FRAMING THE FOREIGNER: A CLOSE READING OF READERS' COMMENTS ON *THOUGHT LEADER* BLOGS ON XENOPHOBIA PUBLISHED BETWEEN MAY AND JUNE, 2008.

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ABSTRACT

This study was conducted to identify and analyse *Mail and Guardian Online* moderation outputs which contradicted the platform‟s own stated policy on hate speech and other forms of problematic speech. The moderation outputs considered were a battery of readers‟ comments that were posted in response to *Thought Leader* blogs on xenophobia published between May and June, 2008. This was the same period a series of xenophobic attacks was taking place in some parts of South Africa, leaving an estimated 62 people dead, more than 30,000 displaced, and countless victims injured and robbed of their property. The attacks were a catalytic moment that enabled a whole range of discursive positions to be articulated, defended, contested and given form in the media. They also made visible the potential tensions between free speech on the one hand, and hate and other problematic speech on the other.

Using qualitative methods of thematic content analysis, document review, individual interviews, and an eclectic approach of framing analysis and rhetorical argumentation, this study found instances of divergence between the *M&G* policy and practice on User Generated Content. It found that some moderator-approved content advocated hate, hatred, hostility, incitement to violence and/or harm, and unfair discrimination against foreign residents, contrary to the *M&G* policy which is informed by the constitutional provisions in both section 16 of the Bill of Rights and section 10 of the Equality Act. Based on examples in the readers‟ comments of how „the foreigner‟ was made to signify unemployment, poverty, disease, unfair competition, and all manner of deprivation, and bearing in mind how such individuals have also become a site for the violent convergence of different unresolved tensions in the country, the study‟s findings argue that the *M&G* – a progressive paper dealing with a potentially xenophobic readership (at least a portion of it) – should have implemented its policy on acceptable speech more effectively. The study also argues that the unjustifiable reference to foreigners as *makwerekwere*, illegals, illegal aliens, parasites, invaders and border jumpers, among other terms, assigned them a diminished place – that of unwanted foreigner – thereby reproducing the order of discourse that utilises nationality as a space for the expurgation of the „other‟.

The study argues that the use of bogus (inflated) immigration statistics and repeated reference to the foreigners‟ supposedly parasitic relationship to the country‟s resources also unfairly constructed them as the „threatening other‟ and potentially justified action against them.

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DEDICATION

I dedicate this thesis to my sister Mackline Mwilu Malwa.

Thank you for being a great friend, sister and mother to me,

and for often putting your own dreams on hold so that

I could pursue mine.

"I cannot forget my mother. She is my bridge. When I needed to get across, she steadied herself long enough for me to run across safely" – Renita Weems.

I also dedicate it to my nieces and nephews: Alinjavwa, Lwanga, Mapalo, Niza, Chisaka, Mubanga, Lwanga Bupe, Chimwemwe André and Malumbo Katongo. Thanks for the love, faith and good times. I love you all very much.

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ACRONYMS AND ABBREVIATIONS

ACHPR   African Charter on Human and Peoples‟ Rights

CMC   Computer Mediated Communication

Equality Act   Promotion of Equality and Prevention of Unfair Discrimination Act of 2000

ICCPR   International Covenant on Civil and Political Rights

ICERD   International Convention on the Elimination of all forms of Racial Discrimination

ISPA   Internet Service Providers‟ Association

M&G Online   Mail & Guardian Online

SAHRC   South African Human Rights Commission

TL   Thought Leader

UDHR   Universal Declaration of Human Rights

UGC   User Generated Content

CHAPTER ONE

INTRODUCTION AND CONTEXT

1.0 Introduction

This thesis is titled „Framing the foreigner: A close reading of readers‟ comments on *Thought Leader* blogs on xenophobia published between May and June, 2008.‟ It is the result of a study conducted to identify and analyse selected *Mail & Guardian* (*M&G*) *Online* moderation outputs that contradicted the platform‟s affirmed standards, notably on hate speech and other kinds of problematic speech. The specific output that was analysed took the form of moderator-approved readers‟ comments on xenophobia blogs that were published between May 13 and June 13, 2008.

The purpose of this chapter is to introduce the study and provide a contextual background, i.e. to convey what the study is about, what brought it about, its significance, and how it was conducted. It also provides a map through the thesis by outlining briefly what is contained in the rest of the chapters.

The chapter has five sections and is presented in the following format: the first section presents the context of the research both social and theoretical, the second section presents the goals of the study, the third section presents the methods, procedures and techniques used to conduct the study, the fourth section presents the structure of the thesis, and the fifth and final section presents the chapter‟s conclusion.

1.1 Context of the research

1.1.1 *M&G Online*

The study was of the *M&G* O*nline's* moderation output with regard to one dimension of what has been widely termed User Generated Content (UGC). The specific form of UGC that the study was concerned with is readers‟ comments. This is because, as a feature, readers‟ comments have the unique characteristic of facilitating "a visible and open public discourse" (Nagar 2009:3). As already mentioned, the study‟s focus was on moderator-approved content on the

M&G website which contradicted the platform‟s stated policy on acceptable speech. According to the policy[1], the *M&G* O*nline* prohibits, and commits itself to curb, hate speech, speech designed to incite violence, hatred or threats to cause physical harm, or is discriminatory on the grounds of race, gender and religion, among others (*M&G* acceptable use policy). The policy is informed in part by the South African Constitution and by the Equality Act and therefore further commits the *M&G* to prohibit any speech that violates the right to equality and/ or dignity of others.

M&G Online is the online version of the weekly South African newspaper *M&G*. Launched in early 1994, the *M&G Online* was the first internet-based news publication in Africa and has remained one of South Africa‟s top three biggest news sites. According to the website "...the *M&G Online* is owned by *M&G* Media, which publishes the *M&G* newspaper and is 87.5% owned by Newtrust Company Botswana Limited, owned by Zimbabwean publisher and entrepreneur Trevor Ncube. The London-based Guardian Newspapers Limited holds 10% of the company and minority shareholders make up the rest". In 2001, the *M&G Online* was voted one of the world‟s top 175 websites by Forbes.com.

Thought Leader (*T L*) was launched in 2007 as a new feature of the *M&G Online*. According to the site, "*Thought Leader* is an editorial group blog of quality commentary and analysis" whose aim is "to provide a platform for thought-provoking opinion for *Mail & Guardian* journalists and columnists as well as other writers, commentators, intellectuals and opinion makers across various industries and political spectrums" (*M&G Online*). Contribution as a regular blogger is by invitation only. *M&G* bloggers are allowed autonomy in their choice of topics, although the articles are subject to moderation by the site‟s editorial team. The readers‟ comments are also subject to the moderation team‟s approval.[2]

The *M&G Online* has received numerous accolades and awards including three Webby Honourable mentions in 2008 for the *Thought Leader* platform and *News in Photos* site (*M&G Online*).

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[1] The study‟s understanding of the policy was informed by *M&G* policy documents and moderators‟ interpretations, and is discussed in depth later in the thesis.
[2] Information was obtained from Mr. Riaan Wolmarans, Chief Moderator during the sampled period, on February 1, 2010 and a *Thought Leader* blogger, Mr. Khaya Dlanga, in an e-mailed interview on November 2, 2009.

1.1.2 Xenophobia

In May and June, 2008, a series of violent attacks on foreign nationals took place in some parts of South Africa. The violence that started on May 11, 2008, left an estimated 62 people dead, more than 30, 000 displaced (UN Report 2008) and "countless victims injured and robbed of their property" (Human Rights Watch 2008). It was the worst case of violence recorded in the country since the end of apartheid and also the first time the South African troops were deployed to stop violence on the streets since the political transition to democracy (McKnight 2008). The violence was widely reported and made headlines in both local and international media. Within South Africa, it sparked widespread debate and discussions concerning what could have caused it. The violent attacks were being referred to as ,xenophobic attacks" and largely explained in relation to economic and social conditions of the country"s poor.

Different theories as to what could have caused the violence were put forward with some citing historical factors such as the country"s divisive and alienating apartheid past (Crush 2008). Another theory blamed the violence on what was viewed as the African National Congress (ANC) government"s lack of promised service delivery to poor citizens, and for failed migration policies. Within this theory of failed migration policies was the assertion that ineffective border control had led to too many foreigners entering the country and particularly Zimbabweans who were allegedly leaving their country in millions in search of economic refuge.[3] The discussions, which also included the adequacy of the government"s response to the violence, continued beyond the attacks and were carried across different media platforms. On *Thought Leader*, 19 blog articles on xenophobia were published between May 13 and June 13, 2008, and a total of 682 readers" comments were passed on them.

1.1.2.1 Xenophobia pre-2008 violence

The violence of 2008 marked the worst recorded attacks against foreign nationals but was not the first manifestation of xenophobia in South Africa. Continuing research by the Southern African

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[3] Zimbabwe was in the midst of an economic crisis that saw the country"s annual inflation rate rise to an estimated 89,700,000,000,000,000,000,000 % in November, 2008. This on-going state of hyperinflation rendered the local currency valueless and the central bank went as far as introducing a new 100 billion Zimbabwe dollar note in July 2008. The residents" purchasing power was severely impaired as prices doubled every 1.3 days. The resulting critical shortage of basic necessities led to large numbers of residents resorting to shopping in neighbouring Botswana, South Africa and Zambia (CNN 2008; Fortune Magazine 2008; Hanke 2009).

Migration Programme (SAMP) had already suggested that not only was xenophobic sentiment deeply entrenched and widespread in the country but had demonstrably been on the rise since 1994 (Crush 2001; 2008). Xenophobia is defined as "extreme dislike or fear of foreigners, their customs, their religions etc" (Cambridge Advanced Learner"s Dictionary), but this does not capture the full situation in South Africa. Xenophobia in South Africa is not just a mindset but can also be expressed in physical violence against the targeted people. "By framing xenophobia as an attitude, however, there is no comment on the *consequences* or *effects* of such a mindset. This is misleading because xenophobia in South Africa is not restricted to a fear or dislike of foreigners" (Harris 2002: 170, emphasis in original).

A number of theories have been advanced to explain the enhanced xenophobic sentiment in post-apartheid South Africa. One of the foremost explanations given is in relation to the unfulfilled economic and social expectations of many citizens.

Tshitereke (1999) asserts:

> In the post-apartheid epoch, while people"s expectations have been heightened, a realisation that delivery is not immediate has meant that discontent and indignation are at their peak. People are more conscious of their deprivation than ever before...This is the ideal situation for a phenomenon like xenophobia to take root and flourish. South Africa"s political transition to democracy has exposed the unequal distribution of resources and wealth in the country (In Harris 2002: 171).

Some theorists have further asserted that foreign nationals have become the scapegoats on whom any such economic and social frustrations on the part of citizens are taken out.

> "An examination of this phenomenon [violence against foreigners in post-apartheid South Africa] and its manifestation reveals that ,the foreigner" has become a site for the violent convergence of a host of unresolved social tensions. The difficulties of transition, socio-economic frustration, a legacy of racial division, and an inherited culture of violence are just some of the factors contributing to violent xenophobia in South Africa today" (Valji 2003: 1).

Another view is that xenophobia is a legacy of the country"s violent past and might be an unanticipated consequence of the nation building (unification) initiatives that have characterised post-apartheid South Africa.

> Despite the transition from authoritarian rule to democracy, prejudice and violence continue to mark contemporary South Africa. Indeed, the shift in political power has

brought about a range of new discriminatory practices and victims. One such victim is „The Foreigner". Emergent alongside a new-nation discourse, The Foreigner stands at a site where identity, racism and violent practice are reproduced (Harris 2002: 169).

Some research findings have implicated the media in the perpetuation of xenophobic attitudes towards foreign nationals either by not being critical of the messages they send out, such as unverified immigration statistics or by not challenging existing stereotypes that fan xenophobic sentiment (Danso & McDonald n.d; Fine & Bird n.d) . "There are many stereotypes of foreign migrants to South Africa that tend to be reflected in the media. The media contributes to xenophobia when it supports negative public perceptions of migrants, particularly African migrants, as illegal, criminal, threats to social and economic prosperity or carriers of diseases such as HIV/AIDS" (Fine and Bird n.d: 23-24). The same study however asserts that xenophobic messages in the media are "more a consequence of a lack of understanding on the part of the media to engage in more positive, challenging discourse around „foreigners", rather than by conscious design" (ibid: 65).

Emerging literature on media coverage of xenophobia in post-apartheid South Africa (see Kruger 2009; Harber 2008; Danso and McDonald 2001) has suggested that, in general, the manner in which xenophobic attacks have been reported in the media or shown in cinematic narrative reinforce stereotypes about black African foreigners. This study acknowledges the importance of interrogating such media content but its focus – readers" comments on blogs – precludes it from discussing this aspect in more depth.

1.1.3 Theoretical context

The study was rooted within the broad theoretical framework of media and democracy and particularly informed by concepts of freedom of expression, hate speech and moderation. It also took cognisance of the analysis of new media, in which interactive features are seen as having the potential to promote citizen participation and enhance diverse public deliberation, and therefore as being good for democracy (Nip 2006; Manosevitch & Walker 2009). This is consistent with the Habermasian concept of the public sphere, a democratic ideal that calls for the open exchange of political views and citizen participation in public affairs (Habermas 2004; Papcharissi 2004). Interactive features are also noted for their potential to elicit uninformed and inaccurate information, and inappropriate language use (Manosevitch & Walker 2009). This is

one justification for moderation or online gatekeeping (Bruns 2005). However, moderation is in essence a form of regulating speech, and that relates it to the broader issue of freedom of expression and debates over what ought to be its limits.

Freedom of expression is a democratic principle that allows people the right to hold opinions of their choice and to seek, receive, and share information and ideas on matters that interest them (Universal Declaration of Human Rights 1948: Article 19). It is recognised and promoted as a fundamental human right in national constitutions and international legislation and charters. This right, however, does come into tension with other constitutionally guaranteed rights and entitlements such as equality, dignity, and freedom from incitement to harm, particularly if its preservation results in the undermining of one of the other rights (Sumner 2004; Cram 2006; Possi 2006). The question in such circumstances then becomes which right to prefer over the other and on what grounds (Boyle 1992). The South African constitution does not privilege any one of these rights over the other; it does, however, exclude certain forms of expression from the scope of constitutional protection. Such outlawed expression includes speech that qualifies as "propaganda for war; incitement of imminent violence; or advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm" (Section 16[2]).

1.1.4 Significance and justification

This study is relevant to the growing phenomenon of interactive media that allows audiences to give feedback on news sites. This is so because there is very limited literature on the subject, probably due to its newness. There is even less, if any, literature on online moderation of UGC on interactive news sites within the context of a website's policy on acceptable speech. As far as I am aware this is the first such study in South Africa and Africa and has therefore potential to add to knowledge of this area. The study is also relevant against the backdrop of continuing debates around freedom of expression and how and what limitations can be applied.

Xenophobia was a valuable lens through which to probe the *M&G Online's* moderation outputs in the light of its policy because the phenomenon elicits extensive, diverse and sometimes emotional perspectives, as was witnessed in 2008. It was especially pertinent because it gave rise to discussions that were not normally present in news reportage.

> There are particular moments or occasions within the more or less regular existence of a society or social grouping that unexpectedly throw up challenges to the way people imagine and construct themselves. Such catalytic moments call for people to articulate and defend positions and attempt to persuade others to concur with them. Then, a plethora of different stories and interests find their way into the media where they jostle for credibility and compete for the discursive space (Prinsloo 2009:81).

The xenophobic violence of 2008 can be said to have been one such catalytic moment as it enabled a whole range of discursive positions to be articulated, defended, contested and given form in the media. The other reason for my choice of xenophobia as the lens through which I probe *M&G* moderation outputs was my personal interest in the subject. I keenly followed any news and discussion around the violence. Firstly as a journalism student at Rhodes University I had a responsibility to know what was going on, and secondly as a foreign national temporarily resident in South Africa for study purposes I had to know if and how the violence was spreading, how safe I was and whether or not I needed to leave the country for a while. The latter concern was instantly dispelled when the Rhodes administration made it clear that even if the violence was to spread to the Eastern Cape and Grahamstown, the University would remain a safe place for foreign students. Although I did not participate in any of the activities, the anti-xenophobia campaign by Rhodes was also responsible for my enhanced interest in the subject of xenophobia. What particularly caught my attention was how Rhodes was trying to deconstruct the discourse of foreigners as ‚other‟ by putting forward a discourse that ignored the ‚differences‟ and emphasised the ‚oneness of Africa‟. This was not always the position advanced by commentators especially on the internet where I was following countless discussions on different sites. I found it interesting that while Rhodes and many other people and institutions were articulating a contesting discourse, some people, particularly on the internet, were perpetuating the more dominant discourse of the foreigner as the unwanted other. It was also interesting to see that even when some websites put up articles or opinion pieces condemning the violence and encouraging solidarity with foreign nationals, they still got xenophobic comments from some readers. This made me aware of the possibility that some progressive and tolerant sites had to deal with feedback from xenophobic audiences and that brought about my interest in moderation of UGC. I was interested to find out how a platform that claimed tolerance could insist on anti-xenophobic messages without being intolerant of the xenophobic readers and their viewpoints. This further motivated my interest in UGC particularly the dilemmas that attend its moderation with regard to drawing a line between free speech and hate speech.

I chose the *M&G Online* because it was one of the sites I was most familiar with as I had been reading it for years and always considered it as one of the leading sites in terms of the quality of UGC. I also chose it because, unlike some sites I had visited, it had a policy that committed it to curb hate speech including xenophobic speech on its platform. I was also aware that all readers‟ comments had to be approved by a moderator before being allowed to appear on the *M&G Online* site.

A close reading of the UGC that was published on the site was therefore significant for two reasons. First it could make visible the potential tensions between free speech and hate and/or other problematic speech. Second, representations and the way an issue is framed in the media have the potential to have real and material effects on the affected groups (Media Monitoring Africa 2009). This is because representation produces meaning through language (Hall 1997), and action is likely to be taken based on what people understand a situation to mean. So in a country where for many people ‚the foreigner‟ has come to signify unemployment, poverty, lack of housing, and all kinds of deprivation, it was especially significant to see what the moderators passed as fit for publication at a time when xenophobia was not just an attitude but also expressed as a violent practice.

1.2 Goals of the research

As earlier stated, the main goal of the study was to identify and analyse moderated (and therefore approved) readers‟ comments on xenophobia, which contradicted the *M&G's* affirmed standards on hate speech and other speech which could be also assessed as problematic in terms of the *M&G's* own policy commitments to standards of acceptable speech. The study did not seek to explore the adequacy of the policy in terms of external standards but rather focused on comments that contradicted the newspaper‟s own stated policy. The inherent tensions between free speech and hate speech and their implications for moderation served only as a backdrop to inform the identification of offending items, and their analysis. It is important to study the reasons for why some output escapes moderation when it contradicts policy, but this was not the goal of this study. The point of this study was to identify and motivate through analysis that there is such a contradiction in the first place.

1.3 Methods, Procedures and techniques

The study‟s methodological approach was qualitative. The time frame for the sample – May and June, 2008 – was significant because it was the time the xenophobic violence was taking place and being interpreted through extensive debates and commentaries. The sample period yielded 19 blog articles on xenophobia with 682 readers‟ comments posted across them. A research design involving a qualitative content analysis of the universe of data, review of the *M&G* policy documents, and a textual analysis using an eclectic approach of rhetorical theories of argumentation and framing analysis was employed. The textual analysis was limited to the selected data to identify apparently offending comments. The first stage in the textual analysis was a thematic content analysis that included all the 682 comments. This helped the researcher understand how the readers were representing the violence and what arguments they were putting forward, and importantly it helped zoom in on comments that contradicted the website‟s policy. It is those problematic comments within this that were moderator-approved that the study used as a sample for detailed textual analysis. These comments were further disaggregated on the basis of the form of violation they represent (e.g. xenophobic, inciting to violence etc).

Argumentation and framing analysis were chosen as methods because of the study‟s attempt to use wording as empirical evidence of the presence of both explicit and implicit hate speech in the text, contrary to the newspaper‟s affirmed standards. Similarly, xenophobia is not always very obvious and can be present in subtle and deep forms making these two methods appropriate to the objectives of the study. "Framing essentially involves *selection* and *salience*. *To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment or recommendation* for the term described" (Entman 1993: 52, emphasis in original). Preliminary analysis of the readers‟ comments reveals that frames of hatred and frames of violence manifest in particular ways that framing theory underpins, for example national and racial stereotypes. The commentators‟ chosen schemas of interpretation can therefore be best made sense of through a framing analysis. The *M&G* policy documents are also reviewed using framing analysis tools as informed by the insights related to theories of xenophobia and theories of free speech regulation. Argumentation, on the other hand, has been defined as "a verbal and social activity of reason aiming at increasing (or decreasing) the acceptability of a controversial standpoint for the listener or reader, by putting forward a constellation of propositions intended to justify (or refute) the standpoint before a rational judge"

(Van Eemeren et al 1996: 5). This makes it a good complement of framing as it can be used to identify which frames were emphasised in the comments. The three divisions of rhetoric, as identified by Aristotle, namely: forensic, epideictic and deliberative (Richardson 2007) also operate in similar ways to the essence of framing, namely: defining the problem; diagnosing its causes; making moral judgements; and offering and justifying treatments for the problems and predicting their likely effects (Entman 1993: 52). A close reading of the arguments and frames present in the text is important because they may rally people around xenophobia, hate speech and inflammatory speech even without explicitly doing so.

1.4 Structure of the thesis

The thesis opens with chapter one (the current one) which introduces the study and provides its contextual background. Chapter two is the first of two theoretical framework and literature review chapters. It discusses the media and democracy, freedom of expression, and hate speech. Chapter three is a continuation of the theoretical framework and literature review and discusses moderation and *M&G Online* policy. Chapter four presents the methods, procedures and techniques used to carry out the study. Chapter five presents a description of the study''s findings while chapter six presents an interpretation of the same. Chapter seven, which is the final one, presents the study''s conclusion and recommendations. It also presents a brief summary of all the other chapters.

1.5 Conclusion

This chapter has introduced the study and given its contextual background. It has also provided an outline of the entire thesis. The next chapter presents the first part of my theoretical framework and literature review.

CHAPTER TWO

<u>THEORETICAL FRAMEWORK AND LITERATURE REVIEW (ONE)</u>

2.0 Introduction

This is the first of two theoretical framework and literature review chapters. It is divided into two main sections, namely: media and democracy; and freedom of expression. The second section is further divided into sub-sections.

The first section presents an overview of the relationship between media and democracy. It highlights the normative role of the media in a democracy. As this is the broad area that informs this study, some of the issues raised will also be discussed in other sections of the chapter. The second section focuses on debates surrounding the concept of freedom of expression; it has two main sub-sections, namely hate speech and the status of freedom of expression in South Africa. The second section also interprets xenophobic speech against the backdrop of the concept of hate speech.

This chapter concludes by arguing that the right to freedom of expression should not be treated as inherently superior but should prevail only on the strength of its merits over competing rights in a particular case. The study recognises the importance of freedom of expression as both a cornerstone of democracy and a crucial factor in the fulfilment of other rights. It argues that all opinions – both popular and unpopular – should be allowed free expression on condition that they do not incite to violence, hatred or harm, or undermine the dignity and/or equality of others.

2.1 The media and democracy

Democracy is defined as "a form of government in which the supreme power is vested in the people and exercised directly by them or their elected agents under a free electoral system" (Merriam-Webster's Dictionary of Law n.d). Some principal features of this type of government are: constitutionally guaranteed basic personal and political rights; free and fair elections; and independent courts of law, among others. There are many variants on theories of the media and democracy but I will limit my discussion to those identified as directly relevant to this study as its focus precludes a detailed examination of them all.

The dominant theory of the relationship between the mass communications media and democracy is that media enable the public to participate in their governance. The media achieve this by keeping the public informed about political and other developments as well as giving them a forum to air their views on matters of public interest. Enabling informed debate by being both a source of information as well as a platform for public deliberation is therefore seen as a crucial role of the media in a democracy (Cuilenberg, Scholten & Noomen 1992). "Dominant democratic theories prescribe two ideal functions for the media: shielded from state oppression and commercial coercion they should, first, make important information available for all and, second, enable citizens to communicate with each other about relevant issues. [They] should both disseminate information and facilitate dialogue" (Moe 2008: 319). The media are also viewed as being the "connective tissue" of democracy by providing the principal platform through which citizens and their elected representatives communicate with each other in their common efforts to inform and influence (Gunther and Mughan 2000).

A requisite component of democracy is inclusivity, and in the media that translates as providing equitable space to divergent views. This makes media freedom and freedom of expression particularly necessary. "Indeed, mass media have served remarkably well as a means to globalize the democratic exchange of ideas and issues capable of challenging authority and fostering an atmosphere of optimism" (Murphy 2007: 8). An equal platform for competing views means that both widely accepted and less accepted issues and ideas have to be allowed visibility in the media. Such divergent information and perspectives have the potential to shape and improve both collective and individual decisions (Sunstein 1995).

> The benefits which are supposed to accrue from deliberation-enhancing devices include better decision-making (since more persons with informed insights would be able to influence outcomes) and greater societal cohesiveness (fewer persons would be excluded from the process; also the fact of participation itself might connect citizens to others and encourage empathy with others" concerns). The most optimistic accounts hold out the hope of greater consensus across key issues confronting the polity (Cram 2006:4).

The media are also widely recognised as contributing to the development of popular knowledge through the range of social, political, educational and cultural materials that they disseminate. "...media are used in information seeking, persuasion, social interaction, self-expression, and decision-making" (Possi 2006: 107).

The relationship between media and democracy cannot be said to be static as it is affected by changes in society such as entering a specific period in history and embracing the possibilities that it enables or the changes it brings. "...[T]he meanings of democracy and communication are historically variable. The meaning of democracy changes over time because forms of communication with which to conduct politics change" (Carey 1993: 2). As such, new media forms such as the internet can be said to have altered the relationship between media and democracy as they enable new and faster ways of public deliberation by creating a new space for people to express themselves and even interact with their elected representatives (Papcharissi 2004).

There exist normative theories about the ideal role of media in society and one such theory is social responsibility. The social responsibility theory's principal position is that media freedom and independence should come with responsibility towards society. It puts forward such principles as: "[t]he media have obligations to society, and media ownership is a public trust; news media should be truthful, accurate, fair, objective and relevant; the media should be free, but self regulated; media should follow agreed codes of ethics and professional conduct; and under some circumstances, government may need to intervene to safeguard the public interest" (McQuail 2000: 150).

If freedom of expression is considered an indispensable feature of democracy, it follows that the suppression, through different means, of divergent views is undemocratic. "Media are believed to be, and indeed should be, truthful, informative and contributing to democracy and social accountability. They are supposed to be democratic, allowing people to raise their voices and enable free thought and speech" (Possi 2006: 107).

Freedom of expression is the concept that underlies all such expectations; it is viewed as the enabler of informed public deliberations. The next section looks at this concept in more detail. It begins by highlighting the international and regional standards on freedom of expression, and concludes with local standards.

2.2 Freedom of Expression

Freedom of expression refers to a democratic principle that allows people the freedom to hold opinions of their choice and to seek, receive, and share information and ideas on matters that

interest them. It is internationally recognised as a fundamental human right as articulated in Article 19 of the Universal Declaration of Human Rights (UDHR) of 1948: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers." It is also recognised in international human rights law in Article 19(2) of the International Covenant on Civil and Political Rights (ICCPR). It is further guaranteed in regional human rights instruments such as Article 9 of the African Charter on Human and Peoples" Rights (ACHPR) and the African Commission on Human and People"s Rights" Declaration of Principles on Freedom of Expression in Africa.

The Declaration states that:

> [f]reedom of expression and information, including the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other form of communication, including across frontiers, is a fundamental and inalienable human right and an indispensable component of democracy (Declaration of Principles 2002).

It further states that "[e]veryone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination". Different countries have ratified the provisions of these international and regional instruments and even gone on to consolidate them in national legislation. While these provisions provide a standard, the implementation remains up to the different member countries. Practice has revealed that the different signatories uphold these standards to different extents depending on their respective legal and sometimes political environments.

As discussed in the earlier section, freedom of expression is a prerequisite for democracy. It is viewed as the enabler of public deliberations and is therefore a significant marker of democracy, or the lack of it. In democratic countries, this right is constitutionally guaranteed. "The law"s intention is to broaden the terms of public discussion as a way of enabling common citizens to become aware of the issues before them and of the arguments on all sides and thus to pursue their ends fully and freely" (Fiss 1996:3). Apart from enabling democracy, freedom of expression is also viewed as an important contributor to the fulfilment of other rights and entitlements. It is often viewed as being crucial to the process of unveiling and exposing violations of all other human rights, and for the fight against such violations (Berger 2007).

"...[R]estrictions on the exercise of the right to freedom of opinion and expression could indicate a deterioration in the protection, respect for and enjoyment of other human rights and freedoms, bearing in mind that all human rights are universal, indivisible and interdependent and interrelated" (Commission on Human Rights resolution 2003/42).

The libertarian media theory advocates for a press that is free to inform its audiences of all issues without restriction. It similarly proposes that audiences be allowed the freedom to express their views through the media (Siebert et al 1956). Although there is no unanimous standard on how this right should be exercised and although the extent to which it is upheld differs from country to country and situation to situation, there is a dominant (but contested) understanding that it is not an absolute freedom. This understanding acknowledges that democracy entails balancing free speech and limits on free speech; that free speech cannot be enjoyed at the expense of other rights and neither can it be curtailed without justification. These issues will be further unpacked and discussed in the following sections. What is necessary to point out at this stage though is that issues concerning freedom of expression and what ought to be its limit go back a very long way, such as to the principles of Freedom of Expression that John Stuart Mill first outlined in his 1859 book *On Liberty*. Whether these formulations of original principles remain relevant to contemporary political debates is an interesting area to explore but not one I will get into due to the limited nature and different focus of my study.

One of the main issues highlighted in ongoing debates, however, is the potential of unrestricted free speech to produce forms of expression that can undermine other rights. The possibility of competition between free speech and other rights raises such questions as:

> What values can come into conflict with the exercise of the right to free expression? Are these values also protected by rights? If so, how do we adjudicate conflicts between these rights? If not, when must it give way to them? What are the costs of limiting or abridging the right to free expression? (Sumner 2004:3)

Such dilemmas especially surface in circumstances where the preservation of freedom of expression results in the undermining of such rights as safety, equality, dignity, and freedom from incitement to harm (Sumner 2004; Cram 2006; Possi 2006). In such situations, limiting certain forms of expression has been one course of action. Some of the circumstances that have been cited as necessitating such limitation include when "the said freedom endangers the nation‟s freedom, security or people‟s lives" (Possi 2006: 112). Constitutional protection for

freedom of expression is usually never absolute as it is often accompanied by statements of other constitutionally protected rights and freedoms (Cram 2006). Such statements include the prohibition of certain forms of expression such as hate speech, propaganda for war and other forms of incitement to harm, all of which are not covered under free and therefore protected speech.

The international treaties on human rights also acknowledge that freedom of expression is not an absolute right, and they identify circumstances in which member states may intervene and restrict it. They recommend that the state may impose a limitation only if it is provided for by law, has a legitimate purpose, and is necessary in a democratic society. The purposes that are deemed legitimate include protecting the rights of others, protecting national security, public order, public health or morals (ICCPR Article 19[2]; ACHPR Article 9[2]). The treaties oblige the member states to prohibit by law any form of expression that advocates national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (ICCPR Article 20) and to criminalise "dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin" (International Convention on the Elimination of all forms of Racial Discrimination [ICERD] Article 4).

Legal restriction on free speech is well within the provisions of international human rights standards. It is aimed at protecting other rights and freedoms such as equality and human dignity, in theory at least. An issue that becomes critical then is the manner in which these limitations are invoked and to what end. "What needs to be examined, therefore, is the way in which a balance should be struck to ensure that whereas this right [freedom of expression] is respected, other fundamental rights and freedoms are not infringed" (Sooka 2003:50). In a situation where there is a conflict between one‟s right to express an opinion that may be deemed offensive and another‟s right not to be a victim of such speech, there is need to offer coherent justification for which right is preferred. This is especially true with freedom of expression as there is a risk that restraining it may occur to the point where the right itself is threatened (Boyle 1992). A related concern is the selective fashion in which freedom of expression is restricted in some countries. "Article 19[‟s] 20 years of experience show that restrictions on freedom of expression, including hate-speech legislations, rarely protect us against abuses, extremism, or racism. In fact, they are

usually and effectively used to muzzle opposition and dissenting voices, silence minorities, and reinforce the dominant political, social and moral discourse and ideology" (Callamard 2006: 4). Hence the argument that any limitation on freedom of expression be made on reasonable and justifiable grounds in an open and democratic society (ICCPR; Sooka 2003).

Debates on freedom of expression and what ought to be its limit are generally ongoing although sometimes they are triggered or reinforced by specific incidents as was the case in the United Kingdom post the September 11, 2001, terror attacks on the United States of America. As the attacks were associated with Al Qaeda, a Muslim group, there was concern that there might be a backlash against UK Muslim communities. Legislative attention was drawn to the issue of hate speech and specifically "whether it is appropriate in a democracy committed to the fundamental importance of freedom of expression to criminalize [*sic*] expression which is intended to promote hatred on the basis of race, religion, ethnicity or national origin" (Cram 2006: 98). Arguments have been put forward outlining the merits and demerits of criminalising certain forms of expression. One such form is hate speech, and it is discussed in more detail in the next section.

The social responsibility theory, as earlier alluded to, accepts some limitations on speech in the public"s interest but proposes self regulation rather than legislative mechanisms (McQuail 2000). It recognises that even within law, there will be ethical choices that a journalist needs to make which may amount to limiting free expression.

2.2.1 Hate Speech

Hate speech or hate expression refers to "expression which is abusive, insulting, intimidating, harassing and/ or which incites to violence, hatred or discrimination," (Coliver 1992: v). It is one of the forms of expression that is not covered under free speech in the ICCPR and other pieces of legislation, including some national constitutions. "Any propaganda for war shall be prohibited by law. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law" (ICCPR: Article 20). Member countries have the responsibility of upholding the provisions of the ICCPR and commitment to this responsibility has taken the form of different initiatives to curb hate speech and protect its targeted recipients. "In International [*sic*] law, commitment to the fundamental and pervasive

notions of equality and the inherent dignity of all human beings is well established, resulting in treaty-based and charter-based norms which impose severe constraints on the freedom to engage in various forms of hate expression" (Cram 2006: 99).

Hate speech can be differentiated according to what purpose it is seen as serving. While some forms of hate speech may reduce a category of people in the eyes of others and prevent them from being treated as equals, other forms may urge the targeted individuals or groups to be physically attacked. "In international law, there are four broad categories of hate speech that may be restricted: hate speech that constitutes incitement to discrimination, hate speech that constitutes incitement to hatred; hate speech that constitutes incitement to cause harm and hate speech that constitutes incitement to violence" (Duncan 2003: 2).

Hate speech may be regulated on the theory that such expression degrades the value and worth of its victims and the groups to which they belong. "It is asserted that hate speech tends to diminish the victims" sense of worth, thus impeding their full participation in many of the activities of civil society, including public debate. Even when these victims speak, their words lack authority; it is as though they said nothing" (Fiss 1996: 16). In South Africa, hate speech is registered as a constitutional limit placed on freedom of expression. The intention is to uphold the dignity and equality of potential victims. Specific legislation gives further (and extended) application to the constitutional position (see below). The international community has shown commitment to curbing hate speech through different initiatives. In 1993, the UN"s Commission on Human Rights[4] appointed a Special Rapporteur on racism and xenophobia. The Rapporteur"s annual reports informed the Commission"s adoption of resolutions (Cram 2006). In April 2002, the Commission adopted a resolution in which it stated its alarm

> ...at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result of resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies (Commission on Human Rights Resolution 2002: 68).

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[4] The Commission on Human Rights was a functional commission within the United Nations from 1946 until it was replaced by the Human Rights Council in 2006. It was the UN"s principal mechanism and international forum concerned with the promotion and protection of human rights.

In 2001, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, also took a stand against hate expression. The conference denounced and actively discouraged "the transmission of racist and xenophobic messages through all communications media, including new Information and Communication Technologies, such as the Internet" (Durban Declaration and Programme of Action 2001: 48). To reiterate an earlier point, there are a number of other international conventions (e.g. ICERD) which outlaw speech that advocates hatred that incites discrimination, hostility or violence on the basis of race, ethnicity, nationality or religion. International standards outlaw hate expression against categories of people identified by colour, descent, religion and national or ethnic origin (Coliver 1992), but that is not an exhaustive list of characteristics by which victims can be grouped and targeted.

In cases where hate speech has already been conveyed, the international community has also shown commitment to punishing the perpetrators. The outcomes of the Nuremberg and Rwanda tribunals provide two examples from history of how media practitioners have been convicted for promoting crimes against humanity through hate messages (Cram 2006). One of the people prosecuted by the International Military Tribunal at Nuremberg that tried perpetrators of the Nazi genocide of European Jews, was the publisher of *Der Sturmer*, a weekly newspaper that published articles calling for the extermination of the Jews (Article 19 1996).

Rwandan media have often been cited as having played an instrumental role in that country's genocide which began on April, 6, 1994 and left approximately 937, 000 people dead within three months (Thompson 2007). The media were used as additional means of encouraging violence prior to and during the genocide. Media organs, with covert government sponsorship, systematically conveyed messages of hate that urged the majority Hutu tribe to kill the minority Tutsi (Article 19 1996; Thompson 2007). Overt hate messages against the Tutsi became the norm in government-backed media in the years leading up to the genocide. One such instrument was a newspaper called *Kangura*, which overtly urged its readers to discriminate against the Tutsi and Hutu moderates. In what was considered its crudest form of incitement to hatred, the paper in December 1990 published what was referred to as the 10 Hutu Commandments. These were instructions to abuse and discriminate against Tutsi. "*Kangura* attempted to justify these measures by claiming that all Tutsi were dangerous and aimed to exterminate Hutu suggesting

that they must be dealt with before they could strike " (Article 19 1996: 67). Also conveying overt hate messages against the Tutsi and Hutu moderates during the genocide were broadcasters from *Radio-Télévision Libre des Mille Collines* (One Thousand Hills Free Radio) known by its acronym *RTLM*. These journalists legitimated the elimination of Tutsi by calling them „cockroaches." They further used such epithets as „dogs" and „snakes" when referring to Tutsi, "accusing them of cannibalism and mercilessly welcoming their disappearance" (Chrétien 2007: 57).

Article 4 of the ICERD expressly obliges all signatory states to punish by law, all acts of violence or incitement to violence against any race or category of people of another colour or ethnic origin. The commitment to this obligation was demonstrated in December 2003 when what was considered media incitement to genocide was punished by the International Criminal Tribunal for Rwanda. Two *RTLM* directors and editor in chief of *Kangura* newspaper were convicted and sentenced to life imprisonment. The sentence of one of the *RTLM* directors was reduced to 35 years (Biju-Duval 2007). Although some Rwandan media were dubbed „hate media", some writers have argued that the role media played was not as great as they have been blamed for. "The fundamental reality, which cannot be stated too often, is that genocide is not caused by the mass media. At worst they may abet the process, but inflammatory media coverage is essentially a symptom of a process resulting from other causes" (Article 19 1996: 166).

From the foregoing arguments and examples, one might assume that the push to curb hate speech or punish its perpetrators is a matter of unanimity, but that is not the case. Firstly, curbing hate speech is a complicated issue because it entails limiting freedom of expression, which, as argued earlier, is a fundamental human right and essential to democracy. There is also the possibility of anti- hate speech laws being applied selectively and used to stifle legitimate opposition. Secondly, there is a view that hate speech should not be curbed but rather recognised as a legitimate form of public discourse.

Although some writers acknowledge the prejudiced nature of hate speech, they argue that banning it is not a solution because it does not stop the hatred but simply chases it underground or online where it festers and grows (Louw 1996). "Hate speech must be recognised as a legitimate and valuable form of symbolic expression in society - not because it is true or sound, but because it identifies discontent, injustice, inequities. To deny voice, even those voices that

are vile, disgusting, and hateful, is itself an act of contempt" (Whillock and Slayden 1995: xv). This argument is made on the theory that prohibiting hate speech is equivalent to attempting to silence the voices that alert society to a problem. A further argument is that including hate speech in public discourse is a way of coming to terms with it. "Hate speech exists because people find it to be relevant; such speech is relevant: It articulates and typifies the felt condition of people"s lives. If its logic is faulty (and it is), its visceral appeal is credible. For this reason it must be allowed and admitted as a form of public discourse" (Whillock and Slayden 1995: xv). They argue that, rather than expunge it, people should seek to know why it exists and examine critically what is really being said and why.

Another argument is that free speech is essential to individual self-fulfilment and human growth, hence the need for society to be tolerant of a variety of ideas, no matter how unpopular or controversial. This is to enable the expression of people"s individuality and ideologies which benefit not only the speaker but also the target audience and society as a whole (Sopinka 1996).

In reference to the experiences of the United States of America, Abrams (1996) argues that: "I know that the temptation to ban speech that we think - and think we know - is „bad" is sometimes overwhelming. Speech matters; it can do harm; it sometimes has done harm. But our approach under the Constitution, at its very best, has generally been to risk the harm that speech may inflict to avoid the greater harm that the suppression of speech has so often caused."

This study subscribes to the view that having an unpopular or controversial opinion should not negate the right of the speaker to express it. It argues, however, that any such opinions should only be allowed free expression on condition that they do not violate other people"s rights. While appreciating that freedom of expression may well be the basis on which other rights rest, this study argues that speech that violates and undermines the rights of its victims should not be allowed to enjoy free expression. It is of the view that, just as democracy has to be understood in context, so too does freedom of expression.

Limits on democracy may be legitimate under very pressing conditions; likewise no one would support free expression of hate in the Rwandan or Nazi case. So, the general principle can allow modification. Arguably, South Africa"s very particular racist history and tortured transition also legitimates restrictions, which themselves are limited.

The next section looks at the status of freedom of expression in South Africa.

2.2.2 Status of freedom of expression in South Africa

Since this study is based on a South African newspaper, it is necessary to discuss the status of freedom of expression in the country. A useful point to begin is to mention that South Africa is a signatory to several international treaties on human rights, and freedom of expression is guaranteed in Section 16 of the national Constitution. This section provides protection for any form of expression that falls within the permitted limits. This includes: "freedom of the press and other media; freedom to receive or impart information or ideas; freedom of artistic creativity; and academic freedom and freedom of scientific research" (section 16[1]). The right to freedom of expression and the right of access to information (section 33) are the constitutional bases on which the media draw their legitimacy to access and disseminate information. Section 16 further grants individuals and groups protection of all forms of expression that are constitutionally provided for. From an interactive media point of view, this is the part of the Constitution where citizens derive their legal right to participate in debates on issues that they deem relevant to them. The Constitution does not, however, protect speech that qualifies as "propaganda for war; incitement of imminent violence; or advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm" (Section 16[2]).

Further limits of free expression beyond those in Section 16 are present in another part of the Constitution. Section 36 of the Constitution provides that:

> The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors including a) the nature of the right, b) the importance and purpose of the limitation c) the nature and extent of the limitation, c) the relationship between the limitation and its purpose (Constitution 1996).

What needs to be borne in mind is that the Bill of Rights in the Constitution also guarantees the right to equality in section 9 and the right to dignity in section 10. Section 9 of the Constitution seeks to reverse the injustices of South Africa's recent past (I will return to this in the next section) by promoting equality and preventing unfair discrimination. In subsections 3 and 4 it explicitly prohibits unfair discrimination, directly or indirectly, by the state or any person "against anyone on one or more grounds, including race, sex, pregnancy, marital status, ethnic or

social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth" (Constitution 1996).

Section 16[b] defines the boundary beyond which the right to freedom of expression does not extend, a boundary that is further narrowed by measures introduced in a separate law. The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000, otherwise known as the Equality Act, promotes "the full and equal enjoyment of all rights and freedoms" for all (section 9[2]). Section 10 of the Equality Act extends the hate speech limitation in the Constitution by prohibiting not only speech that advocates hatred and constitutes incitement to cause harm (as section 16 [b] of the Bill of Rights stipulates) but also includes speech that qualifies as intentionally hurtful or harmful.

> No person may publish, propagate, advocate or communicate words based on one or more of the prohibited grounds, against any person, that could reasonably be construed to demonstrate a clear intention to a) be hurtful; b) be harmful or to incite harm; c) promote or propagate hatred (Equality Act section 10[1]).

This broad definition of hate speech means that the Equality Act puts a further limitation on freedom of expression. It means that speech that may pass muster under the hate speech benchmark as set in section 16 may still qualify as hurtful or harmful (as provided for by the Equality Act) and therefore not be legally protected. This raises the issue of whether the Act is found to be constitutional or whether it goes further than the Constitution. The Constitution is supreme, so a person could appeal against a conviction under the law in terms of the Constitution – which would then require the Constitutional Court to strike down the part of the law. In other words, section 10 of the Equality Act would have to satisfy the requirements of section 36 in order not to be inconsistent with the limitation clause (section 36) of the Constitution. A complexity is proving "intention" as this is not the same as hurtful effect. This criterion is hard to apply because effect does not necessarily demonstrate intention, and there can be instances where intention may not be proved but the effect may still be problematic in terms of the Constitution.

The South African dispensation is informed by the country's experiences and realities as well as by modern progressive understanding of human rights. "It is not by accident or exceptional genius or madness that South Africa's constitutional conceptualisation of equality and non-discrimination is so far-reaching. The reasons for this *choice* lie in the immediate historical

experiences and the need to negate the horrors and injustices of the past" (Gutto 2001:124, emphasis in original).

The print media in South Africa, of which the *M&G* is part, are governed by the Press Council‟s voluntary press code of ethics which is explicitly informed in part by section 16 of the Constitution (Press Code of Ethics), although this does not reference the expanded definition in the Equality Act. This means that South African newspapers voluntarily commit themselves to operate within the constitutional limits of freedom of expression and assume the responsibility that comes with the right. This is so because one of the attributes of modern human rights is that rights and freedoms are accompanied by obligations, duties and responsibilities on the part of the bearer. "A regime of rights and freedoms without corresponding duties and responsibilities is a regime of anarchy" (Gutto 2001:125). For the media, one responsibility that comes with freedom of expression is not to use or allow their media to be used as platforms for any form of speech that violates the constitutional limits. Hate speech (in the narrower sense of the Constitution) is a violation, and by embracing the code of ethics the media pledge not to engage in it.[5]

2.2.2.1 Background to freedom of expression in South Africa

The context of South Africa‟s law and media regulation lies in the fact that from 1994, the country has had to move from being a society informed by racism first under colonialism then apartheid, to a constitutional one based on the values of human dignity, equality, and non-racialism, among others (Krüger 2009). The current Constitution was passed in 1996 and replaced an interim one that was drafted during transition negotiations (Duncan 2003). The overarching motive behind most changes effected post 1994 was to break with the atrocities of the past and the laws and behaviours that enabled and sustained them. From a legal point of view, some of the most prominent measures taken towards achieving this reversal are articulated in the Equality Act.

Apartheid South Africa was racially divided and has a history of injustice, intolerance and other human rights violations. Like many other freedoms, freedom of expression was not universal during this period. There were strict censorship and security laws that authorised the banning of publications and individuals, among other forms of suppression of dissent (Gutto 1996).

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[5] The contents of the Code of Ethics are discussed in chapter three of this study.

"Freedom of expression was controlled, owned, and regulated by a minority, undemocratic government as a mechanism to protect and maintain its position. The apartheid system was sustained through an array of legislation, policies, bills, and practices that regulated the exercise of free speech and expression" (Motala 2006:153).

The Constitution, therefore, sought to be the foundation on which a unified South Africa was built, and the shortcomings of the apartheid system done away with. To ensure that the democratic ideals outlined in the Constitution are enjoyed by everyone in South Africa, national institutions were created through section nine of the Constitution. The South African Human Rights Commission (SAHRC) is one such institution set up to protect and promote human rights and ensure that they are delivered to citizens. Part of the SAHRC"s mandate is "addressing human rights violations and seeking effective redress for such violations," (SAHRC). The SAHRC has heard a number of cases involving tensions between free speech and hate speech, some of which are discussed later in this chapter.

While there is an understandably great desire among South Africans to protect freedom of expression at any cost given the deprivation of that particular freedom during the country"s recent history, it is still not as easy a matter as it may appear. One of the reasons is that the rights to equality, dignity, and freedom from incitement to harm are equally important given the country"s history, and they are placed at significant risk of being undermined if freedom of expression is unlimited. The argument for maximum freedom of expression is therefore met with the counter argument that forms of expression that spread hatred, demean or incite to violence should be restricted to protect its victims (Duncan 1996). According to some proponents, one of the attributes of modern human rights is that none of them is absolute. "[Human rights] are all subject to reasonable and justified limitations based on the context of their application. The Constitution provides the principles and criteria for judging the permissible limitations" (Gutto 2001:126).

 The argument against the banning of hate speech is informed by the concept that although as a form of expression it is of an abhorrent nature, curbing it means freedom of expression is being denied; a fundamental right is being taken away or seriously hampered (Louw 1996). This argument brings to the fore the question of whether hate speech directed at individuals or groups is more injurious and harmful to the people addressed, than the damage done by inhibiting an

important freedom. "Many of us in the Freedom of Expression Institute believe that once freedom of expression is limited or curbed to serve a particular purpose, the principle that there shall be freedom of expression has been shattered. It then becomes only a matter of time before a zealot for some other cause finds grounds for yet another curb. But it may not need a zealot, merely an opportunistic politician" (Louw 1996:2)

Some, however, argue that no freedom, including freedom of expression, should be considered as naturally superior to other rights. And while acknowledging the importance of freedom of expression, they argue that forms of expression that are intended to hurt others or take away their basic rights and freedoms of equality and dignity should not be encouraged in the name of democracy (Gutto 1996). While serving as SAHRC chairperson, Jody Kollapen (2006) observed that the difficulty came when freedom of expression had to be extended to forms of expression that some people regarded offensive. He observed that freedom of expression, as articulated in many judgments both in South African and foreign courts, was also intended to protect views that may offend, shock or disturb. That, he observed, was where the test of the scope and the parameters of the right to freedom of expression came into play.

2.2.2.2 Tensions between freedom of expression and hate speech: some examples

There have been countless controversies raised in the area of freedom of expression at an international level. Some of the controversies that have received the most attention in recent years include the film called „Passion of the Christ" by Mel Gibson and Dan Brown's book the „Da Vinci Code" and the film of the same title. Although created within the context of freedom of expression, the portrayals in these productions were considered insulting by some groups of people in different parts of the world. Another such case was the publication in a Danish newspaper of a series of cartoons that depicted the prophet Muhammed of the Muslim faith in ways that the Muslim community around the world found offensive. This particular case is discussed in more detail later in this section.

Given the diverse nature of South African citizens in terms of race, culture and religion, and the country's aim to break from its apartheid past and build a democratic and unified nation, peaceful co-existence remains an on-going national objective. This ideal of unity in diversity, however, does get tested by forms of expression that are seen as contributing to division rather

than unity. Some of these expressions are made against individuals or groups based on their ethnicity, race, religion and other differences that the project of nation-building seeks to harmonise.

Post-Apartheid South Africa has seen some forms of controversial speech that have fore-grounded the extent of the fine nature of the line between freedom of expression and hate speech. One such case was the chanting of "Kill the Boer, Kill the farmer" at the funeral of African National Congress (ANC) Member of Parliament, Peter Mokaba, who coined the slogan. The funeral happened at a time when white commercial farmers were being attacked and killed in South Africa, Namibia and Zimbabwe. This was one of the reasons a group of offended Afrikaners cited when they called for the classification of the chants as hate speech. They argued that the chants had led to more killings of white farmers and that at least six farms were attacked in the week following the funeral. A complaint was made to the office of the State President (who was ANC) and the SAHRC. The then president Thabo Mbeki condemned the chants as unacceptable but the SAHRC ruled that although it could not be considered desirable speech, the slogan was not hate speech but merely an expression of the constitutional rights to free speech (Duncan 2003; WorldNetDaily.com 2002).

The Freedom Front, a predominantly Afrikaner party, appealed against the SAHRC ruling and argued that the chants were an incitement to harm a minority group and that was explicitly unconstitutional. In defending its position, the SAHRC argued that the slogan did not qualify as hate speech as defined in the "incitement to harm" limitation. This, the commission argued, was because the limitation needed to be "understood to mean physical harm only, lest the right to freedom of expression be circumscribed by an overly broad hate speech drag net" (SAPA 2003). The appeal panel that later heard the case ruled in favour of the Freedom Front stating that certain expression did not deserve constitutional protection as it had the potential to encroach adversely on the dignity of others and cause harm. The slogan was, therefore, declared hate speech on grounds that "it amounted to the advocacy of hatred that constituted the incitement to cause harm" (Motala 2006: 158-159).

What the arguments advanced in this particular case bring to the fore is the possibility of different interpretation of the same constitutional provisions. The Bill of Rights does state what forms of expression do not qualify as free speech but "what [it] does not do, and perhaps could

not have been expected to do, is define the concepts "propaganda for war", "incitement of imminent violence" or "advocacy of hatred" "that constitutes incitement to cause harm" (Gutto 2001: 171). And those are the concepts in Section 16 on which the limits are based.

In a similar but more recent case, ANC Youth League president Julius Malema sparked debate when he used the same slogan even after it had been termed hate speech and therefore illegal. Malema was reported to have led students at the University of Johannesburg in a song with the words "shoot the boere [farmers], they are rapists". He was also reported to have used the same slogan during his birthday celebrations in Polokwane. The issue drew a barrage of reactions including from opposition Freedom Front Plus who laid a criminal charge and the Afrikanerbond who lodged a complaint with the SAHRC (SAPA 2010). A Johannesburg court ruled that Malema may not sing the „shoot the boer" or „kill the boers" songs anywhere in South Africa.

Another case that fore-grounded the competition and tension between free speech and dignity was a Muslim group"s court interdict against South African newspapers publishing Danish cartoons that satirized the revered Islam prophet Muhammed.

The brief background to the case is that on September 30, 2005, a Danish newspaper called *Jyllands-Posten* published twelve cartoons satirizing the prophet Muhammed. The most controversial of the twelve was the one that depicted the prophet with a bomb in his turban, with a lit fuse and the Islamic creed written on the bomb (for images and descriptions of the cartoons see http://middleeast.about.com/od/religionsectarianism/ig/Muhammad-Cartoons-/).The portrayals sparked an outcry in Denmark and 11 Islamic country ambassadors sought a meeting with the Danish Prime Minister Anders Fogh Rasmussen to discuss not only the offending cartoons but what they also perceived as an on-going smear campaign against Islam and Muslims in Danish public circles and media. The meeting did not take place as the Danish government only responded with a letter to the ambassadors stating that freedom of expression had a wide scope and the government had no means of influencing the press. The letter advised the ambassadors to seek legal redress. Amid the unfolding uproar, the cartoons were reprinted in more than 50 other countries by editors in defence of press freedom. The publications had far reaching consequences as Muslims worldwide responded to the „blasphemous" cartoons by marching in protest, some peacefully and others violently. Danish flags were burned, embassies set alight, certain newspapers boycotted, and wide-scale consumer boycotts across the Middle

East effected. An estimated 10 people lost their lives in such protests. Some Danish youths responded by threatening to burn copies of the Muslim holy book, the Koran, to show their displeasure at the burning of Danish flags and boycotting of products (Pillay 2006).

In South Africa, the *M&G* newspaper, on which this study is based, published the cartoons in the 3rd to 9th February 2006 edition and was met with an instant legal reaction. It was not the only newspaper to get involved in a legal case over the cartoons as the Sunday Times also met a legal challenge. On February 3, 2006, the *Jamiat-ul Ulama* of Transvaal, a voluntary Muslim association, brought an urgent application to the Johannesburg High Court for an interdict against the Johncom Media Investments Ltd, Newspaper Printers and Independent Newspapers (Pty) Ltd to stop the Sunday Times from publishing and disseminating any of the cartoons. Part of the group"s argument was that the cartoons were an infringement of one"s right to freedom of religion. They argued that the cartoons were blasphemous and were characterised by "insulting messages and innuendos that mock at and ridicule both Islam and its founder". In response, the Sunday Times also claimed its rights. "The application was defended on the basis that the press had a right to decide whether or not to publish the controversial cartoons, it had not as yet exercised its decision-making power in this regard, and it was strongly opposed to the attempts of any outside group to edit or censor the newspaper" (Pillay 2006: 9).

One view was that the cartoon controversy was an opportunity to explore the boundaries of South Africans" right to freedom of expression as it created "the space to consider the dynamic relationship between the right to freedom of expression and dignity as both a value and a right in the Constitution as well as to reflect on the issue of prior restraints in South Africa" (Pillay 2006: 4).

Referring to the whole incident during a SAHRC seminar that discussed whether religion can co-exist with freedom of expression, Imthiaz Jhetam of the Media Review Network made the following observation:

> [w]hile Muslims do not regard co-existence with freedom of expression as a dichotomy, it is equally important to recognize that global events following 9/11 [September 11] have unfairly allowed stereotyping of Muslims and Islam to intensify at an alarming rate. The "cartoon controversy", being the most recent manifestation of Islamophobia in an environment characterised by remorseless media coverage of Islam, it would be a

reasonable expectation that governments, academics, media and experts are able to distinguish between fair comment and irresponsible demonisation (2006:13).

The case ended with a pre-publication ban on the cartoons being issued. According to Judge Mohamed Jajbhay, the cartoons were unconstitutional and a violation of one‟s right to dignity. He ruled that "the value of human dignity in our Constitution is not only concerned with the sense of self worth of human beings in our society. It includes the intrinsic worth of human beings shared by all people as well as the individual reputation of each person built upon his or her or their own individual achievements. The value of human dignity in our Constitution therefore values both the person[‟s] sense of self worth as well as the public‟s estimation of the worth of value of such an individual or group of persons" (Pillay 2006: 11). He further ruled that depicting the Muslim Prophet as a terrorist showed a lack of human sensibility and in some cases constituted unacceptable provocation. It also advocated hatred and stereotyping of Muslims that perpetuated patterns of discrimination and inequality.

In April, 2008, South Africa witnessed another widely reported case of competition between free speech and dignity. This was a case in which the *Sunday Times* newspaper fired satirical columnist David Bullard, a British-born naturalised South African, for an article they considered racist and insulting to black people. Bullard had written in his ‚out to lunch‟ column, an article titled "Uncolonised Africa wouldn‟t know what it was missing" (article is no longer available on the *Sunday Times* website but can be accessed on http://www.africancrisis.co.za/Article.php?ID=25321&). The article, which was published on 7 April, 2008, graphically detailed how Africa "benefited" from colonialism. Bullard was fired on 10 April, 2008, with Sunday Times editor Mondli Makanya apologising for the newspaper‟s decision to publish the article and by extension being "complicit in disseminating his [Bullard‟s] Stone Age philosophies". The issue, which drew a lot of media and public attention, polarised positions between support for the paper and support for Bullard. At least three complaints against him were laid with the SAHRC (IOL 2008).

The Constitution of South Africa does not privilege any right over the other but in instances where free speech and dignity and freedom from incitement to harm and/or violence are in contention, and the speech seeking free expression is not demonstrably in the public interest, dignity and freedom from incitement are privileged. The Mokaba song case is an example of

such an instance. It is also consistent with the normative media theory of social responsibility which recommends that freedom of expression be enjoyed with due responsibility towards society and a sense of fairness. It can be argued that the protection of one's dignity and right to freedom from incitement to violence was in that particular case more important than another's need to chant an inflammatory slogan (Kill the farmer, kill the Boer') whose relevance to society is even debatable. The Bullard case, on the other hand, raised more the issue of ethical than legal limits and how far one can ethically go in the name of free speech. In terms of denigrating dignity and justifying inequality, the social responsibility framework promotes a media that is free but self regulated and respectful of agreed codes of ethics and professional conduct. Bullard's opinion may have been within his legal right to free speech but still raised ethical questions especially given the dehumanisation and/or inequality that some members of his audience associate with colonialism.

2.2.3 Xenophobic speech

Within this study, xenophobic speech is understood to mean any speech that is prejudicial to persons on the basis of their nationality. Nationality is described as grounds of "birth" in the Constitution (section 9[3]) and echoed in the Equality Act. Xenophobic speech can fall under different categories of problematic (and usually legally prohibited) speech depending on what purpose it is seen as serving. For example speech that advocates hatred that constitutes incitement to discrimination, harm or violence on the basis of nationality qualifies as xenophobic hate speech. All forms of hate speech based on nationality are expressly prohibited in international law and treaties (see Article 20 of the ICCPR).

The Durban Declaration of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, for example, recognised "that xenophobia against non-nationals, particularly migrants, refugees and asylum-seekers, constitutes one of the main sources of contemporary racism and that human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices" (2001:7).

Xenophobic speech is, however, not limited to hate speech as defined in section 16 of the South African Constitution but can occur as speech that violates the right to equality of non-citizens (by unfairly discriminating against them) and /or diminishes their dignity. This places some forms of

xenophobic speech squarely under the expanded Equality Act definition (which is also the *M&G's* definition, see section 5.2). There are thus forms of xenophobic speech that do not fall under the category of hate speech but still fall under the different prohibited categories of unfair discrimination and diminishing of dignity. This means that some forms of xenophobic speech may only fall under one or two categories of problematic speech, while others may fall under all categories.

2.3 Conclusion

This chapter has discussed the relationship between the media and democracy within the context of a normative discourse. It has highlighted how the social responsibility framework provides for a limit on free speech in the interest of public good. It has further highlighted how public deliberation is regarded as a cornerstone for a viable democracy, and the centrality of freedom of expression to this ideal.

The chapter has demonstrated that, crucial as it is, upholding the right to freedom of expression is not always a straightforward matter. It is prone to controversy particularly when it comes into competition with other constitutionally guaranteed rights such as equality or dignity and freedom from incitement to violence. The chapter has outlined the controversy that has resulted from expression that has been viewed as having crossed into outlawed forms of speech such as hate speech. It has also shown how, despite the existence of constitutional limits on freedom of expression, the interpretation of those provisions is not always a matter of unanimity. Some of the cases cited demonstrate that law is delicate and can be interpreted in various ways, while ethics are actual decisions that can either break the law around problematic speech, or interpret within its parameters.

In concluding the chapter, this study is of the view that restricting speech places freedom of expression in a vulnerable position. It is particularly concerned about the potential effects of such restrictions and how legitimate discourse on matters of public interest may get inhibited in the process. The study therefore reiterates its earlier argument that having a minority or controversial opinion should not negate the right of the speaker to express it; it should be allowed expression provided it does not hurt others. The study does, however, argue that freedom of expression should not be treated as inherently superior but should instead be allowed to compete fairly with

other rights. It should be upheld on the strength of its merits against competing rights in a given historical context. Speech that incites hatred and violence, or which undermines the dignity or compromises the equality of others should not be allowed expression on the pretext of free speech or democracy.

Although this study does not agree with the Equality Act"s expanded concept of hate speech (see chapter 7 for reasons), it still uses it as the standard against which readers" comments are analysed because it is the definition on which the *M&G* position on hate speech is based (see section 6.1).

The next chapter presents a continuation of the theoretical framework and literature review.

CHAPTER THREE

<u>THEORETICAL FRAMEWORK AND LITERATURE REVIEW (TWO)</u>

3.0 Introduction

This chapter is a continuation of the foregoing one, and presents the remainder of the theoretical framework and literature review. It is divided into two main sections, namely: moderation, and *M&G Online* moderation policy. These are discussed in line with the other theoretical positions presented in the previous chapter. The chapter starts with a discussion of moderation, which is one of the media"s ways of imposing limits on speech to make it suitable for publication, and moves to a discussion of the documents that inform the moderation policy of the *M&G Online*. The final section presents the chapter"s conclusion.

3.1 Moderation

Moderation or online gatekeeping[6] is an editing process of selection, rejection and prioritisation of content for publication on a website. It exists mainly to prevent or retrospectively remove "objectionable" material from websites in line with their set standards of acceptable use. The people tasked with the job work to enforce the applicable standards and limits on any given site.

Moderation has over the years been necessitated by different reasons such as the need to prevent defamation, copyright infringement and hate speech, among others. Yet quite unlike pre-digital media where it was possible to have a few gatekeepers due to the contained nature of content processed, digital media presents the challenge of intensified volume, velocity and audience participation in public discourse, all occurring at unprecedented levels. This makes the historical regulation of speech more difficult to implement especially that the digital media environment restructures power relations in a way that challenges the very relevance of the gatekeeper, for example by elevating the audience (or at least part of it) to the status of content producers (via User Generated Content).

There are two types of gatekeepers, namely: traditional and technological. In traditional gatekeeping, human intermediaries are enlisted to assist in regulating individuals while in

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[6] This study uses moderation and online gatekeeping interchangeably.

technological gatekeeping, efforts are made to "change the technology itself to facilitate direct identification and regulation of individuals" (Zittrain 2006: 255-56). One such form is when a site is programmed to reject and delete pre-specified words. There is also non-traditional human gatekeeping like "report abuse" buttons or "slash.dot" models where readers are editors.

Moderation can, to an extent, be understood as "a structure for guiding individual behaviour and maintaining collective norms" (Lackaff 2004:1) on specific online forums. Its filter function is especially relevant on sites that allow content generated by users such as readers" comments. This is because not every contributor observes the guidelines and limitations set by law and/or the site administration, or is mindful of the concept and policy as to what is ethical and in keeping with the character required by the platform owner.

Such concerns are grounded in the fact that besides its perceived democratic benefits, User Generated Content (UGC) is also noted for its potential to elicit uninformed and inaccurate information, and inappropriate language use (Manosevitch & Walker 2009). "Perhaps the most troubling and disruptive force online communities must endure is malicious users. The relative anonymity of the internet, coupled with the disinhibitory effect of CMC [Computer Mediated Communication] can lead to several forms of antisocial behaviour" (Lackaff 2004: 3). There is also a general concern among some editors about UGC"s potential to harm their brand. It (UGC) is therefore often edited to make it fit with the identity of a particular newspaper (Hermida and Thurman 2008). In overtly hostile exchanges between contributors, moderators step in to "moderate" statements that cross the line of acceptability as set by themselves.

To work comprehensively, every submitted comment should go through a moderator who acts as a gatekeeper only allowing for publication, those that meet the criteria. In reality, however, it does not always happen that way. Moderation is very resource intensive (Thurman 2008) and more so for sites that generate a lot of user content. The cost and resource implications of gatekeeping can and do impact on UGC like readers" comments, in different ways. For example, a UK-based editor Steve Purcell described the process of moderating readers" comments as "a real pain" and "a real chore". He told a study how a messageboard [*sic*] about Princess Diana his site had hosted was hugely successful but was "invaded with abusers, and just ploughing through the number of messages every day became more effort than it was worth" (Hermida & Thurman

2008: 9-10). The possible implications of such a situation may be either comments going unpublished or being published without being checked by moderators.

There are four types of moderation regimes, namely pre-moderation; post-moderation, reactive moderation, and distributed moderation (See Coats 2003).

> …pre-moderation means all messages are read by a moderator [and] only posted after they are explicitly approved; post-moderation means all messages are read after they are posted, and inappropriate messages are deleted; reactive moderation means moderators do not read every post, but will possibly take action if a questionable post is brought to their attention; and finally, distributed moderation means that moderation power and responsibility is somehow diffused among the entire group (Lackaff 2004: 8).

The *M&G Online*, on which this study is based, utilises a combination of pre-moderation and reactive moderation which is signalled on the site by an option to "report abuse" under each comment. It is one of those websites that does not leave evidence of pre-moderation as the unapproved comment makes no appearance on the site. Some, however, do leave evidence. For example *Lusaka Times,* a Zambian online newspaper, has a pre-moderation system through which moderators completely delete or partly edit a comment. The post by a blogger whose comment has been "failed" still appears on the site but only showing the blogger‟s username and the word "deleted" where the comment should have been. In cases where it is partly edited, the problematic part of the comment is replaced by asterisks (*) as shown in figure 1 below:

lungu says:

[April 1, 2010 at 3:27 pm](#)

#124 you are right….I heard this on radio phoenix news as well yesterday.This scheme is meant to boost RB‟s chances of winning next years‟s elections.As for Senior Citizen,man ***** chobe na chakwa Lameck Mumangeni. You two should find something better to do than waste our money on crap stuuf

[Complain about this comment](#)

Figure1: A partly edited post on Lusakatimes.com. Note the asterisks.

It needs to be pointed out that reactive moderation is not only utilised by sites whose moderators do not read every post, but even by those that also have a fully functional pre-moderation system. A case of reactive combined with pre-active moderation occurs when a site moderator allows a particular comment but later change his or her mind and deletes it probably after receiving complaints about it. Sites that have such a provision usually signal it with the option to "complain about this comment" or "report abuse" after each post. This is one of the more common ways through which websites enlist readers to help as gatekeepers by reporting what they consider objectionable.

The *M&G* commits to review any comment that is complained about and remove it if need be (*M&G*), while *Lusaka Times* routinely deletes any comment that gets a minimum of five complaints against it by fellow bloggers (*Lusaka Times*).

Figure 2 below shows a comment that was "failed" post-publication:

DREWMAN99 says:

March 31, 2010 at 11:49 am

DELETED AFTER GETTING 5 COMPLAINTS

Complain about this comment
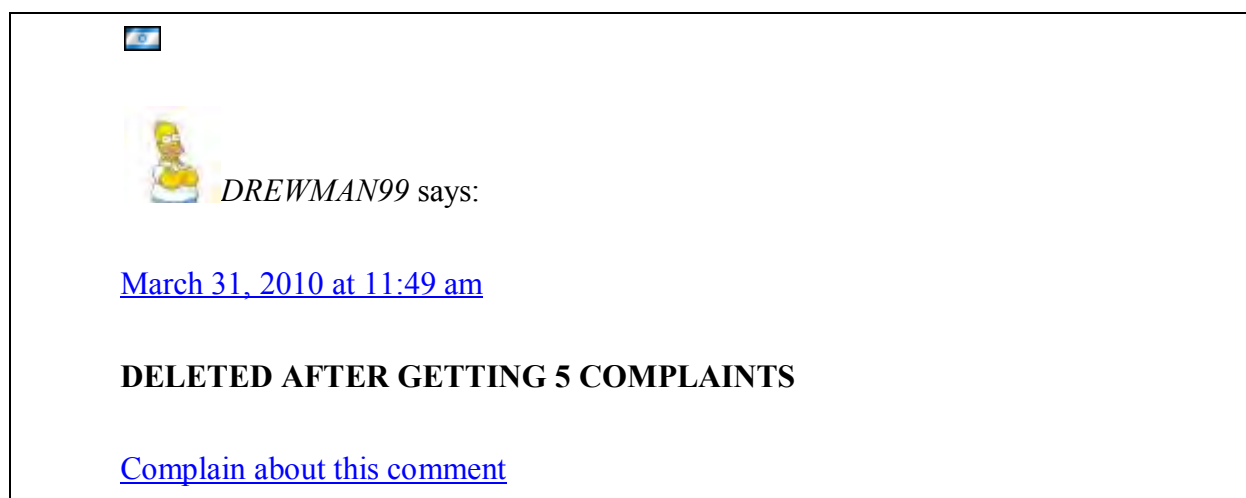
Figure 2: An example of reactive-moderation on Lusakatimes.com

Moderation is a widely practiced intervention in regard to the publication of problematic speech. It is practised for different reasons and in different ways. On news sites such as the *M&G*, moderation is informed by standard policies which are made available to the users. The next section presents a discussion of the policy documents that inform *M&G* moderation.

3.2 *M&G* Policy documents

According to Riaan Wolmarans, chief moderator during this study's sampled period, *TL* was launched with both a contributors' policy and a readers' comment policy in place. "These documents were drawn up because we knew that we needed clear and strict guidelines for contributions and comment on the website – for legal protection and to ensure quality content and debate," he said.

He named the *Guardian's Comment Is Free* as one of the successful moderated comment-blog sites on whose policies *TL* based its own. "We took the most sensible and obviously necessary guidelines from those sites, reworked them where necessary and added what we thought was missing." Both the contributors' policy and readers' comment policy were published online when *TL* was launched. According to Wolmarans, the policies were also distributed among all the staff members who took on *TL* moderation duties, the initial team comprising the *M&G online* editor (Wolmarans), online news editor and online chief sub-editor.

"These policies are in line with editorial policy for the rest of the paper, especially as it applies to comment and analysis: allowing writers and readers a free voice as long as they don't cross the line into racism, sexism, defamation and the like." He pointed out that *TL* readers are not prompted to comment but do so out of their own will.

The moderation process at the *M&G* is informed by a number of policy documents, namely: comment guidelines, privacy policy, acceptable use policy, Press Code of Ethics, Internet Service Providers' Association (ISPA) code of conduct and the South African Constitution. All these will be referred to in this study as constituting the *M&G's* "policy". In other words referring to the wider framework and not exclusively to the two explicitly named policy documents. The contents of these documents will now be outlined in the following sections with the exception of the constitutional provisions as they have already been discussed in the preceding chapter.

3.2.1 *Thought Leader* comment guidelines

This document, available on the site at http://www.thoughtleader.co.za/commentguidelines , sets out what is acceptable and what is not in terms of posting comments. It has 14 guidelines in total.

The document states that while welcoming as much interaction and vibrant discussion, the guidelines are necessary to ensure that the website is a "mature and thought-provoking environment". The document also states that all comments first have to be approved by the editorial team before publication, and that this may take anything from one minute to 24 hours.

It urges readers to stick to debating the issues at hand and respecting fellow contributors" views and beliefs. It warns that comments that are hurtful and insulting or that launch personal attacks will not be accepted. It is worth pointing out here that this policy provision echoes the Equality Act in a way. The document also urges readers to attempt fair comment in their criticism of any religion, political party, cultural group, and so on.

The guidelines warn that "unacceptable comments will be deleted without notification". The document lists comments that cannot be published as those that "contain racist, sexist or homophobic remarks – or that may be interpreted as such". It further states that comments that are problematic on legal grounds – such as defamatory comments – would be blocked from appearing by the editorial team. The document concludes by giving an e mail address through which readers can reach the editorial team about any other person"s contribution they may consider not compliant with the guidelines. "We will deal with such issues as soon as possible. If it is necessary to remove or change published contributions, parts of contributions or comments, an explanation will be given on the page where possible," the document states.

3.2.2 Privacy Policy and Acceptable Use Policy

These documents can be accessed at http://www.mg.co.za/page/privacy-policy
The privacy policy affirms the *M&G's* respect for and commitment to the protection of its readers" privacy. It outlines what it does with any information that may be requested of readers that want to contribute (e.g. those that log in to post comments) and points out that readers can browse the site without revealing who they are or any personal details being requested. "We do track the internet address of the domains from which people visit us and analyse this data for trends and statistics, but the individual user remains anonymous" the policy states in part.

Right beneath the privacy policy is the Acceptable Use Policy (AUP), which specifies to *M&G Online* users what activities and online behaviour are considered an unacceptable use of the

service and website. The policy binds all users, without limitation or qualification, to the terms and conditions it outlines. The policy states that its purpose is to comply with the relevant laws of the country as well as protect the integrity of the network and to specify to the users, the consequences of undertaking the prohibited activities.

It acknowledges the *M&G Online's* legal obligations to its users but states that these may be interfered with or withdrawn depending on the use they are put to.

> The *Mail & Guardian Online* respects the rights of our customers and users of our services to freedom of speech and expression; access to information; privacy; human dignity; religion, belief and opinion in accordance with our constitution. We undertake not to interfere with any of those rights unless required to do so by law; unless those rights are exercised for unlawful purposes; or unless the exercise of those rights threatens to cause harm to another person or affect the integrity of our network (*M&G* AUP).

Prohibited activities include the use of the *M&G* services and network to transmit, store or distribute any content or material that violates any law or regulation of the country. The examples of such prohibited material listed in the policy include content that violates local and international laws prohibiting "child pornography; obscenity; discrimination (including racial, gender or religious slurs) and hate speech; or speech designed to incite violence or hatred, or threats to cause bodily harm." This is a reiteration of the provision in the site‟s comment guidelines which outlines unacceptable speech and commits the *M&G* to curb hate speech and other inflammatory speech on its platform. The policy further prohibits any activity aimed at defaming, abusing, stalking, harassing or physically threatening any individual in or outside South Africa. Such activity includes any attempt to distribute by linking to, posting, or transmitting any inappropriate or defamatory material. The policy states that users resident outside South Africa, permanently or temporarily, will be subject to the laws of that particular country and that on presentation of a legal order to do so, the *M&G* will assist foreign law-enforcement agencies in the investigation and prosecution of a crime using the site‟s resources. Such assistance will include providing all personal identifiable material. The policy also states the *M&G's* position on issues of copyright and intellectual property as well as other prohibited activities which are outside the scope of this study. It outlines the prohibited activities (e.g. „hacking‟, „spamming‟ and „spoofing‟) that are considered a threat to network security.

The policy also provides its users the option to complain about content and incidents considered to be a breach of the AUP. The reservation and non-waiver of rights section states that the *M&G* reserves the right to amend or alter the AUP at any time, and without notice to the users. It also reserves the right to take action against individuals or groups that violate the *M&G* terms or engage in any prohibited activities as outlined in the policy.

The AUP commits to excluding what it terms „objectionable" content:

> The *Mail & Guardian Online* reserves the right to remove any information or materials in whole or in part, that, in the *Mail & Guardian Online*'s sole discretion, is deemed to be offensive, indecent, or otherwise objectionable...The *Mail & Guardian Online* does not waive its right to enforcement of this AUP at any time, or prejudice its right to take subsequent action, should the *Mail & Guardian Online* fail, neglect or elect not to enforce a breach of the AUP at any time (*M&G* AUP).

3.2.3 Press Code of Ethics

This document can be accessed at http://www.presscouncil.org.za/pages/south-african-press-code.php

Although the South African Press Code was not mentioned as one of the documents that inform *M&G* moderation, this study included it because by virtue of being a member of Print Media South Africa (PMSA), the *M&G* accepts the Code"s jurisdiction for the paper.

The Code has been accepted by the Press Council of South Africa as the Code that guides the Press Ombudsman and the Press Appeals Panel to reach decisions on complaints from the public concerning published material. The Press Council of South Africa is a self-regulatory mechanism which was constituted to "provide impartial, expeditious and cost-effective arbitration to settle complaints based on and arising from this Code" (Press Code).

The Code has based its definition of freedom of expression on section 16 of the Constitution. It states that the primary purpose of news and opinion gathering and dissemination is to serve society by informing citizens and enabling them to make informed judgements on issues.

> 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...and

the freedom of the press allows for an independent scrutiny to bear on the forces that shape society (Press Code).

Section two of the Press Code deals with discrimination and hate speech. It states that "the press has the right and indeed the duty to report and comment on all matters of legitimate public interest. This right and duty must, however, be balanced against the obligation not to publish material which amounts to hate speech." It urges the press to avoid "discriminatory or denigratory references to people"s race, colour, ethnicity, religion, gender, sexual orientation or preference, physical or mental disability, or age." It further urges the press not to refer to any of these characteristics in a prejudicial or pejorative context except where such reference adds significantly to the clarity of the matter reported.

3.2.4 ISPA code of conduct

The *M&G* is a member of the Internet Service Providers" Association (ISPA). This membership is in compliance with section 72 of the Electronic Communications Act 25 of 2002. The *M&G* acknowledges being a member and therefore adopting and implementing the association"s official code of conduct. This is an externally deposited document which can be accessed on the ISPA"s website at www.ispa.org.za/code. The *M&G* provides a link to this resource and urges its users to familiarise themselves with the contents of the code.

The ISPA code of conduct obliges its members to respect the constitutional right of speech and expression. This is the first guideline listed in the code. The code obliges members to respect the privacy and confidentiality of their users. It also sets a standard on consumer protection and provision of information to customers. The code further obliges members to state their terms and conditions and make them available to customers prior to the commencement of any contract. ISPA commits itself to audit its members" compliance with the code. The code obliges members to "receive and investigate complaints made in accordance with this Code of Conduct, unless such complaints are frivolous, unreasonable, vexatious or in bad faith". It also obliges all members to "make all reasonable efforts to resolve complaints in accordance with the complaints procedure" (ISPA Code of Conduct).

The policy also states that the ISPA is the *M&G's* agent responsible for receiving take-down notifications in terms of section 75 of the Electronic Communications and Transactions Act. "The *Mail & Guardian Online* confirms that it has a procedure in place for the notice and take-down of illegal material. In compliance with section 77 of the Electronic Communications and Transactions Act 25 of 2002 the *Mail & Guardian Online* has designated an internal agent to receive and handle notifications of infringements" (*M&G*).

3.2.5 *M&G* and xenophobic speech

While *M&G* policy does not explicitly refer to xenophobic speech, such prejudicial utterances on grounds of nationality can be found as sub-variations of hate speech (as in the Equality Act definition), and also in regard to the *M&G's* and Equality Act"s further stance on blocking discriminatory speech and also speech that diminishes dignity. This interpretation of xenophobic speech as potentially to be found under hate speech, or under discriminatory or dignity-diminishing speech, is sustained by a reading of one international instrument.

The provisions of the International Covenant on Civil and Political Rights (ICCPR) (to which South Africa is a signatory) prohibit expression that advocates *national*, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (Article 20, my emphasis). These provisions are further aimed at ensuring equality (as distinct from unfair discrimination), safety of potential victims (i.e. avoidance of harm), and dignity, things which *M&G's* AUP commits the paper to promote.

The ICCPR provisions are consistent with the *M&G's* own standard as informed by the Equality Act which prohibits inequality and unfair discrimination on one or more of the following grounds: "race, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and *birth"* (Constitution 1996, my emphasis). The relevance of international law is not only that South Africa has acceded to it, but that the *M&G* explicitly commits to it as well in its AUP.

3.3 Conclusion

This chapter has discussed moderation as an intervention strategy utilised by media organisations in removing objectionable forms of expression from their websites. It has discussed the

justifications for moderation; the different forms it takes; and some of the challenges the practice faces. The chapter has also discussed the documents that inform *M&G* moderation. It has also presented a brief background to *TL* moderation policy as explained by the former chief moderator and online editor. Finally it has indicated how xenophobic content, while not explicitly mentioned in the *M&G's* policy framework, is applicable under many other provisions, including the paper‟s commitment to the Constitution, law and international law.

The next chapter presents the methodology used in this study.

CHAPTER FOUR

RESEARCH METHODS AND DATA ANALYSIS TECHNIQUES

4.0 Introduction

The foregoing chapter presented a review of the literature and theoretical framework that informed this study. This chapter presents the research methodology used to carry out the study. It is divided into five sections, namely: aims and objectives of the study; the research design; data gathering and analysis techniques; recruitment of respondents and research procedure; and the conclusion. Some of the sections have sub-sections.

The first section provides a brief discussion of the aims and objectives of the study. The second section presents the research design which includes a discussion of qualitative research and the sampling procedure employed. Qualitative research is a well known methodological perspective and I will, therefore, not belabour it except to show its appropriateness to this study. I will also refer to it throughout this chapter as I discuss the methods within the qualitative research paradigm that I have used. The third section presents the data gathering and analysis techniques used, namely: document review; qualitative content analysis; in-depth individual interviews; and textual analysis using framing and argumentation theories. The fourth section discusses the recruitment of respondents and research design. The individual in-depth interview was the only method that required respondents. The fifth and final section presents the chapter‟s conclusion.

4.1 Aims and objectives of the study

The aim of this study was to identify and analyse those readers‟ comments on xenophobia which were moderated (and therefore approved) but which contradicted the *M&G's* affirmed standards on hate speech and other problematic speech as applicable to xenophobic speech. In order to achieve this, the study first gained insights into the *M&G Online's* policy on hate speech and other problematic speech. It then used those insights as a standard against which xenophobic speech is defined as a subset of one or more these, and then measured the approved comments against these filtering standards. Using a combination of framing analysis and argumentation, it sought to pick out both explicit and implicit forms of speech that contradicted the policy. The study also took into account the inherent tensions that exist between free speech and hate speech

on the one hand and the *M&G Online's* equivalent commitment to free speech on the other, in the identification and analysis of problematic comments.

4.2 The research design

Qualitative research is one of two important paradigms used for conducting social research. It refers to "any kind of research that produces findings not arrived at by means of statistical procedures or other means of quantification". Even in the event that some data is quantified, the analysis itself remains qualitative (Strauss & Corbin 1990: 17). In other words, this research is generated outside the framework of a quantitative approach.

Qualitative research does not refer to one method but an entire framework. It is the general term given to investigative methodologies that fit the description of naturalistic, ethnographic, interpretivist, and constructivist research. These methodologies are all used to refer to the same fundamental approach as qualitative, and are sometimes used in place of the term ‚qualitative" (Bryman 1984:72).

Qualitative research seeks to explain rather than measure the world; it is explanatory, holistic and interpretative (Iorio 2004; Bryman 1984). It emphasises the need to look at variables in the natural social context in which they occur. Qualitative methods, among them case studies, life stories, observation and interviews, are argued to be the most appropriate for capturing the ‚inside view" as well as ‚thick descriptions". Within this tradition, it is of prime necessity to understand people as conscious, self directing and symbolic human beings who are always making sense of their worlds.

> We continuously interpret, create, and give meaning to, define, justify and rationalize our actions. According to the phenomenological [interpretivist] position, the fact that people are continuously constructing, developing, and changing the everyday (common-sense) interpretations of their world(s), should be taken into account in any conception of social science research (Babbie & Mouton 2001: 28).

Qualitative methods are useful in research that seeks to uncover and understand phenomenon about which little is yet known, or gain fresh angles on phenomenon on which a bit is already known (Strauss & Corbin 1990). This made them particularly appropriate to my study of moderated UGC on the *M&G's Thought Leader* site, and the implications for debates around

freedom of expression and what ought to be its limit. This study utilised a combination of framing and argumentation analyses, individual interviews and qualitative content analysis.

Qualitative research conforms to a non-positivist model of reality (Silverman 2005). "In contrast to positivism, the interpretative [qualitative] tradition holds the basic assumption that social phenomena are of an essentially different order from natural ones. They are not objective, external and preordained but socially constructed by individuals" (Jupp & Norris 1993: 42). This means that qualitative researchers do not subscribe to the positivist view that social „reality‟ is „out there‟ existing independently of any action by either the researcher or the people being studied. They argue, instead, that "far from existing apart from social action, the organising structures of social and cultural life are continually reproduced and modified through the myriad activities of everyday life" (Deacon et al 1999: 7). And so unlike the quantitative researcher who tends to view events from the outside and to impose empirical concerns upon social reality, the qualitative researcher emphasises the need to see through the eyes of the people being studied, and the need to understand social action in its social context (Strelitz 2005). "The findings of qualitative research develop from „the ground (field) up‟ and within the context of a larger social world" (Iorio 2004: 7). This is especially relevant to my study because the implications of hate and/or other problematic speech appearing as xenophobic speech on the *M&G Online* site can only be fully understood within the broader social context of South African society. This is the reason for the contextual information provided in chapter one of this study. Qualitative research also allows for theories and hypotheses to evolve as data is collected.

4.2.1 Sample selection and size

Given that the study‟s methodological approach is qualitative, I did not set out to come up with data that could be generalised to universals but rather to understand a particular case (Ang 1996). That was a foremost consideration in my sample selection and size. I selected my sample from a population that I deemed appropriate to my research question. "In research, the term „population‟ does not necessarily mean people; it can refer to aggregates of texts, institutions, or anything else being investigated. Furthermore, research populations are defined by specific research objectives" (Deacon et al 1999: 41).

There are two broad categories of sampling, namely random (probability) and non-random (non-probability) sampling. I chose my sample purposively, which places my sampling technique in the non-random category. Purposive sampling is ideal in research where it is neither necessary nor desirable that the sample be representative. It might be that the research is being carried out to test a particular hypothesis (Hansen et al 1998: 241-42). This point particularly applied to this study because I already had a hypothesis that there was a disconnect between the *M&G's* affirmed standards on hate speech and other problematic speech, and some of the apparently sensitive content they allowed on the site, and that there were potential tensions between free speech on the one hand and hate speech and other problematic speech on the other. Testing these hypotheses was one of the primary motivations of the current study as outlined in the aims and objectives section of this chapter. Another strength that made purposive sampling appropriate to this study is that it allows the researcher to select cases that are rich in information related to the research focus and suitable for detailed analysis. "Many qualitative researchers employ…purposive, and not random, sampling methods" (Denzin & Lincoln 2000: 370). This was the purpose in mind when the sample was selected. The study took care to analyse the suitability of the case to the overall research question.

> Purposive sampling allows us to choose a case because it illustrates some feature or process in which we are interested. However, this does not provide a simple approval to any case we happen to choose. Rather, purposive sampling demands that we think critically about the parameters of the population we are studying and choose our sample case carefully on this basis (Silverman 2005:129).

There are different types of purposive sampling strategies used for different data gathering and analysis purposes. These include: extreme case sampling where cases are selected because they are unusual in some way; maximum variation sampling which aims at capturing the main themes that cut across the differences among participants; homogenous sampling where a sub-group with similar characteristics is drawn from a larger sample to explain it in detail; quota sampling where the proportion of each sub-set in the sample is the same as in the population; and snowball or chain sampling. This study is a combination of two types of purposive sampling strategies, namely: critical case sampling which uses significant cases that can make a point quite dramatically; and criterion sampling which uses cases that meet a pre-set criterion of importance (Gobo 2004; Hansen et al 1998).

After xenophobia[7] was chosen as the lens through which I would identify and analyse approved comments that contradict the *M&G Online's* policy on hate speech and other problematic speech, I then selected a time frame. I selected May and June, 2008, as this was the time that violence against foreign residents was taking place and being interpreted through extensive debates and commentaries. Although the debates continued well beyond the violence, and therefore my time frame, I limited my sample to the first month only. The idea was to allow for a manageable sample that could be analysed in detail. This is consistent with qualitative research which prioritises depth over breadth. "Qualitative research designs tend to work with a relatively small number of cases. Generally speaking, qualitative researchers are prepared to sacrifice scope for detail" (Silverman 2005:9). This means that, unlike what is typical in quantitative research, qualitative research uses comparatively small samples which are generated more informally and organically (Deacon et al 1999). It also made sense to choose the initial period when the issue would have been a relatively new challenge to moderation of readers" comments.

My main universe for inclusion in the sample was readers" comments posted on blog articles (commentary pieces) that discussed xenophobia and were published between May and June, 2008. Initially, I used the search engine on the website to search for *TL* blogs that included the tag xenophobia within my pre-selected sample period. That search yielded 24 blog articles, but after reading each of them, it emerged that some did not discuss xenophobia as a primary issue and only referred to it in some cases in no more than one sentence. There were five such blog articles that did not meet the criteria of the sampling frame and were therefore excluded together with the comments posted on them. I did not read through the comments on the excluded blogs to see if they included any substantial discussions on xenophobia (even though it was not emphasised in the main article), and did not consider this a fundamental omission because, as earlier stated, the study is qualitative and therefore not looking for representativity. The exclusion of the five left me with a sample of 682 comments from 19 blogs, drawn over a one month period from May 13 to June 13, 2008.

I could not always rely on accessing my sample from the website because I had no control over what content the administrators took down or when. Although *TL* blogs being taken off the *M&G* site was an unlikely possibility, I still took steps to prevent the potential loss of data I would

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[7] Reasons for this choice of subject and media organisation *(M&G Online)* are discussed in chapter one of this study.

suffer were such a thing to happen. I therefore copied the entire sample from the website and saved each blog article complete with comments per file, in Portable Document Format (PDF). This was an attempt to maintain the sample‟s online format in terms of appearance. I also saved an extra copy in Microsoft Office Word to enable me move the comments around at analysis stage particularly at the point of category formation. Although my interest was only in the readers‟ comments, I saved the blog articles as well for purposes of understanding the comments in the context in which they occurred. It was also necessary not to change the original structure (blog article plus comments) for purposes of filing and reference as it enabled me to save the comments under the titles of the blog articles on which they originally appeared.

4.3 Data gathering and analysis techniques

4.3.1 Document Review

Documents play a vital role in social inquiry, and the ways in which they are analysed is closely related to the theoretical assumptions with which they are approached (Jupp & Norris 1993). They can take the form of newspapers, annual reports, correspondence, and minutes of meetings among others (Stake 1995: 68). In this study‟s case, they took the form of organisational policy. Collecting documents that inform the *M&G Online* moderation of UGC was the first data gathering technique this study employed. The documents were an essential first step because they were meant to provide a standard on moderation against which the comments could be measured. "Gathering data by studying documents follows the same line of thinking as observing or interviewing" (Stake 1995: 68). I was particularly interested in documents that addressed the issue of what forms of speech were deemed unacceptable on the site. In communication studies, documentary sources can be used for two reasons, namely: "to *supplement* the materials we have collected ourselves or as the *primary* focus of our research…[w]e can look at how organisations have documented their activities, strategies and decisions" (Deacon et al 1999: 14, emphasis in original). The documents were not the primary source of my research, but they were of vital secondary value. This is because I would not have been able to identify problematic content without first knowing how this would be specified. The documents helped me establish the standard the paper has set for itself and the obligations it has committed itself to with regard to hate speech and other problematic speech, and this served as basis for extrapolating de facto policy vis-à-vis xenophobic speech as a form of discourse that represents hate speech.

Documents may become the centre of a research endeavour in four main situations, namely:

> where *access* to people or situations we wish to study is *restricted* or *denied*; in *historical studies* where direct access to people and situations is no longer possible; in *secondary analysis* where a project is based on the re-analysis of material previously collected by other researchers; [and finally] when we are carrying out *textual analysis* where the organisation and meaning of the material itself are the major focus of research (Deacon et al 1999:15 emphasis in original).

The situation where "the organisation and meaning of the material itself are the major focus of research" applied the most to this study. I sought to investigate an aspect of the organisation, namely the moderation policy, and then use the meanings (moderation standard and implications for practice) obtained from there for further analysis. Accessing documentary sources at the *M&G* was fairly easy as they are publicly deposited online. My own search for the documents on the *M&G* website was complemented by the *M&G Online's* Social Media Editor Aliki Karasaridis who provided me with a list of the documents the moderation team consulted, and gave me electronic links to the same. The search was further complemented by help from Riaan Wolmarans[8] a former *M&G* employee who also gave me electronic links to some of the documents.

The documents I collected were a set of guidelines which stipulate acceptable use of the interactive/comment facility (see http://www.thoughtleader.co.za/commentguidelines); the privacy policy; and the acceptable use policy (see http://www.mg.co.za/page/privacy-policy). I also reviewed three external documents that the *M&G* partly bases their policy on, namely: the South African Constitution (Equality Act; Section 16); the Internet Service Providers" Association code of conduct (see http://www.ispa.org.za/code-of-conduct); and the Electronic Communications and Transactions Act (see http://www.internet.org.za/ect_act.html#CHAPTER_XI). My decision to get help from *M&G* insiders was prompted by the need to be cautious with documentary evidence (Yin 2003). I did not want to end up with out-dated documents that may still be available online but no longer being used or perhaps miss out on documents because they are deposited elsewhere other than the scope of my search. The latter part proved true as I was made aware of documents on which part of the policy is based but which are not available on the *M&G* site, namely the Constitution

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[8] Riaan Wolmarans was *M&G Online* Editor and Chief Moderator during the sampled period (May and June, 2008). He was one of the core interviewees for this study.

and the Electronic Communications and Transactions Act, which I then accessed from other platforms. I also accessed the South African Press Code (see http://www.presscouncil.org.za/pages/south-african-press-code.php) from another platform. The documents were one of two ways in which I gained insights into the *M&G* policy on hate speech and other speech which the medium regarded as objectionable.

4.3.2 In-depth Individual Interviews

In research, the interview can be used to "obtain information and understanding of issues relevant to the general aims and specific questions of a research project" (Gillham 2000:2). Accordingly, this study used in-depth individual interviews for the purpose of eliciting deeper understanding of the research subject. The interviews were used at two stages, namely: data collection, and interpretation of findings. At the point of data collection, the interview was used to complement the data from the *M&G* policy documents. The interviewee at this stage was Riaan Wolmarans. Apart from being *M&G Online* Editor, Wolmarans was also the chief moderator during the sampled period. Although he later left the *M&G* and moved to London, Wolmarans was a key respondent because he was part of the team that drew up both the contributors" and readers" comment policy when *TL* was launched. The aim of the interview (see appendix 1 for interview guide) was to gain insights into the moderation policy from the moderators" point of view, and to also establish how they (moderators) understood the concept of xenophobic speech as a form of hate speech, and how they saw their role in it.

The purpose of the interview at the second stage was to familiarise the *M&G* moderation team with my research findings and get their opinions on the same. The two respondents at this stage were Wolmarans and another moderator during the sampled period, Keith Nicholls. The two gave their views on five comments that the study found problematic according to *M&G* standards. The specific aim was to present them with my preliminary analysis of the comments I found to be contradictory of the paper"s policy on hate and other problematic speech (see appendix 2) and then include their viewpoints – confirmations, explanations or denials – in my final analysis. These interviews post the preliminary analysis were conducted on the premise that "[m]uch of what we cannot observe for ourselves has been or is being observed by others...Qualitative researchers take pride in discovering and portraying the multiple views of the case. The interview is the main road to multiple realities" (Stake 1995: 64). I did not want to

limit my analysis to my own understandings and therefore chose to enrich it with insights from the moderators who had first hand experience of the issue. "In qualitative research, one interviews people to understand their perspectives on a scene, to retrieve experiences from the past, to gain expert insight or information, to obtain descriptions of events or scenes that are normally unavailable for observation, to foster trust, to understand a sensitive or intimate relationship, or to analyze certain kinds of discourse" (Lindloff 1995: 5).

4.3.3 Qualitative Content Analysis

There were two levels of textual analysis, namely qualitative content analysis and framing and argumentation. My initial hypothesis was that some content contradicted policy, so what became important then was to go beyond intuitive identification of such content into a more systematic procedure which would enable me identify the extent to which the content was in fact problematic. Further the procedure was to enable me identify in what deeper ways the problematic content could be assessed as hate speech. The content analysis was the general stage that enabled prima facie identification of problematic content while framing and argumentation enabled a more detailed analysis.

The qualitative content analysis, which was the first stage in the textual analysis, included all the 682 comments. Content analysis has been defined as a "research technique for the objective, systematic and quantitative description of the manifest content of communication" (Berelson 1952: 18). It was used in this study because it allows for a systematic analysis of communications content (Hansen et al 1998). It was also used because of its ability to be applied to large quantities of text. The sample had 682 comments and content analysis provided the most practical way of analysing and understanding the content of the text. "The purpose of content analysis is to quantify salient and manifest features of a large number of texts, and the statistics are used to make broader inferences about the processes and politics of representation" (Deacon et al 1999: 116). It makes the assumption that study or analysis of the visible or manifest content is meaningful. "[T]he content analyst assumes that the "meanings" which he ascribes to the content, by assigning it to certain categories, correspond to the "meanings" intended by the communicator and/or understood by the audience" (Berelson 1952: 19).

This study considered the *M&G* readers" comments on xenophobia as "arguments"[9] aimed at influencing opinion by increasing the acceptability of their own viewpoints or reducing the acceptability of competing views (Van Eemeren et al 1996). With that in mind, content analysis was also ideal because of its association to propaganda analysis. "... a great number of content studies – certainly the majority of them – can be considered propaganda analyses, if by propaganda is meant the deliberate attempt to influence attitudes or behaviour on controversial public issues" (Berelson 1952: 57). The general emphasis on quantification by people who use the method may suggest that content analysis is a sub-method of quantitative research. And while that is so to an extent, it is important to point out that it is not exclusive to the quantitative tradition. In fact it has been argued that there is no strict dichotomy between qualitative and quantitative content analysis and that "much "qualitative" analysis is quasi-quantitative" (Berelson 1952: 116).

This study acknowledges, too, that there are more similarities than differences between qualitative and non-qualitative content analysis. What differentiates the two types of content analysis is largely the focus of analysis and interpretation of findings. For example, whereas a typical quantitative content analysis might state the percentage of the presence of a particular category, the qualitative equivalent would state what the content of that category emphasises or in what direction it tends. Qualitative content analysis is also "relatively less concerned with the content as such than with content as a "reflection" of "deeper" phenomena" (Berelson 1952: 123). This means that rather than focusing on the numerical value of a category, a qualitative content analysis will focus on trying to interpret the data because "the concern is more often centered upon other events for which the content is only or largely a convenient indicator" (Berelson 1952: 124). This particularly applied to this study which was trying to locate the contents of the text into the broader debates around freedom of expression and what ought to be its limit. Rather than focus on relative frequencies, qualitative content analysis is often based on the presence and absence of particular content (Berelson 1952). "Content analysis can help provide some indication of relative prominences and absences of key characteristics in media texts, but the inferences that can be drawn from such indications depend entirely on the context

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[9] A detailed discussion of argumentation follows in the next section.

and framework of interpretation by which the texts analysed are circumscribed" (Hansen et al 1998: 95).

The specific type of qualitative content analysis that was used was a thematic content analysis (TCA). A theme is "a single assertion about some subject [and] is the most useful unit of content analysis. It is almost indispensable in research on propaganda, values, attitudes, beliefs, and the like" (Holsti 1969:116). A TCA can be placed in the middle of qualitative and quantitative content analysis as it draws on both. It has the advantage of ‚stretch‟, as "it is not a unitary method and can be flexibly applied within the irrefutable rigour of reliability coefficients and other positivist contexts, and within various (more qualitative) ‚common sense‟, thematic contexts - many shades of grey between these poles" (Wilbraham 1995, no page number). This flexibility also allows it to be used to strengthen other kinds of analysis as was the case in this study where the TCA was used to inform the textual analysis. TCA studies are argued to sustain their positivist roots and are, therefore, able to produce comparable and evaluative data to that in existing literature on related research areas, which counts as a strength. Another strength that is argued in favour of TCA is that "it is not burdened with slippery philosophical/theoretical underpinnings and overtones or jargon. It sets out an easy recipe to follow or adapt, and since method and content are fairly distinct, its applications to any form of written/spoken discourse, are limitless" (Wilbraham 1995 no page number). Some noted drawbacks of this method are that coding themes is time consuming and not straight forward as boundaries for these themes are not always easy to recognise. "Thematic analysis presents the most serious problem because the theme is not a "natural unit" for which physical guides exist. Many sentences contain more than one theme, and identifying proper boundaries between them is a judgemental process for which it may be difficult to formulate rules that cover every type of theme that may occur in the text" (Holsti 1969: 136). This study attempted to overcome part of this drawback by creating a ‚miscellaneous‟ category where all themes that did not fit with the most recurrent and therefore categorised themes were placed.

In line with my methodology of framing analysis (to be discussed in the next section), I identified an initial set of frames inductively and used them to create a coding schedule (Chong & Druckman 2007). This was achieved by reading and re-reading the entire sample and taking note of the most recurrent themes. It was on those themes that I based my five categories for the

content analysis, namely: race and race relations; solidarity with foreign nationals/morality; government is to blame; sympathetic to attackers/national interest; and miscellaneous. This was an important stage because category formulation is crucial to the analytic success of a content analysis. "[T]he formulation and the definition of appropriate categories take on central importance. Since the categories contain the substance of the investigation, a content analysis can be no better than its system of categories" (Berelson 1952: 147).

In order to come up with categories that were as distinctive as possible, it was necessary to immerse myself in the text and become familiar with the themes present before attempting to categorise them. This proved very time consuming and repetitive in an exhausting way, but useful. Apart from coming up with themes present in the text, the content analysis also helped zone in on comments that, based on *M&G* policy, were problematic for various reasons. Those comments were then subjected to further analysis using framing and argumentation.

4.3.4 Framing and Argumentation analyses

Methodological eclecticism is beneficial to research because the analytical shortcomings of one method can be balanced by the strengths of another/others (Deacon et al 1999). This was foremost in mind when, at the textual analysis stage, I chose to use an eclectic approach of framing and argumentation analyses. Framing and argumentation were chosen as methods because of the study"s attempt to use wording as empirical evidence of the presence of both explicit and implicit hate speech in xenophobic content in the text, contrary to the newspaper"s affirmed standards.

Framing is understood to refer to the social construction of a social phenomenon in such a way that encourages certain interpretations and discourages or sidelines others. It places emphasis on how the media represents issues (Fourie 2007). Although not a unified paradigm, framing adds to the study of communications a way of understanding how people draw on cultural and other experiences to select what they emphasise in their analysis of situations and activities.

> Framing essentially involves *selection* and *salience. To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment or recommendation* for the term described (Entman 1993: 52, emphasis in original).

This means that frames are cognitive structures which shape the perception and representation of ‚reality'. They structure which parts of ‚reality' become privileged and which ones go unnoticed. In conducting a framing analysis, one pays attention to how blame is being assigned and what is being emphasised as the problem; what solutions are being put forward; and what call to action or rationale for action is being proposed (Benford & Snow 2000). Lines of argument and key words or phrases are essential in this process. This makes the method especially useful to this study which has principally based its assessment of *M&G Online* moderation outputs on textual evidence. Some kinds of themes that exist are episodic and thematic. An episodic interpretation does not place social issues in a broader context but portrays them as limited to events only (de Vreese 2005; Balaban 2008). By doing so, complex issues are simplified to the level of anecdotal evidence where they induce "a topical, disorganized, and isolated, rather than general and contextual, understanding of public affairs and social issues" (de Vreese 2005 :56). The thematic frame on the other hand "places an issue in some general context and usually takes the form of an in-depth, ‚backgrounder' report" (Iyengar 2005: 6).

Framing enables the study to use wording as a guide to what was selected, emphasised and represented in the readers' comments and importantly how some of these were not consistent with the paper's policy on unacceptable speech.

Argumentation, on the other hand, has been defined as "a verbal and social activity of reason aiming at increasing (or decreasing) the acceptability of a controversial standpoint for the listener or reader, by putting forward a constellation of propositions intended to justify (or refute) the standpoint before a rational judge" (Van Eemeren et al 1996: 5). Although letters to the editor are different from readers' online comments because they have to compete for limited space and have to be handpicked by an editor, they both allow readers to air their opinions and speak for or against particular positions. Letters to the editor are primarily argumentative and are designed to convince fellow readers of "the acceptability of a point of view and to provoke them into an immediate or future course of action" (Richardson 2007: 150). Working on the premise that online readers also use arguments in their comments to support their own positions or counter the positions they disagree with, rhetorical theories of argumentation became important to this study. Rhetoric analysis allows a close reading of how arguments are deployed in discourse.

Argumentation or argumentative discourse is best analysed within the context of its "rhetorical triangle" because only when attention is paid to how the three points of the ‚triangle" interact and connect, can a full account be given (Richardson 2007). The emphasis on the inclusion of the triangle as a whole in any "analytically adequate" investigation is grounded in the theory that all three elements are inter-related and depend on each other during argumentation. For example, an argument usually has to be persuasive to be convincing, yet it cannot be persuasive if it does not appeal to the audience"s reality or if the arguer cannot be trusted. The arguer, therefore, tends to attempt to construct him or herself as worthy of trust (e.g. by claiming knowledge of the issue) and further attempts to base his or her arguments on issues that others can relate to. In the sample, as will be shown in later chapters, this came through in the readers" arguments which foregrounded such issues as unemployment, poverty, foreigners taking over citizens" entitlements and other issues with which the average South African is reasonably familiar. The three different modes of persuasion are referred to as logos, ethos and pathos. Logos refers to the logic of the argument; this form of persuasion is deployed when an arguer supports their case with evidence and reasoning. Ethos is the mode of persuasion that depends on the arguer"s qualities such as authority in a particular area, relation to an issue, knowledge of a subject, or standing among the audience. An arguer with a good reputation among the audience or one that can claim goodwill in a particular case can utilise ethos to strengthen their argument. Pathos is "the use of emotional themes or emotional language to make an audience more receptive to your conclusion" (Richardson 2007:186). This was one of the more commonly used modes in the sample.

Within rhetorical argumentation, there is what van Dijk (cited in Richardson 2007) refers to as the ideological square where there is positive self representation and a simultaneous negative other representation. Closely related to the ideological square are inductive arguments which are also deployed as part of rhetorical argumentation. Inductive arguments are made through analogy or comparison and are often extremely powerful forms of persuasion because they use as a comparison something that a particular audience is very familiar with or has very strong feelings about (Richardson 2007). This was another common representation in the sample.

Aristotle"s account of the rhetorical triangle identifies three divisions of rhetoric, namely forensic, epideictic and deliberative (Richardson 2007). All readers" comments can be placed in

either one or more of those varieties of rhetorical discourse. A forensic argument is one that draws on past experiences to strengthen a current argument. The arguer condemns or defends someone‟s past actions according to the way they would like their audience to see that person. Epideictic rhetoric, also known as demonstrative or ceremonial rhetoric, works to prove someone worthy of admiration or disapproval. The arguer makes a case for or against a person depending on what they are trying to achieve. In deliberative rhetoric, the arguer constructs the audience as having a responsibility or a role to play in a particular case and urges them to do it. It is often used as a call to the arguer‟s chosen action.

The three divisions of rhetoric (forensic, epideictic and deliberative) outlined above also operate in similar ways to the essence of framing, namely: defining the problem; diagnosing its causes; making moral judgements; and offering and justifying treatments for the problems and predicting their likely effects (Entman 1993: 52). The two methods are further interrelated because a frame can be said to be an element of rhetoric that is presented/packaged in such a way as to privilege certain interpretations and sideline others. A close reading of the arguments and frames present in the text was important because they (arguments and frames) can both be used to rally people around xenophobia, racism and other ideological extremism without appearing to do so at face value.

Closely related to framing and argumentation is the theory of stereotyping which itself is an intrinsic element within framing. This theory seeks to interrogate how the media represent specific people and groups. "Through stereotyped portrayals the media may reinforce existing patterns of attitudes and behaviour toward specific individuals, groups, and institutions, especially minority groups" (Fourie 2007: 243-244). One significant aspect of stereotyping is that "it permits description – and perhaps actions against – whole classes of people" (Whillock 1995: 35). Stereotypes can be experienced in one of two ways by people who get affected by them: they can either convert or reinforce previously held views. Frames and arguments can impact on perceptions in the same way.

> The subtlest and most pervasive of all influences are those which create and maintain the repertory of stereotypes. We are told about the world before we see it. We imagine most things before we experience them. And those preconceptions, unless education has made us acutely aware, govern deeply the whole process of perception (Lippmann 1966: 72).

Although the core methods for the textual analysis were framing and argumentation, the study took into account other tools used in the analysis of similar modes of language use that could enrich the analysis, hence the occasional resort to Thompson"s model (1990). Thompson"s conception of ideology is concerned with issues of social power and who they serve. His model provides ways of examining the relationship between symbolic forms and the ideological work that they do (Janks 1998). Thompson (1990) identifies five modes through which ideology operates namely legitimation, dissimulation, unification, fragmentation and reification. Within these modes are different strategies of symbolic construction. This model is useful to my attempt at a critical textual analysis as it allows for the understanding of the ideological work the readers" comments do; what is normalised, naturalised or privileged as superior or "true"; the common sense that is proposed in the text, and the implications of such representations.

4.4 Recruitment of respondents and research procedure

My first contact with *M&G* staff was via an introductory letter I sent to the online editor Chris Roper (see appendix 3). I followed it up with a phone call in which Roper referred me to the Social Media Editor (under whom *Thought Leader* falls) Aliki Karasaridis who in turn referred me to the former online editor, Riaan Wolmarans and gave me his contact details. This was because Wolmarans was both online editor and chief moderator during the period I was looking at. I sent him an introductory letter to which he promptly responded and confirmed his availability for the interview. We agreed on a telephonic interview as he is currently based in the United Kingdom. In the course of our communication, I asked Wolmarans for names and contact details of the other moderators he worked with during the sampled period. One of the names he emailed me was Keith Nicholls, who became my second respondent after I sent him an introductory letter and made a number of follow-up phone calls. My initial plan was to interview all three moderators during the sampled period but I had to adjust as the third one, Matthew Burbidge, was not available.

4.4.1 Limitations of the study

This study was conducted three years after the violence broke out and the debates took place. Given how much time had passed, it did not come as a surprise when the moderators failed to recall who had been on duty when or passed which comments. This was because the duty rosters

from that time were no longer available and the moderators could not remember such details as they had moved on to other jobs within and outside the *M&G Online*. Such information would have been useful in following up particular problematic comments with the moderator who actually passed them. The study tried to overcome this limitation by taking up the problematic comments with both moderators irrespective of who was responsible for a particular comment. The other limitation was that none of the interviews could be conducted face to face as both respondents were far from Grahamstown where I was. Nicholls opted for an email interview as it suited his schedule more than a telephonic interview which would have required him to be in the office at a specific time.

4.5 Conclusion

This chapter has discussed the methodological approaches in light of the theoretical framework and their relevance to the study‟s aims and objectives. Qualitative research, document review, in-depth individual interviews and framing and argumentation analyses were discussed in detail in line with their appropriateness to this study. The chapter also discussed how the research was conducted and the limitations that were encountered.

The next chapter presents a description of the study‟s findings.

CHAPTER FIVE

<u>PRESENTATION OF FINDINGS</u>

5.0 Introduction

The preceding chapter presented the research methodology used to carry out this study. This is the first of two chapters concerned with the study"s findings. In this chapter, I present a description of the gathered data and use a thematic content analysis informed by framing and argument analysis to make the first classification of comments that were, prima facie, contrary to the *M&G's* standard on hate speech and other problematic speech. This classification will be indicated, in the course of this chapter, by highlights on a comment or part of a comment that could potentially be problematic in terms of *M&G* policy. The indicated quote or relevant part will then be analysed in detail in the next chapter (six).

The description in this chapter and the next is based on data obtained through the study"s data gathering techniques, namely: *M&G* policy document review, qualitative content analysis, and in-depth individual interviews. Such corroborative use of multiple sources of evidence is recommended in qualitative research for purposes of accuracy and validity of findings (Yin 2003).

This chapter is presented in the following format: the first section presents a description of the sampled *TL* readers" comments as analysed through a thematic content analysis, this section is divided into five sub-sections, and the second and final section presents the conclusion which is a summary of what has been presented throughout the chapter.

5.1 Description of sample for analysis

The sample that is being presented in this chapter is the 682 readers" comments that were published on *TL* blogs on xenophobia in May and June, 2008. The study also included analysis of policy documents that inform *M&G Online* moderation, and individual interviews with two moderators but these will be presented as part of my analysis in the next chapter.

5.2 Thematic Content Analysis

This section presents data from the 682 moderator-approved readers" comments that were obtained from the *M&G* site (see Appendix 4 for summary of blog articles on which the comments appeared). A content analysis was necessary to explore what themes and viewpoints were present in the sample. These were to help me identify the various ways the commentators were interpreting the xenophobic violence and what arguments and claims they were putting forward, and ultimately, to pinpoint through analysis – prima facie and in-depth – those comments that did not adhere to the *M&G's* stated policy with regard to hate and other problematic speech. The detailed analysis comes in the next chapter. Within the area of problematic speech (based on *M&G* policy), the study was particularly interested in speech that was xenophobic. Xenophobia is defined as "extreme dislike or fear of foreigners, their customs, their religions etc" (Cambridge Advanced Learner"s Dictionary). The study, therefore, understood all hate and other problematic speech that was based on nationality (or "birth" as the Constitution lists it) or targeted at foreign nationals, as xenophobic speech. As indicated in section 5.0, not all the comments that I list in this chapter were violations of policy. At this stage of the thesis I am merely laying out and identifying all the comments on xenophobia including the non-problematic. In so doing, all the 682 comments have been grouped thematically into five categories, namely morality: solidarity with foreign nationals;   national interest: largely sympathetic to attackers; race and race relations; the government is to blame; and miscellaneous. These categories were created after I identified an initial set of frames inductively and used them to create a coding schedule (Chong & Druckman 2007). My thematic analysis did not rely on the specific use of words as units of analysis but on my ability, as the coder, to recognise certain themes or ideas in the text and abstract these into the five distinctive categories listed above (see Beardsworth 1980). This ability was informed by my understanding of thematic frames including the identification of stereotypes.

For example, many comments that were condemning the violence were placed in the same category based on the similarity of their reasoning. Similarly, many comments that were supporting the xenophobic violence, even while advancing different reasons, could be placed in the same category. The study"s intention was not to analyse each and every comment uniformly but rather to identify within the totality those that especially appeared as being, prima facie, contrary to the *M&G's* standards. The readers" comments, as earlier alluded to, expressed particular viewpoints concerning the violence. The categories were therefore formed on the basis

of those viewpoints and their similarities in argument and framing, i.e. what was made most salient, how the problem was defined and blame apportioned, what moral judgements were made, what solutions were proposed and justified, and what predictions were made about the ‚problem‟s‟ likely effects (Entman 1993).

Initially, I had distinct categories for morality and solidarity with foreigners, but I merged them after I decided that although the arguments were different they were logically equivalent or similar (Chong & Druckman 2007). Similarly, the main argument in the category of "national interest" was sympathy to attackers and that foreigners needed to leave the country. Whether the commentators wanted the foreigners removed because they were concerned about impact on the country‟s economic sustainability or whether they wanted them removed because of belief that the foreigners were committing crime, I saw the essence of the two arguments as wanting the foreigners to leave. I therefore decided that while the reasons, and even the suggested ways of removing the foreigners differed, the comments could be in the same category because their proposed ‚solution‟ to the ‚problem‟ was that the foreign residents leave. I did not find it necessary to explore the different claims and arguments separately because my only interest was in finding a way to group the comments for easier identification of problematic comments to be subjected to further analysis.

In the following sub-sections, I present a description of the data in these categories. It is necessary to present an overview (see Appendix 5 for overview of comments per category) of the readers‟ debates or arguments in order to understand the context in which the problematic comments arose. For this purpose, I will give summarised descriptions of the contents of each category, and sometimes present a reader‟s comment in full even when I am only analysing a specific portion. It is important to present the context of the whole posted comment in order to show its discursive character in relation to other comments, and to reveal where particular remarks were qualified elsewhere in the entry. A description of the debates and assertions also helps to give an idea of some of the potential or actual tensions that arise between free speech on the one hand, and hate/problematic speech on the other. In reproducing readers‟ comments on xenophobia, I have maintained their original state on *TL,* including grammatical errors.

Figure 3 below shows the five thematic categories, the number of blog articles in which they were present and the number of comments per category.

CATEGORY	BLOGS PRESENT	NUMBER OF COMMENTS
Morality: Solidarity with foreign nationals	16	157
National interest: Sympathetic to attackers (and some condemnation of attacks)	14	86
Race and race relations	9	69
The Government is to blame	17	129
Miscellaneous	19	241

Figure 3

5.2.1 Morality: Solidarity with foreign nationals

The comments in this category were those that condemned the violence and those that appealed for solidarity with foreign residents. This thematic category had 157 comments in 16 out of the total of 19 blogs on xenophobia.

A recurrent view was that South Africans owed the foreign residents better treatment after the effort that other African countries made when they took in exiled South Africans during apartheid. One of the commentators who shared this view posted the following comment:

> It is sad to notice that when South Africans, blacks and some whites, were running away from Apartheid, they fled to countries such as Zimbabwe and no violence was ever directed at them. Indeed, they experienced Ubuntu from across the Limpopo.
>
> Today the descendants of the Zimbabweans who aided these South Africans are hunted down, attacked, raped and dispossessed by the descendants of those they helped.
>
> I have always wondered why it was that even a non-English speaking unskilled East Europeans illegal immigrant, is more welcomed by black South Africans than a skilled black Zimbabwean, even when he is legal. Surely they should be equally welcome or unwelcome.
>
> It would seem to me that the shadow of Apartheid still lingers deep in the souls of "free" South Africans, and thus the fear and irreverence of all people white continues unabated.

> As a black Zimbabwean who left Zimbabwe in 1998 (because even then I could foresee the madness of Bob taking root) and moved to Jhb (from 1999 to 2004) before settling in Frankfurt Germany in 2004, it is sad to notice that there were more incidents where I was shown disrespect and non-acceptance by South Africans than by Germans, a people with whom I have no historical or cultural connection. Well, aside from respect for human dignity.
>
> If civil war had broken out in South Africa, miilions of South Africans would have flooded into Zimbabwe. How would they have hoped to be treated?? [10]

Some commentators asserted that while South Africans could not return the sacrifice, they could at least stop the xenophobic violence. Some claimed that the hostility towards foreigners was a sign of how ignorant most South Africans were of their struggle history and the role other African countries had played. One commentator claimed that "we as South African's have a very short memory as some of the African countries that are going through turmoil e.g. Zim [Zimbabwe] are the same countries that we found refuge in when we were going through apartheid".[11]

Some asserted that South Africans had benefited from the generosity of other countries before and that if the country ever found itself in Zimbabwe's economic and political situation, South Africans would probably go to other countries for help.[12]

Some commentators argued that there was need to improve South Africans' attitudes towards foreign nationals and uproot deeply entrenched beliefs that foreigners steal jobs and women. They argued that this was a wrong assumption because the government-enforced quota system that set out the citizen-foreigner ratios allowed in different institutions made it impossible for a foreign resident to get a job at the expense of a citizen.

One of the commentators asserted:

> ....our people are 1) Extremely lazy 2)Most are uneducated and Little knowledge is dangerous,3)South Africans cannot take responsibility for their actions, there is always someone to blame…
> With organs such as Umsobomvu Youth Fund, Gauteng Enterprise Propeller (GEP) and many many many many many many more,one wonders what is it that has been robbed of the South African and yet the opportunities are plenty….

[10] Posted by „Russell Muti" on May 14, 2008, at 10:16 am
[11] Posted by „Chumile Goqwana" on May 15, 2008, at 12:12 pm
[12] Zimbabwe's economic situation is discussed in chapter one of this study

What stops one from educating himself or learning a certain skill so they can qualify for those jobs that foreigners are taking. I wonder, if we didnt have any foreigners in this country AT ALL, would the perpetrators of this violence have the jobs they wanted. Would they be the farm workers, the Sales Managers, the Accountants, the Engineers or CEO‟s of large companies. Would they have those jobs? I ASK, considering it is not the foreigner that is stopping the Natives from educating themselves or equipping themselves with the skills of their field of choice. How many schools, colleges, universities have turned away the locals because their quota was too full (after having been filled by foreigners). [13]

A repeated argument was that citizens had a sense of entitlement that made them expect jobs they were not even qualified for, and despise and shun lowly jobs which foreigners took up and then got accused of stealing jobs. One commentator, „Tman‟ claimed that citizens were too lazy to work or take up opportunities for loans and grants and found it easier to use foreigners as scapegoats for their failures. „Tman‟ attributed the violence to some poor citizens‟ failure to come up with business strategies and compete with foreigners. "Why it is easy to put together a committed group of killers, than a group of committed entrepreneurs in order to access a pool of funding available in our country? The answer is simple: LAZYNESS LAZYNESS LAZYNESS".[14] Another commentator supported this view with the following assertion: "How can u spent the whole day drinking beer and then compare ur outcomes with someone who has spent the whole day sweating it out? South Africans must just wake up…"[15]

Some commentators claimed that the foreigners were willing to work longer for less and did not have a sense of entitlement. One of them posted the following comment:

Tman! You‟re the man. "How can a hungry man have the energy to walk around chasing people the whole night?" - the question is…How can an employed man have the energy to chase people the whole night!! You have people sitting on street corners drinking beer from morning til night not doing anything for themselves. They don‟t want to sweep streets, clean shopping malls or become car guards (altho there‟re too many of them) coz those jobs too lowly for them. Are they waiting for the government to hand them jobs on a silver platter coz they feel they‟re entitled to them? How do we make "these lowly jobs" more attractive so that South Africans become willing to do them? Why should we even HAVE to glamorise jobs?[16]

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[13] Posted by „V‟ on May 14, 2008 at 1:06 pm
[14] Posted by „Tman‟ on May 14, 2008, at 11:26 am
[15] Posted by „Lonie‟ on May 14, 2008, at 2:38 pm
[16] Posted by „Lilly‟ on May 14, 2008, at 12:59 pm

A recurrent theme throughout this category was condemnation of the violence as inhuman and barbaric. Many commentators were of the view that life was a basic human right and the violence and killings were bad and wrong and could not be justified on any grounds. One argued: "Frankly, stealing the livelihood of penniless refugees, raping young women, beating defenceless people you have outnumbered 50:1, burning down houses with young children inside. That's crime. And we talk about „foreign nationals" committing crimes?"[17]

Some condemned what they saw as some of their fellow commentators' lack of empathy. There were also some who claimed that hostility and total disregard for human life was typical of South Africans. According to one commentator "South Africans, generally ARE NOT the kind, compassionate, loving people who accept all and share their last bowl of food with a stranger. Our unenlightened will kill him for his cell phone and R40.00 in his wallet. I witnessed such a murder. The victim didn't need to be killed".[18] Some further claimed that xenophobic sentiment was not just limited to poor and uneducated South Africans but existed even among educated people. Some further condemned what they saw as lack of remorse on the part of some citizens even after the attacks.

This category also had a number of comments about organising aid efforts by readers on behalf of the displaced foreigners and updates on measures already taken to help them.

5.2.2 National interest: Sympathetic to attackers (and some condemnation of attackers)

Grouped under this category are comments that were sympathetic to the perpetrators of the xenophobic violence, and also comments that criticised the presence of foreign residents due to concern for what they constructed as "national interests" such as the country's ability to maintain a steady economy, manageable populations, and citizens' ability to access services, among others. There were also comments that used the same "national interest" criterion to oppose the violence. All told, this overall category had a total of 86 comments in 14 out of the 19 blogs.

One of the main themes was that the violence was a result of too many foreigners competing for limited resources with citizens. One commentator asserted that "[the] majority of South Africans

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[17] Posted by „Kit" on May 14, 2008, at 1:00 pm
[18] Posted by „John Bond" on May 30, 2008, at 10:16 am

are not bad people, it's just that we don't have enough resources to share whether we talk of jobs, food, houses, health care, money, etc. So having an additional member (especially uninvited) to this family can be quite challenging".[19] Some commentators claimed that the violence was a result of too many foreigners and the social problems they had brought to South Africa such as crime, diseases, drug peddling, and prostitution.

One such commentator posted the following comment:

> Traps. Spot on as always. However, I don't believe that we must now suddenly bring out the marshmallows and sing "we are the world" around the proverbial fire. I believe that people who are not exposed to foreigners, can't really form an objective opinion on the matter. Certainly the recent spate of attacks on foreigners are not justifiable and must be condemned, however if you've ever lived in Sunnyside, Hilbrow, or Arcadia you'll understand where I'm coming from.
>
> I believe the xenophobic attacks in Alexandria came about as a result of a culmination of issues ranging from the crime, drugs that some of these foreigners have brought to our shores. Not forgetting the sense of entitlement that South Africans exhibit when they see foreigners prosper, be it selling sweets, running a public phone or an internet café. Please don't get me wrong I don't hate foreigners but sometimes they can get a bit too much, there's so many of them, and I might sound like I'm from Alex (I'm not) but these foreigners are everywhere.
>
> Live and let live, but there's too many of them. Some have argued that Zim gave South African exiles asylum in the apartheid era blah blah blah, but they didn't give asylum to 3 million South Africans, did they??? Oranges and apples…
>
> I welcome comments from all who want to crucify me because they feel I'm a tribalist. You don't have to live amongst foreigners, their drug peddling and prostitution spreading. It's reached a point whereby we live amongst foreigners, and not them living amongst us.
>
> And no, we're (black South Africans) not going to turn against white people…you're also South Africans…[20]

Another commentator claimed "the poorest of the poor are taking a stand against the influx of illegal foreigners…It is the right thing to do".[21] Within the category there were also concerns for

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[19] Posted by Siphiwo Qangani with Kangaroos on May 14th, 2008 at 10:02 am

[20] Posted by „Sipho Mazibuko" on May 16th, 2008 at 8:23 am

[21] Posted by „Ryan" on May 23rd, 2008 at 8:19 am

the country's economic and social sustainability in the face of an increased population due to foreign residents.

> My point is that a very small proportion of taxpayers have to bear the burden of 55 million people, a large percentage of which are unemployed but have any number of children. Many of the unemployed live on child and other grants which have to come out of the money gathered through taxes.
>
> Even if you battle with the maths you must surely understand the basic liberal concept that our own comes before foreigners.
>
> Here is an analogy for you. The cake has to be cut into so many small pieces to support our own that there is already not enough hence massive suffering amongst our own black and white population. If any piece of the cake is given to an outsider one of our own will have to go without and that is not fair.
>
> In other words, any money spend on foreigners will deprive our own already impoverished population. We have a much larger obligation to our own population than we have to outsiders and we cannot steal from our own population to protect those that have made a living from taking jobs and housing from our population, not even to mention the high incidence of crime in the areas where there are foreigners. Is it starting to make sense?
>
> Emotional statement such as "Assistance to refugees and those in need is human rights norm blah, blah." will not chance the reality. THERE IS JUST NOT ENOUGH.
>
> Tent settlements have been put up all over the place, one of them has suddenly mushroomed about 1 km from my farm with the result that there were already 6 foreigners on my farm today stealing firewood. Besides the fact that my own workers were immediately on their cell phones to their friends in Mamelodi, the dangers to my family and the fact that this violence is then likely to spill over into our neighbourhood, why are our own poor black and white not being housed in tent settlements?
>
> I suppose when the locals come after foreigners being sheltered in other neighborhoods such as ours and this leads to violence against whites, pc liberals like yourself will just pretend it never happened and that you had no part in it?[22]

Some commentators said the history of neighbouring states hosting South African refugees could not be compared to South Africa at present, because the exiles were not as many as the foreigners South Africa had received. One commentator claimed that " not only dit Zim open its houses, churches and schools to "exiles" during apartheid, but it also provided convenient bases to murderers who killed innocent civilians. The only debt South Africa owes our dear

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[22] Posted by „Eagle" on June 5th, 2008 at 7:29pm

neighbouring states is perhaps a nuke on Harare and Maputo. Listen to what we‛re telling you: get out, we don‛t need 15 million foreigners".[23]

A few commentators claimed that South Africans fought apartheid alone and before they could even enjoy the fruits of democracy, foreigners had arrived to share the same resources citizens were still struggling to access. One commentator asserted: "We need to reclaim our country and get the others from Africa to go and sort their own problems. We have ‛sorted‛ our problems and need to enjoy the fruits for all South Africans, Viva South Africa, ONLY!"[24] Some further claimed that the foreigners had taken up houses and other facilities at the expense of citizens. One such commentator posted the following comment:

> The things I heard some so-called leaders speak made by blood boil. now, stop and think for a inflation-busting-interest-raising minute: if you like me are a township dweller, open a hair salon, apply for loans, get expensive equipment set up, market yourself to attract customers and employ 5 decent workers whose taxes you also pay, and after 3 months a handful of Zimbabweans without work permits set up an open-air braiding business on your pavement, what do u do?

> Or, you‛ve been on the Council‛s housing list for 7 long years. You‛ve been living in your parents backyard and have two toddlers who need rooms of their own. You work as a shelp packer at Pick & Pay and you therefore earn peanuts. In the 8th year, you discover when you enquire about your position on the queue of people to be rehoused that priority for government houses will be given to the shack dwellers in a feld nearby. A huge amount of them is Zimbabweans and Mozambicans with false RSA ID‛s. They have among other things blocked your township‛s sewerage facilities, they have destroyed many useful facilities in the area. How do u feel?

> Or you are a pensioner who worked all his life and live in a modest home in the township. You cant leave your property at night, incase you find your possessions stolen by people whose language you cant even speak. In your own street 6 elderly people have been attacked and one was killed by unknown people. It has never happened in the 40 years you have lived in your area that you dont know the names of at least half the families in your street. what is going on?

> The illegals must go, or they wont receive decent burials. I dont think RSA needs the presence of poor parasitic refugees roaming around. We will never develop as a country.

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[23] Posted by Afrikaner on May 22nd, 2008 at 11:57 am

[24] Posted by Geo on May 22, 2008, at 5:06pm

> Even America does not tolerate being overrun by other „brothers and sisters" from the adjoining continent.[25]

Another recurrent line of argument was a focus on spatial and boundary dimensions, often in response to fellow commentators who were condemning the violence. Some were of the view that the commentators and bloggers condemning the attackers were doing so because they did not live in townships and did not have to share their "space and women" with the foreigners.

One of the commentators with such a view wrote:

> Well said Sumo. All the liberals wailing and condemning the xenophobes do not face what they do. They dont have to share their living area, women, houses and water supply with them. The illegals can also commit crime since they dont have IDs and are not on record.
>
> In fact the xenophobes are doing what the government should be doing: evicting the illegals and making sure they dont come back. The means they choose to do this are unfortunate, but what else do they have? Its a shame they must resort to violence and illegal means to meet a legal objective. A man fights for his rights with the weapons he has. They dont have laptops, a voice in government, money etc.
>
> It can also be argued that their means work. I doubt illegals will come in such numbers now, and those that return will think twice before they brave the knobkerries.
>
> Now do you believe the end justifies the means?[26]

The majority of commentators in this category claimed that the foreigners were illegal immigrants. Some further claimed that the foreigners" identity papers were not genuine and therefore whatever they were doing in South Africa was illegal.

One commentator asserted:

> Great article Michael - just forget the ignorant Lilly and Tman. By ignoring and making a mockery of the concerns of poor South Africans, you are perpetuating the situation in Alex. I wonder how people living in the SUBURBS will feel if the government decided to open up refugee camps next to their worthy houses? How would you feel if the government decided to bus all the Zimbabweans and other refugees to those endless parks you have in the SUBURBS - build them those RDP Flats? I bet you will be the 1st

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[25] Posted by Soweto by Starlight on May 22, 2008 at 11:22pm
[26] Posted by „Consulting Engineer" on May 23, 2008 at 3:17 pm

to say …"get these people out of here, they will bring crime to our areas, downgrade the value of our houses, etc" Let them stay in Alex - I hear you say?[27]

Another commentator further claimed that foreign traders were exploiting poor citizens:

It seems to me they have also been targetting pakistani and other illegals who have shops in townships.

Some of my black workers have bought on lay-by from these indian shops, and the terms are usurous. Its disgusting how they rip-off the poor. If they miss one payment they forefeit all their payments and the price they pay is more than twice what the same thing can be bought for in a normal franchise shop on credit.

I now buy it for them cash and deduct their salary until the goods are paid for and tell them to never go to such shops again, to ask me and I will buy it for them. Im not suprised the poor get fed up of being cheated and torch the place. Cant say I feel sorry for these people either.

Ezekiel 18:13 - He lends at usury and takes excessive interest. Will such a man live? He will not! Because he has done all these detestable things, he will surely be put to death and his blood will be on his own head.[28]

In response to the viewpoint that South Africans had benefited from the generosity of other African countries during apartheid, some commentators stated that there was a possibility that the South African exiles were equally victims of xenophobia. Some also argued that the exiles were different from the foreigners living in South Africa because they did not go to other countries as economic refugees, and that the exiles were fleeing, not for greener pastures, but to draw attention to their plight. One commentator with such a view stated:

Most of the amakweres aren't refugees from genuine hellholes like Darfur, Sudan. They're economic migrants from Zimbabwe and Mozambique. The same Zimbabwe which in which Mbeki has been aiding and abetting and hand-holding the tyrant Mugabe for a decade as he lays waste to his economy.[29]

In response to calls for a solidarity march against the attacks, some commentators claimed that it was better to march in protest against illegal immigrants and not against the violence as they (immigrants) constituted an invasion of the country. Some argued that South Africans could not be made to suffer the consequences of Zimbabweans' "wrong" electoral decisions. One

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[27] Posted by „Busi" on May 14, 2008, at 3:11 pm
[28] Posted by „Consulting Engineer" on May 28th, 2008 at 12:08 pm
[29] Posted by „Jon" on May 27, 2008 at 9:42 pm

commentator claimed "these "refugees" voted for their governments. Again almost 50 % of Zimbabweans voted for Mugabe despite his terrible track record. Why must South Africans take the consequences of these people‟s decisions? It is because no-one in Africa is made to take responsibility for their actions that the situation just gets worse and worse".[30]

Some commentators stated that migration was a problem and South Africa had not handled it well. One commentator, „Eagle‟ asserted that the foreigners migrating to South Africa were a burden on the economy unlike the "White refugees" from South Africa who went through the full immigration processes of their host countries and became a contributing force to the economy.[31] Another commentator stated:

> In a country where there is high unemployment,poor education,racism,HIV, Aids orphans, rising food prices leading to hunger…decency and morality tends to be reserved for the priviledged.
>
> I dont know why we are all suprised at this. Which country has the capability of accommodating the whole world when it does not have enough resources for its own people?Its simply unsustainable.African, Chinese, Indian, European…everyone who is not skilled and is not paying tax must be sent home.Zimbabweans should be considered as refugees and we should create camps for them near the border. Punish employers who employ illegal immigrants and atleast 90% of the staff must be South Africans.We need solutions not condemnation and whining???We dont have the time to do silly things like holding hands and hugging, immigration is a problem and it is causing these social problems. Put yourself in a poor South African‟s shoes - you have no house, no job, no money,or even orphaned.Your own children died for this country so we could have this freedom,before you even enjoy it there are millions of people who come into this country and who dont understand your struggles but are here to live in these RDP houses, and have that job as a maid/waitor/petrol attendant and have not sweated for these opportunities. This is the issue, but has anyone bothered to listen to the poor people…NO…cos our thoughts are more important than the realities of the poorest South Africans. We feel better when we condemn without LISTENING!!![32]

As noted at the outset of this subsection, within the category, national interest was sometimes constructed in arguments opposing the violence. Some commentators were concerned about the country‟s image and argued that the attacks did not paint a good picture and could jeopardise

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[30] Posted by „Eagle‟ on May 28, 2008, at 3:38 pm
[31] Posted by „Eagle‟ on May 30, 2008 at 4:13pm
[32] Posted by „Mo‟ on May 20, 2008, at 10:17pm

2010.[33] Others also asserted that if the attacks continued, South Africa once again risked being isolated by the international community (as was the case during apartheid). There was also concern by some commentators that the violence might lead to South Africans living abroad getting attacked by the citizens of their host countries. Generally, however, the theme of national interest was used to motivate support for the attackers.

5.2.3 Race and race relations

Grouped under this category were comments that based their argument(s) on race. There were a total of 69 such comments appearing in nine out of 19 blogs. This is the category that had the least number of comments in it. This category was different from the others as it did not strictly fit with my central focus (xenophobia), but its inclusion at the point of category formation was necessary to the identification of prima facie policy violations. I needed to look at all hate speech in the context of the xenophobia blogs and discourse, and that included racial hate speech. I, therefore, categorised it and attempted to identify whether prima facie it could count as xenophobic comment.

Some of the commentators within this category claimed that xenophobia was a euphemism for something else. One claimed: "Xenophobia sounds like euphemism to me mate.
How about: a hideous example of the inherent racism of black South Africa? …anyone?"[34] A supporting view was that the word racism was being avoided because it would debunk the more commonly held view that black people were victims rather than perpetrators of racism. "No, its just in psychological denial that Black people can be racist, since that means that they cant blame White people anymore. And have to start addressing the issues of poverty and crime. Notice how everybody is refusing to use the word "Racism" and is playing word games rather than address the problem".[35] A related argument was that white people are labelled racists too quickly and sometimes unjustifiably so, yet no such label is put on a black person no matter how obvious the case. Some commentators further asserted that after the attacks, black people needed to "shut up" about white racism.

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[33] South Africa was preparing to host the FIFA soccer World Cup in 2010. It was especially significant because the country was set to be the first from the African continent to host the event in its 80 year history. The event was being promoted as „an African World Cup" and „Africa"s time", among others. The xenophobic violence was therefore contradictory of the „united Africa" image the organisers were trying to portray to the rest of the world.
[34] Posted by „MW" on May 14, 2008, at 11:57 am
[35] Posted by „Alistair Budd" on May 16, 2008, at 1:36am

Another assertion was that black South Africans are inherently racist and feel superior to all black people from other parts of Africa. That it was not just poor people but even middle class black South Africans who had a hostile attitude towards black African foreigners. One commentator claimed:

> The main problem is black south africans have a superiority complex when it comes to where they stand amongst other black africans. Xenophobia in South Africa should not be described as "fear of foreigners" it should be defined as "black south africa"s hatred for the rest of black africa". I don"t understand why white foreigners from Europe or America never face any heat from black south africans as opposed to the black africans who are always hounded. It does not matter whether you are in the townships or in sandton, whether you are rich or poor, as long as you are a black foreigner you will always experience the xenophobic hatred. The truth of matter is that alot of black africans who come here no what hard work is, they are go getters who make the most of their opportunities. While alot of black south africans especially in townships sit around drinking their problems away or complaing about lack of employment and not being innovative about solving their problems. Then they have the temerity to wonder why some of these foreigners are moving up and leaving them in gear one. For instance, look at some of the somalians who opened up shops in soweto and started making a decent life for themselves. If someone can come from a far away land and be innovative in how they survive, what more for a person who was born here. One of the biggest tragedies of apartheid is that it left the black population of south africa in perpetual protest mode. Instead of looking for solutions to solve problems of crime or unemployment they are always protesting. If the protesting does not work then they resort to violence like in Alex. If all black foriengers in this were to be kicked out of SA, how many teachers, nurses, doctors or accountants would be left. For those who don"t know SA faces a serious skills shortage because of the lack of vision from this government. Foreigners who are well trained from countries like ZIM and Zam help to aliviate some these shortages which are dire. Until someone shows me credible statistics that prove that the majority of criminal acts in this country are done by foreigners, that line of thinking to me is complete BS. The police have to show me the evidence before such sweeping generaliztions are made.[36]

Another argument within the category was that the lives of black people were not valued in South Africa and that the courts of law proved that in their leniency when sentencing murderers whose victims were black. A counter-argument to this was that the murder of black foreign nationals was receiving more attention than the "regular murders" of white farmers that were allegedly played down and sidelined by authorities and main stream media. One commentator with such a view wrote:

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[36] Posted by „Jack Mufana" on May 15, 2008, at 4:09am

Ethnic cleansing? Oh please. 43 killed in 2 weeks.

Given the number of murders each day in SA, this is hardly ethnic cleansing.

Why not look at white farm murders? 333/100 000 per year. That is more like ethnic cleansing.

Or is it only important when some foreign black dies, who cares about whitey? Why dont the people whose heart bleeds over the xenophobe victims pay similar grief to white victims? Why are black foreign victims played up but white victims played down? There is a name for that: Bigotry.[37]

Another frequent assertion was that after the foreign nationals were all driven out, the attackers would turn on white South Africans. One claimed: "Whites are considered as "foreigners" too. If you read today"s history books, so called "Europeans" are far more foreign than native "Mashonalandeans". As daily life increases in hardship, so will animosity to "the others". This will, eventually (if it does not already), include white people. Pack your Cellini bags, sell the Porsche, and run".[38] Supporting claims were that if they could kill their „black brothers" and „sisters", then they would definitely kill white South Africans if they felt that white people needed to share their wealth more equally. Similarly, some commentators argued that even middle class black South Africans could be at risk should the attackers decide to group their victims under a different banner. "So where does all of this xenophobia leave the whites in this country. Should we be worried? If blacks can do this to their "brothers", what will they do to us when they feel that we should be sharing wealth more equally in the country? One difference though… we have no passports, and our options in a fight or flight scenario is very limited," one of them wrote.[39] Another commentator wrote: "...To quote Minister Dhlamini-Zuma: „…We have more Swazis in South Africa than in Swaziland, many more Batswana here than in Botswana and more Basotho in South Africa than in Lesotho. ….."Should these be sent packing as well ?? What about the Dutch…. oops ! sorry i mean Afrikaners".[40]

Others, however, argued that white South Africans had no need to worry about becoming victims. One of the commentators asserted:

[37] Posted by „Consulting Engineer" on May 15, 2008 at 11:54 am
[38] Posted by „Doug from Holfontein" on May 14, 2008, at 5:22pm
[39] Posted by „GS van Zyl" on May 28, 2008, at 1:37pm
[40] Posted by „Jerry" on May 20, 2008, at 12:36

The sceanrio with whites is different. As Lyndall says, it was orchestrated with a political motive.

There is no vested interest to get rid of whites. It would have far greater reprecussions than the xenophobia.

Whites are like sheep, best fleeced than expelled outright. There is more to gain from crime against us than mass expulsion. Expulsion of whites didnt help Bob did it? But BEE is a far more profitable way to steal from whites line pockets.

The foreigners were actually parasitic, using up scarce resources in the townships, competing etc. Whites don't compete with Blacks on that level. Our taxes support them. The foreigners not.

If you are worried, there are camps to train white youth. All the skills they will need to survive. Come for a family day. Not all of us will run. Some of us love it here. It is our homeland.[41]

Some commentators argued that post-apartheid South Africa was still racist citing such government policies as Black Economic Empowerment (BEE) and Affirmative Action (AA) as examples of inverted apartheid-style race based discrimination. One commentator claimed that "[t]he ANC government's racist policy of AA & BEE fosters hatred amongst people, just like the Nats apartheid did. Mbeki and most ministers carry on about racism like a one string banjo - Unless they stop this racist nonsense the next thing will be attacks on indians, followed by whites. We have swopped a white racist government for a black racist government. The future looks bleak".[42] This line of argument was countered by another line that accused white South Africans of missing apartheid and being bitter about its abolition.

One commentator stated that labelling xenophobia as triggered by the economic hardships faced by poor South Africans was another "excuse to rob the whites".

What is there not to understand? Here are a few more questions.

With only 4 million taxpayers out of 55 million and 50% unemployment, how can this country be expected to support another 3 or 4 million foreigners, more than the entire white population and taxpaying population?

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[41] Posted by „Consulting Engineer" on May 28, 2008, at 3:22pm
[42] Posted by „Dennis" on May 14, 2008, at 9:42 am

Taxation for white business owners already exceeds 100%, how can we be expected to support our neighbours as well?

If a person votes certain politicians into power why must they have the option of running away when those politicians do the predictable thing? Why are they not expected to stay in their country and reap the whirlwind which they have sown? Again Mugabe has been given a lifeline simply because almost 50 % of Zimbabweans voted for him YET ANOTHER TIME, whilst we have almost 3 million Zimbabwean which now have to be supported by the SA citizen.

Politicians in South Africa are constantly and frantically legislating every white owned asset in South Africa so that they can legitimate the theft of it, ostensibly to give to the "poor" who do not have enough housing, jobs, food, etc. yet the black population is increasing at the rate of 1 million per year. How is the harboring and nationalizing of foreigners going to improve this situation?

Again the dim-witted Politically Correct are meddling with issues which they do not understand, only to bail out when things go wrong – AS THEY WILL.[43]

There was also discussion of why only black nationals of other African countries were being attacked when there were many other non-black foreigners living in the country. Some commentators saw the violence as the beginning of even worse things. One of them foresaw a civil war:

Michael old chap,
I like your bluster and flashes of honesty.
But flashes are not enough, is it?
When we Afrikaners warned one and all that an ANC government spells disaster, liberals like you scoffed and bandied about expressions like "laager mentality," "bigotry" and "narrow-mindedness."
Fourteen years ago we mapped out the steps of the decline into anarchy. We said there will be a time of phony prosperity while the carcass left by the previous government is being consumed, followed by economic collapse because of administrative ineptitude and pure, disgusting greed. This, we said will cause discontentment and ultimately utter shambles. From our perspective we predicted the next step will be wholesale hatred towards white people, especially Afrikaners.
This, as we speak, is the next step on the melancholy map we drew.
This government and the liberal media – Afrikaans, English and other – has been unrelenting in painting the Afrikaner as some kind of monster and it is done in the language used to prep the Rwandan genocide.
Now, fourteen years into the process, after we have been right every step of the way, you do not have either the honesty or the fortitude to admit that we were right.
Now you are pinning your hopes on some airy-fairy change of the national mind.

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[43] Posted by „Eagle" on May 22, 2008, at 10:57 am

In fact, things cannot get better. Inevitably economics and politics are indivisibly intertwined. If one compares the perspective of the eminent Harvard Group with the reality, it is clear that this economy is irrevocably shot.
There WILL be a severe food shortage next year.
I suggest you learn to speak Afrikaans. Today's xenophobic violence will escalate into tomorrow's civil war. Your skin will be your uniform. And we Afrikaners are not so xenophobic as not to allow you into our laager.
Personally, I would love to be wrong, but I'm not. If, however, some miraculous, enormous social revolution proves me wrong, I'll be out supporting Bafana Bafana at the SWC with gusto.
I'll gladly, loudly and insistently admit that I was wrong.
Will you?[44]

This category had comments that based their arguments on race, and some that the study felt could be potentially problematic in terms of *M&G* policy on xenophobic speech.

5.2.4 The Government is to blame

Grouped under this category were comments that blamed the violence on the government. This category had a total of 129 comments in 17 out of 19 blogs.

One of the foremost arguments was that the South African government's inaction in Zimbabwe[45] had backfired with millions of Zimbabweans fleeing their country and moving to South Africa. Most commentators argued that the government's failure to take action against Zimbabwean President Robert Mugabe was contributing to the crisis in Zimbabwe and the resulting mass migrations. Some further argued that if the government stopped protecting Mugabe and if political reforms happened in Zimbabwe, millions of citizens would go back and stop causing destabilisation in South Africa.

Some also claimed that President Thabo Mbeki's statement that there was "no crisis in Zimbabwe" also made it difficult for South Africans to empathise with Zimbabweans as they did

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[44] Posted by „Gustav Venter" on May 26, 2008 at 7:57pm
[45] Thabo Mbeki's mediation efforts in Zimbabwe were criticised as ineffective by some people. They claimed that tougher and more public action against Mugabe could have been more effective than Mbeki's "quiet diplomacy".

not understand why they could not stay in their own country.[46] That, they predicted, would lead to more attacks in the townships.

One commentator asserted: "[t]his is a deep, dark hole, which is only going to get deeper and darker unless the Zimbabwean people have a better reason to stay at home, then they have to flee here. And we all know what that means. It means fixing the disaster up north which has been brewing for years. It means regarding the Zimbabwean issue as a national emergency. It means giving the Zimbabweans - those here, those there, and those crawling under fences - hope. But there is no crisis, and does not look like there will be one any time soon either".[47]

Some proposed that the solution lay in government acknowledging that there was a problem in Zimbabwe and it was negatively affecting neighbouring countries. A commentator with such a view said stated "so long as there is a lack of willingness to admit that Zimbabwe is burning and blemishing her neighbours, refugees-economical and political- will continously make the great trek down south, and attacks such as the ones in Diepsloot and Alexandria will continue".[48]

Others claimed that Mbeki's "quiet diplomacy" was an example of how African leaders often failed to make right decisions because they were constrained by their desire to return favours from the past. Another recurrent theme was that the government had handled migration very poorly. Some commentators put forward that South Africa had porous borders and there was no effort, on the part of government, to limit the number of foreigners coming in.

> I suspect that the simple fact of the matter is that Government simply has no idea how to deal with the flood of people entering South Africa from the north. As is the case with all the other areas which are being mismanaged it would be unrealsitec to expect any improvement.
>
> Some years ago I saw statistics prepared by the UN on expected growth patterns in various African countries. I no longer have these but I recall the broad dynamics. The trend in South Africas local population was negative mainly because of AIDS. I seem to recall population declining from about 45 million to less than 40 million by 2020. In

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[46] Mbeki was widely criticised for saying there was no crisis in Zimbabwe amid suspicion of electoral fraud after results were not released two weeks after the presidential elections in Zimbabwe. He was accused of being flippant about a critical situation.

[47] Posted by „Bruce" on May 14, 2008, at 2:33 pm

[48] Posted by „Arnold F Bimha" on May 15, 2008, at 1:45pm

contrast the trend in some West African countries was very strongly positive. It does not take much brain power to work out that much of the northen population growth will be displaced into South Africa. By extrapolation, a situation could arise where "foreigners" outnumber locals in the not to far distant future. Ponder that!

<mark>An "unstoppable tsunami" in the making and one wonders if Government is even aware of the dangers to their grip on power?[49]</mark>

A related assertion was that the government was causing the xenophobic violence by allowing economic migrants when the country already had high rates of unemployment and abject poverty among citizens. "[T]he government is creating this problem. If we have 25% - 40% unemployment, and abject poverty, allowing huge numbers of economic migrants into our country to seek work is ridiculous. We need entrepreneurs and investors, not extra mouths to feed. Meanwhile we are chasing away skilled workers en-masse".[50]

Another commentator claimed:

> We are carrying coal to Newcastle - preaching to the converted.
> The ANC is highly qualified and are masters at "ignore it ..then it will go away." There are no crises in RSAl. Why all the fuss and bother? "Its taken out of context." "If you don't like it - just leave."
> Transform, transform is the anthem of the African Renaissance that has turned into our African Nightmare.
> They got rid of qualified people at disgusting speed, appointed cronies, and left the country to get on with it.
> All it has taken is 14 paltry years for the wheels of centuries of progress to grind to dust. ANARCHY is being given birth. Desperate people do desperate acts. I do not blame them as I understand why.
> The SAPS are pathetic and already there is talk of bringing in the army.
> That, to me, interprets as MARTIAL LAW. de ja vu …. Hey, the Nats did that did they not?
> To restore order per se. How far have we progressed after all the sacrifices made by the dead heroes?
> A militarised democracy at war with its people.
> Nice welcome for 2010 no shows and tourists drying up.
> The ANC demands people stop their criminal actions, unite against crime, go to bed early, eat garlic etc., and forget about health services, road maintenance, poor people dumped on farms and left to rot in ignorance without any support. Citizens have died in their millions and its increasing - who cares? not the ANC. WAKE UP South Africa.
> There is no way in hell that this catastrophe can be solved by the idiots who created it.

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[49] Posted by „anton Kleinschmidt" on May 14, 2008 at 11:06am
[50] Posted by „amused reader" on May 14, 2008, at 2:56pm

A Commission will be appointed and deliver a lengthy tome in 3 years time as to why
there is no longer a peaceful southern tip of Africa.
I am shocked, disgusted and repulsed by the ANC leadership {leaders? a misnomer} at
their heartless, callous, cruelty inflicted on the poor, vulnerable and trusting people who
voted them into power.
And will do so again! The African tragedy.
They were warned years ago about the flood of immigrants pouring into the country. NO
problem!
The list goes on and I am exhausted thinking of the snowballing disintegration of my
country.
The ANC are so proud that they can host 2010 and keep that on the front burner whilst
South Africa is crumbling.[51]
A militarised democracy at war with its people.
The immigrants have my full sympathy but so too do my fellow citizens who are
overwhelmed and justifiably feel threatened by the inaction of the ANC.
They say they are doing the government's work.
The nation is, indeed, extremely angry and will take action that leads towards anarchy.
I anticipate the dam of anger bursting.
QUO VADIS[52]

Some argued that the ANC under President Mbeki had become indifferent to the plight of the
poor and that their daily problems went ignored. They argued that there were corrupt government
officials who took bribes from foreigners and helped them take over what was supposed to
belong to citizens e.g. tenders, businesses.

One commentator asserted "...I hope goverment will sit up and take notice. I think the foreigners
that are here to cause trouble like the infamous Nigerians in Joburg. they need to go, they should
get beaten up. Poor innocent refugees, people that are running from danger at home needn't be
treated like this. I am extremly ashamed at the fact that it is black people, we come from a past of
segregation, we should be the first ones to oppose this. Intervene Mbeki!!!,… he is probably out
of the country as always".[53]

To a blog article that asked whether readers felt the government cared for foreign residents at the
expense of citizens, a commentator responded:

   The government supports nobody but its own family and cronies.

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[51] Refer to note at 23 for explanation of „2010".
[52] Posted by „Melda van Loggerenberg" on May 14, 2008, at 5:23pm
[53] Posted by „Sebe" on May 15, 2008, at 3:47pm

Having listened to many people reporting their experiences from within Alex it seems that the attacks are being committed by a bunch of unemployed youth who live in hostels. And its not about jobs or resources: These youngsters, according to many callers to radio stations, could not compete in the job market with all the foreign artisans, nurses, entrepeneurs they attack, because the youth are illiterate and unskilled (thanks to 14 years of zero education)

For 14 years we have neglected the children in this country. Hundreds of thousands of feral children have now grown up. We are now reaping the whirlwind of 14 years of National Child Neglect. Instead of welcoming fresh generations of engineers and nurses and teachers and carpenters we are on the brink of being swamped by a generation of Feral Adults.

I believe this violence will spread beyond foreigners. Gone are the days when your car is hijacked by 2-3 feral youth, or your home invaded by a handful of illiterate criminals. Imagine being hijacked by an army of 40 savage youths? …or being ransacked in your home by such a feral army? Welcome to the new age of Total Onslaught by millions of previously disadvantaged children who have now come of age with a total absence of moral or value for life.

The sick irony is, these children grew up in the New South Africa. Mandela‟s Children, they are called.[54]

Some asserted that poor people were angry and frustrated and the violence was, therefore, their reaction to government being out of touch with their realities and needs.

One commentator asserted:

> These attacks on Zimbabweans area long time incoming. For years business owners have employed Mozambiqcans and Zimbos before local South African people . For purely capitalist reasons I beleive. They were/are willing to work longer ,harder and smarter than Zulu boys and didn‟t come with the unions and unfair dismissal isssues. And you could pay them less .
> Now as times get harder the crunch has come .Its really economic warfare by another name.
> Crime is perpetrated by all sectors of society be it the white‟s indulging in tax fraud,dealing in stolen scrap metal , blacks hauzering or raping or blowing up ATM‟s or anyone else who drives around without a numberplate. Its just easy to blame Zimbabweans instead of everybody else.
> However a strong message should have been sent long ago - this is OUR land not yours . If you want to come here obey the law or face punishment be it individually or collectivly.
> This is all really the fault of government for not protecting our borders , enforcing the law and through their total lethargy and cowardice in failing to deal with the ZANUPF dictatorship.

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[54] Posted by „Belle‟ on May 15, 2008, at 5:39pm

==As for the so called Xenophobes , they are fine in my books as they are merely doing in a more drastic and desperate manner what government should have done long ago.==[55]

Another commentator made similar claims:

> The events in Alexandra, in my opinion, cannot just be pure xenophobia: a true fear of strangers. If that were so, these events would have taken place many years ago. The fact is, they have been neighbours with these people for years and nothing has happened in that time. I think the state of the economy and the hardships that they are   facing has to be the source of their xenophobia.
>
> The ANC under Mbeki has developed a deafness and blindness to hear and see the plight of the people in this country. If they had truly been a party of the people, people in communities like Alexandra would not feel as alienated as they do now.
>
> As a result, I honestly think that this is a political problem that can be addressed by a demonstration of leadership from the people in power. With the transition that we are going through right now, I fear we are in a very sticky place. We are in dire need of leadership. NOW before worse happens!![56]

Some commentators argued that concern had been raised years earlier that xenophobia was growing in South Africa and was a problem but government denied it. One claimed that the government never took responsibility for any of its "inactions":

> I blame the ANC for this. They knew there was a crisis years ago and what did they do? Nothing. Mark my words their usual bullshit of blaming someone else will be the order of the day. Ever noticed how they never take responsibility for any of their own inactions. The ANC no longer represents the people, they are a party of posers of bourgeoisie wanna be‟s. Well Mr Mbeki now that there is no crisis in Zimbabwe I suppose by your standards there is no crisis in Alex, just a few people dying. The ANC is a disgrace. They should spend less time singing and shooting their members and more time doing their jobs. Otherwise they too will be replaced by more skilled foreign workers 🙂[57]

Others argued that the violence had been a long time coming and could have been prevented had government done something about it.

A commentator posted the following:

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[55] Posted by „Roy Fenton‟ on May 15, 2008, at 7:39 am
[56] Posted by „Bonginkosi‟ on May 14, 2008, at 3:10 pm
[57] Posted by geejay on May 15, 2008, at 8:50 am

many people are accusing the perpetrators of this phenomenon but i have not read about one who is directly pointing a finger where it is supposed to be pointed.

the issue of foreign nationals and those that are here illegally has long been ignored by the ruling party as they put it lower in their list of national priorities. it was obvious that the issue was slowly brewing into a crisis of epic proportions but the priority was to hold on to power or remove someone from power, which had little impact in terms of National security and foreign investor confidence, not to mention 2010.

what efforts did the government take to control the inflow? nothing. the man on the street is expressing his or her lost confidence in the State and decided to do it the old fashioned way. there are calls now to stop these but rest assured that those calls are going to fuel the situation even worse. there are silent communities with large numbers of these foreigners and they were waiting for something like this. God help our country as it will be engulfed in this vicious circle of violence.

my point is, the government is to blame and not the ones chasing these foreigners away. they were driven to this decision by lack of decisiveness from those they call leaders in government.[58]

Some claimed that it was convenient for the government when poor people blamed foreigners for lack of service delivery. Others also claimed that the government was condoning the xenophobic violence through its inaction. Several commentators expressed general dissatisfaction with the ANC government with some claiming that it had only taken 14 years of its rule to undo centuries of progress and give rise to anarchy.

The situation is serious, a crisis not matter whether we get the oft-repeated ministerial "We have no crisis"....

To look at an old quote, "Sow the wind, reap the whirlwind", one can see how policies of the present governing party both pre- and post-election to power in 1994 give credence to this. Education boycotts lead to long-term unemployability and crime. Failure to implement refugee management and support leads to xenophobic violence. Failure to secure electoral justice in Zimbabwe leads to a flood of economic refugees. High-level corruption leads to a loss of respect for the law. Failure to administer justice leads to rampant and barely containable criminality. Shackling the economy with BEE and other constraints increases unemployment. Failure to deal with HIV/AIDS depresses the economy by decimating the most productive demographic.

Government's failure to address the issues of the day pro-actively causes and will continue to cause the stresses and conflicts that are manifest in Alex. High food and energy prices can only inflame the feelings where flashpoints occur. I think xenophobia is a symptom of a deeper and wider malaise that is the whirlwind that SA is reaping from decisions and strategies dating back over 20 years, and compounded by decisions made in the last few months. Apartheid caused or encouraged the policies to be adopted, no doubt,

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[58] Posted by Letsiri Phaala on May 20, 2008, at 11:32 am

but that excuse is wearing thin now and doesn't help us any more with the crises of the day.[59]

Some argued that the ANC president Jacob Zuma needed to clarify to his supporters whether or not he had really said that he would expel foreigners, and that it was suspicious that the attackers were singing "his song".[60]

One commentator claimed that some government policies prevented black foreigners from being integrated into South African society.

> Despite all the public condemnation and outrage, what is happening in South Africa is not a suprise to many of "black foreigners" leaving in this country. Both Mandela and Mbeki governments through their policies have not helped black foreigners be integrated in the south African societies. And this despite the self gratification and lip service of African renaissance proned by Mbeki outside of South Africa.
> Just check how long it take a black foreigner to get a work permit, permanent residency or even a refugee status from Home affairs. How many Indians or Caucasians have waited for 5-10 years just to get a permit? Blacks children born in South Africa, from black foreigners are not allowed to have the South African birth certificate. Ask your leaders who lived in Europe or USA about the status of their children born in those countries.As long as the government does not see the needs to integrate law abiding and legal black foreigners into the overall system , I am afraid that anyone will used them as scapegoats for the many of South Africa social ills. Some politicians are saying that it is not "South African to attack black foreigners". Well, the reality is that along the years, the same politicians have been quiet in condemning policies deemed unfair to black foreigners and this despite condemnations by UN and other Human Rights bodies in the country.[61]

The comments in this category blamed the xenophobic violence on the South African government.

5.2.5 Miscellaneous

There was a significant portion of the sample that did not fit in any of the categories but the themes present were not recurrent enough to merit the creation of new categories. The categories that I worked with were present throughout the sample. This category therefore is where all once-off topics, off-topic comments, and incoherent comments were categorised. There were a

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[59] Posted by „Philip" on May 14, 2008 at 11:18 pm
[60] Jacob Zuma had popularised an apartheid struggle song titled *m'shin'wam* which translates as bring my machine gun.
[61] Posted by „Pete" on May 16, 2008, at 6:10pm

total of 241 comments in all 19 blogs. Because the commentators were largely the same throughout the sample period, some had developed familiarity with each other and would come on the blogs to chat about personal matters such as where they grew up, where their children spent their holidays, how they earned their living, what sports teams they supported, and so on. All such posts were placed in this category.

5.3 Conclusion

This chapter has presented the findings of this study. It has described the data obtained from the documents that inform *M&G* moderation and the *TL* readers‟ comments that formed the bulk of the sample. Apart from giving an idea of the overall debates and reasons that were put forward during the violence, this chapter has also presented some comments and forms of language use that were identified by highlights as prima facie contradictory of the *M&G's* standard on hate speech and inflammatory speech. These are the comments that will now be analysed in detail in the next chapter.

CHAPTER SIX

INTERPRETATION OF FINDINGS

6.0 Introduction

The foregoing chapter presented a description of the study‟s findings, and this chapter presents a further description and interpretation of the same. The analysis will be informed by the theoretical framework and methodological assumptions (chapters two, three and four), and will be conducted in line with the aims and objectives of the study. I use framing and argument analysis in depth to analyse in this chapter all the texts that can be identified as, prima facie, contradictory of the *M&G* policy in the foregoing chapter.

The chapter is divided into four sections, and is presented in the following format: the first section presents a description of the data collected from M&G policy documents and one individual interview, it has a sub-section which interprets the *M&G's* standard on hate speech vis-a-vis xenophobic speech; the second section presents a brief analysis of the thematic categories presented in the foregoing chapter; the third section has two sub-sections with the first one presenting an in-depth framing and argument analysis of five problematic comments in conjunction with two *M&G* moderators‟ views, and the second one presenting a further analysis of problematic phrases and words from the overall sample. The chapter ends with a conclusion which presents a summary of the interpretation of findings. The conclusion also presents a reiteration of the chapter‟s overall argument that some of the readers‟ comments that were posted on *TL* blogs on xenophobia, and approved by moderators, articulated a range of discourses that constructed foreign residents in problematic ways in relation to the *M&G* policy on hate and other problematic speech.

The next section presents an overview of the contents of the *M&G* policy documents that inform moderation, namely: *TL* comment guidelines; the privacy policy; the acceptable use policy; the South African Press Code; and the Internet Service Providers‟ Association (ISPA) code of conduct. The South African Constitution[62], particularly section 16, and the Equality Act, also informs *M&G* moderation. International law also applies in terms of the paper‟s express

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[62] The sections of the Constitution that the *M&G* draw on in their moderation practice have already been discussed in chapter two of this study.

commitment to operate within such parameters. The section also presents data from a pre-analysis interview with the chief moderator during the sampled period.

6.1 *M&G Online* Policy documents

The contents of the policy documents that inform *M&G Online* moderation practice have been discussed in more detail in chapter three (theoretical framework and literature review) of this study. The brief reference that will be made to them in this section is to merely reiterate their position on freedom of expression, hate and other problematic speech including xenophobic speech.

The acceptable use policy sets out limits on the freedom of expression that readers are allowed on the site. It prohibits discrimination based on race, gender or religion, among others. It further prohibits hate speech or speech that is designed to incite violence or hatred or threats to cause bodily harm. The policy reiterates the *M&G's* commitment to upholding the constitutional provisions of freedom of speech and expression, access to information, privacy, human dignity, religion, belief and opinion, on condition that these rights are within lawful purposes. The platform commits itself to limit these rights should their exercise threaten to cause harm to another person or affect the integrity of the website. The Constitution itself prohibits unfair discrimination on the basis of birth i.e. nationality.

Further, in cases where such content has already appeared, the paper has also committed itself to pull it off the site as soon as it is discovered (e.g. through a complaint by readers). Each posting has a clickable "Report Abuse" button, and the persistence of content on the site presumes that either the readers have not seen fit to use it, or that moderators have cleared the item to remain online even if there have been complaints.

The comment guidelines prohibit racist, sexist or homophobic speech, and warn that comments containing elements that can be interpreted as such will not be published. The guidelines also prohibit legally problematic speech such as comments that can be interpreted as defamatory.

As a member of the ISPA, the *M&G* is bound by the association‟s code of conduct and its provisions also inform moderation. The code obliges all members to respect their users‟ constitutional right of speech and expression. The *M&G* is also obliged by the Press Code not to

publish any material which amounts to hate speech. The Code's position on freedom of expression and its limit is based on section 16 of the Constitution. By virtue of being a South African newspaper, the *M&G* is further obliged by the ICCPR (to which South Africa is a signatory) to respect the prohibition by law of "any advocacy of *national,* racial or religious hatred that constitutes incitement to discrimination, hostility or violence" (Article 20, my emphasis).

According to Riaan Wolmarans who was the chief moderator during the sampled period, the moderators based their interpretation of hate speech on the definition provided in the Equality Act. The Equality Act outlaws the publication, propagation, advocacy or communication, against any person, of words based on one or more of the prohibited grounds including birth (i.e. nationality), that "could be reasonably construed to demonstrate a clear intention to be hurtful; be harmful or to incite harm; and promote or propagate hatred" (Equality Act section 10 [1]).

"We tried to implement this as closely as we could to the proper legal view – that is, we did not come up with our own definition of hate speech, for example. This led to the removal of, say, comments that promoted hatred to both white and black people. Hate speech is illegal; therefore it would have no place on *TL*". [63]

The comment guidelines for readers were published online in 2007, at the same time that *TL* was launched. As the study is based on comments published in May and June, 2008, the discussion of *TL* moderation output will be limited to that time.

6.1.1 Interpretation of *M&G Online* policy documents vis-a-vis xenophobic speech

As has already been stated, the *M&G* prohibits, and commits itself to curb, hate speech, speech designed to incite violence, hatred or threats to cause physical harm, or which is discriminatory on the grounds of race, gender and religion (*M&G* acceptable use policy). It has also committed itself to uphold people's right to freedom of speech and expression, and, inter alia, human dignity. It has further committed itself to limiting (through moderation or complete exclusion of comments) any of these rights should their exercise undermine the rights of another person. This

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[63] Interview with Riaan Wolmarans, chief moderator on February 1, 2010.

means that the *M&G Online* should be, by its own standards, upholding the users" right to freedom of expression, but blocking or removing all prohibited content from its platform.

The *M&G's* position on hate speech is informed by the definition provided in the Equality Act.[64] As earlier stated in chapter two, the Equality Act introduces a broader definition of hate speech than is provided for in section 16 of the Constitution, and consequently places a further limitation on freedom of expression. This is so because as discussed in Chapter three, unlike section 16, the Equality Act also prohibits speech that qualifies as hurtful or harmful. It includes amongst its grounds the criterion of birth. When this definition of hate speech is applied to the grounds of nationality, it serves as the standard against which I measured the *M&G's* moderation output. This meant that some xenophobic comments that did not qualify as hate speech under the Constitution ended up being classified as such in my analysis due to the paper"s decision to adopt the Equality Act"s expanded definition as its standard. Some xenophobic comments qualify as speech that infringes dignity and equality. The interpretation of *M&G* policy on hate speech, dignity and discrimination, as reinforced by the gist of the South African Constitution and two international treaties, constitutes the criteria for assessing xenophobic speech as violations of one or more of the *M&G's* more general policy provisions. What follows in the next sections is analysis of xenophobic speech in terms of its relation to hurtful speech, harmful speech, incitement to harm speech, (unfair) discriminatory speech (i.e. equality violating speech), and dignity-reducing speech – all of which are problematic in terms of *M&G* policy.

6.2 *M&G Online* moderation output

As referred to in the foregoing section, *M&G* has committed itself to upholding the provisions in the policy documents on which moderation is based. The blogs on xenophobia attracted comments that necessitated a level of moderation to meet the standard of acceptability set by the platform. In his interview, Wolmarans mentioned that prior to the violence, *TL* was already home to several heated discussions of race and racism and some commentators had already been identified as ,problematic". He explained that those same ,problematic" commentators then came on board to also comment on blogs relating to the violence. "By then we had identified a small group of troublemakers and were able to keep a close eye on them and their postings".

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[64] Interview with Riaan Wolmarans, chief moderator on February 1, 2010.

With these insights foremost in mind, I conducted the analysis with the assumption that the moderators were aware of the potentially problematic nature of discourse on their platform and that they had kept a close eye on the postings and only let through those they deemed acceptable.

6.2.1 Thematic Content Analysis

This section presents a brief interpretation of the thematic categories as analysed through framing and argumentation. The categories are presented in the same sequence they appeared in the description chapter.

6.2.1.1 Morality: Solidarity with foreign nationals

This category was different from the others as it did not have evidence of any xenophobic speech. The comments were framed in a way that unanimously defined the violence against foreign nationals as the problem. Moral judgements were made to the effect that South Africans were ungrateful towards the countries that helped during apartheid, citizens were unable to compete in the job market due to laziness, and citizens were inherently violent and xenophobic, among others. The solutions proposed included a change of citizens" attitudes towards foreign residents and likely effects predicted included the assumption that other countries would not come to South Africa"s aid should need ever arise. As can be seen from the description in the foregoing chapter (see section 5.3.11), the category did not have comments that contradicted the *M&G* standards with regard to xenophobic speech. It did have comments that drew on existing stereotypes to make sweeping generalisations about South Africans that could be found problematic in terms of the paper"s policies, but that was outside this study"s goals and objectives.

6.2.1.2 National interest: Sympathetic to attackers

This category had a number of comments that can be classified, prima facie, as contradictory of the *M&G* policy. Within this category there was a constant conflation of the ,poor" and the attackers, and this could be seen in statements that framed the attacks as "the poor people"s response" to overcrowding and lack of service delivery. Most commentators positioned themselves in ways that could be read as not directly affected but still concerned, and they framed the foreign residents as a ,poor" people"s ,problem" that needed solving. On one level

there was an othering of poor people and a creation of an "us" (commentators) and "them" (poor people), and on another there was an "us" (commentators plus the ‚poor") and "them" based on foreign nationality. Foreign residents were referred to as a collective against a collective of South African citizens.

There was a general feeling that the presence of foreign nationals was not desirable as it was not in the best interests of the country. The likely effects predicted in the event that foreigners were allowed to stay were that South Africa would not develop, citizens would get outnumbered by foreigners and poor citizens would always maintain their low economic status. It follows that the main solution proposed in the category was that foreigners return to their countries. While this is not contradictory of the *M&G* standard in itself, and can be argued to be the citizens" right to express concern for national interests that they consider threatened, the overall emphasis on generalising and presenting foreign residents as a ‚problem" could be argued as exhibiting xenophobic sentiment. Consider the following comment reproduced from the preceding chapter:

> The things I heard some so-called leaders speak made by blood boil. now, stop and think for a inflation-busting-interest-raising minute: if you like me are a township dweller, open a hair salon, apply for loans, get expensive equipment set up, market yourself to attract customers and employ 5 decent workers whose taxes you also pay, and after 3 months a handful of Zimbabweans without work permits set up an open-air braiding business on your pavement, what do u do?

> Or, you"ve been on the Council"s housing list for 7 long years. You"ve been living in your parents backyard and have two toddlers who need rooms of their own. You work as a shelp packer at Pick & Pay and you therefore earn peanuts. In the 8th year, you discover when you enquire about your position on the queue of people to be rehoused that priority for government houses will be given to the shack dwellers in a feld nearby. A huge amount of them is Zimbabweans and Mozambicans with false RSA ID"s. They have among other things blocked your township"s sewerage facilities, they have destroyed many useful facilities in the area. How do u feel?

> Or you are a pensioner who worked all his life and live in a modest home in the township. You cant leave your property at night, incase you find your possessions stolen by people whose language you cant even speak. In your own street 6 elderly people have been attacked and one was killed by unknown people. It has never happened in the 40 years you have lived in your area that you dont know the names of at least half the families in your street. what is going on?

> The illegals must go, or they wont receive decent burials. I dont think RSA needs the presence of poor parasitic refugees roaming around. We will never develop as a country.

> Even America does not tolerate being overrun by other „brothers and sisters" from the adjoining continent.[65]

Such a comment puts forward arguments that can be read as potential advocacy for hatred or hostility against foreigners. This is because the arguments exhibit a reasonable intention to construct foreign residents as an obstacle to the welfare of citizens. Assigning them such a vilified place is a short step from making attacks against them seem justifiable and inevitable. The sentence "the illegals must go, or they wont receive decent burials" is particularly problematic with regard to *M&G* standards because not only is it outright xenophobic, it is also of a threatening nature as it suggests that death is the fate for the foreigners that will not leave the country. The unverified references to Zimbabweans and Mozambicans also unfairly vilify them on the grounds of nationality. This particular case of xenophobic speech counts as unfairly discriminatory and as infringing dignity as it can potentially reduce its victims" standing in the eyes of others. It is also potentially hurtful to the people concerned. Throughout the category there was a strong assertion that the foreigners being attacked were in the country illegally or had obtained residence permits through corrupt practices at the Department of Home Affairs. This assertion was compounded by repeated claims that were not factually backed in the postings such as that over 80 per cent of the foreigners are illegally in the country or that their residence permits are not genuine or that more than 10 million Zimbabweans are now in South Africa. These assumptions and use of bogus statistics were alarmist in a way that could incite hatred or harm as they can be argued to have the potential to provoke extreme reactions including violence against foreign residents.

It can further be read that attempts to justify the violence as a wrong *but* nevertheless effective way of getting the foreigners out of the country (which was the category"s unanimous proposed solution) were a subtle incitement to violence and harm. I presented one such comment to the moderators, along with four other problematic ones, and these will be discussed in the next section.

The repeated representation of foreigners as "parasitic" and therefore an economic burden can be read as an implicit advocacy for hatred and hostility against them. This is because constructing a

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[65] Posted by „Soweto by Starlight" on May 22, 2008 at 11:22pm

category of people as a „problem" can potentially introduce or enhance xenophobic sentiment and consequently their (foreigners) vulnerability as some people would feel justified to „solve" the „problem". This particular representation also contradicts the *M&G* policy as it counts as violating dignity and also unfairly discriminating on the basis of birth (nationality).

Overall, what was made most salient were the supposed negative effects of having foreign residents in the country. They (foreign residents) were unanimously framed as the problem. The moral judgements made included arguments that foreigners had brought crime, diseases and prostitution to the country, that they were „stealing" citizens" entitlements, and that there were not enough resources to share with them. These comments contained a latent xenophobia in themselves because the construction of foreigners as a general threat to the citizen"s wellbeing has the potential to incite hatred and/or violence against them (foreigners). As pointed out in the previous chapter, not all comments in this category were xenophobic as some commentators" „national interest" arguments were against xenophobia.

6.2.1.3 Race and race relations

The construction of national identity was not limited to South Africans versus non-South Africans as in other categories, but included a debate of who was South African in the first place. An "us" and "them" was constructed to include black South Africans as one group and white South Africans another. To reiterate a point made in the preceding chapter, this category did not strictly fit with my central issue of xenophobic speech. It did, however, have prima facie evidence of racial hate speech some of which had traces of xenophobic speech and that is what I focused on. Some comments perpetuated the stereotype of foreigners (implicitly black because counterposed to whites) as a burden on white South Africans. For example: "...The foreigners were actually parasitic, using up scarce resources in the townships, competing etc. Whites don"t compete with Blacks on that level. Our taxes support them. The foreigners not..."[66] Another commentator had a similar view: "With only 4 million taxpayers out of 55 million and 50% unemployment, how can this country be expected to support another 3 or 4 million foreigners,

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[66] Posted by „Consulting Engineer" on May 28, 2008, at 3:22pm

more than the entire white population and taxpaying population? Taxation for white business owners already exceeds 100%, how can we be expected to support our neighbours as well?"[67]

This representation of foreigners as parasitic has already been discussed in section 6.2.1.2 above. The assumption that none of the (black) foreigners were tax payers (unlike local whites) is a problematic generalisation as the commentator provided no factual basis for it. The issue of unverified statistics with regard to foreigners also comes in with figures being presented and no authority cited.

By emphasising racial differences, some comments can be argued to have been aimed at advocating hatred or hostility against white South Africans. For example, the reference to Afrikaners as „the Dutch" in the following sentence can be read as an implicit suggestion that Afrikaners are not South Africans and should be considered as foreigners. This can be argued to be a problematic representation considering what was happening to foreigners at that particular time. "...To quote Minister Dhlamini-Zuma: „…We have more Swazis in South Africa than in Swaziland, many more Batswana here than in Botswana and more Basotho in South Africa than in Lesotho. ….." Should these be sent packing as well?? What about the Dutch…. oops! sorry i mean Afrikaners".[68] Apart from bordering on xenophobic speech, this comment can also be read as discriminatory on racial grounds and potentially hurtful. There were other comments that made similar claims and constructed white South Africans as foreigners. "Whites are considered as "foreigners" too. If you read today"s history books, so called "Europeans" are far more foreign than native "Mashonalandeans". As daily life increases in hardship, so will animosity to "the others". This will, eventually (if it does not already), include white people. Pack your Cellini bags, sell the Porsche, and run."[69] In predicting attacks on white people and urging them to run, this comment can be read as alarmist and of a threatening nature. It emphasises race differences in its attempt to expurgate white South Africans on the grounds of descent, thereby violating equality in that some South Africans were implied to be foreigners.

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[67] Posted by „Eagle" on May 22, 2008, at 10:57 am
[68] Posted by „Jerry" on May 20, 2008, at 12:36
[69] Posted by „Doug from Holfontein" on May 14, 2008, at 5:22pm

Overall, the category had a number of other comments that contradicted the *M&G* standards of non-inciteful, non-racist and non-hurtful speech, but as earlier stated that was outside my study‟s scope of interest.

6.2.1.4 The Government is to blame

The commentators in this category framed the violence as the government‟s fault. What was made salient was the perceived failure of the government to meet the needs of the poor, control migration, and intervene in Zimbabwe‟s political and economic crisis. There was an overlap between this category and the ‚sympathetic to attackers/national interest‟ category (section 6.2.1.2) as far as representing the perpetrators of the violence as victims. Like in the other category, the rationalisations put forward conflated the poor with the attackers and collectively represented them as victims. One commentator justified the violence in the following post:

> This is all really the fault of government for not protecting our borders, enforcing the law and through their total lethargy and cowardice in failing to deal with the ZANUPF dictatorship.
> As for the so called Xenophobes , they are fine in my books as they are merely doing in a more drastic and desperate manner what government should have done long ago.[70]

Such a construction could be read as absolving the attackers of any wrongdoing and constructing foreign residents as a problem that somehow had to be solved. There were also a number of other comments that absolved the attackers of any wrong doing by justifying the violence as poor people‟s reaction to their circumstances; a revolt against government inaction and betrayal, poverty, unemployment, corruption in government, and lack of promised service delivery. The violence was further justified as a case of desperate people doing desperate things. By justifying the violence as an inevitable course of action, the comments qualify as hate speech that constitutes incitement to violence and to cause harm. One commentator claimed: "...my point is, the government is to blame and not the ones chasing these foreigners away. they were driven to this decision by lack of decisiveness from those they call leaders in government".[71] Such a comment can be read as approving of the violence against foreigners. Like in the

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[70] Posted by „Roy Fenton‟ on May 15, 2008, at 7:39 am
[71] Posted by Letsiri Phaala on May 20, 2008, at 11:32 am

sympathetic to attackers/ national interest category, the supposed threat that foreigners posed to citizens was emphasised in this category.

> I suspect that the simple fact of the matter is that Government simply has no idea how to deal with the flood of people entering South Africa from the north. As is the case with all the other areas which are being mismanaged it would be unrealsitec to expect any improvement.
>
> Some years ago I saw statistics prepared by the UN on expected growth patterns in various African countries. I no longer have these but I recall the broad dynamics. The trend in South Africas local population was negative mainly because of AIDS. I seem to recall population declining from about 45 million to less than 40 million by 2020. In contrast the trend in some West African countries was very strongly positive. It does not take much brain power to work out that much of the northen population growth will be displaced into South Africa. By extrapolation, a situation could arise where "foreigners" outnumber locals in the not to far distant future. Ponder that!
>
> An "unstoppable tsunami" in the making and one wonders if Government is even aware of the dangers to their grip on power?[72]

This comment advances an assertion that constructs foreigners as posing an imminent threat to citizens and the government. It violates the "hurtful" aspect of hate speech, and it can also be read as implicit advocacy for hostility and hatred against foreigners because it potentially encourages the need to remove this „danger". This comment was further consolidated by those that claimed that foreigners were economic migrants. For example: "[T]he government is creating this problem. If we have 25% - 40% unemployment, and abject poverty, allowing huge numbers of economic migrants into our country to seek work is ridiculous. We need entrepreneurs and investors, not extra mouths to feed." This adds to the already widespread assertion within the other categories that foreigners are an obstacle to citizens" economic welfare. It also violates dignity.

There were also a number of comments that presented unverified statistics such as millions of Zimbabweans were now living in South Africa. This is inciting to unfair discrimination and can potentially encourage action against Zimbabweans and other foreigners by threatened citizens.

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[72] Posted by „anton Kleinschmidt" on May 14, 2008 at 11:06am

One comment from this category is discussed in-depth in conjunction with moderators‟ comments in the next section. Selected problematic words and phrases are also discussed later in the chapter.

6.2.1.5 Miscellaneous

This category was not included in the analysis. This was due to the nature of the contents and the way the category was formed (see section 5.3.5).

6.3 Comments, Words and Phrases

This section presents an in-depth framing and argument analysis of selected xenophobic comments, words and phrases that, according to my analysis, were explicitly contradictory of the *M&G* standards on hate speech, discrimination/equality and dignity.

6.3.1 Comments

Presented in this sub-section are five problematic readers‟ comments and the moderators‟ – Keith Nicholls and Riaan Wolmarans – views‟ on them. The reason for presenting Nicholls and Wolmarans with these comments was to familiarise them with some of my preliminary findings and get their opinions on the same. I am introducing the moderators‟ views in this part of the thesis in order to assess their viewpoints and see if these might draw my attention to aspects and arguments not in my assessment. I therefore decided to do the final analysis of the comments in conjunction with the moderators‟ views.

Before giving his opinion on the readers‟ comments, Wolmarans, who was chief moderator, mentioned that he could not remember whether he personally moderated the comments in question and could therefore not comment on why and how a decision might have been made at the time. He emphasised that the problematic comments were published alongside blog entries that condemned xenophobic violence, and comments that were equally vociferous in opposing the violence. The study observed that these anti-xenophobia comments did indeed outnumber the pro-xenophobia ones.

"[The comments‟] possible incitement to violence – or lack thereof – should therefore also be seen against the broader context of the *TL* page on which they appeared," he said. He said the

platform had a provision for readers to complain about comments they considered unacceptable for different reasons, and that the *M&G Online* staff always acted on such complaints and took whatever measure was deemed necessary. "Unfortunately, due to a lack of human resources it was nearly impossible for staff members to give every single comment the same amount of consideration during moderation."

Like Wolmarans, Nicholls pointed out that it was no longer possible to know who moderated which comment or to even recall the specific comments in question. The interview was conducted during the period that South Africa was hosting the soccer World Cup and Nicholls mentioned that due to the extreme time constraints the period created, he was unable to fully contextualise the problematic comments with regard to other readers" comments. This made his contribution much briefer than Wolmarans but I have included it because it still provided useful insights not just on the comments in question but also the practicalities of comment moderation on a day-to-day basis.

Nicholls also added that although everyone tried to be as objective as possible, unanimity was not always possible because the different moderators arrived at different conclusions on certain comments.

The comments were as follows:

1.

I agree with Consulting engineer and Afrikaner.
The poorest of the poor are taking a stand against the influx of illegal foreigners…
It is the right thing to do..[73]

My question to the moderators: Some might argue that this meets the benchmark for outlawed speech as it can be understood as "advocacy of national hatred that constitutes incitement to discrimination, hostility or violence" as provided for in Article 20 of the ICCPR). What would your response to this be in terms of how you recollect the decision?

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[73] Posted by „Ryan" on May 23, 2008, at 8:19 am

Nicholls' comment:

> I don't think this comment flouts any of the *Thought Leader* (*TL*) guidelines, and an argument can be made that it doesn't go as far as 'advocating national hatred' (as provided for in Article 20 of the ICCPR). The comment may agree with the action taken by local South Africans during the xenophobia attacks, but I think it falls short of advocating national hatred.

Wolmarans' comment:

> In this case, both Afrikaner and Consulting Engineer made it clear that they were strongly opposed to the influx of illegal immigrants. Especially Consulting Engineer – a character infamous on *Thought Leader*, at the time, for his right-wing stance – makes it clear (in typical controversial fashion) that he understands and identifies with the circumstances that drove South Africans living in poverty to turn to violence and murder in their opposition to illegal immigrants. However, he also says "it does not make the killing right". So Ryan's comment can be read that he is in agreement with the other two writers that South Africa should put an end to all illegal immigration and return illegal immigrants to their home countries – not that they should be harmed. Also note that Consulting Engineer's reputation on the forum is clear from the very next comment after Ryan's: "CE you never cease to amaze me with your bigotry. WHAT ARE YOU STILL DOING IN SA????" writes Sam. In many cases, biased comments by Consulting Engineer and other "extremists" were similarly tempered by reaction from other commentators on *Thought Leader*.

My analysis: This comment not only justifies the violence in the use of the terms "influx" and "illegal foreigners" but it also encourages it in the closing sentence "it is the right thing to do." What is selected and made most salient is the supposed influx of illegal foreigners. The comment does not back its assertion of the illegal status of these foreigners or the influx assertion with migration statistics. It frames the violence as being caused by too many 'illegal' foreigners and implicitly absolves the attackers of any wrongdoing; they are merely responding to the 'problem' of illegal foreigners. This kind of frame/ argument works to construct the foreigners as at fault and deserving of what they are getting. The reader also constructs himself as a concerned citizen

who is able to empathise with "the poorest of the poor". By constructing himself that way, the reader is able to deploy an ethotic argument (see Richardson 2007) and claim goodwill in the matter. This is then likely to position him and his argument favourably among fellow readers who feel a sense of solidarity with the country's "poorest of the poor".

In terms of its compliance with the acceptable speech standards of the *M&G*, the study found this comment problematic as it advocated national hatred that constitutes incitement to discrimination, hostility, violence or harm as already indicated in my question to the moderators. The study did take into consideration the chief moderators' argument that other readers' responses to the problematic comment worked to balance it out, but decided on the basis of the outlined analysis that the comment was still problematic and should have been moderated to suit the platform's policy and also the sensitive nature of the events during the time it was published.

2.

@michelle,

Not only dit [did-LM] Zim open its houses, churches and schools to "exiles" during apartheid, but it also provided convenient bases to murderers who killed innocent civilians.

The only debt South Africa owes our dear neighbouring states is perhaps a nuke on Harare and Maputo.

Listen to what we're telling you: get out, we don't need 15 million foreigners.[74]

My question to moderators: Same reason as at 1 above.

Nicholls' comment:

> I am not sure I would have allowed this comment through – calling for a "nuke" to be dropped; comment is of a threatening nature/may be seen as a threat ("get out"). This could fall under the "No unreasonable comments" guideline on *TL* comments.

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[74] Posted by „Afrikaner" on May 22, 2008, at 11:57 am

Wolmarans' comment:

> A sensational statement, clearly, but perhaps too obviously grandiose to be a specific incitement to violence, which may be why it was not disallowed. And telling foreigners to "get out" is crude, but not illegal. It would have been sensitive at the time, though, and had I been moderating this blog, I would have thought twice before allowing this through.

My analysis: This comment was rated problematic because it was xenophobic and threatening in that it could be read as inciting violence and propagating hatred against the people of Zimbabwe (Harare) and Mozambique (Maputo). This is a violation of the *M&G* policy which commits to curb any such speech from appearing on its platform. „Afrikaner‟ evokes past tragic experiences to construct a forensic argument (see Richardson 2007) and lay blame on the two neighbouring countries. This can be read as an attempt to free South Africans of any sense of responsibility to the foreign residents as they are not merely victims of violence but past perpetrators themselves. The comment is also framed to cast doubt on any assistance Zimbabwe may have rendered to South Africans during apartheid and this especially comes through in „Afrikaner‟s‟‟ use of quotation marks on the word exile, as if to suggest his own disbelief in the argument which the other reader Michelle put across. He constructs his argument to persuade his audience to see the situation through his perspective while at the same time dismissing the perspective he does not agree with, particularly that of Michelle and her reference to Zimbabwe‟s role in South Africa‟s fight against apartheid.

In the last sentence, „Afrikaner‟ uses discursive strategies of differentiation, expurgation and symbolisation of unity (see Thompson 1990) and constructs an "us" and "them" when he talks about citizens and foreign residents. What he makes salient is the supposed unity of "we" South Africans against foreign residents when he orders them to leave. This is a flawed assumption as not all citizens shared his views. He also failed to acknowledge that neither were the foreigners were a united and homogenous mass, or that there were many shared experiences and bonds among citizens and foreigners. „Afrikaner‟ can also be seen as creating and possibly exaggerating figures as he does not substantiate the „15 million foreigners‟ statistic.

The moderators acknowledged that the comment was problematic and should probably not have been let through.

3.

@Maya

It seems to me they have also been targetting pakistani and other illegals who have shops in townships.

Some of my black workers have bought on lay-by from these indian shops, and the terms are usurous. Its disgusting how they rip-off the poor. If they miss one payment they forefeit all their payments and the price they pay is more than twice what the same thing can be bought for in a normal franchise shop on credit.

I now buy it for them cash and deduct their salary until the goods are paid for and tell them to never go to such shops again, to ask me and I will buy it for them. Im not suprised the poor get fed up of being cheated and torch the place. Cant say I feel sorry for these people either.

Ezekiel 18:13 - He lends at usury and takes excessive interest. Will such a man live? He will not! Because he has done all these detestable things, he will surely be put to death and his blood will be on his own head.[75]

My question to the moderators: This comment could generally be seen as justifying the attacks, and the bible quotation as speech that constitutes incitement to discrimination/ an intention to promote or propagate hatred against foreign nationals which is a contravention of the Equality Act. What is your view on this comment appearing on the site?

Nicholls' comment:

> As unfeeling as this comment may be, we generally should not censor a particular viewpoint, as odious as it seems, if it does not flout the *TL* guidelines, which I don"t think this comment does.

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[75] Posted by 'Consulting Engineer" on May 28, 2008 at 12:08 pm

Further, to my mind, not many reasonable-thinking persons would take a centuries-old biblical quotation literally, as "incitement to discrimination/ an intention to promote or propagate hatred".

This seems more used in support of the viewpoint than a call to arms. We need to use a common-sense approach here.

Wolmarans' comment:

A very interesting debate: do parts of the Bible constitute hate speech? It certainly is clear in its stance against adulterers, homosexuals and other "sinful" groups, often recommending murder and disfigurement as a remedy. Using such biblical passages to justify violence together with other comments is more dangerous, obviously, which may be the case here. Consulting Engineer says he is not "surprised" at attacks on shopkeepers because of the reasons he provides, which is allowable up to that point. But does the addition of the biblical quote go too far? Perhaps.

I think the moderator may have decided to let this pass to see if other commentators would take him on, which they did. Maya writes: "Consulting engineer – who allowed that Pakistani shopkeeper to open the shop and impose those kind of pricing of goods on its customers whether by lay-by or not. And why are your workers going there if they know the prices are exorbant [exorbitant]. Its all good and humanitarian of you to fork the cost of the goods your workers want, kudos, but what about all the other black folk patronising those stores?"

My analysis: Although the moderators propose different reasons to argue in favour of the comment being published, this study maintains that it is problematic. Consulting Engineer makes use of rhetorical argumentation, particularly pathos (see Richardson 2007), to put his point across. His construction of the foreign residents as dishonest traders and the citizens as victims can be argued as an effort to position the audience against the foreigners. He draws on an existing discourse that foreigners are more economically empowered than poor citizens to create a frame that could possibly find resonance among his audience. Assuming that this is achieved, the audience would be more likely to be positioned as engaged readers of his comment. That means they would read with (as distinct from against) the text because they would see it as

promoting what they think and believe (see Janks1997). This can potentially involve the audience welcoming the violence as a way of getting rid of foreigners and in turn ‚saving" the South African poor. He also explicitly applauds the violence by constructing it as ‚poor people"s" reaction to being cheated, making it look like an inevitable course of action. He further frames the foreigners as deserving of the violence by blaming some poor citizen"s economic misery on them (foreign traders). Foreign traders are being emphasised as the problem in the comment and their removal is the solution being put forward (see Benford & Snow 2000). This comment qualifies as xenophobic hate speech as it can be read as advocating national hatred and/or inciting to violence or to cause harm on the grounds of nationality.

4.

I agree with Sam, you are talking to the wrong people. As ‚educated" people, should we not be taking responsibility for not educating our fellow uneducated brothers and sisters? I hope goverment will sit up and take notice. I think the foreigners that are here to cause trouble like the infamous Nigerians in Joburg. they need to go, they should get beaten up. Poor innocent refugees, people that are running from danger at home needn"t be treated like this. I am extremly ashamed at the fact that it is black people, we come from a past of segregation, we should be the first ones to oppose this. Intervene Mbeki!!!,… he is probably out of the country as always…[76]

My question to moderators: The highlighted sentences could be seen as drawing on a widespread stereotype to isolate one group of people on the basis of nationality and then encourage violence against them. It could, therefore, be read as contravening the provisions of the ICCPR; the Equality Act and Section 16[2] of the Constitution.

Nicholls' comment:

> I agree that this perpetuates stereotypes, and it actively encourages violence; I would not have let it through.

Wolmarans' comment:

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[76] Posted by „Sebe" on May 15, 2008, at 3:47pm

You are right in pointing out the unfair stereotyping based on nationality. This should probably not have been allowed online.

My analysis: The commentator deploys the discursive strategy of expurgation where he or she constructs Nigerians as the threatening other (see Thompson 2007) and uses that to call for and justify violence against them. This is a violation of the Equality Act‟s provisions which prohibit such advocacy against a person or group of people based on birth (i.e. nationality). The comment is also unfairly discriminatory as per Constitution and Equality Act, and a violation of dignity. Both moderators also acknowledged the comment as problematic. The commentator draws on a widespread stereotype to naturalise Nigerians as ‚troublemakers‟ and justify his or her xenophobic and violent sentiments against them. This is problematic because "[t]hrough stereotyped portrayals the media may reinforce existing patterns of attitudes and behaviour toward specific individuals, groups, and institutions, especially minority groups" (Fourie 2007: 243-244). The commentator deploys deliberative rhetoric when he or she constructs his/her audience as having a responsibility to educate their uneducated ‚brothers and sisters‟. The same form of argument is used to urge black people to be the first to oppose the violence. The writer ("Sebe") constructs him or herself as having good intentions in the matter by claiming concern for the ‚poor innocent refugees‟. He or she further deploys ethos (Richardson 2007) by foregrounding his or her being black and therefore able to empathise with victims of segregation. These arguments, however, do not lessen the xenophobic nature of the earlier sentence about Nigerians, and this study therefore reiterates that the comment was problematic and should have been moderated.

5.

Well said Sumo. All the liberals wailing and condemning the xenophobes do not face what they do. They dont have to share their living area, women, houses and water supply with them. The illegals can also commit crime since they dont have IDs and are not on record.

In fact the xenophobes are doing what the government should be doing: evicting the illegals and making sure they dont come back. The means they choose to do this are unfortunate, but what else do they have? Its a shame they must resort to violence and illegal means to meet a legal

objective. A man fights for his rights with the weapons he has. They dont have laptops, a voice in government, money etc.

<mark>It can also be argued that their means work. I doubt illegals will come in such numbers now, and those that return will think twice before they brave the knobkerries.</mark>

<mark>Now do you believe the end justifies the means?[77]</mark>

My question to moderators asked their comments on the highlighted portions.

Nicholls' comment:

> I don't think this flouts the guidelines.

Wolmarans' comment:

> Again, Consulting Engineer being controversial and sensational. But is it an incitement to more violence or just a view, however shocking, on the results of the wave of xenophobic violence? Reading the comment again now, I would say it is too xenophobic and should not have been published, or it should at least have been edited to remove some of the highlighted comments.

My analysis: What the commentator ("Consulting Engineer") makes salient is the foreign residents' supposed illegal status and problematic activities in the country. This particular assumption of the foreigners' illegality was popular even in other comments and worked to construct them (foreigners) as inherently criminal thereby diminishing their dignity.

The commentator suggests that people who are condemning the violence are only doing so because they are not affected by the 'problem' of foreign residents. He strengthens his argument by utilising a prevalent, and therefore easier to be accepted, discourse that foreigners 'steal' jobs, houses, women, and so on, from citizens – clearly reducing the dignity of this class of persons. This can be argued to be a strong frame, one that has the potential to emerge as more rational than contending arguments. "Strong frames should not be confused with intellectually or morally

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[77] Posted by 'Consulting Engineer' on May 23, 2008 at 3:17 pm

superior arguments. They can be built around exaggerations and outright lies playing on the fears and prejudices of the public" (Chong & Druckman 2007: 111). "Consulting Engineer" also justifies the violence as inevitable by constructing it as the attackers" only „weapon" with which to fight for their rights. According to this particular comment, the foreigners are framed as the problem and their expulsion as the solution. The commentator further predicts that the violence is a lasting solution as it will keep foreigners away from South Africa in future. This comment is a clear incitement to violence as well as to cause harm, and that makes it contradictory of the M&G position on hate speech.

6. 3. 2 Words and phrases

This section looks at particular words and phrases that were used throughout the sample to refer to the foreign residents. This exercise is consistent with framing methodology which recommends that the analyst looks at keywords, phrases, metaphors, stereotyped images, and use of quotations among others.

 The study found the use of such terms as „*makwerekwere*'[78] and „parasites", among others, problematic as they dehumanised the foreigners. The widespread references to the foreign residents as „illegals", „illegal aliens", „border jumpers" and „invaders", suggest inherent criminality on their part, something the commentators could not prove. This is problematic in terms of dignity rights, because the commentators were allowed to present an assumption (foreigners" illegal residence status) as though it were fact and in that way, they were able to portray the affected foreigners in a way that can be argued to diminish their victim status and enhance their criminal status instead. That can in turn be argued to diminish dignity (and the right to safety) through implicitly justifying the violence against them.

There were also other lexical choices in the text that worked to construct foreign residents as a problem or a crisis to be solved. Such words and sentences as „we have Noah"s flood minus the ark", „huge surge of border jumpers", „flood of people", „an unstoppable Tsunami, „influx of foreigners", „flood of immigrants pouring into the country", „it has reached a point whereby we live amongst foreigners and not them living among us", „we cannot allow a situation where foreigners in their hundreds and thousands flow in and out of communities" and „an influx of

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[78] Widely known derogatory term for foreigners

outsiders", can be argued to create an impression that encourages panic and decisive action to stop the problem. By using these words to construct foreign residents as such an overwhelming „problem", the text can be argued to be justifying and even encouraging action against them as a solution. Such action can potentially take any number of forms including physical aggression against foreigners as was the case with the xenophobic attacks.

With the exception of the solidarity/ morality category, the commentators in all other categories framed the foreigners as „other" in order to assert their own superiority in the matter and also emphasise the foreigners" inferior status as unwanted residents. Even those that did not use outright xenophobic terms still managed to implicitly get a xenophobic message across through the use of reasoned words and arguments. For example, the comment below was condemning the violence yet at the same time justifying it and implicitly perpetuating xenophobic stereotypes:

> Traps. Spot on as always. However, I don"t believe that we must now suddenly bring out the marshmallows and sing "we are the world" around the proverbial fire. I believe that people who are not exposed to foreigners, can"t really form an objective opinion on the matter. Certainly the recent spate of attacks on foreigners are not justifiable and must be condemned, however if you"ve ever lived in Sunnyside, Hilbrow, or Arcadia you"ll understand where I"m coming from.
>
> I believe the xenophobic attacks in Alexandria came about as a result of a culmination of issues ranging from the crime, drugs that some of these foreigners have brought to our shores. Not forgetting the sense of entitlement that South Africans exhibit when they see foreigners prosper, be it selling sweets, running a public phone or an internet café. Please don"t get me wrong I don"t hate foreigners but sometimes they can get a bit too much, there"s so many of them, and I might sound like I"m from Alex (I"m not) but these foreigners are everywhere.
>
> Live and let live, but there"s too many of them. Some have argued that Zim gave South African exiles asylum in the apartheid era blah blah blah, but they didn"t give asylum to 3 million South Africans, did they??? Oranges and apples…
>
> I welcome comments from all who want to crucify me because they feel I"m a tribalist. You don"t have to live amongst foreigners, their drug peddling and prostitution spreading. It"s reached a point whereby we live amongst foreigners, and not them living amongst us.

> And no, we're (black South Africans) not going to turn against white people…you're also South Africans…[79]

The repeated portrayal of foreigners as sources of diseases, illegal drugs, prostitution, dodgy business practices, and so on, can be argued to have worked to enhance xenophobic sentiment against them. The commentators deployed, in different instances, Van Dijk's ideological square where there is positive self representation and a simultaneous negative other representation (see Richardson 2007) when, for instance, they represented foreigners as crooked or manipulative traders who deserve disapproval and then simultaneously constructed citizens as poor victims who have been displaced in their own country and deserve sympathy. A successful construction of the foreigner as the "threatening other" (see Thompson 1990) would not only make necessary but also acceptable their expulsion. It violates the policy on hurt, and incitement to harm and hatred, as well as equality and dignity.

6.4 Conclusion

This chapter has presented an interpretation of the study's findings. Using the *M&G* policies on hate speech, dignity and unfair discrimination as a standard, the chapter has analysed *TL* readers' comments that were moderator-approved, focusing on those that appeared to not adhere to the platform's policy. It has also presented the moderators' views on some of the problematic comments. The chapter's overall argument has been that some of the readers' comments that were passed as suitable for publication framed foreigners in problematic ways that contradicted the *M&G* overall policy.

The next chapter presents the study's conclusion.

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[79] Posted by „Sipho Mazibuko" on May 16th, 2008 at 8:23 am

CHAPTER SEVEN

<u>CONCLUSION AND RECOMMENDATIONS</u>

7.0 Introduction

The foregoing chapter presented the interpretation of the study's findings. The intention of this chapter is to provide a conclusion to the overall study, as well as remind the reader of what has been discussed in all the other chapters. It is divided into four sections and is presented in the following format: review of chapters, concluding remarks, recommendations and scope for further research, and conclusion.

To restate the objectives, this study was conducted to identify and analyse moderated (and therefore approved) readers' comments on xenophobia, which contradicted the *M&G Online's* affirmed standards on hate and other problematic speech. The study did not seek to explore the adequacy of the policy in terms of external standards. It, instead, focused on comments that contradicted the newspaper's own stated policy. The inherent tensions between free speech, hate speech and other problematic speech and their implications for moderation served only as a backdrop to inform the identification of offending items, and their analysis.

7.1 Review of Chapters

As this is the final chapter, it is necessary to go over what has been presented in the other chapters. Chapter one provided the context of the study by giving a brief background to the xenophobic violence of 2008, and a discussion of the *M&G* and particularly *TL* as a platform for UGC. Chapter two was the first of two theoretical framework and literature review chapters. It contained a discussion of the normative role of the media in a democracy, freedom of expression, and hate speech. Chapter three, which was a continuation of the theoretical framework and literature review, discussed moderation as an intervention aimed at imposing limits on speech to make it suitable for publication. It also presented the documents that inform *M&G Online* moderation. Chapter four presented the research methodology and data analysis techniques that informed the study. Chapter five presented a description of the study's findings while chapter six presented an interpretation of the same.

7.2 Concluding remarks

The study analysed a battery of readers‟ comments that were published in response to *TL* blogs on xenophobia from May 13, 2008 to June 13, 2008. The comments were measured against the *M&G Online's* standard as informed by their policy which is in turn informed by the constitutional provisions in both section 16 of the Bill of Rights and section 10 of the Equality Act, as well as their commitment to international law.

The study found that there were instances where the moderation policy and practice contradicted each other. Otherwise stated, some moderator-approved comments did not meet the *M&G's* own standard on acceptable speech as they advocated hate, hatred, hostility, incitement to violence, and unfair discrimination against foreign residents. They also undermined the rights to equality and dignity of foreign residents. Further, some comments violated the provisions in international human rights law which prohibit such expression.

One of the study‟s foremost conclusions is that the presence of xenophobic hate speech in approved comments was problematic not only because it contradicted the platform‟s own stated policy but also because it could be (mis)read as an endorsement of the xenophobic views by the *M&G Online*. Given that xenophobia was not just a mindset but also a violent activity at the time the xenophobic comments were ‚approved‟ for publication, the study feels that the *M&G* had a greater responsibility to uphold its affirmed commitment to curb all hate speech from appearing on its platform.

With examples in this study of how ‚the foreigner‟ was made to signify unemployment, poverty, disease, unfair competition, and all manner of deprivation, and bearing in mind how such individuals have also become a site for the violent convergence of different unresolved tensions in the country, the study feels that the *M&G* – a progressive paper dealing with a potentially xenophobic readership (at least a portion of it) – should have implemented its policy on hate speech more effectively and avoided being seen to reproduce the order of discourse that encourages xenophobic sentiment, both explicit and implicit, against foreign nationals.

The study therefore reiterates its earlier position (see chapter two) that freedom of expression, like democracy, has to be understood in context. Similarly, *M&G Online* moderators should have been more considerate of the context (i.e. the xenophobic violence which was ongoing at the

time) in which the comments were taking place when deciding which of the competing rights – free speech, equality, dignity, freedom from incitement to harm etc – they would allow to prevail. The study is of the view that while some of the xenophobic comments could ordinarily be approved in the interest of free speech, they should have been subjected to greater scrutiny and moderated given the broader context in which they were occurring. The severity of the xenophobic violence would have legitimated any restrictions on freedom of expression and consequently democracy, aimed at protecting a category of people against unfair discrimination, diminished dignity, and potential harm and/or violence.

7.2.1 *M&G* moderation policy and output

The study found that the *M&G Online's* choice to adopt the Equality Act's expanded definition of hate speech as its own standard creates a higher expectation of the level of moderation (with regard to hate and other problematic speech) done on the site. It further complicates and possibly increases the possibility of moderation policy and practice diverging because it creates more space for individual interpretation. How, for example, does one interpret „hurtful speech"(as provided for in the Equality Act)? Such an interpretation depends on an individual's own subjectivity and that makes it a complicated criterion because it is hardly one you can expect to be implemented uniformly. In South Africa for example, calling someone a „coconut"[80] may be considered hurtful by one person but not necessarily so by another. What this means is that there can be no set standard to talk about because what may qualify as hurtful to one moderator and therefore unsuitable for publication might not be so to another. This study is of the view that the inclusion of „hurtful" as a standard complicates more than it aids the process of moderation. Perhaps this can be countered by the use of one moderator to look at all comments uniformly but even then, public discourse would be at the mercy of that one person whose decisions might not always be the best and may even work to restrict pertinent debate. A further complexity on the „hurtful" criterion is proving "intention". As the study argued earlier, this requirement is not easy to satisfy because intention is not the same as hurtful effect, and effect does not necessarily demonstrate intention. It is therefore possible to fail to prove intention even when the effect is problematic in terms of the Constitution. The study argues that this potentially has a bearing on

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[80] Term used to describe black people who are viewed as not being „black enough" and trying to act like white people. It is considered derogatory by some people.

how the Equality Act is used to assess offensive speech, and that it may pose a challenge for moderation.

The individual interviews I conducted with Nicholls and Wolmarans also showed that the moderators did not always agree on some of the comments. This means that even with laid down policies, the practice of moderation ultimately comes down to an individual moderator"s own interpretation. Nicholls acknowledged this sticking point (lack of unanimity among moderators vis-à-vis policy interpretation in practice) and said that unanimity was not always possible because the different moderators arrived at different conclusions on certain comments.

The study also found that deadlines play a very crucial role in moderation, and policy implementation is sometimes a casualty. As both Wolmarans and Nicholls pointed out, moderation is usually done under serious time constraints.

 "Comment moderation can be a largely arduous and thankless task. Although one of the hopes is that vibrant discussion takes place, there are often extreme views that seek to undermine this, and at times moderation can be a very tricky business, with tricky grey areas," Nicholls said. "Further, in an online environment where time is not often a person"s friend, and where there may be more pressing matters to attend to than comments, moderation can be done under serious time constraints. Although *TL* does now have a full-time editor, this wasn"t always so in the past".

The study also found that while moderators may have been committed to keeping out explicit hate speech – and did manage except for the instances this study has pointed out – there were still many forms of implicit problematic speech that went either unnoticed or noticed but not dealt with. Section 7.2.1.2 below unpacks what of my analysis was implicitly problematic and what was explicit.

7.2.1.2 Readers' Comments

As mentioned in the foregoing chapter, the study found that some comments put forward positions that framed foreigners in ways that contradicted the *M&G's* standard on hate and other problematic speech. The commentators" repeated assertion that the foreigners were illegal immigrants was problematic because it was an unfounded generalisation which was not validated

by any official statistics. The unjustifiable use of such terms as *makwerekwere*, illegals, illegal aliens, and so on, also emphasised the foreigners" difference and undesirability. This representation was problematic not just because it infringed dignity and equality but also because stereotyped portrayals of minority groups such as foreigners may reinforce existing patterns of attitudes and behaviour towards them (Fourie 2007).

Equally problematic were the frequently repeated assertions that foreigners earned a living at the expense of citizens, that they spread diseases, committed crime and were responsible for different kinds of anti-social behaviour. All such comments suggested inherent criminality on the part of the foreigners, a representation which can be argued to have assigned them (foreigners) a problematic place that could potentially diminish their victim status and justify the violence against them. The repeated reference to the foreigners" supposedly parasitic relationship to the country"s resources also unfairly constructed them as the "threatening other" and justified action against them.

Still based on the observations mentioned in the foregoing paragraph, the study concluded that nationality was largely utilised as a space for the expurgation of the "other". The commentators created an "us" and "them" based on nationality to assert who had the right to be in South Africa and who did not. They constructed an "other" to whom they assigned a diminished place – that of illegal and unwanted immigrant – in order to assert superiority. This, taken with other hate expression targeted at the foreigners, can be argued to have the potential to demean the value and worth of its victims thereby denying them their right to equality and dignity. This is a possibility because "...hate speech tends to diminish the victims" sense of worth, thus impeding their full participation in many of the activities of civil society, including public debate. Even when these victims speak, their words lack authority; it is as though they said nothing" (Fiss 1996: 16).

The study found that the existing concern within moderation/online gatekeeping that UGC has a potential to elicit uninformed and inaccurate information, and inappropriate language use (Manosevitch & Walker 2009) was evident in the readers" comments. While the moderators may have moderated hate speech in many instances, what they did not do and perhaps could not be expected to do was moderate exaggerated opinions and unverified claims presented as fact. The study found a widespread use of bogus statistics concerning the number of foreigners resident in South Africa. For example, the alleged over 10 million Zimbabweans living in South Africa

cannot be a true assertion not just because it was not validated but because it is also practically impossible for Zimbabwe, a country of just over 11.3 million people (CIA factbook 2010) to still be populated and even have citizens spread across the world if 10 million of them were in South Africa. Such use of exaggerated and outright bogus statistics is problematic especially given the sensitive nature of events that were taking place at the time the comments were published. It is alarmist and encourages a sense of panic among citizens who are likely to feel overwhelmed by too many foreigners and therefore threatened. Expression that encourages such sentiments, and on false grounds at that, can be argued to be advocating hostility or hatred against foreigners because some citizens may decide to carry out action based on how they understand the situation. Further, such expression is not consistent with the *M&G's* commitment, through its comment guidelines, to ensuring that the "website is a mature and thought provoking environment". It is also not consistent with the Habermasian concept of the public sphere where, ideally, public opinion can only come out of rational debate (Habermas 2004).

The study also found that „cleaning" the comments of all problematic speech was more complicated than just „failing" a comment that did not adhere to the policy. This is so because there were instances where individual comments were not contradictory of the policy per se yet the overall tone of all the comments on a particular thread read together was hostile, advocating hatred, unfairly discriminating against foreigners, and denigrating their dignity. What became evident is that as far as problematic representation of categories of people goes, moderation is a good intervention but definitely not the answer. How, for example, can a moderator control a conversation whose very basis is intolerance? How can a moderator ensure that the commentators are mindful of their responsibility to others without interfering with their own right to free expression? Such realities foreground the limited nature of moderation as a way of ensuring open yet tolerant public discourse, and also emphasise the fine nature of the line between free speech and hate speech. That said, it needs to be mentioned that moderation is still a very important aspect in the area of UGC on news sites.

The study found reasonable and containing merit to an extent, the moderators" argument that some problematic comments were intentionally let through in the knowledge that ongoing comments would put perspective and correction on them. It is true that some problematic comments attracted a lot of comments from fellow readers/ commentators who put forward

different arguments to support their particular positions. This is good for public deliberation although in some cases the harm that the problematic comments could potentially cause far outweighed any democratic good that could come out of their presence on the site. The study is of the view that speech that undermines other people‟s rights and exposes them to danger (for example, uninhibited xenophobic speech can lead to violence against foreigners because xenophobia in South Africa is not only a mindset but can also be expressed as a violent activity that can include physical harm as was demonstrated in 2008) should not be allowed free expression. The study is also of the view that out-rightly xenophobic parts of a comment can be moderated without completely losing the essence of a comment, and that way extreme views get to be heard without being allowed to fan xenophobic sentiment. The study finds it important to highlight that the pro-xenophobic posts that were present on the site were outnumbered by the anti-xenophobic ones. This, however, does not justify the presence of xenophobic speech on a site that explicitly commits itself to prohibit, and curb from appearing on its platform, any such problematic speech.

The other conclusion made in this study is that while it is important to moderate so that other people‟s rights to equality and dignity are respected, it is equally important that people‟s right to freedom of expression is respected. If you remove all hate speech and deny it any presence in public discourse, you remove the opportunity to hear what people are really thinking. It is important in and for a democracy that dissenting voices are also heard. It can be argued that the problematic comments on xenophobia that escaped moderation served an important purpose of revealing some people‟s real perceptions or frames of understanding of such issues as migration and living with foreign residents. Such topics are pertinent in national discourse because they provide space for people to engage with issues affecting them. It can also be argued that because uninhibited discourse alerts the nation to people‟s real feelings on particular issues, it presents an opportunity to the relevant authorities to deal with those feelings. For example, the stereotype that foreigners ‚steal jobs and women‟ appeared deeply entrenched and widespread as it repeatedly came through even in comments that were condemning the violence. Such a revelation can enable an understanding of what brings about and perpetuates such a mindset. It has been argued that banning hate speech does not stop the hatred but simply chases it underground or online where it festers and grows (Louw 1996). Similarly, the absence of xenophobic speech (due to efficient moderation) does not necessarily indicate an absence of

xenophobic sentiment; in fact it creates a false sense of acceptance on the part of those residents that may be strongly opposed to the idea of foreign residents living in the country. The study, therefore, feels that the *M&G* should have found a way of moderating problematic speech in a way that only removed or toned down the overly problematic parts while allowing the essence of the argument/position to be expressed. Part moderation that replaces problematic parts with asterisks could have been an option in this case.

While the people who were physically attacking the foreigners were not likely to get any support from many South Africans, a blog post is different because some commentators use reasoned words to put forward an argument. Such a comment, no matter how xenophobic, can potentially be taken seriously because the arguer can be seen as a reasonably rational person (which cannot be said of the violent xenophobes). Related to this, the study is aware that the perpetrators of the violence are extremely unlikely to be *TL* readers due to the privileged nature of the platform. The xenophobes were therefore not part of this particular discourse where there was hate and xenophobic speech and so cannot reasonably be said to have been directly affected or even influenced by it. This, however, does not remove the question of whether it is still, in principle, ethical to allow such forms of expression even within that elite forum and whether it does not have an impact on those elites such as making them feel the violence is legitimate and can be tolerated.

As already mentioned in this chapter, the study appreciates the rationale given that some offensive speech was allowed (as opposed to slipping through) as the moderators believed it would be rebutted. To the extent that defence of their position may have a degree of validity, , a question for the future remains: what happens when the digital divide is bridged, and perpetrators are directly part of the circuit of public discourse? Should there then be stricter moderator than was the case in this small, „cosy" and predictable elite forum?

The study found that there was equally a contesting discourse within the sample which emphasised the rights of the foreigners and condemned the violence. It is not within the scope of this study to state which frames, as put forward by the commentators, were stronger and which ones the reading public related to more. What the study can state, though, is that the framing of all the comments – both pro and anti-xenophobia – potentially served one or both of the

following purposes; they made new beliefs available about the issue of foreign residents and the violence, and they made certain available beliefs accessible (Chong & Druckman 2007:111).

7.3 Recommendations and scope for further research

The study does not support initiatives that work to limit the public sphere or constrain debate but it does recommend a level of moderation that is more consistent with the policy or a change of policy to one that the *M&G* can actually manage to adhere to. The study is aware of the practicalities and challenges of moderation as signalled by moderators Wolmarans and Nicholls, and feels that some changes in policy can help iron out some of the existing problems. The study is of the view that *M&G* moderation can profitably benefit from a revision of those parts of policy (e.g. the already discussed complexities surrounding the definition of „hurtful", or the practicality of proving „intention to be hurtful" as per Equality Act) whose provisions are open to multiple interpretations. The study is of the view that for the *M&G* policy and guidelines to remain relevant, they need to evolve and be reassessed as new issues like xenophobia arise. The study is also of the view that the *M&G* needs to consolidate its policy position into a single document.

Now that this study has identified and motivated through analysis that some moderated comments contradict the stated policy, future research should establish why some of this output escapes moderation even when it contradicts policy. It should explore how media negotiate the tension between free speech and hate speech and how they go about deciding where one's freedom of expression ends and another's right to dignity and equality begins especially in situations where a progressive paper has to deal with a xenophobic readership. Further research can also explore whether the reading public actually uses such post-moderation facilities as "report abuse" buttons to report or complain about objectionable content that has escaped moderation, and what action if any, on the part of site administrators arises from such reports.

7.4 Conclusion

This chapter has presented the study's concluding remarks and recommendations. Being the final chapter of the thesis, it has also recapped the overall contents of all the chapters, and presented recommendations for moderation at the *M&G* and for further research. It has also showed the

relevance of theory and research methodology to the issue at stake and similarly demonstrated how the case of the comments highlights the wider theoretical issues.

APPENDICES

Appendix 1: Wolmarans interview guide

1. Did *M&G* have a moderation policy for *TL* contributors? And for comments by readers?
   - ➤ What form did it take? (e.g. any written documents, informal culture, moderator‟s discretion etc)
   - ➤ How did it compare to the policy for the rest of the paper including letters page?
   - ➤ What oversight was there of the way subs might interpret and apply policy?
   - ➤ How consistently was it applied across different subs?
   - ➤ How many subs did it, when?
   - ➤ How might policy and actual practice diverge in some cases?

2. Were subs inducted formally into policy, or refreshed? Was there a discussion when a new issue arose, e.g. xenophobia?
   - ➤ Is it possible to follow up particular cases of moderation with particular moderators? (I have some comments that I would like to follow up with the subs that passed them. If I provided you with dates and blog titles is it possible to know who was on duty?)

3. What, in your view, was the role of moderation on *TL*?
   - ➤ When was it mainly done – pre or post, and why do you think that was the case?
   - ➤ In the case of comments on xenophobia, what especially triggered alarm bells for moderators?

4. Did you ever pass potentially or out-rightly controversial comments? If yes, why? Could you please cite some examples?
   - ➤ Did you ever part-edit comments, removing what you saw as against policy?

5. How did you as a moderator understand hate speech?
   - ➤ Did you ever encounter it in readers‟ comments on xenophobia?
   - ➤ How did you resolve cases where there was potential or actual tension between free speech and hate/inflammatory speech? Which one did you privilege and why?
   - ➤ What was the *M&G* position about hate speech appearing on their platforms? And particularly in readers‟ comments (As distinct from approved blogger-and staff-generated content)?

Appendix 2: Problematic comments presented to moderators

1.

I agree with Consulting engineer and Afrikaner.
<mark>The poorest of the poor are taking a stand against the influx of illegal foreigners…</mark>
<mark>It is the right thing to do..</mark>

(Report abuse)

Ryan on May 23rd, 2008 at 8:19 am

Accessed at http://www.thoughtleader.co.za/ferrialadam/2008/05/21/xenophobia-a-shame-for-africa-day/

My comment: Some might argue that this meets the benchmark for outlawed speech as it can be understood as "advocacy of national hatred that constitutes incitement to discrimination, hostility or violence" as provided for in Article 20 of the ICCPR).What would your response to this be in terms of how you recollect the decision?

2.

@michelle,

Not only dit Zim open its houses, churches and schools to "exiles" during apartheid, but it also provided convenient bases to murderers who killed innocent civilians.

<mark>The only debt South Africa owes our dear neighbouring states is perhaps a nuke on Harare and Maputo.</mark>

<mark>Listen to what we're telling you: get out, we don't need 15 million foreigners.</mark>

(Report abuse)

Afrikaner on May 22nd, 2008 at 11:57 am

Accessed at http://www.thoughtleader.co.za/ferrialadam/2008/05/21/xenophobia-a-shame-for-africa-day/

My comment: See reason at one

3.

@Maya

It seems to me they have also been targetting pakistani and other illegals who have shops in townships.

Some of my black workers have bought on lay-by from these indian shops, and the terms are usurous. Its disgusting how they rip-off the poor. If they miss one payment they forefeit all their payments and the price they pay is more than twice what the same thing can be bought for in a normal franchise shop on credit.

I now buy it for them cash and deduct their salary until the goods are paid for and tell them to never go to such shops again, to ask me and I will buy it for them. ==Im not suprised the poor get fed up of being cheated and torch the place. Cant say I feel sorry for these people either.==

==Ezekiel 18:13 - He lends at usury and takes excessive interest. Will such a man live? He will not! Because he has done all these detestable things, he will surely be put to death and his blood will be on his own head.==

(Report abuse)

Consulting Engineer on May 28th, 2008 at 12:08 pm

Accessed at http://www.thoughtleader.co.za/silwane/2008/05/19/xenophobic-racism-and-other-general-idiocy/

My Comment: This comment could generally be seen as justifying the attacks, and the bible quotation as speech that constitutes incitement to discrimination/ an intention to promote or propagate hatred against foreign nationals which is a contravention of the Equality Act. What is your view on this comment appearing on the site?

4.

I agree with Sam, you are talking to the wrong people. As „educated‟ people, should we not be taking responsibility for not educating our fellow uneducated brothers and sisters? I hope goverment will sit up and take notice. ==I think the foreigners that are here to cause trouble like the infamous Nigerians in Joburg. they need to go, they should get beaten up==. Poor innocent refugees, people that are running from danger at home needn‟t be treated like this. I am extremly ashamed at the fact that it is black people, we come from a past of segregation, we should be the first ones to oppose this. Intervene Mbeki!!!,… he is probably out of the country as always…

(Report abuse)

Sebe on May 15th, 2008 at 3:47 pm

http://www.thoughtleader.co.za/traps/2008/05/13/xenophobia-i-feel-a-bad-moon-rising/

My comment: The highlighted sentences could be seen as drawing on a widespread stereotype to isolate one group of people on the basis of nationality and then encourage violence against them. It could, therefore, be read as contravening the provisions of the ICCPR; the Equality Act and Section 16[2] of the Constitution.

5.

 Well said Sumo. All the liberals wailing and condemning the xenophobes do not face what they do. They dont have to share their living area, women, houses and water supply with them. The illegals can also commit crime since they dont have IDs and are not on record.

In fact the xenophobes are doing what the government should be doing: evicting the illegals and making sure they dont come back. The means they choose to do this are unfortunate, but what else do they have? Its a shame they must resort to violence and illegal means to meet a legal objective. A man fights for his rights with the weapons he has. They dont have laptops, a voice in government, money etc.

It can also be argued that their means work. I doubt illegals will come in such numbers now, and those that return will think twice before they brave the knobkerries.

Now do you believe the end justifies the means?

(Report abuse)

Consulting Engineer on May 23rd, 2008 at 3:17 pm

Accessed at http://www.thoughtleader.co.za/thesumo/2008/05/22/xenophobia-denouncing-violence-against-foreigners-easy-for-you-i/

Appendix 3: Introductory letter

The Editor
Mail &Guardian Online
Johannesburg

School of Journalism and Media Studies
Rhodes University
Grahamstown

30 November, 2009

Dear Mr. Roper,

Ref: Academic Research

 My name is Lwanga Mwilu, a Journalism and Media Studies student at Rhodes University in Grahamstown.
I am currently working on my thesis, under the supervision of Professor Guy Berger, in order to fulfil my remainder of the requirements for a Master of Arts Degree.
My reason for writing to you is that my thesis is on the moderation policy and practice of the *Mail & Guardian Online* with regard to readers" comments. I am particularly interested in comments on *Thought Leader* blogs on xenophobia published between May and June, 2008.

 The research relies in part on my ability to access your moderation policy and get insights on your experiences as a moderation team. I am interested to know, for example, the criteria you employ in deciding what gets/stays published and what gets censored and the challenges that come with this. I would, therefore, like to request for some of your time to participate in interviews on the same. I would also like to request for a copy of the *M&G* policies that inform your moderation.

I am aware that the period I am looking at was before your time but I am still interested in your views, and those of staffers who were involved in moderating at the time. I expect the findings of my study to be of some relevance to you as a paper and to also contribute some knowledge to the currently under researched area of moderation and user generated content on news sites.

 I have included my contact details and will be happy to provide any clarifications that you may need. My supervisor can also be reached on g.berger@ru.ac.za should you need to contact him.

 I will be very grateful for any assistance rendered.
Sincerely,
Lwanga Mwilu (Miss)

E mail: l.mwilu@yahoo.com
Mobile: +27825393420

Appendix 4: Summary of blog articles

TITLE	DATE PUBLISHED
Xenophobia? I see a bad moon rising	13.05.08
The rise of Xenophobia: Is the government focusing on foreigners at the expense of locals?	15.05.08
Xenophobic racism and other general idiocy	19.05.08
Xenophobia-it"s time to march in protest	21.05.08
It"s easy for you and I	22.05.08
Military solutions to political problems?	22.05.08
Xenophobia and economics	22.05.08
Xenophobia symbolic of disparities between rich and poor	23.05.08
Whites can"t be Africans and foreigners can"t be true South Africans	25.05.08
It"s time to volunteer	25.05.08
This is the way the world ends	26.05.08
Sad to be a South African…	26.05.08
Make Africa Day a public holiday	26.05.08
The worst of South Africa - and the best	27.05.08
I"m forced to be foreign – ranting and raving…	28.05.08
I am a South African and I refuse to be ashamed	30.05.08
The Xenophobia files: part one	04.06.08
Xenophobia: the environmental causes	05.06.08
Normalising xenophobia	13.06.08

Appendix 5: Overview of comments per category

CATEGORY	NUMBER OF COMMENTS
Morality: Solidarity with foreign nationals	157
National interest: Sympathetic to attackers (and some condemnation of attacks)	86
Race and race relations	69
The Government is to blame	129
Miscellaneous	241

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