

# Do we have the will to defend our freedom?



By [Anton Harber](#)

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Exactly 20 years after we achieved media freedom, an opposition advertisement was banished from the national broadcaster because it showed pictures of police shooting protesters. So just as we were celebrating our freedom, it was eroded.

Few events could have been so well-timed to demonstrate both the freedom we have won, and its fragility. There was never any question - until this election - that the offending picture could be taken and widely published, and that neither the photographer nor the newspaper would face sanctions. During apartheid, the photographer, newspaper and editor would have risked detention with trial, prosecution and closure.

Now the media is uninhibited in exposing government corruption and security force brutality. In fact, the work of investigative journalists led to the firing of the last police commissioner and the imprisonment of his predecessor, as well as the dismissal of three cabinet ministers.

## Politicians in the limelight

In short, we have had remarkable media freedom in the 20 years since the first democratic election, and we have revelled in a noisy, vibrant vuvuzela democracy. Unlike many post-independence Africa countries, which suffered from a lack of criticism and debate in the media, and a tragic failure to confront issues of poor governance and corruption, in South Africa we have been blessed to have the opposite problem: a loud and rambunctious media which has produced a regular flow of tough criticism and relentless exposé of the authorities, to the point where government leaders must feel they can barely move without someone having a go at them. The radio and social media chatter, the screaming headlines, the arguments on television - these are the sounds of a democracy at work.

At a time when many of the institutions of democratic accountability - such as parliament, the national public broadcaster and the judiciary - are weak or under threat, at least elements of the media have shown that they are willing and able to hold the authorities to account.

## Threats

Newsrooms have shrunk dramatically under financial pressure and there is a growing number of newspaper owners close to and in business with the government who favour a less critical or independent press. The national public broadcaster has been rendered ineffectual by political meddling and financial scandal. But those media that chose an independent and outspoken path have been free to walk it.

There have been threats to this freedom. The ANC challenged the system of press self-regulation and sought to impose statutory control over it. They also drew up and passed a law to try to contain the whistleblowers and threaten the journalists feeding so much of the media controversy, the Protection of State Information Act, commonly known as the Secrecy Bill. But huge public controversy and protest held back the most serious of these threats and led to the removal of the worst aspects of the Bill, which still awaits presidential signature.

## And a new threat

But the row over the opposition's election adverts has brought a new threat: deployed ANC cadres who will use their office to protect the ruling party. First the SABC complained, and when that failed, the police complained. The broadcasting regulator accepted their complaint. It looked like a concerted and relentless campaign to stop an opposition advert, and the

same was done with an EFF advert.

Of course, pictures of security forces using undue force were the very things that struck fear into the hearts of the apartheid government, and they used an arsenal of laws to try to prevent them from being seen. The current government does not have the same arsenal, but they seem to share the same fear. The big difference now is that this censorship will be tested before the Constitutional Court. And we are free to mobilise against it, with protests already being planned.

So we have the freedom to protect our freedom when it is under attack. The question now is whether we will be organised and motivated enough to do so.

## ABOUT ANTON HARBER

Anton Harber, Wits University Caxton Professor of Journalism and chair of the Freedom of Expression Institute, was a Weekly Mail (now Mail & Guardian) founding editor and a Kagiso Media executive director. He wrote *Diepsloot* (Jonathan Ball, 2011), *Recht Malan* Prize winner, and co-edited the first two editions of *The A-Z of South African Politics* (Penguin, 1994/5), *What is Left Unsaid: Reporting the South African HIV Epidemic* (Jacana, 2010) and *Troublemakers: The best of SA's investigative journalism* (Jacana, 2010).

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