previous case study) becomes very important – also in terms of fairness and balance. In this case study, four of the total of seven accused soldiers names are mentioned, as are the charges

against them. Although two of the accused are merely named and their charges as well as their pleas listed, in the other two cases some indication as to personal details or behaviour was made. In the case of Specialist Charles Graner, “who faces the gravest charges”, a casual mention was made that he “sat quietly” during the cross-examination of army investigators. Although this, most likely, was just a stylistic tool used by the journalist to include Graner’s name and tie this in with the testimony given by the army investigators, the juxtaposition is somewhat questionable as it could indicate a certain bias, somewhere along the lines of a public opinion that says “look this guy, this monster, he’s just sitting there quietly after all he has done”. Without wanting to blow the two words used by the journalist out of proportion, the diction and juxtaposition is somewhat unfortunate. This makes the fairness of the article questionable as indicates a clear opinion against Graner. As much as we might agree to this stance, it must not necessarily be mentioned as such, as it does not in any way enhance the quality of the article – not in terms of accuracy, ‘objectivity’ or in any other way.

The other soldier accused mentioned by name is Private Lynndie England. Her name, together with that of Graner, was the one most mentioned in the global media’s coverage of the trials and it seems that the South African media were no exception. Aside from mentioning her age and place of standing trial, her pregnancy and the possible father (Graner) of the unborn child are also mentioned. Again, this was widely circulated in the global media at the time, maybe also due to the fact that she and Graner were the two soldiers most often seen in the widely circulated pictures depicting the prisoner abuses. In fact, asked to recognize the faces now, most would probably be able to identify them still. As such, their privacy had already been compromised on uncountable occasions before. In this case study, however, the mention of her pregnancy as well as mentioning that “she has said the father is Specialist Graner” is more than questionable. Except from the fact that her pregnancy was the reason why her trial was held in the US rather than in Iraq, these two, very personal facts about her do not contribute to the quality of the article in any way. Much more, these are “soft facts”, “emotive tid-bits” thrown into an otherwise factual article.

An aspect of the utilitarianist teleological theory is the focus on minimizing harm (as mentioned before on numerous occasions): “[w]hen news stories are published that reveal embarrassing facts about private individuals, the potential harm is great. On balance, the consequences for the public might be greater than the harm to the subject of the story, but the reporter has a moral obligation to inflict only the harm required to put the story into perspective” (Day, 2000: 61). In this case, the harm inflicted through publication should have been carefully weighed against the “social benefits” or an overriding public interest in the pregnancy of

England. It seems, however, that other motives weighed more heavily in the newsroom decision for publication: financial benefits and sensational appeal. The decision is probably tenable under law as it would be difficult for the subject to sue on the basis of defamation or even invasion of privacy, but ethical boundaries should not be drawn on the same lines as legal ones: “an ethics of privacy should be concerned with the real public-interest value in information rather than how much appeal to mere curiosity can be tolerated under the law” (Day, 2000: 127). Yet it seems as though, in this case, the sensationalist “appeal to mere curiosity”, as Day puts it, has succeeded in making a wrong ethical decision.

In terms of accuracy and balance, the article generally takes care to state opinions, such as those of the judges, lawyers and testimonies given, with relevant counter-positions. There are no other sources, such as news agencies, other than the primary sources mentioned, so either the *Mail&Guardian* (or their overseas office at the Guardian) had a correspondent present or that the news agencies used were simply not mentioned. Assuming the more probable case scenario – that the *Guardian* had a correspondent present at the hearings at the occupation headquarters – the credibility of the facts – as well as their accuracy – is underpinned. Assuming further, under the most probable case scenario, that the *Mail&Guardian* used this as their sole source of information, the accuracy, ‘objectivity’ and the fairness of the article are all questionable. In such an event, the article is a single source article – stemming from one correspondent on the scene – and more contextual information could be added for the South African publication. This would not only increase ‘objectivity’ but also ensure a higher level of accuracy by being able to cross-check the sources.

Finally, as in one of the previous case studies, the addition of news bulletin items at the end of the article – as a sort of tag-on – must be deemed ethically (and stylistically) questionable. Although occurring within the context of the war, the fighting, unfortunate death of four US soldiers and the hostage taken by Iraqi insurgents are not directly relevant to the contents of the article. Without their own heading and article, they “drown” underneath the much larger article about the trials.

In this regard the Press Ombudsman’s code point 5.1. could be considered: the content of a news item should be reflected in its headline. In this case study, however, it can be argued whether this point is adhered to or not. As concerns the relevant codes of conduct, the article cannot be said to be balanced or containing a satisfactory amount of different sources (articles 11. and 12. of the “*Mail&Guardian* Media’s Professional Code”). For the same reasons, when considering the SAUJ’s code, the points 2. and 3. (balance and accuracy) have not been fully adhered to. It may strive to attain accuracy and truth and, all in all, but falls short of doing so

nonetheless. It does give an ‘objective’ account of the court hearings, but for the two instances mentioned. Here, the Press Ombudsman’s code and its point 1.10. and the SAUJ code’s point 6. (privacy) must be considered: mostly, the privacy of those involved was respected to a certain degree. The public interest must be seen as weighing more heavily than their right to privacy in the sense of their names and the crimes they stand accused of. But, as to their personal behaviour and pregnancy as well as sexual relations, the code has not been properly respected – even if this information had previously been published in other media.

As an alternative approach, applying Aristotle’s Golden Mean (see also Chapter 2, section 2.3.10. for an explanation of the Golden Mean) in the publication process of this article could have been to omit the superfluous information about how Graner sat during the hearing and the fact that England was expecting his child, while still publishing the rest. In the same way, omitting the last paragraph of the article would be a good alternative to improve its quality and its ethical stance. Also, the Golden Mean could be to offer information from alternative, secondary or primary sources in order to better contextualize the trials. As it stands, the article cannot be defended from a duty-bound perspective, because the privacy of England and (maybe also) Graner were invaded beyond what can be considered in the public interest. Although both appeared in court and thus do not, legally, have a right to privacy – it is now in the public domain – it is still questionable what the pregnancy of England and the way Graner sat during the hearing had to do with the actual matter at hand. From an ethical perspective, their right to privacy was invaded within this case study, even though this may not have been the case from a legal perspective. With an outcome of questionable accuracy due to its (most likely) single source, the case study cannot be defended from a teleological standpoint, either.

Chapter 7: Conclusion

“What can I say about journalism? It has the greatest virtue and the greatest evil. It is the first thing a dictator controls. It is the mother of literature and the perpetrator of crap. In many cases it is the only history we have and yet it is the tool of the worst men. But over a long period of time and because it is the product of so many men, it is perhaps the purest thing we have. Honesty has a way of creeping into it even when it was not intended.”

– John Steinbeck

Having considered the contextual features relevant for the analysis, such as the 2003 Iraq War, the findings on the Abu Ghraib prisoner abuses, the South African media and legal environment as well as the relevant media theories in the past chapters, the case studies were analysed individually in the immediately preceding chapter. Here, the findings of the case studies as well a general conclusion will be drawn, attempting an answer for the proposed research questions. Also, some of the findings will be related to the South African media in general, attempting to generate overarching ethical dilemmas within the South African media’s reporting on “Other People’s Wars” and human rights violations in such situations.

Although the articles of both publications must be said to be of varying ethical quality – one excellent, another rather questionable, etc. – there are some general peculiarities and differences that should be noted.

The main difference between the two newspapers’ reporting on the matter was the length of the individual articles as well as the amount of contextual and detailed information given in each. Naturally, being a daily, the *Cape Times* had shorter articles, but a larger total number. The *Mail&Guardian*, being a weekly, had more time available for research and featured longer, more detailed articles. The selected case studies showed usage of multiple sources for news and, in some cases, attempts to confirm the accuracy of these sources. In some instances, however, it was noted that only news agencies and/or the publications’ respective overseas, publishing house ties were used and that little to no independent research was conducted. Taking the difficulty of confirming sources and accessing information about occurrences geographically distant into account, the two newspapers are respected print media in South Africa. As such, their social

responsibility to strive at the highest journalistic quality by, amongst other things, attempting to use as many diverse sources as possible is clear. In striving for truth, Day argues, media “should promote understanding”, giving an “essentially complete account” (Day, 2000: 83) and this is especially important in the context of international news coverage.

7.1. The research questions answered

Having analysed the case studies individually according to the SAD method, an answer of the research questions can now be attempted.

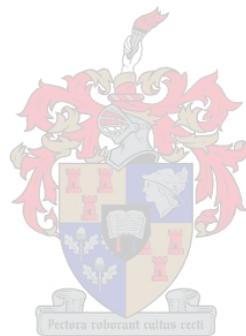
1. How was the issue of accuracy tackled in the reporting on the Abu Ghraib prisoner abuse situation by the *Cape Times* and the *Mail&Guardian*?
2. What are the similarities or differences between the two newspapers in this regard?
3. How were the relevant codes of conduct interpreted?

Within the realm of foreign reporting, the main issue was indeed accuracy and directly connected issues such as ‘objectivity’, balance and fairness, but issues such as the privacy as well as confidentiality (using anonymous sources) arose in the coverage. In a very hotly debated scandal such as this, balance was of particular importance. Especially in a foreign reporting situation that is also a war reporting situation, allowing for all parties involved to have room for comment is of the utmost importance. Attaining a depth and variety in sources was closely linked to the balance attained in an article.

Although most of the issues have already been dealt with in the individual case studies here above, the main difference between the two publications was the formulations in their respective code of conduct. Although adhering to the same basic ethical principles, it must be said that the *Mail&Guardian*’s Professional Code was much more concrete and practical than the Code of Conduct of the Independent group as used by the *Cape Times*. This simultaneously meant that a discussion on the basis of the code was much easier with the latter, but that the application by journalists was probably better with the former.

Each case posed its own ethical problems, yet a pattern emerged: sensationalist reasons, with financial interests and pressures as a background, seem to have been the main force compelling editors and journalists to publication. It seems from the selected case studies here presented that the “media professionals, like alcoholics, must first learn to acknowledge the problem before they can do something about it” (Day, 2000: 8) – and the problem is that

international news in South Africa may be tilting dangerously towards being only cursorily researched, and thus shallow and biased. Unfortunately, it seems that “international news coverage is Western-centric and consumed with violence, crisis and disaster” (Beaudoin & Thorson, 2002: 48) and, especially within the South African framework, this is regrettable.



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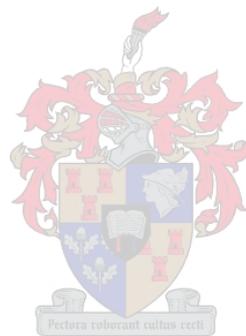
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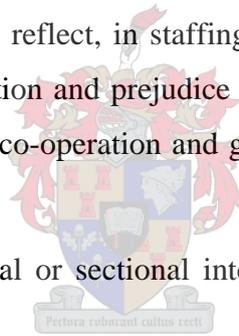
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Appendix A: Independent Newspapers' Code of Conduct

This Code of Conduct is a set of guiding principles for our newspapers. It is the frame of reference for good judgment and common sense required in day-to-day situations presented by media realities.

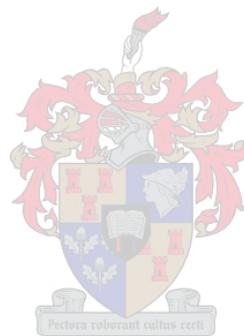
1. We maintain the highest professional and ethical standards. Fairness, accuracy, honesty, responsibility, independence and decency are our guiding principles.
2. We have a special duty to uphold the principle of freedom of expression, and strive to eliminate distortion, news suppression and censorship.
3. Ever aware of the media's watchdog role in society, we expose wrongdoing and any abuse of power or positions of power, public or private, serving as a constructive critic of all segments of society.
4. We should as far as possible reflect, in staffing and coverage, the diverse communities we serve, combat discrimination and prejudice on grounds of race and gender or sexual orientation, encourage racial co-operation and generally strive to enhance the welfare of the country.
5. We do not pander to personal or sectional interests but are solely concerned with the public interest.
6. We ensure reporting is impartial and balanced by making every effort to reflect all sides and by maintaining clear distinctions between comment, conjecture and fact.
7. We will rectify promptly any harmful inaccuracies with due prominence. Where apologies are warranted, these should be tendered without undue delay. In cases of sufficient importance, the right of reply should be afforded to persons criticised.
8. Advertising or promotional features should be clearly labelled to avoid confusion over the source and nature of material.
9. Material should be attributed fairly. Strict care should be taken against plagiarism of words or images.
10. We should ensure that all aspects of confidentiality are treated with circumspection and in consultation with senior editorial management.



- 11.** Sources of information will be disclosed unless there is clear reason not to do so. They should not be disclosed where such information was provided under a pledge of confidentiality.
- 12.** Anonymous and unnamed sources are avoided unless absolutely imperative. Information from anonymous sources, or documents received anonymously, should never be used without corroboration. When the confidentiality of a source requires protection, the reason should be explained.
- 13.** Care should be taken against the unjustified disclosure of the identity of victims of crime, especially in cases of sexual assault.
- 14.** Care should be taken against defamation.
- 15.** Respect should be shown for every person's right to a fair trial.
- 16.** We respect an individual's right to privacy, except where this clearly conflicts with the public interest, and we discourage any actions which entail unjustifiable intrusion into private grief and distress.
- 17.** Exceptional care is taken that nothing is done which might harm or in any unjustified way compromise the interests of children.
- 18.** Information, photographs and illustrations must be obtained by straight-forward means. The use of other means is justified only by over-riding considerations of the public interest.
- 19.** We do not pay for information, except in extraordinary circumstances where it is in the public interest to obtain such information and there are no other available means. In all cases the editor must give approval.
- 20.** Staff should not accept gifts, freebies or services of value without reference to editors, and in no case should any of these be accepted if it entails an obligation to the donor. The performance of staff duties should not be allowed to be influenced by inducements, neither should journalistic positions be used for personal gain.
- 21.** Staff must not use for their own profit financial information they receive in advance of its general publication, nor pass such information to others. Financial journalists in particular must not write about shares or securities in whose performance they know they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor. They must not buy or sell, either directly or through

nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

- 22.** Staff members should avoid active involvement in public affairs where a conflict of interest, potential or real, is likely to arise. Any financial, social, political or personal interest or activity which could give rise to such conflict should be declared to the editor.
- 23.** Staff may only accept outside commissions, part-time employment or freelance work for other publications with the consent of the editor.
- 24.** We report matters regarding ourselves and colleagues with the same vigour and candour as we would other institutions or individuals.
- 25.** We are courteous in our dealings with the public. We are scrupulous about responding to invitations, and attend functions to which we accept invitations.



Appendix B: *Mail&Guardian* Media's Professional Code

- 1.** All work submitted to the editors of the *Mail&Guardian* must be the reporter or photographers' original work. Any reporter or photographer found to have plagiarised another person's work will be liable to disciplinary action by the company.
- 2.** No reporter should cover an event or issue in which he or she has personal, financial, family or any other kind of interest which may affect his or her attitude to the story. Where this arises, the conflict of interest should be immediately declared to the head of department or editor and the story should be handed over to another reporter. In the case of an opinion or guest article, the author's interest in the matter must be clearly declared in the article or in a note at the end of it.
- 3.** No reporter may accept a gift or loan from a professional contact. Any offering should immediately be returned with a polite explanation. This does not apply to tickets, books and CDs sent for purposes of a review, or to PR handouts of a value less than R200.
- 4.** No reporter or photographer may accept free or reduced-cost travel without the approval of the editor. Where such an offer is acceptable, it should be noted in the article or in a note at the end of the article.
- 5.** No staffer may solicit free or discounted food, drink, gifts or related freebies on the basis of his employment as a journalist.
- 6.** No staffer may pay a source for information, nor offer any gifts or inducements to sources. However, if the life of a source is endangered because he or she is providing information, the newspaper may pay the costs of travel, accommodation and security. This is at the editor's discretion and no staffer may make such arrangements without the editor's approval.
- 7.** Reporters and photographers must at all times identify themselves to informants as employees of the *Mail&Guardian* newspaper. Reporters and photographers should carry their press cards at all times and produce them on request. Staffers should never abuse their press cards by using them to gain admission to a function they are attending in their personal capacity.
- 8.** It is the duty of reporters and photographers to know the law as it affects their work. All staffers should have read and should abide by the Press Council's code of conduct.

9. Reporters must be able to produce their notes or tape recordings on demand for a year after a story is published.

10. Reporters should avoid the obligation of reading back, faxing or e-mailing their articles to their sources after it is written. While there is not a problem checking facts or quotes with sources, a reporter should not accept a read-back as a prior condition to getting information from a source. When it is essential to do a read-back because the source will not co-operate on any other basis, it should be made clear that the only changes which will be considered will be errors of fact.

11. All possible effort should be made to avoid single source stories. Reporters should get corroboration of their information, unless the single source's point of view is the only relevant viewpoint.

12. Reporters should do all they can to get comment from all people and organisations relevant to their story. It is completely unacceptable for a reporter to make one phone call to a person and then to write that the person was unavailable for comment. The news editor or editor could ask reporters to prove that they had tried all means possible to elicit comment by asking for facts and notes which indicate that every possible attempt was made to find the person, or a suitable alternative.

13. Unnamed sources should be avoided unless there is absolutely no other way to handle the story and if the source is backed by others. No unnamed source should be used without the explicit agreement of the editor or head of department, who will require the reporter to identify the source, in the strictest confidence. In particular, intelligence sources are to be treated with extreme caution. It is their job to plant information in the paper which cannot be tracked back to them. If a reporter undertakes to protect the confidentiality of the source, it is expected that this is upheld, no matter what threats or inducements are offered to break the agreement.

14. Reporters are expected to uphold their undertakings of keeping information "off the record", although it is best to avoid making such arrangements. However, when such arrangements are made, reporters should specify what they mean by "off the record": is the material for background purposes only and not to be quoted; is it quotable with anonymity; can it be used to ask questions of others; can it be used to seek out another source to make it reportable?

15. No reporter or photographer should allow publication of material which can put informants at risk of losing their positions, injury or death. In particular, ordinary people are sometimes unaware of the possible consequences of talking to the media. In these cases, it is incumbent on the reporter or photographer to establish informed consent by spelling out to the informants what the likely dangers are.

16. It is the responsibility of the reporter to ensure that everything is done to update a story before the newspaper goes to print. The reporter must offer any necessary updates to the editor or news editor who then makes the decision whether the pages of the paper should be changed or delayed.

17. Breaches of this Professional Code will render the employee liable for disciplinary action.

Procedure

18. Breaches of this Code of Conduct will render the employee liable for disciplinary action, the procedure for which is reflected in the Company's Disciplinary Policy and Procedure (Wits Journalism, 2005).



Appendix C: The South African Union of Journalists' Code of Ethics

1. A journalist has a duty to maintain the highest professional and ethical standards.
2. A journalist shall at all times defend the principle of Freedom of the Press and other Media in relation to the collection of information and the expression of comment and criticism. He/she shall strive to eliminate distortion, news suppression and censorship.
3. A journalist shall strive to ensure that the information he/she disseminates is fair and accurate, avoid the expression of comment and conjecture as established fact and falsification by distortion, selection or misrepresentation.
4. A journalist shall rectify promptly any harmful inaccuracies, ensure that corrections and apologies receive due prominence and afford the right of reply to persons criticised when the issue is of sufficient importance.
5. A journalist shall obtain information, photographs and illustrations only by straightforward means. The use of other means can be justified only by overriding considerations of the public interest. The journalist is entitled to exercise a personal conscientious objection to the use of such means.
6. Subject to justification by overriding considerations of public interest, a journalist shall do nothing which entails intrusion into private grief and distress.
7. A journalist shall protect confidential sources of information.
8. A journalist shall not accept bribes nor shall he/she allow other inducements to influence the performance of his/her professional duties.
9. A journalist shall not lend himself/herself to the distortion or suppression of the truth because of advertising or other considerations.

Appendix D: South African Press Ombudsman's Code of Professional Practice

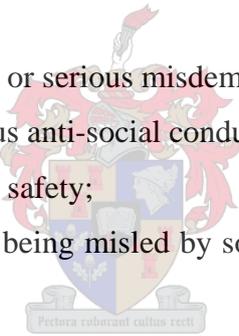
Preamble

The basic principle to be upheld is that the freedom of the press is indivisible from and subject to the same rights and duties as that of the individual and rests on the public's fundamental right to be informed and freely to receive and to disseminate opinions.

The primary purpose of gathering and distributing news and opinion is to serve society by informing citizens and enabling them to make informed judgments on the issues of the day.

The freedom of the press to bring an independent scrutiny to bear on the forces that shape society is a freedom exercised on behalf of the public.

The public interest is the only test that justifies departure from the highest standards of journalism and includes:

- 
- a. detecting or exposing crime or serious misdemeanour;
 - b. detecting or exposing serious anti-social conduct;
 - c. protecting public health and safety;
 - d. preventing the public from being misled by some statement or action of an individual or organisation;
 - e. detecting or exposing hypocrisy, falsehoods or double standards or behaviour on the part of public figures or institutions and in public institutions.

The code is not intended to be comprehensive or all embracing. No code can cover every contingency. The press will be judged by the code's spirit - accuracy, balance, fairness and decency - rather than its narrow letter, in the belief that vigilant self-regulation is the hallmark of a free and independent press.

In considering complaints the Press Ombudsman and Appeal Panel will be guided by the following:

1. Reporting of News

- 1.1. The press shall be obliged to report news truthfully, accurately and fairly.
- 1.2. News shall be presented in context and in a balanced manner, without an intentional

or negligent departure from the facts whether by:

1.2.1. Distortion, exaggeration or misrepresentation;

1.2.2. Material omissions; or

1.2.3. summarisation

1.3. Only what may reasonably be true having regard to the sources of the news, may be presented as facts, and such facts shall be published fairly with due regard to context and importance. Where a report is not based on facts or is founded on opinions, allegation, rumour or supposition, it shall be presented in such manner as to indicate this clearly.

1.4. Where there is reason to doubt the accuracy of a report and it is practicable to verify the accuracy thereof, it shall be verified. Where it has not been practicable to verify the accuracy of a report, this shall be mentioned in such report.

1.5. A newspaper should usually seek the views of the subject of serious critical reportage in advance of publication; provided that this need not be done where the newspaper has reasonable grounds for believing that by doing so it would be prevented from publishing the report or where evidence might be destroyed or witnesses intimidated.

1.6. A publication should make amends for publishing information or comment that is found to be harmfully inaccurate by printing, promptly and with appropriate prominence, a retraction, correction or explanation.

1.7. Reports, photographs or sketches relative to matters involving indecency or obscenity shall be presented with due sensitivity towards the prevailing moral climate.

1.8. The identity of rape victims and other victims of sexual violence shall not be published without the consent of the victim.

1.9. News obtained by dishonest or unfair means, or the publication of which would involve a breach of confidence, should not be published unless there is an overriding public interest.

1.10. In both news and comment, the press shall exercise exceptional care and consideration in matters involving the private lives and concerns of individuals, bearing in mind that any right to privacy may be overridden by a legitimate public interest.

1.11. A newspaper has wide discretion in matters of taste but this does not justify lapses of taste so repugnant as to bring the freedom of the press, into disrepute or be extremely offensive to the public.

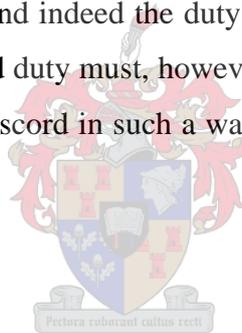
2. Discrimination

2.1. The press should avoid discriminatory or denigratory references to people's race, colour, religion, sexual orientation or preference, physical or mental disability or illness, or age.

2.2. The press should not refer to a person's race, colour, religion, sexual orientation, or physical or mental illness in a prejudicial or pejorative context except where it is strictly relevant to the matter reported on adds significantly to readers; understanding of that matter.

2.3. The press has the right and indeed the duty to report and comment on all matters of public interest. This right and duty must, however, be balanced against the obligation not to promote racial hatred or discord in such a way as to create the likelihood of imminent violence.

3. Advocacy



A newspaper is justified in strongly advocating its own views on controversial topics provided that it treats its readers fairly by

- 3.1.** making fact and opinion clearly distinguishable;
- 3.2.** not misrepresenting Or suppressing relevant facts
- 3.3.** not distorting the facts in text or headlines.

4. Comment

4.1. The press shall be entitled to comment upon or criticise any actions or events of public importance provided such comments or criticisms are fairly and honestly made.

4.2. Comment by the press shall be presented in such manner that it appears clearly that it is comment, and shall be made on facts truly stated or fairly indicated and referred to.

4.3. Comment by the press shall be an honest expression of opinion, without malice or dishonest motives, and shall take fair account of all available facts which are material to the matter commented upon.

5. Headlines, posters, pictures and captions

5.1. Headlines and captions to pictures shall give a reasonable reflection of the contents of the report or picture in question.

5.2. Posters shall not mislead the public and shall give a reasonable reflection of the contents of the reports in question.

5.3. Pictures shall not misrepresent or mislead nor be manipulated to do so.

6. Confidential sources

A newspaper has an obligation to protect confidential sources of information.

7. Payment for articles

No payment shall be made for feature articles to persons engaged in crime or other notorious misbehaviour, or to convicted persons or their associates, including family, friends, neighbours and colleagues, except where the material concerned ought to be published in the public interest and the payment is necessary for this to be done.

8. Violence

Due care and responsibility shall be exercised by the press with regard to the presentation of brutality, violence and atrocities (Press Ombudsman, 2004).