

RELIGION AND PUBLIC BROADCASTING IN SOUTH AFRICA

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Abstract

The advent of democracy in South Africa ushered in a new paradigm for freedom of religion and freedom of expression. Public broadcasting in general and the South African Broadcasting Corporation in particular constituted critical sites where the material possibilities and impossibilities of these rights were to be defined, negotiated, and regulated. This thesis investigates the role of religion in the history and development of the South African mediascape. Substantial chapters analyse the role of religion in the banning and introduction of television under apartheid, the place of religion in the formulation of new media policy in the democratic era, and the regulatory role of the Broadcasting Complaints Commission of South Africa in dealing with allegations of religious offense, blasphemy, defamation, and incitement to violence. From the television controversy in apartheid South Africa to post-apartheid media policy and practice, the thesis uncovers issues of religious legitimation, religious regulation, freedom of expression, and freedom of religion in relation to the multiple configurations of religion, media, and politics. The way that the media industry and its regulatory bodies engage with religion, whether through production, dissemination, or regulation, is expected to be underlined in policy and practice by the constitutional mandate to balance freedom of expression against other rights that might be at stake in the mediasphere. Whereas freedom of expression is considered the defining framework for broadcast media, freedom of religion is subject to regulation. As the first extended study of religion and media in South Africa, this thesis shows that as a result of the deeply rooted Christian national heritage of public broadcasting and the Western Christian orientation of the constitutional democracy, Christian normative sensibilities regarding religion have been sustained within the institutional structures that govern the political economy of religion and public broadcasting.

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Everything carries me to you,
as if everything that exists,
aromas, light, metals,
were little boats
that sail
towards those isles of yours that wait for me.

Pablo Neruda

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Chapter One: Introduction

As a study of religion and public broadcasting in South Africa, this thesis addresses an under-researched and under-theorized area of inquiry by investigating the following research question within the socio-political economy of the media during the apartheid and post-apartheid eras: How has religion within the public broadcasting sector been employed as a strategy and a resource for social control and social transformation by the South African state? This research question draws into focus some of the most critical issues in the academic study of religion. Although firmly set in the South African context, the implications of the issues raised by the line of inquiry that will be developed from this question, can make a significant contribution to the continuous reconfiguration of crucial concepts within the study of religion in general and the study of religion in post-colonial and developing democratic contexts in particular. Through an exploration of religion's role in the history and development of the South African mediascape, urgent questions about religious legitimation, religious regulation, freedom of expression, and freedom of religion are raised. In addressing this research question, set within the specificity of a single unit of analysis, the context of the South African state, and the public broadcaster the South African Broadcasting Corporation (SABC), these questions will be analysed in relation to the multiple complementary, conflicting, and overlapping configurations of religion, media, and politics.

In 2012, the Media Program of the Open Society Foundation (OSF), a global grant-making institution dedicated to “promoting the values, institutions, and practices of an open society . . . in which the rule of law and divergent opinions are respected”

published a comprehensive survey on the South African media landscape (Open Society Foundation for South Africa 2016). This report was part of an unprecedented worldwide project, spanning over sixty countries, designed to explore the ways in which media technology, media production, and media content interact within shifting technological landscapes and changing socio-political and economic conditions. To begin with I would like to consider the following statement about South Africa in the project report: “Religious differences are not a significant social factor, but some 80% of the population is nominally Christian” (Berger and Masala 2012, 8). The report supports this information with a basic pie graph drawn from the 2001 population census indicating the religious makeup of South Africa, and cites the source of this information as a government publication, the *Pocket Guide to South Africa*, published by the Government Communication and Information Services. Since the report considers religious differences not to be a “significant social factor,” the issue of religion is not raised again. When a respected and well-resourced global think-tank that has generally done much work to further the values of democracy at a global scale uncritically cites this statement from a source, the South African government, which is then problematized significantly in the report, it is a clear indication of how inadequately religion is regarded within what is considered the domain of media (Berger and Masala 2012).

Theoretical Framing

In an excellent review of recent developments in religion and media scholarship, leading scholar of religion and media, David Morgan, makes the following comment in this regard: “For its part media studies has happily presumed that religion expired

somewhere between the French Revolution and Marxism's dismissal of religion as the opiate of the masses, a largely inert pacifier that was no match for more interesting distractions such as entertainment media" (Morgan 2013, 349). In the interest of fairness, Morgan's assessment also points out that the analytical potential of media and the concept of mediation have managed to evade the attention of scholars of religion, particularly those working on the largely text-centred study of Abrahamic traditions, who have historically been preoccupied with the content contained in texts and as a result have largely underestimated the implications of the material mediums and the processes of mediation that have facilitated its delivery. Noting that in the last decade definitions of religion and definitions of media have undergone fundamental changes that have shifted and expanded the meanings of these terms in crucial ways, Morgan proposes that narrow, limited understandings of religion as primarily belief, and of media as predominantly channels of communication have contributed to a cold war of sorts between religious studies and media studies departments that on the surface appear to have very little common interest but in reality share much in common.

One studies religions, comparing them, tracing their histories, analysing their ideologies, politics, and rites, with a strong legacy of attending to theologies or the rationale of beliefs. The other studies media, focusing on histories punctuated by technological domination and change, political control, and commercial exploitations with a strong traditional emphasis on the content and effect of individual mediums. . . . The analogy of the two discourses is striking yet the

two have spent much of their history ignoring each other. (Morgan 2013, 348)

In light of this mutual intellectual slighting, criticism of the remark by the OSF media project cannot be too harsh, especially since the report clearly focuses on the development of media in a study of South African society and provides outstanding insights into the development of media production and media distribution in the region. However, to the scholar of religion in general, and to the scholar working on religion and media in South Africa in particular, a statement of this nature is untenable. To a scholar of religion and media in South Africa, religion and religious differences are significant social factors; religion foregrounds the context for the study of the other elements that produce the sum total of social, political, and cultural life.

Professor of Communication Studies Walter C. Ihejirika (2009, 5), reflecting on what he suggests is “the beginnings of an African perspective” in the study of religion and media, identified a turning point in the field at the *International Conference on New Media and Religious Transformations* held in Abuja, Nigeria, in 2008. According to Ihejirika,

For a long time, research in the field of media and religion has been dominated by Western issues and concerns and categories deriving thereof have been used as measuring yardsticks for the field. . . . It is true that in the past decade, many African and non-African scholars have started to present the African perspective in the study of media

and religion, but the present conference is a kind of milestone: it is the first major international conference, which addresses this African perspective. Formerly, there have been individual research and individual views presented here and there, but for the first time, African and non-African scholars involved in the field have gathered together under one roof. . . . In years to come, historians of this field of study will look back and see this conference as one of the major events that raised it to higher levels. (Ihejirika 2009, 4)

Although the sentiment of this statement sounds promising, a special issue of the journal, *African Communication Research*, edited by Ihejirika and published in 2009, did not include a single entry focusing on developments in or from Southern Africa in general or South Africa in particular. In an overview of the study of religion and media in Southern Africa, scholar of Islamic Studies at the University of Botswana Muhammed Haron attempts to map the state of field and makes the following claim:

Despite the presence of numerous media studies programmes and religious studies courses in the region, and even though there have been some signs of interest in this area, research on the relationship between “religion and the media” has not yet taken off as a viable field of focus. (Haron 2010, 28)

Haron’s discussion begins in a promising manner, mirroring the approach taken by Morgan (2013), although regrettably the underlying reasons for the scarcity of religion and media studies on and from Southern Africa are not addressed. Haron’s

discussion, however, does imply that in a discipline that has been dominated by scholarship underpinned by theoretical frameworks from Western countries, variations in understandings of what religion is and how religion works, particularly within the socio-political milieu of Southern Africa, plays a role in the continued paucity of studies from and about the region. Taking the view that religion and media “may be viewed as interconnected structures, affected by the same system of rules and together they are agents of social change that essentially serve the society in different capacities,” Haron provides a detailed overview of the various socio-political and religious developments that have resulted in the current relationships between religion and media in Mozambique, Zimbabwe, Botswana, and South Africa. Unfortunately, the overview is more of a chronological account of religion and media developments in the region and the associated conflicts at a state level, supplemented by a catalogue of available programming in each country, than a critical appraisal of the state of the field. Haron’s engagement with the concept of religion is limited to a perfunctory critique of the secularization thesis’ limited applicability to Southern Africa. Despite the promise of Ihejirika’s observations and Haron’s attempts to address why the Southern African region has not produced more scholarship on the topic, the study of religion and media from and about South Africa remains a relatively unexplored terrain.

This is not to say that there have been no studies that have explored the relationship between religion and electronic media in Southern Africa. With regard to the region, scholar of Media and Communication Knut Lundby has made a notable contribution to the field with his work in Zimbabwe. Lundby’s efforts in the area have covered a range of topics within the framework of religion and media, including but not limited

to the role of media in religious identity building, the use of media by missionaries and religious organisations, and the impact of religious and media orientations on democratic participation (Lundby 1997; 2002; Lundby and Dayan 1999). Furthermore, studies on Christianity, especially charismatic Pentecostal churches, in the Southern African region tend to dominate the field, although there is evidence that research on Islam's interaction with the media is on the rise. The existing studies have been inclined to include insights into the role of electronic media within religious settings as a part of broader discussions about religion in the region (see, for example, Englund 2007; Frahm-Arp 2011, 2014; Gunde 2014; Moore and Saunders 2001; Van Wyk 2015).

In South Africa, researcher at the Centre for Culture and Media Studies at the University of KwaZulu Natal, Russell Baker, in a report about religious broadcasting on public television in South Africa that formed part of a broader collection of papers centred on making policy recommendations for public service broadcasting, explored the state of the genre and the processes that have led to its evolution (Baker 2000). One of the policy recommendations Baker made on the role of religious broadcasting in the new millennium was for the South African Broadcasting Corporation to direct programming resources and airtime to groups that have previously been rendered invisible by mainstream media due to the asymmetrical religious representation that characterised religious broadcasting during the apartheid era.

Certainly, leading scholars of media at the University of KwaZulu-Natal Keyan Tomaselli and Ruth Teer-Tomselli, in their prolific careers as media studies scholars, working on the topic of media in South Africa during both the apartheid and post-

apartheid periods, have approached the topic of religion in their numerous studies (see, for example, Tomaselli and Tomaselli 1989; Teer-Tomaselli 2008; Teer-Tomaselli and Tomaselli 2001). Father Daniel Nkosi, in an ambitious Masters project written in 1994, adopted a method of “cognitive interpretation” and recommended that the future of religious broadcasting in post-apartheid South Africa be vested in a community broadcasting system. Recently, scholar of Women’s Studies and English Literature Gabeba Baderoon (1999; 2014) has made a notable contribution to the field, especially with her latest book, *Regarding Muslims*. Baderoon uses religion and media as creative categories to probe the role of Muslims in South African history across a 350-year time period, spanning the colonial, apartheid, and post-apartheid settings.

Media and communication scholars Keyan Tomaselli and Arnold Shepperson have made a significant, contextually grounded theoretical contribution in the form of a chapter entitled, “Speaking in Tongues: Writing in Vision: Orality and Literacy in Televangelistic Communities.” Following the work of Walter Ong and the local television model of Eric Michaels, these scholars make a convincing argument that televangelisms’ ever growing “reach and success” can be accounted for by exploring this phenomenon within the context of “local interpretive communities” (Tomaselli and Shepperson 2002, 357). This assertion offers a new way of thinking about televangelism, arguably the genesis of religion and media studies, as it counters dismissive criticism of the genre’s “culturally imperialistic” reputation in relation to non-Western contexts, where broadcast material is predominantly imported, suggesting that non-religious media from other contexts can take lessons from the region (Hoover and Clark 2001, 293).

While I acknowledge the work done by media and cultural studies scholars who have made an effort to consider the role of religion, religions, and the religious in studies of the media landscape in South Africa, I have not found one comprehensive, critical study focused on the role of religion as a historically formative, socially-relevant, politically loaded, and useful conceptual category in the production and dissemination of public media. Certainly, a history of religious broadcasting in South Africa can be pieced together from the collection of work that has been produced. However, these studies, with the exception of Baderoon (2014), have tended to tell us a lot about media and very little about religion.

Professor of Religious Studies and expert on religion in Africa Rosalind Hackett's many contributions to scholarship on religion and media in Africa have had formative influence on this study. In emphasizing the multiple interconnections between religion, media, and conflict, Hackett foregrounds an approach to the study of religion and media in Africa that compels the researcher to consider these categories within their global and local historical and socio-political contexts. Hackett's study of religion and public broadcasting, "Mediated Religion in South Africa: Balancing Airtime and Rights Claims," highlights the intersection of religion, politics, and media in the development of religious broadcasting at the South African Broadcasting Corporation. Hackett does not separate post-apartheid developments in this area from apartheid history or from the political struggles that have shaped its constitution. Furthermore, by reviewing the development of religious broadcasting in South Africa within the broader context of media democratization and liberalism in Africa, along with the "new spirit of communal self-determination, constitutionalism, and the

global *lingua franca* of international human rights that is sweeping the African continent,” Hackett convincingly argues that “the media sphere constitutes a critical ‘test site’ where the interpretation and implementation of these ‘new’ rights can be publicly evaluated by all concerned” (2006a, 168-169).

The multiple technological, conceptual, philosophical, material, and historical connections between media and religion have been well researched and thoroughly documented (De Vries 2008; Hirschkind 2006; Hoover 2006; Meyer and Moors 2006; Mitchell and Marriage 2003; Morgan 2008; Stolow 2005). In the past ten years, scholarship about religion and media has shifted tremendously from primarily instrumental and determinist technological studies of the ways media as technology is used within religious life and by religious actors to more discursive, critical studies of religion and mediation (Hoover 1997). This shift has resulted in a robust dialectic that has enhanced the study of religion and media and opened multiple new avenues for critical engagement. Arguably, the most productive result of this shift has come for scholars of religion, since in expanding and nuancing understandings of media we have been compelled to negotiate anew our understandings of religion (Engelke 2010). According to Peter Horsfield (2008, 114), “The strength of the discursive way of thinking about media and religion . . . is that it more realistically considers the complexity of religious practices and mediation processes within any social or cultural situation and how such media uses construct the character of religion, as religion adapts itself to them.” While the broad views of media and religion that have been generated from discursive approaches can provide rich substantive data, Horsfield warns that scholars approaching a study of religion and media discursively run the risk of producing studies that are too “vague” to provide strategic utility.

However, discursive approaches to the study of religion and media provide a level of flexibility that can enable the production of rich context-specific empirical data as well as valuable critical insights into the ways in which religion is defined, managed, mediated, and regulated within diverse media settings.

Heeding Horsfield's caveat, anthropologist Patrick Eisenlohr resists claims that exaggerate the connection between media and religion at the expense of critical consideration of the impact of social conditions on the constitution of this relationship and the agency of human subjects. Accordingly, he asserts, "The diversity of religious mediation and the mediation of religious diversity are not reducible to one another but must be understood as mutually constitutive" (Eisenlohr 2012, 50). Questions of how religion and media converse and converge and what kinds of systems of meaning they reflect or generate must be situated in both the historical and material conditions of a particular context. To that end, discursive approaches to studies of religion and media, particularly those about post-colonial societies, nations in transition, or developing democracies, should not uncritically impose theoretical constructs generated from the mass of excellent studies available from elsewhere. Instead, the focus of research and the conceptual frames employed in such areas should be generated by context and placed in conversation with these studies.

Such methods are employed in the recent contribution to the study of religion and media in Africa, *New Media and Religious Transformations in Africa*, edited by Rosalind Hackett and Ben Soares (2015), who convincingly argue that while the study of media in Africa is flourishing as a field of inquiry, these studies often focus more on questions about democracy and development, consequently ignoring the question

of religion completely or treating religion as a peripheral issue. This pattern of omission overlooks the crucial historical connections between media development and religion and particularly ignores the fact “that religious actors in Africa have long been at the forefront in taking up new media technologies in Africa” (Hackett and Soares 2015, 1). Furthermore, recent history affirms that many places in Africa, including South Africa, have been at the forefront of instituting projects in large-scale political reform that have led not only to media deregulation but also to new legislative features that have fundamentally altered the role of religion in public life. These changes to the socio-political conditions in which both religion and media are situated have played highlight important local and international questions about balancing freedom of expression and freedom of religion (Hackett 2011). In contemporary South Africa the obvious tension between freedom of expression and freedom of religion is further intensified as religion and media, are caught among competing ideological agendas generated by the state, namely, the protection of universal human rights of which religious freedom and freedom of expression are a part and the promotion and protection of specific cultural rights for which the 1996 Constitution also makes provision. Furthermore, as Hackett has cautioned, critical attention should also be given to the role that media plays in the “intensification of old socio-religious polarities and the generation of new forms of religious intolerance and conflict” (2009, 117). Therefore, a study of religion and media in contemporary South Africa is well poised to be discursively engaged both theoretically and empirically.

As Birgit Meyer and Annelies Moors suggest, “the presence of religion in the public sphere is both constitutive of and constituted by political activism, especially identity politics of the politics of difference. Modern religion refuses to be bound to a distinct

religious sphere—as is imagined in modern notions of society as differentiated into separate domains—and appears to be mingled with politics” (2006, 11). A study of media and religion in South Africa is consequently also a study of culture, history, politics, race relations, development, democracy, and economy. Set against the backdrop of state politics and public broadcasting policy, this study will take into account the historical and present conditions that have shaped the ways in which religion is defined, represented, managed, and regulated in one of the most far-reaching and accessible technological mediums in South Africa today, public broadcast television.

Scholar of religion Mathew Engelke (2010, 377) has noted that in light of the “media turn” in the study of religion, “media turners” have rejected the secularization thesis and its implication of religious privatization. Although a critique of this post-Enlightenment view of religion can be a productive starting point for exploring the relationship between religion and media, especially if it is analysed within well-defined conceptual and contextual parameters, Engelke argues that to a large extent critics of secular modernity’s version of privatised religion provide little to substantiate their claims, using this position as a “rhetorical launching pad” instead of an argument.

The history of the South African mediascape illustrates a relationship between religion and media that has been definitively shaped and coloured by dramatic political activity and change. This has had a central impact on the way that religion is defined, managed, and regulated on public media platforms. An uncritical acceptance or outright rejection of the secularisation thesis and generic critiques thereof runs the

risk of fulfilling Engelke's somewhat prophetic observation. However, in this analysis of the relationship between religion and media, substance will be given to the rejection of the secularisation thesis' claims about religious privatisation by considering the distinctive historical and material conditions under which religion is allowed to participate in public life in South Africa.

In the 2003 publication *Formations of the Secular*, Talal Asad problematizes the secularisation thesis as presented by José Casanova (1994) and raises a number of crucial questions that are vital for understanding the role of religion in the modern nation-state, particularly when thinking about the formation of modern nationalism. Casanova suggested that three conditions denote the process of secularisation in the modern world:

- 1) Decline of religious beliefs and practices as a part of human development.
- 2) Privatisation of religion as a precondition for modern liberal democratic politics.
- 3) Differentiation of secular spaces from religious institutions and norms.

(Casanova 1994; 2006)

Contributing to an already large corpus of work about secularisation, much of which is aimed at proving false the very premises upon which the secularisation thesis is founded, Casanova suggests that despite the heightened global visibility of religion, which directly undermines the second promise of secularisation, religion can be a part of the secularisation project if it conforms to the operating standards of modern

democratic societies. With this claim, a distinction is made between religions that promote democratic values and norms and those that undermine its processes. Asad elaborates on the implications of this proposition:

When it is proposed that religion can play a positive political role in a modern society, it is not intended that this apply to *any* religion whatever, but only to those religions that are able and willing to enter the public sphere for the purpose of rational debate with opponents who are to be persuaded rather than coerced. Only religions that have accepted the assumptions of liberal discourse are being commended, in which tolerance is sought on the basis of a distinctive relation between morality and law. (Asad 2003, 183)

Asad takes particular issue with the idea of *how* religion is allowed to become “public” in the modern nation-state. He is concerned with which aspects of religion are considered compatible with democratic principles and which are not and how both political and religious stakeholders negotiate this tension. Asad urges scholars of religion to consider the underlying discourses that dictate how religion is represented in the modern nation-state. He returns to the ideas that he established in what is perhaps his most significant academic contribution to the study of religion *Genealogies of Religion*, where he formulates the study of religion within what can be considered a theory of discourse. The question of *how* religion becomes public resonates with questions about religious representation and religious regulation in different forms of media. This question will be analysed in light of the preconditions

set forth for religion within the parameters of the modern constitutional state and the institutional logic of the public broadcasting landscape of South Africa.

Charles Hirschkind and Brian Larkin explain how the assumed separation between the so-called religious and secular realms have resulted in the perception that when religion is found outside of its designated private, personal sphere, “it often gets read as a sign for something else: an idiom through which marginal groups express political demands; a salve in times of crisis; a vehicle of social mobilisation and solidarity; an instrument by which cynical leaders manipulate their supporters” (Hirschkind and Larkin 2008, 1). In this regard, religion is seen as a resource for engendering various forms of social unrest, sometimes violent but always threatening the supposed “neutrality” of the secular space. The assumption of a neutral secular political space has resulted in the treatment of religion’s presence as a dangerous intrusion, a regression to a time and space that human development has long since outgrown. Inspired by the work of scholars of religion such as Asad, Tomoko Masuzawa, Jonathan Z. Smith, and Charles Taylor, Hirschkind and Larkin begin their discussion of “Media and the Political Forms of Religion” by acknowledging “that secular political practice itself has been, and continues to be complexly configured by religious sensibilities, concepts, and histories and should be analysed in light of these.” In complying with this position, we accept the notion that religion is “a category that is generated by modern secular governance” (2008, 1). This does not constitute a call to refocus scholarly attention to what can be considered the “properly religious” as opposed to the political dimensions of religion. Rather, this position is asking us to consider how the categories of religion and the secular are “produced and positioned in relation to each other” (Hirschkind and Larkin 2008, 3). Based on this

recognition, this study will show how public broadcast media, through technological forms, content circulation, and the discursive processes of mediation, “enfold” religion with the political (Hirschkind and Larkin 2008, 7).

David Herbert (2012) argues that religion’s “re-publicisation,” defying religion’s anticipated disappearance, has been produced by the multiple and varied interactions and transformations between media, culture, and politics that have occurred as a result of a “combination of the rapid development and dissemination of media technologies, liberalization of national media economies and the growth of transnational media spheres” (2012, 54). Herbert has explored the “re-publicisation of religion” in relation to post-colonial, post-communist, and western contexts, arguing that “linear paradigms of secularization and mediatisation are unable to narrate” the mutually altering, complex dialectical processes that constitute the relations between religion, media, and the public sphere.

Stig Hjarvard’s popular and extensively critiqued theory of the mediatisation of religion was first introduced as the key note address at the fifth International Conference on Media, Religion, and Culture in 2008, and has since been substantially revised, most notably in conversation with leading scholars of religion and media, Mia Lövheim, Gordon Lynch, David Morgan, Lynn Schofield Clark, and Alexandra Boutros in a special issue of the *Journal Religion and Culture* in 2011. In a more nuanced manner than before, Hjarvard argues that mediatisation refers to the “social and cultural process through which a field or institution to some extent becomes dependent on the logic of the media” (2011, 119). Applying this argument to religion, Hjarvard suggests that the mediatisation of religion has occurred as a result of the

exploitation of religion's modern vulnerability, as a result of secularisation, by the power and pervasiveness of the media. Hjarvard asserts that this phenomenon occurred as a result of the media's transformation of three aspects of religion.

Firstly, Hjarvard claims that in becoming the primary source of information about religion and religious issues, media has undermined the function of the church as the primary site for religious knowledge and engagement. Referring to the agenda-setting function of the media and based on a national survey about how Danes engage with spiritual issues, Hjarvard argues that "the ability to define what counts as religion, and what parts of religion are worth talking about have to some extent been passed over from church to the media" (2011, 125).

Secondly, Hjarvard claims that "religious information and experiences" have been moulded according to media logic, including "the institutional, aesthetic, and technological modus operandi of the media" (2011, 126). With this point, Hjarvard suggests that media institutions recast the internal content of religion in accordance with their own organising principles and as a result influence the framing of religion and subsequently the ways in which media consumers interact with religion. Hjarvard proposes that "the majority of the media's representation of religion does not originate from the institutionalised religion or have a close connection or have close resemblance with religious texts" (2011, 123). The South African case will show that the institutional logic of the media is not limited to questions of genre, ownership, and the ubiquity of media technology in everyday life. In exploring religion's historical role as a strategy and resource for the exclusion and inclusion of television from the South African mediascape, this thesis will show how the institutional logic of media

was first determined by religiously sanctioned anti-media rhetoric. Subsequently, in the context of a new democracy, the institutional logic of the media has been determined by both the constitutional aspirations of the new state and the commercial obligations of the public broadcaster.

Thirdly, Hjarvard claims that media, by providing continuous access to religious resources, have taken over many of the roles previously vested in institutionalised religions, providing “spiritual guidance, moral orientation, ritual passages, and a sense of belonging” through genre, framing and “continuous representation of the common space” (Hjarvard 2011, 123). Hjarvard to a large extent decries secularisation theory’s sceptics and argues that the growing visibility of religion in society cannot be used as the benchmark for measuring secularisation’s success or failure. Hjarvard maintains that in Nordic countries the secularisation project, propelled by the increased ubiquity of media technology, has contributed to religion’s declining popularity in the region and has resulted in the mediatisation of religion.

This mediatisation theory’s close relation to the secularisation thesis further complicates but does not completely discount its applicability in the South African setting. On the one hand, as will be shown in this introduction, South Africa is by no means a secular state nor does it aspire to fully embody secular principles. On the other hand, the democratisation of public broadcast media was driven by an urgent underlying necessity to divorce media in the democratic era from its authoritarian past, which was directly legitimated by the religious ideology of the apartheid government. The history of religion and media in South Africa reflects the variety of secularisation in line with both Herbert’s premise of the “re-publicisation” of religion

and Asad's analysis of religion's regulated presence in the public arena.

An exceptionally large and varied corpus of work on the topic of religion and media has emerged from scholars working within often complementary and sometimes competing disciplines, including media studies, religious studies, cultural anthropology, psychology, political studies, and sociology. The depth and breadth of the literature and the research undertaken in relation to religion and media as an area of sustained scholarly concern and attention is evidence of the prevalence of these concepts and their complex relationships with one another in relation to other crucial aspects of human experience. Hackett proposes that "adopting media as a central category of analysis in studies of religion can provide fresh perspectives on many of the core concepts in the social sciences (viz. power, agency, practice, representation, embodiment, identity, citizenship, authority, community, diaspora, transformation, and the making of [religious] subjects/publics/counter-publics)" (Hackett 2014, 67). The adoption of media as a category of analysis, particularly in a study of religion in the context of new and emerging nation such as South Africa, provides us with the opportunity to re-read the history of religion in South Africa through exploring the ways in which religion and media as categories have been defined and redefined within changing socio-political contexts.

With all the deliberate attention drawn to religion within this study, where then does media feature in this discussion? The answer to this question would be a matter of perspective, since an attempt to trace the history of media's conception and production would be to participate in a futile attempt to trace the roots of human communication in its entirety. Media technology as vehicles for the transmission of

social and cultural knowledge through various formats such as art, ritual performance, storytelling, symbolic representation, dance, and the written form long predate the advent of the industrial revolution (Hoover 2005; Morgan 2011). In order to proceed further it is necessary clarify the ways in which media is understood and positioned within this study.

The focus of this project is on television in the form of public broadcasting services. There are many definitions of public broadcasting, although for South Africa the Broadcasting Act of 1999 provides a vague and sweeping definition of public broadcasting that nevertheless can be used as a starting point. According to the act, public broadcasting includes “service[s] provided by the South African Broadcasting Corporation, any broadcasting service provided by any other statutory body, or a broadcasting service provided by a person who receives his or her revenue, either wholly or partly, from license fees levied in relation to sound radio sets and in relation to television sets, or from the state, and must include a commercially operated broadcasting service” (1999, 10).

The South African public broadcasting model defies the commonly proposed definition that holds that public service broadcasting is publically funded for public consumption and free from commercial or state interference. Although it is funded in part by the public’s license fees, the SABC is registered as a public company and 100% of its shares are held by the state. This arrangement has undermined many of the efforts made by the SABC to reform its formerly authoritarian status as a state broadcaster. However, as will be shown later, issues of government bias and control continue to plague the public broadcasting sector in South Africa. The inclusion of a

commercial service is another unique embellishment not elaborated on in the Act. Although SABC editorial policy indicates that the commercial services are used to generate additional revenue for the public broadcasting services, in reality over 80% of the broadcaster's public broadcasting revenue is generated from advertising revenue (Deacon 2011). While the ownership, management, and funding of the SABC do not reflect the traditional public service broadcasting model, the mandates, founding, and organising principles of the institution do reflect global policies and practices. To that end, the South African public broadcasting model is informed by the following principles:

- 1) Universal geographic accessibility.
- 2) Universal appeal across tastes and interests, a wide range of programmes must be made available.
- 3) Particular attention to minorities, including cultural, linguistic, and social consideration.
- 4) Contribution to a sense of national identity and community.
- 5) Distance from vested interests.
- 6) Direct funding and universality of payment.
- 7) Competition in good programming rather than for numbers.
- 8) Guidelines that liberate rather than restrict programme makers.
- 9) High quality programming. (Teer-Tomaselli 2008; Banerjee and Seneviratne, 2006).

The Broadcasting Act (1999, 16), situates “universal” public broadcasting characteristics within the democratic drives of the South African state, specifying that the public broadcasting service must provide programming that,

- 1) Reflects South African attitudes, opinions, ideas, values, and artistic creativity.
- 2) Displays South African talent in education and entertainment programmes.
- 3) Offers a plurality of views and a variety of news, information, and analysis from a South African point of view.
- 4) Advances the national and public interest.

In an article entitled “‘National’ Public Service Broadcasting: Contradictions and Dilemmas,” Teer-Tomaselli observes, “Public service broadcasting all over the world has faced serious problems in the past two decades. In fact no ‘pure’ form of public service broadcasting in its original incarnation exists anywhere in the world today” (2008, 75). Teer-Tomaselli points out that in South Africa the challenges faced by public broadcasters globally are magnified by three essential challenges. Firstly, the heritage of apartheid broadcasting, especially the political relationship of the SABC with the National Party government along with programming deficits that were created through the essentially whites-only provisions that were made for programming. Secondly, the financial burden of keeping up with market liberalisation and technological developments. Thirdly, patterns of institutional behaviour have at times mirrored that of a state broadcaster rather than a public broadcaster.

In assessing the relationships between the broadcaster and the public, the nation, and the state, Teer-Tomaselli demonstrates how the notion of public interest and national interest are regularly conflated in broadcasting discourse and practice. The democratic national project of the new South African state has set challenges for the SABC to reform its previous image as a propaganda machine for apartheid, to reflect the reality and values of the “New South Africa,” to fulfil its public service mandate, which includes the developmental and educational needs of a country in transition and, as one of the commanding economies in Africa, the mandate to position itself as the leader in broadcasting in Africa. To that end, the Broadcasting Act mandates that programming from the public broadcaster be “varied and comprehensive, providing a balance of information, education, and entertainment, meeting the broadcasting needs of the entire South African population in terms of age, race, gender, religion, interests, and backgrounds” (1999, 17). Since the Broadcasting Act states that the public broadcaster must have a separate policy for religious broadcasting on television and radio, the appearance of religion as an object of broadcasting policy sets the tone for the SABC’s engagement with religion through programming.

In 2010, it was estimated that 82% of households in South Africa had at least one television set, 77.2% had access to a radio set, and 18.3% owned a personal computer. It was also estimated that a total 47.5 million South African were mobile phone subscribers but that only 10 million of these phone units had access to the Internet. These numbers give a good sense of the socio-economic make-up of South Africa. With an estimated population of 50 million people, economic inequality is extreme, with 10% of the population enjoying 44.7% of the national income. Communication technology is a luxury for most South Africans. Almost half of all consumer spending

on communication devices come from the 9.6% white population. According to the OSF Media Report on South Africa, only a minority of homes have personal computers and many of these computers are only operated offline. In South Africa the most prevalent media platforms are television and radio. While television may be unfashionable as a medium in other contexts, particularly those of modern Western democracies, television is still the main platform from which the majority of South Africans are informed, entertained, and educated. Furthermore, it is necessary to consider that recent evidence shows that despite the rise of commercial media services, including subscription options offered in the form of online media, the most accessed and watched media provider is the South African Broadcasting Corporation (Berger and Masala 2012, 18).

At a time when academics and journalists are preoccupied with exploring *newer* media, public-service television in South Africa, although forty years old, is actually in its infancy not only in comparison to the rest of the world but also in terms of the developmental stages of its content. Since 1994 the new South African government, working within the scope of an expansive liberal constitution, has been engaged in a sustained project to repair the damages done by the apartheid government and resign its legacy to history. It has also worked to discredit apartheid policies, rendering them illegitimate as a crime against humanity. As a result of this large and on-going development project, we can see that public broadcast television, as we know it today, is a new media project of the new South Africa.

Therefore, while this study locates television as a traditional technological device, in terms of its physical make-up and consequent functional objectives, I acknowledge

the due limitations that have been placed on the usage of the terms technology and media in this thesis. Scholar of religion, media, and technology Jeremy Stolow has thoroughly scrutinised the relationship between religion and technology by revising “the very supposition that religion and technology exist as two ontologically distinct arenas of experience, knowledge, and action” (2012, 2). The early history of television in South Africa will show how the National Party’s attitude towards television was characterised by a suspicion of the technology as cosmologically incompatible with the religiously legitimated political and social order of apartheid. In this case, technology was about more than the technical devices that make communication possible. For the apartheid government, the relationship between religion and technology was determined by the view “that religion and technology can be parcelled out as two discrete dimensions of the cosmos” (Stolow 2012, 4).

Chapter Outline

This thesis is primarily based on text-based research and the analysis of data that has not been previously explored within the potential of this project’s research question and conceptual framing. For the second chapter, the parliamentary proceedings known as the *Hansard* collection from 1936, the year that the SABC was established, to 1976 when television was introduced to the republic are examined. The *Hansard* collection is augmented by the findings of state commissions, contents of annual reports, policy documents, and national legislation that were produced during the same period.

In the third chapter, the primary document under consideration is the Religious Broadcasting Policy of 2003. I argue that this policy represents the culmination of “consultation and contestation” that characterised not only the entire spectrum of transformational endeavours undertaken by the post-apartheid state to consign the legacy of apartheid to history but it also embodies the way in which the new constitutional values of the democratic state have been mediated through religious broadcasting policy and subsequently content production (Baker 2000, 235). The regulation of religion through this policy has led to an arrangement wherein both the representation of religion on public broadcast television and religious broadcasting as a genre have been enlisted in the broader nation-building project, resulting in regulated representations of religion that although constitutionally sound in form provide very little space for religious expressions that do not conform to these standards.

In the process of reforming the political climate of the country, fundamental constitutional changes, including the promise of freedom of religion and freedom of expression, had a material impact on the domain of religion and public broadcasting. The fourth chapter, in attempting to make sense of the impact of the Christian national heritage on the new South Africa in general and on public broadcast television in particular analyses the hearings of complaints about religion submitted to the Broadcasting Complaints Commission of South Africa (BCCSA). Through engaging with this data, I propose that the limits and potential of freedom of expression and freedom of religion as they play out in the media landscape can be tested and evaluated against the constitutional promises that enfold religion and broadcasting in policy and practice.

The trajectory of this thesis can be mapped in the form of chapter summaries. Chapter 2, “The Devil’s Own Box: Religion and Television in Apartheid South Africa,” emerges from an intellectual curiosity regarding a series of non-events and constitutive absences in the media landscape of apartheid South Africa. Denied television until 1976, South Africans did not witness the Apollo 11 moon landing, one of the pivotal moments in the history of humanity (Nixon 1994; Bevan 2008; Krabill 2010). At a time when the majority of the world had television as a commonplace commodity, South African politicians were in the throes of debating whether, in addition to radio, television was in fact necessary. By the time the first television broadcast took place in South Africa on 5 January 1976, over 130 other countries had already installed what was widely considered as just one more modern convenience. In South Africa, there was about a forty-year lag between when the technology became possible and when it was considered permissible (Nixon 1994). The National Party government was deeply suspicious of this medium and tirelessly opposed its introduction based on a number of reasons spanning a spectrum of spheres. Television was the focal point for a sustained and often raucous debate characterized by radical anti-television and pro-television stances within the House of Assembly between the ruling party and the parliamentary opposition. It also proved to become a contentious issue for white South Africans, both Afrikaans and English. Finding that religion was prominent in both the exclusion and inclusion of this broadcast technology, notions of religious motivation and religious legitimation become crucial lenses through which to explore the prevailing attitudes and discourses about religion, politics, and media that emerged under apartheid.

The constitution of the apartheid dispensation defined South Africa as a Christian country. In its opening paragraph, the 1983 constitution states that South Africa “upholds Christian values and civilized norms, with recognition and protection of freedom of faith and worship” (Republic of South Africa 1983, 110). The kind of Christianity that was considered the religion of the state was based on the values of the Dutch Reformed Church; this religion became public and was utilized in public with the assistance of the full resources of the ruling party. During the apartheid years, Christianity was a state tool, used for the propagation of scientific racism and law-based social inequalities. Religion was drawn upon to reinforce segregation on the basis of “racial, ethnic, cultural, linguistic, and religious signs of difference” (Chidester 2006, 65).

The history of South Africa bears witness to the ways in which religion, according to Chidester (1992, 187), has “provided an open set of resources for justifying various economic, social, or political interests.” Chidester argues that by drawing from the resources of cultural workers, particularly those who are invested in creating or upholding a political, social, or economic framework in which a hegemonic discourse is perpetuated, have used religion to ordain their aspirations for political power. The history of South Africa bears testimony to the way in which religion has been used to legitimize the power of one group to “dominate, control, and exploit human and material resources.” The way in which the National Party drew from religious resources in constructing and perpetuating its vision for South Africa is a clear indication of how religious legitimation was able to provide a political party with the power to subjugate millions.

The second chapter begins with a review of three contemporary studies of television's initial absence from and delayed introduction to the South African mediascape during the apartheid era. Although these scholars working from the various disciplines of cultural studies, history, and literature have produced compelling arguments regarding television's absence and introduction they have failed to highlight the central importance of religion to this narrative. This is not to say that these scholars have entirely overlooked the role of religion in the National Party's anti-television rhetoric. On the contrary, each raises the issue of religion as part of their discussions. However, they have neglected to place the National Party's searing deprecation of this new technology within the religious context of apartheid policy and politics. The relatively minor role that is attributed to religion in these studies is both fascinating and revealing. The fascination emerges from the fact that in 1971, when the Commission of Inquiry into Matters Related to Television, which was launched in 1969 to assess the suitability of television for South Africa, reported back on its findings, religion, and particularly the National Party's special version of Calvinist Christianity, featured dominantly in two of the three strict stipulations under which a television service would be allowed to operate. However, studies on this topic have provided religion but a cursory glance or at times sought to underplay the strategic utility that the National Party's religious underpinning provided the government for the development and proliferation of their cultural, social, educational, and political vision of separate development. This lack of critical attention to the role of religion in the development of media services and technology provides an incomplete narrative of television's exclusion and adoption in South Africa. As a result, religion's absence from the historical accounts of the great television debate has deprived us of a robust engagement with religion's role in political strategy and media practice in South

Africa. I do not propose a rigid causal link between religion and television's absence or religion and television's introduction. Instead, I attempt to account for and assess the role of religion in the authorising and legitimising of the National Party's stance towards television.

In light of the importance of religion in the findings of the Meyer Commission, the concept of religious legitimation will be used to probe the ways in which religion, media, and politics were intrinsically entwined in apartheid South Africa. Religious legitimation, as a critical lens through which to explore and highlight religion's capacity to be utilised in the service of various kinds of power, propels this discussion toward a critical assessment of the religious provenance of Afrikaner nationalism and subsequently the religiopolitical underpinnings of the National Party's position towards television as both a material threat to the good of the nation and as a threat to the spiritual well-being of all the nation's people. The history of the religious development of the early Afrikaner community will expose the very practical processes of religion, culture, language, and national development that resulted in the Afrikaner nationalist vision that the National Party sought to realise through the system of separate development and to defend against the threat of British imperialism on the one hand and racial equality on the other.

My Brethren and fellow countrymen, at this moment we stand before the Holy God of heaven and earth to make a promise if He will be with us and protect us, and deliver the enemy into our hands, so that we may triumph over him, that we shall observe the day and date as an anniversary in each year and a day of thanksgiving like the Sabbath in

His honour, and that we shall enjoin our children that they must take part with us in this for a remembrance even for posterity. (Nelson 2002, 65)

According to Afrikaner tradition, this solemn vow was taken prior to the Battle of the Blood River in 1838, epitomizing the Afrikaner struggle to establish independence from the British, conquest of Africans, and sovereignty over their own affairs. According to Nelson (2002, 66), “By the 1820s, the Boers had become disenchanted with British rule mainly because of new legislation supporting the equality of all persons, irrespective of colour, the abolition of slavery and the establishment of English as the official language.” The Great Trek as this journey toward self-determination and freedom from British rule would become known, marked a turning point in the history of the Dutch settlers. From this journey the Afrikaner nation was born (Ritner 1967). The first Dutch settlers established the Dutch Reformed Church at the Cape in 1652. After defeating the Zulu at the Battle of the Blood River in 1838, the Afrikaner people began establishing their own nation, free from the tyranny of the British. Having fought for their right to self-determination under British rule and after the victory over the Zulu, the first Afrikaners established an independent republic based on a mix of political ideology and the religious doctrines of the Dutch Reformed Church set against the background of a history of oppression and a struggle for the right to assert their identity.

Tracing religion’s role in the development of broadcasting technology in South Africa will show that broadcasting emerged as a site of conflict between the interests of English-speaking and Afrikaans-speaking whites, especially regarding issues of

language and culture. Struggles about broadcasting ownership and content in which English capital far outweighed that of Afrikaners generated Afrikaner cultural insecurities. Early conflicts between the British and the Dutch settlers left an enduring impression on Afrikaner memory and ultimately Afrikaner resentment toward the British would be revitalized and augmented in the expression of the National Party's position toward television. By the time the National Party came to power in 1948 as the governing party of the South African state, their vision for the separate development of races was already well developed and their perceived relationship between what was now called "apartheid," as a political policy, and Christianity, as interpreted by the Dutch Reformed Church, was inextricably linked.

In apartheid South Africa, politics and this Afrikaner nationalist Christianity were intertwined in both policy and practice. The Dutch Reformed Church declared itself the founder of the apartheid principles (Ritner 1967; Nelson 2002). Throughout the period between 1948 and 1990, Afrikaner political leaders invoked church teachings and Christian doctrine to substantiate their political, economic, and social policies. The second chapter will explore the debates about the television question that ensued in the House of Assembly and analyse how the National Party's fiercely anti-television stance, especially its framing of television as a spiritual danger, defined the shape of the broadcasting landscape.

By 1969, with the onset of satellite technology and the threat of undesirable and uncontrolled broadcasting channels, the National Party was forced to reconsider its original position on television. The Commission of Inquiry into Matters Related to Television would conceive of a statutorily controlled, Christian television service as a

crucial line of defense against possible unauthorized international content that could undermine the apartheid state. Television, the enemy of the nation and the people, was eventually enlisted to preserve and protect the spiritual heritage of the apartheid state.

Chapter 3, “Religion and Television in Post-Apartheid South Africa,” analyses religion and public broadcasting in the democratic transition. As Teer-Tomaselli argues, “In the early 1990s the SABC became the locus for national struggles—over questions of control, racial composition, news content, and, language policy, ideology, and the whole gamut of what could constitute a ‘new’ South Africa” (2008, 81). The period between 1990 and 1996 signalled a time of intense social and political transformation in South Africa. With the fall of the apartheid government began a process of nation building that sought to repudiate the legacy of separate development at every level of society. The new dispensation took seriously the role of the media in this national project of restructuring South African society. The SABC was one of the first institutions to be reviewed and reformed within the contours of democracy. Indrajit Banerjee and Kalinga Seneviratne of the UNESCO media development project suggest that, “When guaranteed with pluralism, programming diversity, editorial independence, appropriate funding, accountability, and transparency, public service broadcasting can serve as a cornerstone of democracy” (2011, 10). In light of the distrust of public broadcasting in the past, the new government harnessed the potential of the media to project the vision of a democratic South Africa and went about a serious re-hauling of broadcasting policy and practices in a focussed effort to rebrand the SABC as a trusted site of information. Tomaselli (2001, 122) argues that the media have had two distinct roles in post-apartheid South Africa, as sites of

transformation and as instruments for transformation. Tomaselli discusses the structural transformation of the media in light of national policy changes that were instigated by the new constitution as part of the national transformation projects of the mid-1990s. In their capacity as instruments of transformation, Tomaselli argues, “Media provide essential platforms for debate, information, and education around issues shaping the kind of society we are, and the kind of society we wish to become” (Tomaselli 2001, 124).

In this chapter I will argue that in their separate capacities as well as in their relationship to each other religion and media are both sites of and instruments for political and social transformation. When considering religion as a site and instrument for social transformation within the public-broadcast sector we are able more clearly to discern the conditions under which religion is allowed to become public. Baker explains, “traditionally, a public service broadcaster aims to broadcast religions to address a diversity of religious needs and also to facilitate the process of religious and cultural tolerance and understanding and thereby its goal of nation building” (2000, 223). These ideas are best reflected in the SABC Religious Broadcasting Policy in which the corporation identifies the context that informs the broadcast principles of this particular genre of programming.

The Religious Broadcasting Policy clearly states its reparative agenda by referring to the organization’s commitment to correcting “gender, racial, religious and resources imbalances associated with religious broadcasting in the past” (SABC Editorial Policy 2003, 46). The constitutional aspirations of a unified South African identity where all South Africans have equal access to rights and the freedom to express their diverse

opinions, cultures, and religions are expressed in the values that underpin the SABC's approach to religious broadcasting. Through exploring how religion is defined, described, and employed within the national broadcasting framework, as well as through SABC institutional policy, this chapter draws attention to the discursive practices to which religion on public service television is subjected and the meaning of these practices for the ways in which religion is positioned in public broadcasting in the new South Africa.

Freedom of religion has been guaranteed in South Africa since 1983, some eleven years before universal suffrage was achieved. However, what freedom of religion meant then and what freedom of religion means now are very different, bearing testimony to the context-specific nature of religion and the powers that authorize the ways in which religion's role in public life is expressed. Critical of universal definitions of religion, Asad (1993; 2003) argues that to search for a universal definition of religion is to try and separate religion from the domain of power. In South Africa, religion has always been related to power. Throughout colonial, apartheid, and post-apartheid South Africa, religion has always been related to South African politics. However, I would argue that this historical moment is more exciting than any of those that have passed. In this historical moment, we see the tension between freedom of religion and freedom of expression conveyed in more nuanced and complex manner. We see organized attempts to redefine or flesh out the meaning of freedom of religion in the organization structure of state-supported institutions such as public-pedagogical spaces like public-service television.

During the constitutional negotiations of the early 1990s, the privileged position of Christianity as well as the relationship between the state and religion of the apartheid government was highlighted as an area for reform. It was clear that establishing a state religion in a democratic, religiously plural society would achieve no redress for the many apartheid injustices that had coloured the religious and cultural landscapes between 1948 and 1990. Any religion endorsed by the state would directly contradict the constitutional values of freedom of religion and freedom of conscience that the new dispensation had hoped to implement in South African public life. As a result, a new arrangement between the state and religion was reflected in the Bill of Rights under the freedom of religion, belief, and opinion clause of the 1996 Constitution (Republic of South Africa 1996, 13).

Although the Bill of Rights set out a new paradigm for freedom of religion in post-apartheid South Africa, the Constitution provided very little guidance for how this new right would be materialized in the democratic public sphere. In response to the vagary that characterized religion in the Constitution, future Constitutional Court Justice Albie Sachs in 1990 remarked, “Ideally in South Africa, all religious organizations and persons concerned with the study of religion would get together and draft a charter of religious rights and responsibilities . . . it would be up to the participants themselves to define what they consider to be their fundamental rights” (1990, 47-49). In an instance of what could be considered self-critique, the Constitution recognizes its limitations and at the same time reinforces its supremacy in Chapter 14, Section 234, with the following provision: “In order to deepen the culture of democracy established by the Constitution, Parliament may adopt Charters of Rights consistent with the provisions of the Constitution” (Republic of South

Africa 1996, 129). South African Law Expert Rassie Malherbe observes, “By leaving the right to freedom of religion undefined in the Constitution, one actually accepts that the content of the right will be determined on an *ad hoc* basis through court decisions and other measures, in other words, as questions, issues and difficulties occur from time to time. Religious communities have little control over this incremental and piecemeal process. Section 234, on the contrary, creates the opportunity to put on the table a charter in which the content of the right is spelled out more fully in a single act of Parliament” (2011, 613).

On the foundation of this provision and in spite of its clear constitutional restrictions, a group of academics, religious leaders and legal experts have proposed the *South African Charter of Religious Rights and Freedoms*. While the charter has not yet attained the legislative approval of Parliament, it has been endorsed by a number of key political figures and bodies, notably the Chapter 9 constitutional institution, The Commission for the Promotion and Protection of the Rights of Cultural, Religious, and Linguistic Communities. Although it has faced considerable criticism from the Pagan Rights Alliance and various non-religious and secularism advocacy groups, the charter reportedly has the support of over sixty-seven religious institutions representing approximate one-fifth of the South Africa population. The support for the charter suggests that religious groups in South Africa are interested in asserting their right to engage the Constitution, while the content of the charter indicates that religious organisations want to challenge the authority of the state over religious matters and at same time wish to extend the influence of religious bodies in state matters.

In the introductory chapter of the collection of essays, *Politics of Religious Freedom*, religion and law experts and editors Winnifred Fallers Sullivan, Elizabeth Shakman Hurd, Saba Mahmood, and Peter G. Danchin astutely capture the prevailing sentiment surrounding the concept of religious freedom by observing how the topic of religious freedom has “been naturalized in public discourse worldwide as an indispensable condition for peace in our time, advocated around the world and across the religious and political spectrum” (2015, 1). While the naturalization of this topic can be considered a positive force, particularly in advocacy work and policy making, it has also resulted in the uncritical acceptance of what religious freedom is assumed to be and what it ought to do.

Since 1948, when religious liberty was included in the United Nations Universal Declaration of Human Rights, freedom of religion has appeared as a tenet of faith in modern democracies. In this volume of essays, the taken-for-granted nature of this right, its histories, meanings, powers, uses, and abuses, are scrutinized within a variety of contexts. Simply put, the universal is made particular in order to upset the notion that religious freedom, as an object of public policy and a ward of constitutionalism, can be simply understood and invoked. According to Sullivan et al., “religious liberty is not a single, stable principle existing outside of history or spatial geographies but is an inescapably context-bound, polyvalent concept unfolding within divergent histories in differing political orders” (2015, 5).

Whereas many studies of religious freedom have been centred on discussions related to religious persecution, often accompanied by physical violence and the outright cruelty and discrimination against minority groups in South Africa, the context is

generally free from explicit tensions between religious groups and between the state and religion, violence, at least the kind that manifests as high level, physical violence or explicit discrimination, does not present as the kind of religious persecution that is often referred to in discussions of religious liberty (Hurd 2015; Mahmood 2015; Su 2016). Since the dawn of democracy, the potential and limitations of freedom of religion as prescribed in the Bill of Rights has been theoretically tested by scholars and in a few cases practically by the courts. As will be shown in the fourth chapter, this does not mean that freedom of religion is uncontested in post-apartheid South Africa; the politics of religious freedom play out in the context of public broadcasting policies and regulatory practices.

Chapter 4, “Freedom of Expression and Freedom of Religion,” analyses religious controversies and contestations in public broadcasting. The 1996 Constitution produced a new paradigm for both freedom of religion and freedom of expression. To facilitate the processes of democratising the media in post-apartheid South Africa, the Broadcasting Complaints Commission of South Africa (BCCSA) was established. The BCCSA is an independent judicial tribunal set up by the National Association of Broadcasters in 1993 and recognized by the Independent Communication Authority of South Africa. The National Association of Broadcasters (NAB), of which the SABC is a member, funds the BCCSA. Members of NAB adopt the Broadcasting Code set up by the BCCSA in their constitution and submit themselves to the procedures of administrative justice set up by the organization and upheld by the Constitution.

The main purpose of the BCCSA is to adjudicate complains from the public against broadcasters in order to fulfill the constitutional promise of administrative justice. The organization firmly emphasizes its independence from the state and broadcasters, although the circular relationship between the BCCSA and the broadcasting industry, wherein both bodies are financially and legally dependent on each other, calls into question the BCCSA's claim to independence.

The BCCSA consists of twelve commissioners, two of whom fulfill management roles as Chairperson and Vice-Chairperson of the commission. In the case of a complaint being lodged, the BCCSA constitution grants the commissioners the right to dismiss the case, reprimand the respondent, direct the manner of correction to the respondent, sanction the right to reasonable reply, impose a fine, or criticize the complainant's conduct. Members of the BCCSA are required to regularly advertise their membership with the body through various media. In these advertisements, they are required to inform viewers of their right to respond to programming content that may violate the Broadcasting Code. BCCSA contact details are available to the public in order to facilitate direct communication with the institution. Once a complaint is lodged, it is evaluated either by the Registrar or the Chairperson and will only be accepted for further evaluation if it falls within the scope of the code. Members of the NAB accept the BCCSA code and submit to the procedures for mediating and adjudicating complaints.

In dealing with complaints the BCCSA states that the essence of the procedure is the adjudication of complaints in the shortest possible amount of time so that should recourse be required it can have the desired effect. In this regard, complaints are to be

submitted no later than thirty days after the broadcast, although in exceptional cases the registrar can submit a complaint after that period has passed. A complainant is any person or organization that is not directly involved with the broadcasting industry. The respondent is a representative of the broadcasting station against whom the complaint is laid. Only a complaint by a complainant who is known and who responds to a specific perceived violation is accepted. A signatory of the Code must also be named in order for the complaint to be considered. The constitution of the BCCSA also allows the broadcaster to settle a complaint in a way that the Registrar deems as acceptable. The Chairperson can overrule any decision taken by the Registrar. If the decision is not settled in adjudication, the complainant or the respondent after due processes can take the matter to the Tribunal. Hearings are open to the public. Findings and reasons for the outcomes are made available to the public.

This chapter analyzes the BCCSA's Code of Conduct, its institutional constitution, the annual reports of the organization, and the judgments made specifically about religion in order, firstly, to map the post-apartheid history of religion and public broadcasting and, secondly, to provide a clearer understanding of how religion has been managed and regulated in broadcasting in light of the tension between freedom of expression and freedom of religion in the democratic era. By establishing the relationship between freedom of religion and freedom of expression as conceptually intertwined and materially connected categories of human rights and human culture, I investigate the ways in which these concepts are manifested within the media regulatory framework. This approach can provide insight into how content about religion on television is perceived by the South African public and managed by the regulator.

In exploring the BCCSA as a site for adjudicating complaints about religion from the public against broadcasters and as a pedagogical site for broadcasters, this chapter demonstrates how, through its regulatory and management function, the BCCSA has generated for both the public and the broadcasting sector an authoritative template for religion. It will be argued that this template consistently interprets issues related to religion in a constitutionally sound manner, but in doing so actively undermines the internal diversity of religious belief and practice and enforces the sustained presence of a Christian normative bias within the sphere of media production and media regulation in South Africa.

In the final chapter of this thesis, the research findings of each chapter are synthesized in relation to the research question. Thereafter, a discussion follows of the theoretical and empirical implications of this project for the study of religion and media in South Africa and the management of religion on public broadcast television.

Conclusion

In surveying the field of religion and media in the context of post-coloniality, media deregulation, and liberalization, Rosalind Hackett has identified four areas which give rise to conflict “within religious groups and between religious groups and the state” (Hackett 2009, 119). The four categories are inequitable access, encroachment, defamation, and consumerism. Under the rubric of inequitable access Hackett includes “all complaints about bias in media ownership as well as production and transmission” (2009, 121). Encroachment can be understood to include “media blitzes

and saturation, as penetration of previously ‘protected’ spaces, such as national territories, neighborhoods and homes, by electronically magnified messages of spiritual and social empowerment” (Hackett 2009, 121). According to Hackett encroachment can manifest as displacement, as a result of more well-resourced and powerful religious organizations using economic clout to buy and consequently unsettle allocations of airtime for religious broadcasting. Under the category of defamation Hackett refers to the multi-layered patterns of dissent and offense that can result in conflict and violence when material is circulated that is perceived to represent a religious group or religion as a whole in a negative light. The final category that Hackett proposes is the effect of consumerism, which includes commercialization and entertainment.

In this study, I have found that Hackett’s suggested flashpoints have appeared throughout the history of religion and media in South Africa. During the pre-history of television in South Africa, the issue of inequitable access illustrates the disparate economic and cultural relations between the English and Afrikaner whites and sheds light on the media insecurity that pervaded the rhetoric of the National Party. Later, believing that apartheid South Africa was an “equal society,” the issue of equal access would be transposed in order to reinforce arguments against the possibility of a television service. With regard to encroachment and displacement, television’s democratizing potential, coupled with fears about the circulation of images that contradicted the apartheid racial ideology and practices, underpinned government anxieties that television would dislodge the carefully designed socio-political architecture of the apartheid project. Therefore, television, even as an empty vessel, was demonized as a spiritual danger against which the government would make every

effort to protect South Africans. Eventually, when the introduction of the medium became inevitable, issues about control produced a government aversion to a commercially controlled broadcasting service given its potential to usurp the supremacy of Afrikaner nationalism. Fear about the content of programming material, particularly about the nature of entertainment-oriented viewing, supplemented the National Party's position that only a strictly controlled state-sanctioned, Christian National television service would be suitable for South Africa.

The array of issues raised by equitable access, encroachment, defamation, and consumerism plays out in the post-apartheid context as well. Disputes over inequitable access in the allocation of airtime for religious groups in the midst of the teething pains associated with the democratization of religious broadcasting. South Africa can be included in Hackett's observation that the "religious pluralism and religious freedom vaunted by many governments is not necessarily borne out in terms of current patterns of media ownership, access, programming, and transmission" (2009, 117). This thesis will show how constitutional interpretations of freedom of religion's meanings are managed by attempting to balance freedom of religion with freedom of expression in broadcasting. In these efforts to balance competing rights, state discourses and practices privilege particular versions of religion and disadvantage others.

Religious broadcasting on public broadcast media in South Africa is generally the most underfunded genre of programming, unable to generate the revenue necessary to support its own activities and is reliant on the goodwill of the state and other more well-resourced programming genres for the funding necessary to continue

transmission. The deregulation and subsequent re-regulation of public broadcast media in South Africa in the context of the massive democratic transition that began in the early 1990s, as well the impact of the worldwide global economic recession, has resulted in a public service model of broadcasting that has become predominantly dependent on commercial funding through advertising revenue (Deacon 2011). This situation has been cause for concern, particularly about how the broadcaster is able to balance its public service responsibilities and commercial obligations.

In a number of publications, Hackett (2003; 2009; 2012) has identified the conflicts in which representations of religion, religious diversity, and religious difference in Africa are situated. Discussing media policy that favours the “Christianisation or rather Pentecostalisation” of the media, Hackett argues that “Africa’s new media revolution is replicating, if not intensifying, old polarities, as well as generating new forms of religious intolerance and conflict” (2009, 118). Given the relatively peaceful character of the democratic transition and the progressive provisions of the 1996 Constitution, religious conflict in South Africa has not constituted a significant challenge to peaceful co-existence among or within religious constituencies in South Africa. Inter -religious relations in the country do not display what could be considered high-level conflicts with the potential to erupt into physical violence. However, since the SABC still holds a captive audience as a result of its dominance in the South African mediascape, this study will highlight potential flashpoints that might arise if the many issues that have continued to plague public broadcasting continue to escalate and intensify public frustration with the broadcaster. From the television controversy in apartheid South Africa to post-apartheid media policy and practice, the thesis uncovers low-level but persistent conflicts over religious

legitimation, religious regulation, freedom of expression, and freedom of religion in public broadcasting.

Chapter Two: The Devil's Own Box: Religion and Television in Apartheid South Africa

In this chapter, I will address the conspicuous absence of television in South Africa at a time when the technology was readily available across the world. In addition, I will explore the role of religion in establishing the terms and conditions under which the introduction of a television service would ultimately be permitted. During the apartheid era, the absence of television was by no means an unremarkable fact of life. On the contrary, the lack of a television service during this time was the result of a pre-emptive government ban on the technology. If the banning of television was the “most drastic act of cultural protectionism in the history of the medium,” the eventual introduction of television transpired as a part of the Christian National educational, social, cultural, and political project of apartheid (Nixon 1994, 4). The extent to which the National Party was successful in drawing from religious resources to justify its socio-political policies for the domination, control, and exploitation of media technologies has long been underestimated in the study of media in South Africa. The separate treatment of these two areas, politics and religion, in studies of the history of South African media has resulted in an incomplete narrative of television's initial exclusion and delayed introduction to the South African media landscape. In the course of attending to television's absence from South Africa during the first twenty years of the apartheid government's rule, I will outline the way that the ruling party drew on religion to produce, structure, and legitimise its fiercely anti-television stance between 1951, the year that the question of a television service was first raised in Parliament, and 1969 when the Commission of Enquiry into Matters Related to Television was launched. Moreover, I will trace how the National Party used religion,

firstly, to authorise the strategy adopted to secure the introduction of television and, secondly, to legitimise the control mechanisms that would be applied to ensure its compliance with the Christian National values of apartheid.

By calling attention to the role of religion, I am certainly not attempting to account for television's exclusion from the South African media landscape by searching for or producing an argument for some kind of a religious essence to which the events of the historical period can be attributed. Rather, the findings drawn from interrogating existing literature on the topic and the clear methodological strategy of foregrounding the recommendations of government commissions, confirm the importance of religion as a field of social, cultural, and political negotiation. Religion's exclusion from historical accounts of the great television debate has deprived us of a robust engagement with religion's role in political strategy and media practice in South Africa.

While acknowledging the work done by media and cultural studies scholars who have made an effort to consider the role of religion, religions, and the religious in studies of the media landscape in South Africa, I have not found one comprehensive, critical study focussed on the role of religion as a historically formative, socially relevant, politically loaded, and exceedingly useful conceptual category in the production and dissemination of public broadcast television. In the following section, I will provide a short review of three studies in order to demonstrate how scholars from the disciplines of literature, cultural studies, and history have dealt with the religiopolitical context that underpinned the absence of television in apartheid South Africa.

Studies of the Absence of Television

Professor of English and literary critic Rob Nixon uses the lens of cultural production as a central category of analysis in order to “trace the creative possibilities and dilemmas that have arisen from the refracted images that South Africans and Americans have produced of each other” in his monograph entitled, *Homelands, Harlem and Hollywood: South African Culture and the World Beyond* (1994, 3). The second chapter of this text, “The Devil in the Black Box: The Idea of America and the Outlawing of Television,” addresses the ban on television in South Africa before 1976 and is one of the first intellectual projects published after the expiration of apartheid to critically engage with the television embargo under the National Party.

In response to the anti-television rhetoric, particularly assertions about television’s morally adverse attributes, Nixon (1994, 45) states, “The prominence of rationalised fantasy in pre-emptive censorship makes it particularly suggestive material for an analysis of nationalism.” Although his assessment of the relationship between censorship and nationalism is astute, Nixon neglects religion as one of the justifications that the National Party gave for its fervently held position. Nixon’s accent on “rationalised fantasy” as a mechanism for understanding the Afrikaner nationalists’ pre-emptive ban on television can perhaps be understood as an implicit disciplinary boundary.

Nixon proposes that censorship and nationalism overlap in a range of ways that shed light on the various manifestations of political projects and state authority. Following what can be considered a basic theory of social-identity formation, Nixon argues that

nationalism constructs and articulates group identity primarily around criteria of exclusion. The nexus of nationalism is based on sameness and difference. By the same token, according to Nixon, censorship sets the specific conditions, under which, that which is permissible is separated from that which is deemed impermissible. In South Africa, Afrikaner Nationalism as a political ideology had a complicated liaison with a particular Christian national ethic that was informed and legitimised by the Dutch Reformed Church. The National Party government's suspicion of the new mass medium of television was defined by a basic binary separation of the sacred from the profane, assuming that religion and media technology operate in conflicting domains and are subsequently incompatible.

Describing the absence of television and the spectacle surrounding its potential introduction, Nixon incisively calls South Africa television's "final frontier in the industrial world" (1994, 44). Nixon explores the principled absence of television in South Africa by examining public discourses in various forms and official parliamentary debates as well as the background and personalities of key political figures who were outspoken in their opposition to the introduction of the medium. Nixon convincingly argues that the National Party blocked the introduction of a television service on the basis that it threatened South African society and apparently the government's overarching project of apartheid because television was an agent of "national dissolution, cultural fusion, and racial integration" (1994, 67). While a useful historical project for analysing the role of religion in the television debacle, Nixon's framework raises but does not address crucial questions for the scholar of religion and media.

If Nixon's work sets the pattern for neglecting religion as a serious area for consideration in the banning of television, then Ron Krabill (2010) and Carin Meyer (2008) in their later studies of the topic to a large degree perpetuate this approach. In 2002, Ron Krabill produced a PhD dissertation, *Starring Nelson Mandela and Bill Cosby: Television, Identity, and the Ends of Apartheid*. In 2010 the revised dissertation was published as a book under the same title. In order to provide a fair representation of Krabill's work and the argument he presents, I have decided to use the book instead of the dissertation. Carin Bevan (2008) sharply points out that Krabill in his dissertation based most of his argument on the research provided by Nixon's publication and did not in fact examine the contents of the Hansaard himself. Having engaged with both the book and dissertation, I agree with Bevan's assessment. However, it should be added that although Krabill does not draw from the original sources himself and relies on Nixon, he certainly does make significant observations about the absence and presence of television in apartheid South Africa that are substantiated by sound ethnographic work. Additionally, where Krabill has taken quotes verbatim from Nixon's text, I have returned to the original sources in order to confirm the accuracy of the statements.

According to Krabill, the absence of television in South Africa, before 1976, was constitutive rather than neutral, since South Africans were increasingly aware of the technology to which they did not have access. Krabill attributes the constitutive absence of television to a combination of the governing party's commitment to the ideological ideal of cultural purity and opposition to cultural imperialism. Krabill notes that one of the often-highlighted points made by the government was that television was too expensive to introduce until a later stage, a point easily

disapproved by a cursory glance at budgetary surpluses at the time. Krabill takes a bold position when he states, “The lack of television prior to 1976 was instead a direct result of the divisions within South African society, as expressed through the state’s media policy and the power of the *verkrampste*,” which was the term used to refer to the conservative wing of the National Party (Krabill 2010, 58). The obstinacy of the National Party’s resistance to television was matched by the United Party’s insistence that its absence constituted an abominable depravation for all South Africans, black and white.

“The United Party believes that the policies of the nationalist government over the years in regard to television have placed South Africa in a humiliating and indefensible position in regard to other countries, and we reject the intolerance, bias, and falseness of such policies” (Hansaard 1970a, col 822). The irony of this statement is not lost on Krabill, who describes the pro-television rhetoric of the United Party as “nothing short of ludicrous coming from a party that consistently rejected attempts at real reform of the apartheid system” (Krabill 2010, 41). The divisions in South African society as envisioned by the National Party were multiple and varied and were magnified by the prospective threat that television brought. By 1961, South Africa was an independent country and declared a republic by referendum. The struggle against Anglicization had officially been won; however, “the struggle against the enemy from within had just started” (Orlick 1970, 2). Radio, cinema, and popular press were already beginning to show evidence of compromise that undermined the Afrikaner way of life through the infiltration of American and British broadcast material. Despite popular demand for television technology, the National Party remained resolute. Since Krabill’s assessment of television’s absence is located within

the broader context of a study of the role of media in the history of political turning points during apartheid, religion is given very little attention.

In a critical narrative analysis of the parliamentary debates over television between 1951 and 1969 in a Masters dissertation, *Putting Up Screens: A History of Television in South Africa 1929-1976*, historical studies student Carin Bevan (2008) attempts to provide what she considers a more nuanced approach to understanding the government's reasons for keeping television out of South Africa. Bevan categorises the reasons for television's absence as the following: 1) economic costs and consequences, 2) geographical coverage, 3) programme resources, 4) changing technology, 5) effect on other industries, 6) spiritual effects, and 7) other national priorities. Bevan draws out these categories through a careful analysis of the parliamentary debates and the Meyer Commission report in addition to reviewing secondary sources related to the time period under examination. Positioning her study as "an introductory history, with the greater purpose of enabling future historians to develop a body of work on the history of South African television," Bevan makes a challenging assertion by arguing that Nixon, Krabill, and others who have written on the structured absence of television from 1929 to 1976 over-emphasize the role of the moral argument against television" (2008, 6). As Bevan observes, while the question of television was raised in Parliament as early 1951, it was only in the 1960s that the National Party with Albert Herzog as the Minister of Posts and Telegraphs generally began referring to television's moral dangers as an argument for its continued absence from the South African milieu. Bevan additionally notes from the Hansaard debates that even when the National Party parliamentarians did use moral arguments they did not cite the anticipated negative moral impact of television as the principal reason for

its continued absence. As a result, Bevan provides an extensive analysis of the aforementioned categories cited by the National Party government as well the opposition parties' responses to them. Herein though lies a crucial weakness in Bevan's argument: simply because the National Party did not cite the moral danger as the main reason for television's exclusion does not mean that too much attention has been given to this aspect of what was an extended debate addressing a variety of issues. The National Party was not known for its transparency in the House of Assembly, as well as in its legislative, judicial, and executive functions. While it is important in a critical historical study to read historical archives in their original forms and to provide commentary and critique on the information, a more rigorous approach to historical documents that includes a contextual analysis of the major stakeholders can provide additional critical insights.

Nevertheless, Bevan (2008) provides a cogent exposition of what she considers the multiple reasons that the National Party provided for the exclusion of television from the South African mediascape. On the economic costs, the National Party argued that although the country enjoyed a stable and flourishing economy, television would be too expensive and also a waste of money given that the same entertainment and educational service was provided by radio, films, magazines, and newspapers. Additionally, since the implementation of the apartheid policy of separate development was a costly affair, resources, that could be used for television were allocated to fulfilling the material requirements of apartheid. Structuring an entire country along the lines of separate development meant that every facet of public life and finance for all four of the recognised race groups would have to be properly designated. National Party opponents of television also argued that the geographical

expanse of the country would mean that setting up a geographically universal service would be difficult and that the introduction of a regional service at first would be “unfair” to those who did not have access (Bevan 2008, 69). The rapidity with which television technology was changing, particularly the move from black and white to colour, was also cited as a reason to delay television’s introduction for as long as possible, until the final experimental phases were completed and the testing costs were instead borne to other countries for these experiments.

The cost of importing programming that was suitable in its content, that is, in line with apartheid ideology, was seen as an insurmountable challenge and unnecessary risk to the Afrikaner language and culture. At the same time, television as a medium was not conducive to a system of separate development because it allowed everyone to watch the same programming. Women, children, and black people were considered the most vulnerable, needing special protection from the immoral nature of imported programs through which they might be taught to disrespect their parents, mix with people outside their race-groups, and even commit crimes and other immoralities.

Nixon and Krabill come closer than Bevan to exploring the role of religion in the sustained absence of television. Both Nixon and Krabill advance the idea that the National Party kept television out of South Africa because it threatened to undermine the project of complete separate development and the propagation of separate national identities through the dissemination of undesirable and culturally inappropriate material. Nixon refers to the television ban as an action of cultural protectionism from the cultural imperialism of the West. In her project, Bevan critically engages with this position by arguing that it “does not really account for the issue of government

censorship” (2008, 64). Bevan is aware of the Publications and Entertainment Act of 1963, which allowed the Publications Control Board to censor or ban any form of entertainment in the form of print, audio, or motion picture that was considered offensive or dangerous to the nation that the National Party sought to build. Material considered offensive to the religion of members of the South African public and material that promoted the values of communism were especially liable to censorship or banning. Upon closer examination, appealing to the authority of the Publications and Entertainment Act, unfortunately for Bevan’s argument, presents an unconvincing premise.

Before the rise of satellite technology in the mid-1960s it was true that programming could be monitored via the use of this legislation. However, while the content of programming could be controlled, due to the nature of the medium itself, the racial identity of the viewer could not. Seeing it as a “powerful medium of integration,” the National Party sought to exclude the threat of television as long as possible (Schoeman 1968). Therefore, although Bevan does recognise the defence of language, culture, and morality, she does not place these concerns in the religious context of apartheid policy and politics.

For a scholar of religion, the glaring oversight in the analysis by Nixon, Krabill, and Bevan is a lack of critical attention to the interconnected nature of the religiopolitical landscape that permeated the National Party’s ideological opposition to television and provided the context within which the “morality” argument gained momentum and would essentially become the final and most important condition under which television’s introduction would be allowed. The relationship between morality,

religion, politics, and media is conceived in a simplistic manner across all three arguments. While Nixon, Krabill, and Bevan all address the ideology of the National Party and to some extent acknowledge the religious foundations of apartheid, they do not pay sufficient attention to the ways in which these religious foundations, their meanings and practices, played out in the discourse of the television debates. Indeed, these scholars appear resistant to addressing the presence of religion and instead choose to use the term "morality" while neglecting to explicate the deeply intertwined nature of religion and politics for the National Party. As a result, these scholars miss the opportunity to deepen their accounts by including religion as a category of analysis.

Nixon, Krabill, and Bevan are not alone in isolating separate components of South African society during the apartheid era. Social history cannot be separated from political history in South Africa, just as the politics and religion of the government could not be separated. Therefore, while these categories can be considered useful and perhaps at times even necessary, the tendency of separating different aspects of life must be critically challenged. Analysing religion's role in this particular case is therefore crucial for dismantling the separation that these categories create. I agree that to cite the moral danger of television as the main reason for keeping television out of South Africa would be reductionist and an over-simplification of a complex set of discourses that amounted to the most drastic pre-emptive strike against the medium in its absence. However, to continue to overlook the implications of religion and its expression as morality in the political economy within which the television debates took place would be to maintain assumptions that religion, culture, politics, media, and morality are self-contained, separate categories. By adopting a conceptual

framework that the proposal of religious legitimation provides, the boundaries that have relegated religion, politics and media into separate spheres can be collapsed. From this point of departure, the inextricable links between these categories at both the ideological and material levels as they played out in the South African context can be brought into sharper focus.

Consequently, I argue that the National Party's ideological and material prohibition of television, and then its carefully orchestrated introduction, was motivated by the religious convictions that were embedded in the politics of apartheid. This motivation was made explicit by key political figures of the National Party debating in the House of Assembly. My aim is to reassess the role of religion in relation to the political landscape as a background for evaluating the present and future of religion and public broadcasting. In doing so, I hope to provide the historical and critical foundation from which a study of the contemporary relationship between religion and public broadcast television in South Africa can be considered with the scrutiny necessary to advance the field of religion and media studies that is currently underdeveloped in South Africa.

Religiopolitical Power and Religious Legitimation

According to David Chidester, "Recognising that religion and politics, the sacred and the profane, represent different dimensions of power, it may be necessary to use a term like *religiopolitical power* to capture the inevitable interrelation between religious and political power within any social system" (1988, 2). Chidester distinguishes between traditional and modern systems of religiopolitical power. Under

the category of traditional systems, Chidester determines that there are organic and church models. The organic traditional system refers to a seamless, unified merger of religion and politics within an “all-encompassing social structure” (1988, 11). The church model, on the other hand, holds the religious and the political as separate but related realms, and in this model the distribution and balance of power between state and church can vary. Chidester (1988, 12) explains that modern religiopolitical systems are comprised of two features, “the differentiation of religion as a separate social institution and the elaboration of religious and political theories regarding the relationship between that separate institution and the state.” Furthermore, three basic themes animate these features. Religiopolitical modernisation is, firstly, defined by religion’s isolation as a separate institution, which may be called upon to lend support to the operations of other social institutions but which is relatively separated from the workings of those institutions. Secondly, Chidester argues that functions that were once the preserve of religions become ascribed to different, specialised institutions. In modern religiopolitical systems religious functions have become increasingly diffused throughout a complex of network of social institutions. Thirdly, the state in these systems of religiopolitical power, in taking on “quasi-religious” powers, is imbued with an “aura of the sacred.” As the “supreme locus of power,” the state takes on the dimension of religious power, which in turn authenticates and enforces the political power of the state.

The Christian Nationalism of the National Party could, according to Chidester’s appraisal, be considered a traditional church model. As this chapter will illustrate, during the rule of the National Party, the lines between the theoretical conceptions of the religious and the political were hazy and pliable. Christian Nationalism presented

a ready-made religiopolitical mould, created by the early Afrikaners, embellished and appropriated by the National Party, for justifying the ubiquitous presence and power of religion in political and social life.

Blending the work of Marx, Weber, and Durkheim, sociologist of religion Peter Berger (1967, 3-101) notes the ability of religion to be utilised as a “world building,” “world-maintaining,” and “world-shaking force.” With these descriptors, Berger refers to the capability of religion to be used as a resource to both legitimate and challenge systems of power. History confirms that religion has the resources to provide anchoring mechanisms for the proliferation of unjust systems of privilege. This dual function of religion, and particularly the legitimising component, is highlighted in this chapter.

Foregrounding the concept of legitimation in a study of religion and apartheid accentuates the interconnectedness of religion, politics, and media at both a theoretical and a practical level. By drawing attention to the legitimising capacity of religion and the role that it can play in both the production and maintenance of the socio-political order, we avoid an easy analytical separation of religion and politics. In raising the question of religious legitimation in relation to the absence of television in South Africa between 1951 and 1969, we are able to see how media has been constituted by the religiopolitical underpinnings of the state. Through processes of religious legitimation, the National Party was able to constitute television firstly as a spiritual threat and then later as a site for religiopolitical preservation.

The idea of religious legitimation is used in a manner broader than a consideration of the explicit or implicit ways in which religious doctrine is employed in the development of public policy. Religious legitimation can of course include the presence of religious doctrine in legislation but can by no means be limited to this. An expanded approach to religious legitimation considers religion as “a pattern of interpretation and a pattern for behaviour, religion as a source of attitudes and feelings leading to political standpoints and acts” (Hjarpe 1982, 40). Consequently, legitimation extends to the unofficial discourses within the socio-political landscape that lend credibility through explanation and justification for both formal decision-making and political positioning. In Berger’s (1967, 29) familiar formulation, “By legitimation is meant social objectivated ‘knowledge’ that serves to explain and justify the social order. Put differently, legitimations are answers to any questions about the why of institutional arrangements.” Legitimation therefore provides an adept filter for probing the relationship between religion, media, and politics by eliciting the permeability of the contrived boundaries that have been used to separate these spheres largely at the expense of neglecting the role of religion. Legitimation, whether attached to the prefix religious, political, or media, penetrates some of the most salient issues to which these domains are attached. In addition, religious legitimation takes shape in the symbolic constructions of legitimacy in the form of material objects; it involves more than that which is said but also that which is seen or not seen, as was the case with the absence of television in South Africa

The concept of legitimation carries an adversarial, antagonistic tone. According to Nikos Kokosalakis, “Clearly, to know what passes as legitimate presupposes to know what it is or could be non-legitimate and vice versa. By implication to legitimise is to

uphold or to justify power relations as right and just” (1985, 370-371). The success of religious legitimation cannot be measured apart from the success of the political project in which it has been embedded. In this sense, religious legitimation is more of a process than a product. Especially in the context of apartheid South Africa, it was the religious convictions of a minority group that were used to construct and legitimate the socio-political order of the majority population. The religious legitimation of apartheid was effective to the extent that it was able to mobilise the Afrikaner community to accept the vision for South Africa propagated by the National Party. With regard to the non-Afrikaner whites of South Africa, once power was attained the question of whether or not they believed in the National Party’s religiously inspired vision for the country was to a large extent irrelevant, but this did not deter the National Party from constantly using religion to legitimate its position. The apartheid government did not consider the black majority population to be a part of the South African nation. Through the Bantu Homelands Citizenship Act of 1970, black South Africans were stripped of their right to South African citizenship and “repatriated” to self-governing territories called Bantustans. Although black people were the recipients of the material implications of religious legitimation of public policy and politics, their attitude toward the religiopolitical underpinnings of apartheid were of no consequence to the National Party since they were rendered politically powerless.

Apartheid South Africa was a token democracy for only white people. While the National Party managed to maintain power from 1948 to 1994, its position was not entirely uncontested in white politics and there were marginal political threats in the form of other politically conservative parties competing for the same votes. As a

means of securing the on-going support of the Afrikaner voter, religious legitimization permeated a vision of a racialized South Africa that claimed an aura of legitimacy. According to political theorist Paul Lewis (1983, 431), “legitimacy may be defined as that political condition in which power holders are able to justify their holding of power in terms other than those of the mere power holding.” Religious legitimization therefore provides a meaningful, albeit not always rational, sense of authority embedded in a discourse that appeals both to notions of divine transcendence that exceed the confines of the socio-political world and impels a materially binding contract to which not only believers are bound but, as evidenced in the Afrikaner nationalist project, non-believers as well.

Religious Afrikaner nationalists claimed that God divinely gifted their history, language, culture, and ethnicity to them. Chidester (1992) has described the production of forms of Afrikaner nationalism that were legitimized by the Dutch Reformed Church (DRC). Although the Afrikaner nationalism that relied on the divinely ordained destiny of the Afrikaner people was indeed constructed through narrative, as Chidester argues, it does not mean that it was not real. On the contrary, Afrikaner nationalism was constructed through religious resources, legitimized by the DRC, and furthermore was made material through extensive socio-political manoeuvring and multiplying legislation.

The Historical, Conceptual, and Material Background of Television’s Absence

As early as the 1940s to as recent as the current day, the religion of the Afrikaner nationalists who were the champions, architects, and curators of separate development

and apartheid as a complete social, economic, and political system has been critically and creatively documented by scholars working in a wide range of disciplines. Through these studies many have attempted to trace the original source of Afrikaner religion and to distil the core of the underlying discourses that would inevitably lead to the beginning and the end of apartheid. As a result, complementary and conflicting explanations have emerged for the historical origins of the National Party's religiopolitical underpinnings. This study is less concerned with when, where, and how the relationship between religion and apartheid came into being and more interested in how this connection was exploited in the interest of legitimising the political aspirations of apartheid, particularly in relation to the perceived threat of television that obsessed the National Party government. In this regard, an understanding of the religious provenance of the early Afrikaner community provides insight into the approach with which the Afrikaner nationalists of the National Party responded to television as a material threat to the good of the nation, and more seriously, as a spiritual threat to the people.

In a book entitled, *The Last Trek: A Study of the Boer People and the Afrikaner Nation*, historian Sheila Patterson exemplifies the persuasive assumptions regarding the Calvinist origins of Afrikaner Nationalism. According to Patterson (1957, 77),

It was the Old Testament and the doctrines of Calvin that moulded the Boer into the Afrikaner of today the doctrine which the Boers took with them on their long trek through the veld and the centuries were those of sixteenth-century Calvinism reduced, to their simplest form in the memory of simple men with only the Bible to guide them.

The scenario as sketched in Patterson's study has been the most influential explanation for the relationship between religion and apartheid. Referred to by critics and exponents alike as the Calvinist paradigm, despite thorough critical attention explicating the historically precarious nature of this theory, it remains widely accepted as fact. Implicit within this widely held view that the modern Afrikaner's religious convictions were a direct result of the Calvinist inheritance of their ancestors is an overly simplistic logic of cause and effect. Nevertheless, Calvinism did feature prominently in the narrative of the first Afrikaner community.

During the seventeenth century and until late into the eighteenth century, the Dutch East India Company would only allow members of the Reformed Church to migrate to South Africa through the Cape of Good Hope. According to historian Gerhard Schutte, "The identity of the Afrikaner, due to this background, took on a sharply defined character, and started to show a deeply rooted patriarchal self-assertion, a delusion of superiority based on feelings of being a chosen people with a special vocation centred upon survival" (1987, 392). Based on this commonly held opinion, the modern Afrikaner nationalism that underpinned apartheid political practice was conceived of as a direct product of the seventeenth-century religious ideas central among the Afrikaner community's founding figures (Du Toit 1985).

This approach preserves the impression of Afrikaner nationalism and consequently Afrikaner national religion, or Christian Nationalism as it would become known, as an "unchanging, timeless tradition" (Dubow 1992, 209). To some extent it considers the relationship between Afrikaner nationalism and the Calvinist ideas of the early

Afrikaners as inevitable, cumulative, and even natural. However, some scholars have considered this idea as not only historically inexact but simply incorrect (Dubow 1992; Du Toit 1983; Hexham 1981). Additionally, uncritical adherence to the dominant Calvinist paradigm, although convenient as evidenced by Patterson's account, has perpetuated a disregard for the pliability and diverse utility of Christian Nationalism in the apartheid project. Furthermore, this approach has tacitly sustained an underlying essentialist approach to explorations of the religious foundations of apartheid politics. The National Party's creative deployment of Christian Nationalist values in the anti-television crusade between 1951 and 1969 is a convincing example of the robust nature and extensive serviceability of Christianity under the apartheid regime.

South African historian and political philosopher Andre Du Toit notably contests the generally accepted view of the Afrikaners as the chosen people of God imbued with a divine calling to propagate white supremacy and manage black subservience. In undermining the historical accuracy of the traditionally recognised Calvinist paradigm that has been at the centre of explanations for the roots of Afrikaner nationalism and apartheid, Du Toit presents a compelling argument that traces the emergence of this paradigm in the history of the Afrikaner nation. Unconvinced by the easy connection between Dutch Calvinism and Afrikaner nationalism, Du Toit argues for a thorough re-reading of Afrikaner history both before and during apartheid. For Du Toit, the weakness of the Calvinist paradigm lays in the obvious absence of the Calvinist myth of chosenness from Afrikaner racial ideology until the late 1800s, some two centuries after the Dutch ancestors of Afrikaners arrived in South Africa.

Moreover, the politics of the day substantiates the critical suspicion with which Du Toit challenges the authority of the Calvinist paradigm. Writing in the 1980s, Du Toit viewed the historical utility of the Calvinist myth in light of the recent history of apartheid politics, noting that “Afrikaner nationalism is less the product of its unique cultural roots than the result of the ideological labours of a modernising elite seeking to ensure social cohesion during transitional times” (1983, 952). A pressing concern of Du Toit’s is that the sustained focus on the Calvinist paradigm as the underlying justification for the political practices of the apartheid government could obscure more nefarious reasons that prompted the prominent exploitation of the Calvinist myth within the politics of the National Party.

Hexham (1981), in agreement with Du Toit, asserts that the relationship between Afrikaner nationalism and apartheid did not emerge as a direct result of seventeenth-century Calvinist theology. Instead, Hexham argues that Afrikaner nationalism and its manifestation as an all-inclusive system of the separate development of races emerged out of the context of Afrikaner oppression and persecution at the hands of the British. In this analysis, Afrikaner mythology is to a large extent unbound from the widespread idea that Afrikaner nationalism and apartheid were the result of an “obdurate strain of Calvinism” (1981, 920). Rather, Hexham states that several elements of Calvinist theology, including the notion of Afrikaner chosenness, were used by the Doppers, a minority group within the Afrikaner community, to deliberately construct the Afrikaner mythology that was then adopted and entrenched in the politics of the National Party. According to Hexham, “The mythmaker does not usually invent the facts but interprets them” (1981, 31). Afrikaner myths emerged out of the factual effects of British imperialism on their language, culture, and religion.

Hexham traces the production of Afrikaner nationalism and the utility of the Calvinistic paradigm within this nation-building project by exploring the way that the professor of theology, Dutch Reformed minister, and gifted poet, Totius, was enlisted to construct an Afrikaner nationalist mythology.

The son of S. J. du Toit, a Dutch Reformed minister and one of the founders of the *Genootskap van Regte Afrikaners* (The Fellowship of True Afrikaners), an early Afrikaner cultural nationalist movement, J. D. du Toit, writing under the pen name Totius, has been credited as one of the most influential apartheid mythmakers and the first Afrikaner nationalist (Hexham 1981, 74). As the leader of the First Language Movement of the 1870s and 1880s and a product of the Calvinist Free University of Amsterdam, with war credentials, Totius played a significant role in the establishment of written Afrikaans and the development of Afrikaner mythology. In 1908, a collection of his poetry entitled *By die Monument* (At the Monument) was published. The proceeds of this publication would be used to fund the establishment of a monument to those who had died in concentration camps during the South African War. The content of this publication was dedicated to the suffering of the Afrikaner people. Divided into three sections, entitled *Die Kind* (The Child), *Die Vrou* (The Woman or Mother), and *Die Man* (The Man), this book provided a detailed narrative of the suffering endured by the Afrikaners under British oppression. According to Hexham, “These poems were a profound statement of national identity and political intent based upon a faith in the future and God’s providential leading of His people” (1981,36). Additionally, as the first literature of written Afrikaans, they performed an important pedagogical task. The poems told a story of the Afrikaner past, present, and future, reminding Afrikaners not of their weaknesses but of their strength in

prevailing despite hardship. The founding documents of this “new sacred history” of the Afrikaner people, despite their origins within the minority Dopper Church, would spread and become a part of the discourse of the mainstream Dutch Reformed Church and, subsequently, the politics of the National Party (Chidester 1992, 191).

According to Hexham, “A political myth tells a political story. Often the story concerns a society’s past and its need to restore or preserve past traditions. In other cases a political myth promises a future of hope, a goal towards which sharers of the myth strive” (1981, 33). In the Afrikaner myth, the political and religious imbricate in a seamless manner. Irrespective of the origins, and even before any political aspirations, the history of the early Afrikaner supports the view that, “Religion has always been the most powerful formative influence in shaping the values, norms, and institutions of the Afrikaner community” (Ritner 1967, 19). However, myths, whether religious or political, are not static. Hexham (1981, 60) asserts that the primary antagonists in the Afrikaner mythology were the British, who are perceived and presented as the “imperialistic destroyers of the Afrikaner’s birth right” and the secondary threat was the “disorderly Black Africans.” The very nature of myth is fluid. The myth of the Afrikaner has both constituted and been constituted by the prevailing social and political conditions of the moment.

In the 1950s and 1960s, through the political ascendancy of the National Party, the Afrikaner people were in the most comfortable position of their history. Through a variety of legislative changes, the material reality of the Afrikaner’s present and future was fundamentally altered. The problem of poor whites, long a major issue of duress in the Afrikaner mind, was under address, and the development of practical

apartheid was in full swing. In 1948, shortly after the National Party won the all-white election, Prime Minister Daniel Malan penned a letter to an American minister wherein he explained the connection between apartheid and the Dutch Reformed Church,

The church believes that God in his wisdom so disposed it that the first white men and woman who settled at the foot of the Black Continent were profoundly religious people, imbued with a very real sense of zeal to bring the light of the gospel to the heathen nations of Africa. These first South Africans lit a torch which was carried to the farthest corners of the subcontinent in the course of the three last centuries and whose light now shines upon the greater part of all non-white peoples south of the equator. (Nelson 2002, 66)

Having finally secured the political power necessary to assert cultural and religious superiority over the English and racial supremacy over the black, the Afrikaner nation had reached the apex promised in the myths of the nineteenth century. From 1948, political power was the Afrikaner's to lose and the protection of this freshly acquired political and social standing was prioritised. According to Horowitz, "The traditional self-conception of the Afrikaner was of a people united by a common historical racial, language and spiritual bond, oppressed by British colonialism from above and threatened by Africans from below" (2001, 31). At the genesis of their political authority, the issue of television raised novel concerns and urgent questions for the National Party. Television, as an unknown threat, was imagined through the historical lens of the Calvinist paradigm. Despite critical suspicion of the origins of this

theological legacy, I argue that the issue of television revitalised a certain kind Calvinist orientation towards media in South Africa.

My approach to analysing the role of Christian Nationalism, within the context of the apartheid era and the research parameters of this study, has been guided by the way that religious justifications, based on the Calvinist paradigm, were used by the National Party to legitimise its anti-television position, and, later, to account for the decision to allow the introduction of a television service. Consequently, although I have highlighted two of the main components of the problematic Calvinist paradigm, that of chosenness and custodianship, as crucial explanatory and analytical mechanisms, I am not subscribing uncritically to this approach. On the contrary, the data obtained from the House of Assembly debates and the reports of the Meyer Commission, along with the secondary material on apartheid and the television debates, reveal the political efficacy of Calvinistic religious principles in legitimating the National Party's position on television. Therefore, despite the "long discontinuous, and fragmented history of ideological redefinitions that created various types of what became known as Afrikaner nationalism," the National Party remained steadfast in its commitment to using religious justifications, particularly those emerging from the Calvinist paradigm, for asserting its legitimacy in South Africa (Chidester 1992, 173).

Control, Function, and Purpose

The history of religion and television in South Africa can be traced to the advent of radio technology. From the infancy of radio as wireless telegraphy, English and

Afrikaner interests regarded the ability to broadcast material of any kind as a powerful faculty in need of institutional and systematic control. South Africa was responsible for the creation and implementation of the world's first legislation regarding radio in 1902 by amending the Electronic Telegraph Act of 1861 to include transmissions made wirelessly (Rosenthal 1974, 6). The high level of attention, as witnessed by the legislative mechanism granted to this new medium, confirms the potential power and influence with which the colonial authorities perceived radio. In the early twentieth century, radio broadcasting was experimental and privatised. By 1924 three broadcasting licenses had been granted in the Union of South Africa, a self-governing British dominion. At this time radio technology was being advanced by amateurs and was largely unregulated. In Johannesburg the radio broadcasts were run and managed by the Associated Technical and Scientific Societies of South Africa, in Cape Town by the local publicity association, and in Durban by the city council. These radio stations were funded solely by the license fees of set owners. After three years of this unsustainable financial model, broadcasters were bankrupt and shut down for a short period of time (Fourie 2007). In 1932 a five-year broadcasting license was granted to American-born entrepreneur Isadore William Schlensigner, who established the privately owned, much criticized, African Broadcasting Company (ABC). In order to save radio, Schlensigner adopted a blended funding model, creating revenue from two income streams, license fees, and advertising.

According to Horowitz (2001, 55), "The early history of South African broadcasting, like most of white South African history, was rooted in and around the conflicts between Afrikaans and English speakers." The challenges that could be expected from the development and testing stages of a new technological device and

communication form were immensely exacerbated by the historically tense relationship between the English and the Afrikaners. In the context of the early history of broadcasting, disputes about radio were primarily concerned with the regulation of the political economy of the medium. These issues were expressed mainly as questions about the appropriate method of control for radio, the equitable representation of language and cultural differences, primarily a concern for Afrikaners, and the intended purpose and function of the medium.

Despite the attempted blending of broadcasting models under the management of the ABC, broadcasting was primarily a commercial venture dominated by financial interests. With little financial and structural support from the government, the ABC was forced to conform to the American broadcasting model and as a result was focused on the creation of programming that attracted a large audience (Rosenthal 1974). Both English and Afrikaner whites, for different reasons, found this arrangement problematic, and accordingly the ABC constituted a site of conflict for these groups.

English whites, the colonial expatriates of Britain, tended to look to the empire for social, cultural, ideological, and political behavioural cues and exhibited a desire to emulate the British way of life within their South African locales (Horowitz 2001). The commercialization of broadcasting was an explicit violation of the preferred method of the empire and English-speaking South African whites preferred the British Broadcasting Corporation's model. Although related, the Afrikaner community had separate concerns. Smaller than the English in size, the Afrikaners did not represent a significant target market for the commercial model of the ABC. As a result, a

disproportionate amount of programming was delivered in English. Although Afrikaans programming was marginally included, English was the language that dominated broadcasting at the time. The “non-status” of the Afrikaans language under the ABC was the source of the deep-rooted hostility that the Afrikaners had towards the commercial model of broadcasting (Orlick 1970, 14). Although the Afrikaners and the English were politically united as a government, old wounds ran deep and were recalled at this historical juncture. The favouring of English sensibilities fuelled the cultural insecurities of the Afrikaner people, particularly around the issue of language. The fiscal capacity of English audiences to generate income and thereby sustain the burgeoning broadcasting industry of South Africa played a crucial role in the neglect of Afrikaans language and culture on radio. Later, Afrikaner resentment would be revisited, invigorated, and, magnified in the expression of the National Party’s position toward television.

In 1934, one year before the ABC license was due to expire, and amidst conflict between the white language groups and financial difficulties, Prime Minister of the Union of South Africa Barry Herzog invited John Reith, Director General of the British Broadcasting Corporation, to South Africa on a state-sponsored trip to advise on the future of broadcasting in the union. According to Fourie (2007, 10), this invitation was tantamount to signing the “death warrant” of the ABC and the predominantly commercial approach to broadcasting that characterised the early developmental years of the industry.

Reith, the son of a Calvinist Minister, had what Teer-Tomaselli refers to as a “strong sense of mission” (2008, 73). His model of broadcasting in the service of the public

was driven by the oft-quoted refrain that the purpose of broadcasting was “to inform, educate and entertain.” Reith believed that to use broadcasting solely as means of entertainment would be to “prostitute it” (Briggs and Burke 2002, 221). Rather, the Reithian Principles, as they would later become known, opposed a free-market model by advancing the notion that public service broadcasting should speak to the interests of the nation, be regulated by the state, and perform a predominantly informational and educational function. The BBC model of broadcasting was deemed fit for export to the dominions which at the time included South Africa and Schlensinger’s private broadcasting model would be reformed and firmly placed in the hands of the public (Potter 2012, 83).

By the end of his month-long journey, Reith would make the drastic yet not altogether unexpected recommendation for a new form of broadcasting. With this model the viewer was to be treated not as a consumer but rather as a citizen. Programming was regarded as social and cultural resources to be used to the advancement of the public good as opposed to commodities that could be bought and sold for commercial gain. Reith asserted that programme policy should be framed by the philosophy that “a supply of good things presented well will create a demand for them” (Reith 1935, 2). The model for broadcasting recommended by Reith reflected the British model of broadcasting but would be adjusted for the South African context. Taking into account the tension between English and Afrikaans whites regarding language, Reith recommended a bilingual service. In light of the racially segregated system of governance at the time, Reith also recommended that a native service with programming and communal listening facilities be made available for black Africans living in urban and rural areas. Hayman and Tomaselli argue that the Reith Report did

not fully take into account the “deep antagonism that existed between the English and Afrikaners” (1989, 36). Therefore, while Reith’s language recommendation would eventually be codified into formal legislation, it did not take into account the fundamental role of language in constituting the ideological and political struggle between the white population groups in South Africa. Although Horowitz (2001) gives considerable attention to the language struggle of the Afrikaner in the context of the early history of broadcasting, he perpetuates a pattern of disregard for the role of religion in studies of media in South Africa. I argue that expounding on the relationship between religion and language in the Afrikaner worldview at this crucial historical juncture for broadcasting provides significant clarity for understanding the National Party’s use of religious legitimation for justifying the exclusion and introduction of television.

It was only in 1925 that Afrikaans was recognised as an official language alongside English. By the time issues around language and broadcasting were raised in the early twentieth century, the Afrikaners’ right to speak the language without fear of insult was achieved. The right to speak the language freely without fear of insult was indeed a hard-won right; therefore, the right to hear their language broadcast on equal terms and in equal measure with English was a deeply emotive issue. To the Afrikaner people, their language was not an imported communicative device maintaining a connection to a foreign land and culture. Afrikaans was firmly rooted within the specificity of the history of the Afrikaner people and as such it was inextricably bound to their religion and culture. During the 1980s President P.W. Botha made the following comment in this respect: “The idea of an Afrikaner people as a cultural entity and religious group with a special language will be retained in South Africa as

long as civilisation stands” (Nelson 2002, 64). As the custodians of a new language, which until quite recently had no written form, the leaders of the Afrikaans community had a unique advantage that few other communities in modern history have ever had because “they simultaneously created their myth and the written language in which that myth was enshrined” (Hexham 1981, 43). Although the history of the Afrikaner people clearly mapped the manufacturing process of the myths which would eventually be used to legitimise the political aspirations of the apartheid government, those responsible for their production would claim that the unique language, culture, and political destiny of the Afrikaner nation was divinely inspired and gifted by God (Chidester 1992, 187).

Historically, the ownership of both the written and spoken language of Afrikaans has been disputed. Afrikaans was spoken by a diversity of people in the Cape: the Khoisan, European settlers, and those of mixed ancestry and slave decent. Early Muslims in the Cape produced Afrikaans texts using Arabic script (Davids 1989). Despite the historical evidence, white Afrikaners claimed the language as their own and worked tirelessly to codify and propagate a written version of the language in support of producing an Afrikaner identity. During the 1870s and the 1880s, Afrikaans was promoted as a language of resistance to the dominance of British imperialism and the ubiquity of English within public life. According to Chidester (1992, 178), “this first language movement worked to elevate the status of Afrikaans by linking it to a distinctive culture, history, and religious way of life,” one that particularly undermined the assumed superiority of British culture and resisted its authority. The second language movement came after the South African War that resulted in significant losses for Afrikaners and English alike. It was during this time

that the religious underpinnings articulated in the Calvinist paradigm of Afrikaner nationalism were manufactured and developed.

The relationship between the Afrikaner community and the symbolic value of their language differed vastly from that of the English community. For Afrikaners, who had suffered at the hands of the English, even within the racist democratic settlement of the Union of South Africa any slighting or unequal representation of the Afrikaans language was interpreted through the historically asymmetrical power relations between these two groups and, as a result, was seen as a regression to the historical undermining of the Afrikaner people, their language, their culture, and their religion. The absence of Afrikaans in broadcasting represented submission to the British imperialism that signified the darkest times of Afrikaner history.

Establishing the SABC

Based on the recommendations of the Reith report, after thorough debate in parliament and under the auspices of a charter authored by Reith himself, the South African Broadcasting Corporation (SABC) was established in 1936. At the same time, the Broadcasting Act no 2 of 1936 was passed. The SABC would become a body of the state. Since the state was a nominal democracy for whites, Afrikaners could lawfully assert their language rights in broadcasting. The SABC was now the public service broadcaster responsible for advancing public interests, building national identity, and informing and educating the masses, while also providing entertainment. The Broadcasting Act furthermore made provision for the establishment of a

television service. Accordingly, if and when South Africa got a television service, it would be controlled and managed by the SABC.

Although the theoretical model provided by Reith was considered sound, the practical implementation would prove trickier than anticipated. Due to a lack of funding in the early years of the SABC, English and Afrikaans services shared one channel, an arrangement that added to the existing tension between these two groups, especially for the Afrikaners. From the unequal distribution of broadcasting time between the two groups to questions about the content of the material broadcast during the English broadcasting time, the SABC seemed to replace the ABC as a site not only for language struggles but also for more intense ideological and cultural conflict.

Reith's contribution to the structuring of the broadcasting industry in theory quelled some of the tension between the constituents of the white hegemonic minority, particularly regarding questions of the control, function, and purpose of broadcasting. The language issue inherently related to Afrikaner religion, and culture embodied in centuries of animosity between the Afrikaners and the English would prove difficult to address both in principle and in practice. By the time the question of television was raised in the House of Assembly in 1951, the National Party implicitly drew on earlier experiences with radio to justify its response to television.

The United Kingdom was the first country in the world to viably run a television service, although the development of the technology would be halted at the start of the Second World War. The knock-on effect of the war on television could be felt in other countries around the world. However, by 1945 the rapidity with which

television technology and services were implemented around the globe was astounding (Potter 2012). In 1970, when South Africa made the decision to allow for the development of a television service, 118 countries around the world had what was then a commonplace modern convenience.

Television as a medium was first brought to South Africa in 1929 by the British Television Society, which demonstrated the technology to a few notable public figures and broadcasting enthusiasts (Orlick 1974). In 1936 a public exhibition was held and almost 25 000 people arrived to view this new technological marvel. At the time of the demonstrations, television technology was still in its development phase. Although the images were not crisp, the idea of television technology had captured the interest of the public and the government. The popular press reported extensively and mostly positively on these exhibitions, lauding the potential usefulness of the new technology while still realistically considering the enormous amount of infrastructural requirements that would need to be met in order to make a television service viable in South Africa (Nixon 1994; Bevan 2008).

Television: The Spiritual Danger

During the 1930s and 1940s it was common for young Afrikaners to travel to Europe, especially Germany, to further their education. When they returned having witnessed the rise of Nazism, they brought more home to South Africa than a fascination with the principles of fascism; they returned with fervour to re-interpret and re-create in their own context Hitler's "romantic nationalism" (Chidester 1992, 193). Influenced by the philosophical underpinnings of German nationalism, particularly the work of

Johann Gottlieb Fichte, this generation of Afrikaners brought with them an ideological positioning, referred to by Dunbar Moodie as “Neo-Fichteanism” (1975, 154).

Nico Diederichs, the key protagonist of Neo-Fichteanism in South Africa, wrote prolifically on the subject. The ideology’s key principles are distilled in a publication by Diederichs entitled, *Nationalism as a Worldview and its Relation to Internationalism* (Diederichs 1936). In this text Diederichs contrasts internationalism and nationalism, arguing that while internationalism is characterised by materialism, through nationalism the spiritual nature of man is emphasized (Diederichs 1936; Moodie 1975). Diederichs purports that man as a spiritual being is purpose-driven to reconcile the natural and the spiritual worlds. In this sense, Diederichs theorises man as “a warrior and bearer of spiritual values” (1936, 15). The full potential of man however can only be attained within the context of a national community. According to Diederichs (1936, 63), “To work for the realisation of the national calling is to work for the realisation of God’s plan. Service to the nation is thus service to God.” The nation provides the context for man’s fulfilment of his destiny. The labour of man within the national community is to struggle for a common a culture. As with the Calvinist paradigm, Neo-Fichteanism as a social philosophy was not uncritically accepted by all Afrikaners. Outspoken critics claimed that it contradicted the Calvinist principles held dear by the Afrikaner people.

The vision of Afrikaner supremacy in all areas of life was further bolstered through the development of a complete educational system, which appears to be a product of both Calvinist and Neo-Fichtean principles. The standard account of the origins of

Christian National Education can be found in the work of Brian Bunting (1967). According to Bunting, Christian National Education (CNE) as a complete educational system was created by the key Afrikaner cultural groups such as the Federation of Afrikaans Cultural Societies and the Broederbond in 1939. Bunting acknowledges the existence of CNE schools in the period immediately after the Anglo-Boer War and insists that during this time CNE was primarily used as a political protest against British imperialism. By 1907, after the Responsible Government was established, CNE no longer existed. According to Bunting, the revived version of CNE that arose in 1939 was a coherent educational campaign for indoctrinating young Afrikaners at a time when Afrikaner nationalism was gaining popular and political momentum. CNE was both a product and producer of Afrikaner nationalism.

Hexham (1975) disputes Bunting's assertions that, firstly, CNE ceased to exist during the period of the Responsible Government and, secondly, that it was solely a protest movement. Hexham links the origins of CNE from S. J. Du Toit, founder of the first language movement, to leaders of the Reformed Church. According to Hexham (1975, 14), "In propagating CNE, du Toit was seeking to apply the teachings of Calvinism in all areas of life." Hexham argues that these early Afrikaners looked to the Dutch Calvinist revival in The Netherlands that produced a Christian school movement, trade unions, and a political party. The work of familiar religious leaders such as Guillaume Groen Von Prinsterer and Abraham Kuyper inspired the Afrikaner Calvinists to transpose this movement into the South African context. By taking this route of analysis, Hexham argues that CNE was not a tool produced by the National Party to bolster its political aims but rather that CNE was one of the crucial components in the construction of the nationalist ideology itself. Hexham's

explanation of the origins of CNE not only provides a more historically accurate model than that provided by Bunting, but it also foregrounds the importance of the religious function of CNE and its role in the “legitimation of certain aspects of apartheid,” which includes the National Party’s attitude toward television (Hexham 1975, 16).

Since the historical and contextual elements of CNE have been introduced, it is necessary to briefly engage with the substantive elements of this educational system in order to understand the way in which television’s presence in South African would be shaped. According to Macmillan (1967, 43), the proponents of CNE believed in “an education aimed at the moulding of people in God’s image so that they become fully equipped for every good work and the developing of the Christian and National character of the Nation.” In order to understand the meaning of CNE, it is necessary to understand its composite parts. According to MacMillan (1967), *Christian* was defined in Calvinistic terms based on the authority of the Word of God as revealed in the scriptures and the Articles of Faith of the three Afrikaans churches. Through this injunction, the language of CNE and its interpretive framework is established. Education would be delivered with Afrikaans as the medium of instruction; it would be based on Calvinist interpretations of the scriptures. Furthermore, proponents of CNE firmly established that only the South African Dutch Reformed Church’s version of Calvinism would be considered an acceptable educational lens. The national component of CNE was based on Neo-Fichtean ideas about the nation. In CNE ideology, the school is placed at the heart of the national life (Macmillan 1967, 44). In a pamphlet developed in the process of realising a CNE policy, *Christelike-Nasionale Onderwysbeleid (Christian National Education Policy)*, national is defined

as “love for everything, which is our own.” This broadly included “country, language, history and culture,” which was however, limited by a prevailing discourse of exclusivity and sectionalism. According to the CNE pamphlet, all education needed to be separated along the lines of language, religion, culture, and race in order to prevent mixing between different groups of South Africans.

In light of the television debate, the merger of Neo-Fichteanism with the Calvinist paradigm provided the anti-television position of Afrikaner nationalists with religious resources to justify their position beyond impulse-based repulsion against the cultural imperialism of the British and the Americans. The combination of these two discourses provided Afrikaner nationalists with a religiously justified belief “that the nation as marked off by culture and language was a sacred unit of difference” (Nixon 1994, 125). Although the Neo-Fichtean worldview, with its religious underpinnings, was not accepted in its pure form outside of the Broederbond, elements of its philosophy were brought into the public through the discourse and rhetoric of key Afrikaner cultural workers such as Hendrik Verwoerd, Albert Herzog, and Piet Meyer, who were among the leaders of this new Afrikaner ideological development. This ideology did not undermine the pre-existing Kuperian Calvinist leanings of the National Party. On the contrary, the addition of Neo-Fichtean principles to the discourse of the National Party reveals the elasticity of the modern Afrikaners’ mythological foundations, as it was able to articulate the ultimate Afrikaner vision in an all-encompassing framework that ostensibly protected Afrikanerdom from multiple domestic and international threats. Television featured prominently in this mythic drama.

The Television Question

In 1951, fifteen years after the last television exhibition and at the height of the technology's post-war worldwide boom, a member of the opposition party in the House of Assembly addressed a question to the governing National Party. Minister of Parliament Koos Ueckermann enquired if "consideration is being given to the adoption of television by the SABC" (Hansard 1951, col 3882). In light of global developments and based on the 1944 Annual Report of the SABC where it was stated that television was one of the organisations post-war goals, this question was not unexpected. The reply from the National Party was therefore not entirely unanticipated. According to the government, while the SABC was keeping up to date with international developments, the costs were still quite high and the consequences of the technology for society were not yet clearly comprehended.

From the time the question of television was posed to the moment the decision was made to introduce the technology, the engagement with the issue of television by the National Party would significantly evolve from a dull neutral response underwritten by a rational developmental perspective to an acutely defiant and increasingly resilient anti-television rhetoric. Nine years after the first posing of the television question, Prime Minister Hendrik Verwoerd made the following statement as part of a detailed speech amplifying the government's official reasons for not pursuing the introduction of a television service:

It is true that where a physical danger threatens a country, the Government of that country will try to keep such an invention

permanently out of that country. That applies to poison gas, for example; it applies to the atom bomb for example . . . however wonderful and modern the invention may be the physical danger attached to it makes it perfectly clear that you cannot use it. A similar attitude must be adopted when there are spiritual dangers or, when there is a possibility of harm to the community's social life. (Hansard 1960, col 3002)

Although perceived as a spiritual danger, television sets themselves were not banned. In 1963, in his official capacity as Minister of Posts and Telegraphs, Albert Herzog, one of television's most passionate adversaries, made the following statement in Parliament further clarifying the government's position: "There is nothing to prohibit the television as long as the set is not used" (Hansard 1963 col 2312). For those who could not wait on the state to make a decision one way or the other, an aluminium kitchen mixing bowl served as a makeshift satellite dish, which could, if the weather conditions were favourable, intercept international programmes, bringing snowy images and crackling sounds into the home.

The National Party government was not opposed to the little black box as a material object but worried about what the activation of this device through a television service would mean for the culture of apartheid. Pending the introduction of television in South Africa, much of the National Party's opinions about television were derivative and speculative in the sense that they cast their gaze towards other contexts in order to forecast the effect that the medium could have on South African society. Accordingly, television was evaluated in light of the ethnic nationalist framework of the

government and found to be completely antithetical to the project of apartheid. Within the discourse of the government's anti-television rhetoric, elements of the Calvinist paradigm would feature significantly, outfitting the position with explicitly religious overtones that situated the television issue within the broader political vision of the National Party for South Africa.

While for the most part television in other countries was admitted as soon the technology became affordable, this was obviously not the case in South Africa. This does not imply that the moral threat of television escaped exhaustive critique in other contexts. Rather, it suggests that these appraisals emerged only after its introduction. The unprecedented lag between invention and introduction, despite the economic ability of the country to bear the cost, reveals the distinctive set of concerns and rationalisations of the apartheid government that remained unimpressed even with the "propaganda potential" represented by the medium (Nixon 1994, 128). One Afrikaner nationalist declared in parliament, "We dare not sell our national soul and that at the high cost of introduction and maintenance of television" (Hansaard 1963, 6517). Combined with the fear of imperialist importations in the form of American and British programming that would actively undermine the South African way of life and the sovereignty of Afrikaner nationalism, language, and culture, television in its absence was tried and convicted of both crimes and sins. Albert Herzog evoked the criminal and sinful nature of television with the following anecdote:

It is afternoon, and the Bantu houseboy is in the living room cleaning the carpet. Someone has left the TV on. The boy looks up at the screen, sees a chorus line of white girls in scanty costumes. Suddenly seized

by lust, he runs upstairs and rapes the lady of the house. (Anonymous 1964, 40)

Presenting this anecdote in parliament and to the public, Herzog was deliberately engaging in a fear-mongering exercise that supported Afrikaner nationalist policies regarding the mixing of races and the potential evils that could emerge if this was permitted. Television intensified the threat of racial mixing since viewing could not be policed in the same way that human interactions could under the apartheid regime. Under the National Party government, two laws specifically forbidding and policing sexual relations between the race groups were instituted: the Immorality Amendment Act of 1950, which was a refinement of the existing Immorality Act of 1929, and the Prohibition of Mixed Marriages Act of 1949 that declared marriages between partners of different races invalid and illegal. For Afrikaner nationalists, Biblical scriptures sanctioned this legislation and the anti-miscegenation laws represented a microcosm of the entire apartheid ideology of keeping race groups separate in every sphere of life. In the early 1950s, the Dutch Reformed Church had already conducted a kind of scriptural analysis that purported that Biblical ideas of unity in Christ pertained only to spiritual unity. Furthermore, as Ritner states, the church doctrine employed the following logic: “All souls are one in Christ, but this unity is super-national, spiritual unity which does not cancel racial differences and colour boundaries but recognises and sanctifies the diversity in unity” (1967, 26). Essentially, with television, that which was materially illegal and deemed so in the interests of the physical and figurative safety of the white population could escape the scrutiny of the law and result in disaster (Orlick 1974). Television, as a technology, was deemed profane in

every sense. In terms of content, it threatened to bring depictions of anti-Afrikaner and un-Afrikaner behaviour, including but not limited to the threat of miscegenation.

Cros (1996) observes from the House of Assembly debates that television was considered an idol, a god located within the household, with the ability to hypnotise the viewer, transgressing the first of the Ten Commandments. The deeply religious, Christian Nationalist approach that the National Party government sought to have permeate every facet of life played a crucial role in the banning and unbanning of television. According to Cros (1996, 2), the debate about television gained momentum in the late 1950s because it was during this time and under the leadership of Hendrik Verwoerd that the National Party began to enforce “a harsher, more doctrinal form of apartheid and Christian-National socio-economic policy.” It had become clear that the SABC was earmarked as a crucial means for solidifying apartheid and churning out propaganda, which would ensure that all South Africans regardless of race, class, or gender would be subjected to broadcast material that was authorised by the National Party. With the rise of the National Party, the SABC essentially became a government institution, managed by Afrikaner nationalists who interpreted broadcasting policy and instituted broadcasting practice through the lens of apartheid. However, the SABC was still bound somewhat, at least in principle, by the Reithian ideals which dictated that the principles of objectivity and impartiality could only be suspended during times of crisis or war. In 1961, after the Sharpeville Massacre, the head of the SABC shifted the meaning of the term *crisis* in the broadcasting code to mean hostility toward the republic, essentially providing the SABC with the right to broadcast only material which positively represented the

National Party (Hayman and Tomaselli 1989). The SABC annual report of 1961 justified this practice:

Political reports are regarded as contentious and are only broadcast when they are of a factual and/or authoritative nature, or if they consist of a positive policy or statement by a political party represented in Parliament and do not contain comparisons with, or comments on, the declared policy or conduct of other South African political parties (SABC Annual Report 1961, 8).

The result was that the “SABC became the ideological repository of and chief apologist for Apartheid, offering a broadcasting policy characterized by an unabashedly pro-government stance and programming for the white majority” (Mzamane 2006, 2). The National Party government was typically thorough in usurping public broadcasting by appointing key members of the party to manage the executive and day-to-day operations of the SABC and ridding the institution of any possible dissenting voices (Horowitz 2008).

Although television had been a topic of debate in public discourse and in Parliament as early as 1950, in the late 1960s the television saga gained momentum. At this time satellite technology was quickly improving, the direct reception of unauthorised, ideologically incompatible television transmissions from overseas was becoming a tangible danger, one which threatened to unravel the system of separate development upon which the apartheid regime was based. The government conceived of television as a domestic and international threat to the political and social vision of apartheid for

South Africa. At risk were the white and black populations. The threat of television was interpreted through the religiopolitical ideology of the National Party government and this resulted in the peculiarly protectionist rhetoric that was characteristic of Verwoerd's political philosophy of separate development as ethnic self-determination.

Television was one of the first issues that Verwoerd addressed upon his inauguration as president of the republic. In 1960, Verwoerd made a speech in the House Assembly that addressed three principles to which the government subscribed with respect to television. The first was that the government thought television was a spiritual threat to the nation. Verwoerd specified that television would be kept out of South Africa until such a time that the risks associated with it could be fully assessed. The spiritual risk alluded to in this part of the speech was undoubtedly underpinned by the religious convictions that inspired the National Party and provided religious legitimation for the banning of television.

The perceived "spiritual dangers" need to be considered in light of the both the Calvinist paradigm and the Neo-Fichtean influences within the party (Hansaard 1960, col 3000). Additionally, the way in which the National Party perceived "harm to the community's social life" would also need to be considered in light of apartheid discourse (Hansaard 1960, col 3001). Apartheid was about producing and maintaining a social order that worked to ensure and enforce the social, economic, and political supremacy of Afrikaner nationalism and the dominance of whites over blacks.

The 1936 Broadcasting Act granted the SABC the exclusive right to establish and manage a television service. Despite this legislative assurance, Verwoerd reiterated

that even though part of the National Party's aversion to the introduction of a television service rested on the fact that it found the technology unnecessary and too expensive, a commercial service that would remove the financial burden from the state and place it in the hands of private investors would not be considered. The government predicted that a commercial arrangement would lead to the import of cheap, substandard programming and that "the effect on our cultural life, particularly the influences which are largely American and which would go hand in hand it is not a matter that one can treat lightly" (Hansard 1960 col 3002).

The import of material produced outside of South Africa would be harder to manage than material produced within the borders of the country. Imported content posed a credible threat to the National Party's hopes for the cultural superiority of the Afrikaner language and lifestyle. Concerns arose about the expansive availability of English material both from Britain and the United States, echoing the historical language conflicts between white groups. Although the government did not indicate at this point how material that would not undermine the cultural life of South Africa would be produced or procured, they had a clear idea of what kind of programming would not be allowed. Using veiled anti-Communist rhetoric, Verwoerd also warned about the potential of television to become yellow (at the time the colours red and yellow were perceived to be the colours of communism and liberalism).

To the amusement of the members of the House of Assembly who were recorded as laughing, Verwoerd invoked the work of "prominent educationists" in lamenting that television would detract from the attractiveness of South Africa as a tourist destination, inferring that tourists would be more enticed to watch television during

their holiday than see the country. Domestically, he claimed, “both husband, wife and child become such slaves to television that homework, school work and family relationships all have to suffer” (Hansaard 1960, col 3002). Even when Verwoerd raised the practical issues related to the introduction of a television service, the societal implications that were embedded in the religious rhetoric of the National Party were implicated. Describing South Africa at the height of apartheid as “a country, which tries to ensure the fair treatment of all its citizens,” Verwoerd argued that television technology was not yet up to the standard that would ensure the reliable delivery of the service throughout the country (Hansaard 1960, col 3003). The third and final principle articulated by Verwoerd was the necessity of government control that was underlined by three rationales. First and foremost television would never be privatised. To this end Verwoerd explained that a private service would be profit driven and therefore run the risk of “unfair” treatment of more isolated regions of the country. This concern can be linked to the situation experienced in the early days of broadcasting when Afrikaners were at the receiving end of undeveloped radio technology and essentially deprived of the full benefits of the medium. Secondly, Verwoerd asserted that that the “social and educational problems” associated with television would need to be counteracted and this could only be done if the service was entrusted to a utility organisation (Hansaard 1960, col 3004). The final reason for strict control was of particular significance not only to the National Party but also particularly to Verwoerd, the issue surrounding language. Again, Verwoerd predicted that a commercial service would undermine the strict language ideology of the National Party and would not treat the language differences fairly.

As evidenced in the Hansaard debates, the introduction of the morality argument corresponded with the appointment of Albert Herzog to the portfolio of Posts and Telegraphs under which the television question was positioned. Herzog held the position of Minister for ten years from 1958 to 1968. The sway of his influence on the continued exclusion of television from South Africa was powerful. One year after he stepped down as Minister of Posts and Telegraphs, the Meyer Commission was established to manage the introduction of television. While wielding power over television's exclusion and introduction, Herzog also exemplified the religious overtones of the National Party's engagement with media. Herzog's religious arguments against television were indicative of the implicit yet coercive assertion of religiopolitical power exercised around the medium in the interests of a broader nationalist project. Referring to television as a "spiritual opium and a spiritual dagga," Herzog contended that "inside the pill (of television) there is the bitter poison which will ultimately mean the downfall of civilizations" (Hansaard 1966, col 5287). Herzog maintained that one had only to look at the recent retreat of Belgium rule in the Congo to understand the full extent of what television's presence could bring. He argued that it was because of television that the Belgians forgot their superiority over the Congolese and disregarded their position as the custodians of black people and their land (Hansaard 1963b). According to Herzog, "Is it not sad that the Belgians, influenced by this propaganda, morally collapsed to such an extent that they handed the Congo over at a totally undesirable time to the Bantu who were not ready for it?" (Hansaard 1963b, col 6531). For Herzog, imported content was not an option for a South African television service. Herzog argued that British and American television advanced a particular theme of black superiority over white that was untenable to the South African white population, posed a moral threat to the social fabric of the

country, and, finally, presented a security threat that could lead to the collapse of the white man's power in South Africa (Hansaard 1963b, col 6529).

Hertzog consistently espoused the argument that television led to moral degeneration, drawing on examples far and wide to bolster his case for its continued absence. Long touted as television's principal and most expressive opponent, Hertzog declared that only his own death would allow for the "devil's own box for disseminating communism and immorality" to find a place in South African homes (Hansaard 1959, 5020). He argued that imported films and advertising, which showed different race-groups mixing, would cause black Africans to become unhappy with what the apartheid regime considered to be their divinely ordained position in private and public life. Hertzog's distaste for television was comprehensive. His anti-television rhetoric covered the entire spectrum of the television threat, calling it a "one-eyed monster" and comparing viewing to idolatry. The little black box that was television was considered as much a threat to the social and political mission of apartheid as the "Swart Gewaar," which was the blanket term used to describe the perceived security threat that the majority black population posed to the apartheid state.

In a speech celebrating thirty years of television in South Africa, Professor Mbulelo Mzamane, a South African academic, pulled no punches when he described Piet Meyer as "a full-blown Nazi" (Mzamane 2006). Mzamane was no doubt referring to Meyer's educational background, ideological positioning, and advocacy of National Socialism. Meyer declared, "National Socialism would determine the nature of the ages to come" (Loubser 1987, 50). Meyer's presence before and during the National Party's rule was pervasive, almost omnipotent. From 1933 to 1981, Meyer fulfilled a

number of positions within key cultural organizations and politically connected institutions and was a favoured friend of both Albert Hertzog and Hendrik Verwoerd. He was a familiar figure on the Afrikaner cultural and economic circuits working tirelessly to institutionalize the idea of the Afrikaner nation and Afrikaner national identity as “a pure, ideal and divinely ordained totality” to be actively protected and preserved (Chidester 1992, 193). Afrikaans as a sacred language, gifted to the Afrikaner people by God, was perceived as one the most tangible forms of Afrikaner self-determination and liberation from English rule. Meyer stated, the “Afrikaner accepts his national task as a divine task, in which his individual life task, and his personal service to God has been absorbed in a wider organic context” (Thompson 1984, 43). At the time of this statement, Meyer was the chairperson of the South African Broadcasting Corporation and the notorious Broederbond, an infamous, clandestine, male-only, Afrikaner Calvinist society dedicated to the advancement of Afrikaner culture and supremacy (see Ngcokovane 1989). Along with the Minister of Posts and Telegraphs Albert Hertzog and “architect of apartheid” Prime Minister Hendrik Verwoerd, Meyer was an ardent adversary of television, condemning the technology as a danger to the Afrikaner nationalist project. Referred to as the “ultra right troika” of television opponents, Hertzog, Verwoerd, and Meyer commandeered para-political institutions and wrote prolifically on the practical implications of their vision for South Africa (Nixon 1994, 56). Drawing upon the resources provided by religious legitimation, they held enormous power over the television question. It was no coincidence that Meyer, once television’s most ardent opponent, became the head of the commission that would decide the future of television in South Africa.

Religion, Television, and the National Question

By 1969 there was heightened tension within the ranks of the National Party between two internal factions, commonly referred to as the *verligte* (literally the enlightened) and the *verkrampte* (the conservatives), which resulted in unparalleled changes in the structure of Afrikaner nationalist politics. Following the assassination of Verwoerd, a *verkrampte*, in 1966 B. J. Vorster, a *verligte*, rose to power as the Prime Minister of the republic and in an unprecedented house-cleaning gesture expelled Albert Herzog from the cabinet. Herzog and other *verkramptes* who were dissatisfied with the internal changes left the National Party to start a new party, the Herstigte Nasionale Party. Herzog's departure from the National Party was of course not the sole reason for the governments' change in attitude toward television. As previously mentioned, the rise of satellite reception posed a very real threat to the National Party that, without a state controlled television service, ran the risk of social and cultural infiltration and exposure of both black and white South Africans to foreign-produced material. Satellite technology represented a fresh threat, one that would need to be countered and managed proactively. According to Krabill (2010, 50), by 1969 "The risk of uncontrolled transnational media flows suddenly overshadowed the threat of television itself."

The split in the National Party mirrored a fundamental shift in Afrikaner identity. By the 1960s the Afrikaner Nationalist project was in full swing and Afrikaners of all classes were benefitting materially from the apartheid policies that endeavoured to elevate the economic and business influence of the Afrikaner people. According to sociologist Jonathan Hyslop (2000, 38), the measures taken to uplift the material

condition of the Afrikaner people were successful and were to a large extent responsible for the creation of a “massive Afrikaner middle class and a strong and confident business class.” Hyslop (2000, 40) argues that this shift in the economic conditions of the Afrikaner people resulted in fundamental changes in the social structures of white society and the subjective experiences of the Afrikaner who was now more exposed to “global influences” and resistance to apartheid from the former strongholds of the National Party were becoming more popular. According to Nixon (1994, 72), by 1969 an “increasingly muscular class of urbanised, corporate, even cosmopolitan Afrikaners proved less susceptible to the standard admonitions that TV would provoke internationalization, commercialisation, imperialism and Anglicization, and secular deviations from the volk’s destiny of divine election.” Afrikaners, regardless of the National Party’s position, were becoming impatient for the introduction of a television service. Fellow Afrikaner Japie Basson, who was expelled from the National Party in 1959, made the following comment in the House of Assembly regarding Afrikaner feelings about the television ban: “Above all, I am sorry to have to say that, as a result of the attitude of the Minister [Herzog], our country has become the laughing stock of the rest of the world and what hurts me as an Afrikaans speaking person is that the Afrikaner in particular, because of our attitude toward television, is regarded as the modern King Canute” (Hansaard 1963b, 6515).

In 1969, when millions around the world were huddled before their television sets waiting in anticipation to witness what was perhaps one of the most awe-inspiring moments in the history of humankind, the landing of Apollo 11 and the first steps of the first person to walk on the moon, South Africans clustered around their radios.

They had to listen carefully in order to imagine what only a few years earlier had been considered unimaginable. As consolation, some were able to witness the event, albeit not live, a few weeks later at one of the suitably (i.e. racially) separated public viewings arranged by the government at the Johannesburg Planetarium. This act of compromise on the part of the government did not do much to engender public support for the television ban. As reported in newspapers at time, many South Africans left the viewing at the planetarium feeling dissatisfied and frustrated at being prevented from witnessing the event live.

At the time of the moon landing, South Africa was the only developed country in the world, and the last country in Africa, without television. The moon landing of 1969 represented the proverbial last straw for many white South Africans; one journalist reported on public sentiment by observing, “the situation is becoming a source of embarrassment for the country” (*Cape Times* 1969). The parliamentary opposition to the National Party, the United Party (UP), determined that its constituency’s desire to be associated with this modern technology was so strong that the UP promised the introduction of a television service as a part of its election campaigns.

From Spiritual Danger to Spiritual Heritage

At the end of 1969, under mounting pressure due to satellite technology and public dissatisfaction, particularly among the Afrikaner population, the government appointed “The Commission of Inquiry into Matters Relating to Television.” By 1971, the commission would report on its research and make recommendations for the introduction of a television service in South Africa. The commission was comprised

of thirteen members of whom nine were Afrikaans-speaking appointed from within the National Party and known supporters of the government. Four members of the commission were English speaking, however, they were known National Party supporters (Hansaard 1970b).

The debates in parliament at the time reflected the dissatisfaction of the opposition parties who saw the commission as a farce, a waste of time and tax money. The government had already made a decision, regarding the introduction of television as inevitable, but was using stalling tactics. Regarding the introduction of a television service as inevitable, the National Party government held fast to its commitment to fully investigate the desirability of this medium, forecasting its effects on the socio-cultural life of South Africa, the economy, and a range of other matters. Whether or not the commission was irrelevant, as the opposition parties believed, the findings of the commission patented the approach that the government would take in the introduction of television.

At the time of the commencement of the work of the commission, Piet Meyer held two positions that essentially made him a powerhouse on all matters relating to Afrikaner politics, culture, language, religion, and an expert guardian of Afrikaner hegemony and white supremacy. From 1960 to 1972 Meyer headed the Broederbond, and from 1959 to 1980 was the head of the SABC. Placing “great trust” in his “learning and ability,” the State President appointed Meyer as the chairperson of the commission, granting him complete freedom to conduct his research within a particular set of references and within the spirit of five core principles. Other than these pre-decided conditions that to a certain extent predictably reflected the values of

the National Party as well as the legislative injunctions imposed by the Broadcasting Act, Piet Meyer, once television's most zealous opponent, became the head of the commission that would decide both the genesis and the future of television in South Africa.

The commissioning letter to the members of the inquiry committee stated that the service would have to be under statutory control. This injunction reflected the National Party's initial fear that a television service would result in the dissemination of "undesirable" ideas and images. Following the apartheid system of separate development, it would also need to provide a bilingual service for the white population and a multi-lingual service as the state was based on the provision of separate resources for different race and ethnic groups. A television service could not overtake the duties of the film-industry or run independently of the radio service, both of which were already structured along apartheid ideology and subjected to strict state control. Finally, a television service would primarily need to be a cultural service, prioritising the dissemination of information and education and rather than meaningless entertainment.

The research methodology of the Meyer Commission was varied. Questionnaires were developed and sent to experts working in fields that could possibly be affected by television. These included the entertainment industry, the press, film, and advertising, as well as those working in the electronic and manufacturing industries. Cultural organizations, churches, and women's groups were also invited to complete the questionnaire and submit memoranda regarding the television issue. Reflecting the social structure of apartheid, only white South Africans were approached, but the

commission considered the results as “representative of all sectors of public opinion and all experts and interested groups in the country” (Meyer 1971, 4). Meyer travelled to various countries around the world, including Australia, Japan, the United States, Canada, Brazil, and Argentina in order to gather first-hand evidence of how these countries had developed and regulated their television service and industry. By the end of the research, Meyer produced a detailed account that described the development of television technology around the world, the role it has played in different societies, and the forecasted shape it would take in South Africa.

The commission found that television did not necessarily cause the degeneration of a society; rather, the medium reflected and promoted moral, social, and political degeneration that was already present. Given what it considered to be the well-established values and norms of the apartheid state, the commission was confident that with the correct control measures a television service could contribute positively to the social, cultural, and religious needs of South Africa (Meyer 1971). Although deeply suspicious of television, the National Party was enamoured with radio as a medium. In its report, the commission posed the question of television in such a way that it still reflected the older argument against television that spoke of radio’s abundant economic, social, and technological advantages as the communicative device of choice for the republic. Even Meyer spoke of radio with the highest esteem, stating that “radio distinguishes itself [from television] by the fact that it does not enslave and does not want to enslave the human spirit” (SABC Annual Report 1968, 7). Less than a year later, the commission, under the leadership of Meyer, asked the following question: “Does South Africa need an additional medium of

communication?" (Meyer 1971, 14). In what can be considered the commission's most succinct answer to this question, the following statement was made:

In a world rapidly approaching a stage where the direct reception of television transmissions from overseas sources via satellites will become a reality, South Africa must have its own television service in order to nurture and strengthen its own spiritual roots, to foster respect and love for its own spiritual heritage and to protect and project the South African way of life as it has developed here in its historical context. (Meyer 1971, 17)

The above quotation articulates the National Party's recognition of the changing circumstances leading to the inevitable introduction of a television service. What followed in the report were the stipulations that would make a television service possible. Times had changed and therefore it was becoming more of a danger to exclude a television service than to organise its introduction in a controlled manner.

The preceding chapters of the report had dealt with surveys about television and society drawn from a wide range of countries, television service structures, communication theory, and attempts to define the nature and essence of television as an educational tool. In the chapter where the above quotation is located, it is made clear that a television service would be introduced but under strict stipulations and that religion in this case of course the National Party's brand of Christianity, would play the paramount role. At all costs, the commission wished to avoid the pitfalls into which other countries had descended. In line with National Party ideology, the

commission declared that should a television service be introduced it would above all have to be educational and to be founded on the Christian values of the nation.

The commission supported the introduction of a television service provided that it conformed to the following three strict stipulations:

(1) An SABC controlled radio and television service for South Africa should be in the interests of its entire people.

(2) Give direct and unequivocal expression to the established Christian, Western set of norms and values that are valid for South African society in all spheres of life.

(3) To strengthen and enrich our own religious and spiritual life.

(Meyer 1971, 16)

Clearly, the second and third stipulations for television's introduction drew directly on religious conviction to legitimate the introduction of a television service under conditions set out by the state. Based on these stipulations, with the control of television vested in the state, the content of television broadcasting would reflect the National Party's religiopolitical ideology. As a Christian national medium, television would inform and educate the masses in order to maintain and further develop the established social order as it had been constructed through the religiopolitical ideology of the apartheid state.

Television's "educational" function, which would blatantly become its use as a propaganda tool, was further solidified when the commission called for the

amendment of Broadcasting Act of 1936 to introduce a provision declaring that all radio and television broadcast material would have “a Christian and a broad national character” (Meyer 1971, 16). The commission declared that only through this legislative injunction would it be ensured that a television service would not undermine the morality of the country but instead fortify the Christian national project.

Chapter Four, “Television and Society,” is arguably the most significant chapter in the report as it begins to envision the possibility of television within the South African context by conceiving television as an important part of the structure of community life. The commission defines structure as “a historical, living composite whole of human ideals, values, and aspirations in a geographical area, the fatherland, in order to satisfy special spiritual and material needs” (Meyer 1971, 11). The commission used this definition of social structure to postulate that although the effect of television on community cannot be foreseen with complete accuracy, the pre-existing social structure should determine how the introduction of this new medium should function within a particular social context. In this case they are speaking directly to the South African context.

The commission carefully acknowledged the arguments levelled against television and cited examples drawn from abroad where television contributed to the “spiritual, cultural and moral detriment of the society concerned” (Meyer 1971, 9-10). Since National Party ideology was founded on a spiritual calling to ensure the survival of Afrikaner culture and the morals of all people through a system of separate development, this perceived divine calling played a crucial role in the way television

in South Africa would be conceived and permitted (Hyslop 2000). Given the well-established values and norms of the apartheid state, the commission was confident that with the correct control measures, a television service could contribute positively to the social and religious needs of all people in the South African context.

Of course, this would not be the only time that national policy would be amended to suit the National Party ideology. In 1969, the National Education Policy Act of 1967 was amended to ensure the Christian National essence of education. Since the commission considered a television service as a complementary addition to established social structures, particularly in terms of its potential educational and informational function, it insisted that broadcasting and educational practice be held to the same standard (Meyer 1971). By amending legislation, the commission was able to reconcile the anticipated introduction of television with the overriding political commitment to racial separation and the supremacy of Afrikaner nationalism. Furthermore, the new broadcasting legislation would invest the Minister of Education with the power to determine the admissibility and appropriateness of the broadcast content. This reformation of broadcasting policy, therefore, included an essentially religious injunction by merging television with Christian National Education. This prudential use of religiopolitical power, as authorised and exercised by the apartheid state, ensured that television would reproduce the Christian National Education project in maintaining the religious, social, political, and cultural supremacy of white Afrikaner identity.

According to the commission, a Christian public broadcasting service would mean that there would be separate facilities for the Afrikaans-speaking and English-

speaking communities, as well as for Black, Coloured, and Asian communities. Having declared that for the public's interest the South African television service would be educational, cultural, and informational in its programming structure and content, thereby reflecting the Christian values of the National Party ideology, the commission found that through strict control television could be introduced: "The Commission is convinced that a service that meets all the high standards and requirements dealt with above will develop into a positive force in the religious, spiritual, cultural, social and economic life of the country and all its people" (Meyer 1971, 34).

Through this statement the commission made manifest the National Party's ideology of a Calvinist-inspired Christian state under the system of separate development. Where television was once considered the antithesis of the state and of Christian Nationalism it was now considered a vital aide for promoting and projecting the spiritual heritage of the apartheid state at home and abroad. The Meyer Commission had ordained the establishment of a state-controlled, Christian-oriented television service.

The extent to which the National Party was successful in drawing from religious resources to justify its socio-political policies for the domination, control, and exploitation of media technologies has long been underestimated in the study of media in South Africa. In media studies the separate treatment of these two areas, politics and religion, has resulted in an incomplete narrative of television's initial exclusion and eventual introduction to the South African mediascape. This neglect of religion's role in the National Party's approach to television in South Africa can be

attributed to what Hirschkind and Larkin (2008, 1) critique as an “intellectual habit of not taking religion seriously, of not having to pay attention to the specificity of its discursive forms and bodily practices, to the theologies that animate it, to the forms of reasoning and discipline that enable its claims, to the methods of historical and genealogical analysis essential to its knowledges.” Hirschkind and Larkin obviously echo the tone of a post-secular discourse, wherein religion and politics are not considered separate but rather as co-joined. Through exploring and examining the Christian national religiopolitical composition of the South African state under the apartheid regime and illustrating how the National Party selectively, discursively, and strategically engaged the resources provided by the Calvinist paradigm and Neo-Fichteanism, this chapter has offered an account of the pervasive role of religion in the television question in apartheid South Africa.

Chapter Three: Religion and Television in Post-Apartheid South Africa

Traversing time and space from the year 1976 when television was introduced to South Africa under strict religiously legitimated conditions, in this chapter I reposition the main question of this thesis—how religion has been employed as a strategy and resource for social control and social transformation by the South African state within the public broadcasting sector—into the post-apartheid era. Beginning with the crucial transitional years between 1990 and 1996, I describe how each element of the religion, politics, and media triptych was reconfigured within the broader context of the massive national transformational project that took place during this time. By critically reviewing SABC mandates, editorial policies, and the Religious Broadcasting Policy of 2003, I argue that constitutional changes regarding religion that were instituted in 1996 have played a defining role in how religion, religions, and religious diversity have been managed and mediated on public broadcast television. Through assessing the way in which the SABC has mediated constitutional conceptions of religion through institutional practices and evaluating what this means for the representation and expression of religion and religious diversity, I will show that religious broadcasting has been less about religious representation and more about religious regulation in the service of the nation.

Media in the Political Transition

The period between 1990 and 1996 was a time of tremendous change in the history of South Africa. During this phase of the transition from apartheid to democracy the roles of religion and broadcast media were extensively reviewed in light of the new

egalitarian society that was imagined. The unbanning of anti-apartheid resistance movements in 1990 signalled the beginning of the end of apartheid. The entire structure of the South African nation would need to be reconstructed from the deliberately fragmented society created under apartheid. The political transformation necessary to transform South Africa from an apartheid state to a democracy could be formally achieved by the adoption of a new constitution and through the repudiation of racist apartheid legislation and policy. The social transformation that was anticipated to follow would require the mobilisation of state institutions in a long-term project of nation building.

This process of production and transformation in order to establish a “new South Africa” would begin as clandestine talks between the African National Congress and the National Party government from as early as 1984 and culminate at the highest level of state organization with the adoption of the 1996 Constitution. Although the Constitution represented the ultimate turning point in South African history, ushering the country towards a new socio-political paradigm, the nation-building process necessary to solidify the new social order would depend on the support of numerous state and non-state actors in order to propel the ideal of a “new South Africa” toward realisation. Essentially, the new dispensation had the overwhelming task of building a politically and socially inclusive society. In the early 1990s, radio and television broadcasting, which was essentially the sole domain of the SABC, was the first institution to be reformed and transformed within the contours of democracy (OSISA 2010). Prior to 1996 when the Constitution was officially adopted, the Interim Constitution of 1993 for the first time in South African history asserted the right to

freedom of expression as a hallmark of democracy, creating a new role in society for a public broadcaster.

During apartheid the SABC was central in epitomising what Christopher Merrett (1994) has referred to as informal censorship. Informal censorship was constituted by extra-legal repression that supported the broader national control mechanisms instituted by the state. Merrett observes that in 1981 “79 per cent of broadcast time was given to the government, 21 per cent to opponents within the system, and, of course, none at all to those who questioned the very basis upon which South African politics were constructed” (1994, 90). Over and above skewed resource allocations and the direct censorship of ideologically undesirable material, programming was also developed with a built-in censorship mechanism that resulted in the gross stereotyping of “women, racial characteristics, and political belief in the interests of the dominant apartheid ideology” (Merrett 1994, 69). Thus, the generative capacity of censorship becomes clear. As Raminder Kaur and William Mazzarella (2009, 7) confirm, “Far from silencing, censorship can be read as a relentless proliferation of discourses on normative modes of desiring, of acting, of being in the world.” This mode of censorship often referred to as “cultural regulation” suggests that the media politics of religion and religious diversity in a self-declared modern nation state such as South Africa goes beyond ideas regarding the silencing or even the absence of particular broadcast material but more significantly speaks to the “authorising discourses” that produce and permit the circulation of the material that is broadcast (Kaur and Mazzarella 2009; Asad 2003).

These authorising discourses, which include constitutional orders and national legislation, can take shape as formal regulatory measures put in place to secure the interests of the state. Institutional practices such as policy development and implementation advance these measures. Additionally, in conjunction with the discursive restrictions provided for by state-imposed regulatory measures and broadcasting sector institutional logic, the technological limitations of the mediascape concerning the tangible manufacturing process of content production and the availability of valuable airtime reveals an extra layer of constraint that characterises and intensifies the regulation of broadcast material before transmission takes place.

During the transitional period, “the Constitution, a free media, and regular elections” served as the foundational institutions and processes upon which the post-apartheid democracy was built and much energy was invested in ensuring that the elements of this triad were democratically secured (Wasserman and Garman 2013, 394). In light on this arrangement and in addition to the well-worn refrain that media and democracy are essential companions, Herman Wasserman and Anthea Garmin argue, “The claim that the media is central to democracy is related to the claim that democratic society itself has a centre to which the media can give us access” (2013, 395). In the past, the majority of South Africans were denied meaningful access to the public sphere and media technology and practitioners were policed and pressured to conform to restrictive measures. The reformation of the broadcasting landscape at this crucial juncture required a material change from the previous broadcast culture of authoritarianism to one based on and safeguarded by democratic values. In this process, public media was reconfigured to be in the service of the greater good as opposed to serving government interests. According to Ruth Teer-Tomaselli (2008,

73), “The SABC became the locus for national struggles over questions of control, racial composition, news, content, language policy, ideology, and the whole gamut of what would constitute a new South Africa. What happened in the ‘transformation’ of the SABC became a litmus test of what occurred in the ‘transformation’ of the wider society.” The urgency with which the broadcasting landscape and the SABC were reformed was driven by two strategic concerns.

The first concern was the rapidity with which the 1994 election was approaching. As a result of the “negotiated revolution” approach taken by the liberation movements and the apartheid government, sensitivities around representation ran high. Neville Alexander (2010, 4) refers to the “unfinished revolution” when he describes the many political concessions that were made in secret between these two groups, who were both too weak to achieve political power and national stability without significant compromise from either side. The 1994 elections obviously represented a crucial turning point in the history of South Africa. This event would be the culmination of years of negotiations and anticipation, representing a significant opportunity to display the new political order that was promised to follow. The National Party objected to the notion of ceding the power it had over broadcasting to the most popular opposition party, the African National Congress (ANC), who justifiably did not want their former oppressors to hold the power over the broadcasting of the 1994 elections. The OSISA report (2010, 127) captures the sentiment of this historical moment: “Development of a public broadcaster . . . is a process and not an event. In the case of the SABC, this involved not only asserting independence from government and establishing accountability to the public . . . but also attempting to change the authoritarian culture of the broadcaster and redressing the skewed

allocation of resources in the Corporation to ensure that the needs of all South Africans were met.” The 1994 election was the ideal moment to project the new role not only of the SABC but also of broadcasting in general. For the first time, South Africans of all races were to be addressed as a mass audience, seemingly unfettered by the historical mistrust of communication media that had been common under the apartheid regime.

The second reason for the hurried reformation emerges as a consequence of post-Enlightenment Western thinking about democratic reform in general: that a free and unbiased public broadcaster is considered part of the bedrock of democracy. Therefore, the second objective underlying the transformation of the SABC was the pressing need to shift the status of the institution from that of a state broadcaster to a public broadcaster. During the democratic transitional negotiations, this was a principle that was universally agreed upon by the political parties and civil society institutions involved in the process. The pervasiveness of the SABC in disseminating the values of apartheid tainted the image of the broadcaster and called into question the trustworthiness of the material broadcast. Given the mass reach of television, it was noted early on in the negotiations that the communicative power of television could be used to propagate the values of democracy, quell civil unrest, and begin the work needed to create a unified South African citizenship. Furthermore, as the OSISA report incisively observed, “The SABC is a microcosm of policies and politics in South Africa. As the first institution to be democratised after the end of apartheid, the experiences of the public broadcaster offered insights for others into the complexity of transformation of state entities into public institutions” (2010, 164). In the process of democratic transition and solidification, the SABC was ascribed multiple and

varied roles to play in the nation-building process (Barnett 1999). In light of the legacy of apartheid broadcasting, the SABC was cast as a site of reparation for historical absences in racial, linguistic, cultural, and religious representation. The idea of a free media presupposes the right to freedom of expression; the hurried reformation of the SABC also provided the state with the opportunity to showcase the material expression of this right. During the transition from apartheid to democracy the SABC could be seen as embodying, both institutionally and substantively the promises of a free and equal society under democracy, echoing Stewart Hoover's recognition of the "double articulation of the media" as both constitutive of and constituted by society (2006, 8).

After 1996, a year marked by the formal adoption of the Constitution as an Act of Parliament, the role of broadcasting, especially the democratic and democratising role of the SABC, was scrutinised by the new government that sought to harness the SABC as site for nation building and "educational reconstruction and development" (Kwape 2000, 39; Barnett 1999). The notion of educational reconstruction and development through broadcasting situated the SABC alongside large-scale national, government-led efforts to alleviate poverty, correct deficits in social services, and address the many other systemic socio-economic inequities that persisted as apartheid's legacy. Recognising the paucity of educational broadcasting for the black majority population during the apartheid era, the government sought to develop an approach that utilised public broadcasting to promote and support national educational endeavours, particularly among previously deprived people, children, and youth. To that end, the Triple Inquiry Report, launched in 1996 to address the protection and viability of public broadcasting services, made recommendations for

educational broadcasting that consequently became the foundation for the inclusion of an educational broadcasting mandate in the 1999 Broadcasting Act and SABC editorial policies, forming the impetus for a co-operative arrangement between the Department of Education and the public broadcaster (Kwape 2000). The objectives that underlined the partnership between the Department of Education and the SABC were solidified by the Educational Broadcasting Plan of 1996 that was meant to,

- Support the quest for lifelong learning;
- Make educational opportunities available and accessible to all;
- Improve the quality of education;
- Link education more closely to the life experiences of South Africans and to the socio-economic development of the country;
and,
- Develop South Africa's human resources. (Department of Education 1996)

Issues around airtime as well as the blended funding model of the SABC, which includes a mixture of license fees, sponsorships, advertising revenue, and government funds, presented a challenge to the educational broadcasting strategy because even as a part of a national project in transformation, this genre needed to earn its keep or otherwise be broadcast primarily in off-peak slots when it was least likely to be viewed by the intended target audiences.

This problem was to some extent resolved by the adoption of an approach that combined entertainment and education in innovative formats such as drama and

documentary. A second strategy was the development of supplementary learning resources based on broadcast materials that were distributed to schools. Furthermore, educational broadcasting, as a national imperative, was supported by funding generated from more commercially prosperous SABC departments (Kwape 2000, 48). In these ways, the role of the public broadcaster in “reinforcing or even multiplying the reconstruction and developmental aims of the social body” was strategically deployed in the post-apartheid context (Mpofu 2000, 6).

In a broader sense, the mandate of the SABC included an educational project that extended beyond school curricula and practical learning outcomes. An additional pedagogical mandate of the SABC had been legislatively secured through the various acts of Parliament that addressed broadcasting services, and was also constitutionally mandated through the SABC’s status as the post-apartheid broadcaster. This pedagogical mandate determined the role of the SABC in generating a national identity for South Africans that became central to the broadcaster’s institutional and programming agendas.

In a multi-cultural society, the SABC needs to ensure not only that the diversity is reflected, but that it is reflected positively. . . . Programmes should contribute to a sense of nation building and should not in any way disparage the lifestyle or belief systems of any specific cultural group or in any way attack the integrity of such a group, unless it is established to be in the public interest. However, the news and beliefs of different groups are obviously open to honest, thoughtful scrutiny in programmes like documentaries. (SABC Annual Report 1996, 10)

In the previous political dispensation, by contributing to “constructing and supporting the apartheid structures,” the SABC had played a formative role in producing a fractured sense of national identity (Teer-Tomeselli 2001, 119). In the post-apartheid context, one of the clearest ways in which the SABC could contribute to building a unified nation was through the commissioning and production of local content material, a process that is legislated by the Independent Broadcasting Act. Local content provisions work on a dual mandate characterised by economic and social goals. Local content development supports nation building economically through human resource capacity building for the television industry and socially through projecting positive representations of national identity. The Independent Broadcasting Amendment Act of 1995 earmarked local programming quotas as a means for developing a South African “national culture, character, and identity” (Independent Broadcasting Amendment Act 1995, 4). Local content quotas advanced the dissemination of local music on radio and the use of the eleven official languages of the nation. Furthermore, local content was identified as an area for material redress as the IBA made it clear that historically disadvantaged people, including black South Africans as well as women and the disabled, should be represented on television. Through the production and dissemination of programming that embodied the new national ethos of unity within diversity, the SABC played a pivotal role in mediating the early goals of the new South Africa through representations of diverse ways of being human in the world.

Religion in the Political Transition

In the same way that broadcasting was transformed by the new paradigm that the 1996 Constitution set for freedom of expression, the state's attitude toward religion was also reformed. The drafters of the 1996 Constitution sought to create a uniquely South African Constitution, one that recognised international human rights and principles of human dignity, freedom, and equality, but was located in and responsive to the distinct history of racial discrimination and social inequality that coloured the nation. To that end, consultation with international bodies during the drafting of the 1996 Constitution was officially refused (Klug 2002). Nevertheless, the Constitution is truly a modern document, which does not necessarily resonate with the political values of the majority of South Africans, but instead shows an abiding alignment with international human-rights standards (Kende 2003). According to Chidester (2006), ANC mythology purports that two anti-apartheid activists exiled in Ireland in the late 1980s wrote the first draft of what would become the Constitution. The extent to which the 1996 Constitution imagines, instead of necessarily representing, the political sentiments, religious values, and cultural specificities of the majority population suggests that it might be more at home in any Western democratic society than in South Africa.

Recognition of the Western Christian orientation of democracy is of course not unique to the South African context. The view that Christianity, more than any other religion, is not only compatible with but also generative of democracy remains prevalent, despite claims to Christianity's apparent history of church-state separation being undermined by historical evidence that shows the contrary (Asad 2009). Other

proponents of this view have traced Christianity's democratic character to the doctrine of the "universal dignity of man" in an attempt to claim democracy as uniquely Western (Fukiyama 2006). These views, as Asad (2009) shows, have resulted largely from analyses of European Christianity that neglect to consider the history of conflict between church and state that birthed the Western secular order. What I hope to illustrate by this digression is not only the deeply rooted Christian past of South Africa in particular and the Western Christian orientation of democracy in general but also to raise questions about the meaning of its enduring presence within the specific socio-political and mediological conditions of post-apartheid South Africa (see Asad 2008; Zabala 2005).

It is not only democracy that has been shaped by Western Christian biases; the dominance of Christians in mediascapes around the world "compels others to conform to the media practices, genres, and forms of representations they favour" (Eisenlohr 2012, 41; see Derrida 2001; Hackett 2009). The shape and form of religious diversity in public spheres as circulated by media technology is therefore constituted not only by local legislation, policy, and institutional practices but also by global histories of Christian hegemony. During the political transition in South Africa, the explicit religiopolitical underpinnings of the apartheid state and public broadcasting added urgency to the drive to resolve the relationship between religion and public media in light of the transformational agenda of the state.

The 1996 Constitution stands in stark contrast to the legislation of apartheid, with far-reaching implications for the recognition and protection of religious and cultural rights. According to Cornel Du Toit (2006, 677), whereas during apartheid the

religious sensibilities of the majority were flouted and those of a select few white churches that supported the regime were accepted as the religious norm, the new Constitution displayed “cultural and religious sensitivity in an ethnically diverse country.” As Lourens Du Plessis (2001) has shown, however, the residue of the influence of Afrikaner civil religion, underwritten by the three dominant white Afrikaans churches, on apartheid policy and law remains embedded in many statutory and civil laws that still maintain a Christian bias (Du Toit 2006). The 1996 Constitution signified the ending of an era characterised by colonialism and apartheid as historical epochs and racism and discrimination as legal prerogatives. The Constitution responds to the history of apartheid, which was characterised by deep-rooted inequalities at all levels of state and societal organization. Grounded by and in the local history of South Africa, interpretations of the Constitution and its principles have an international origin that put South Africa in conversation with the global community. The redemption of the nation in the eyes of its own people and the global community through the adoption of the Constitution is complex. After years of cultural, political, and global isolation, the South African state needed to be reintroduced as a global player to the world. The underlying responsive and redemptive elements of the Constitution substantially complicate arrangements between religion and state.

Constitution and Religion

Religion features significantly in the 1996 Constitution. Here I draw out the constitutional provisions that have played a fundamental role in shaping the ways in which religion and religious diversity are mediated by the SABC.

Religion is included in the preamble to the Constitution as a reference to God, who is asked to bless the people of South Africa. This reference to God has been widely problematized by scholars. Many have argued that this reference to faith in God has Christian overtones that exclude constituents of other religions as well as people who profess to have no religion (Moosa 2000). Chidester (2006, 65) considers the context of the God reference in the preamble. He suggests that the inclusion of God is “in large part thanks to the fact that the ANC’s anthem was the hymn *Nkosi Sikelel’ iAfrika* (God Bless Africa).” This hymn has subsequently become the national anthem of the Republic. The founding provisions follow the preamble and establish that the state will “promote and respect . . . Arabic, Hebrew, Sanskrit, and other languages used for religious purposes in South Africa” (Republic of South Africa 1996, 9). Within the founding provisions, religious languages are situated under the heading “Supremacy of the Constitution,” alongside what are considered basic issues of national importance such as the national flag, anthem, and citizenship.

Respect for the diversity of religions is affirmed in the equality clause, where the equality of all people is guaranteed. Religious diversity is explicitly protected as religion is established as grounds for unfair discrimination. “The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth. No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection National legislation must be enacted to prevent or prohibit unfair discrimination” (Republic of South Africa 1996, 12). With

the extension of constitutional protection on the basis of equality and non-discrimination to natural and juristic persons, which includes religious organizations, the complicated dance between religion and the state ensues. While religion is protected by this clause, certain religious values and norms, especially those that are sanctioned by sacred texts and maintained by the internal logic of religious communities, seem to receive a kind of privileged protection. The constitutional protection of religion therefore exposes it to state intervention.

In the Constitution's Bill of Rights, the individual's right to freedom of religion is protected through Section 15(1): "Everyone has the right to freedom of conscience, religion, thought, belief and opinion" (Republic of South Africa 1996, 12). The second clause of Section 15 establishes that "Religious observances may be conducted at state or state-aided institutions, provided that (a) those observances follow rules made by the appropriate public authorities; (b) they are conducted on an equitable basis; and c) attendance at them is free and voluntary." Religious freedom is granted through these clauses and the relationship between religion and state is also determined. It is clear from the provisions of clause 2 that the state does not wish to take an entirely hands-off approach to religion. As Erin Goodsell (2003, 113) explains, "The South African government can be described as 'accommodationist' in its approach to religious groups: it can support such groups as long as its support is fair and even-handed and it has valid reason for doing so." In Section 15 of the Bill of Rights, religion is understood in a dualistic manner, as belief and as practice. While belief is not policed, the practice of that belief is subject to compliance with state authority. The freedom to practice one's religion is limited. Ebrahim Moosa (2000, 133) points out that this arrangement is problematic in that it actually allows state

interference with religion and it venerates the state, as the chief proponent of the Constitution, and makes religion in South Africa a “junior partner of the state.” The Bill of Rights also reinforces a Habermasian distinction between the public and the private which is more reminiscent of Western Enlightenment discourses about religion than African practices.

In order to manage religion, as Moosa (2000, 134) argues, the Constitution operates with an implicit definition of religion as “abstract and unarticulated dogma,” as “the expression of pious intentions.” The wide reference to religion and the failure to define or develop what religion is and what it does ensures that the state holds the ultimate power to manage religion through the various possibilities. Although popularly lauded as forward thinking and inclusive, the lack of definition for religion presents a problem that further contributes to the perceived irreconcilability of religious belief and religious expression in modern democracies. This vagary regarding the definition of religion that is generated by the Constitution and advanced in public policy is in fact problematic because it makes religion vulnerable to the political projects of the state. The Constitution does provide religious groups with the ability to develop charters in order to flesh out the meaning of freedom of religion and other rights. However, the injunction to conform to the Constitution remains. As Malcom Evans observes, “Religious belief becomes acceptable only to the extent that it poses no challenge to the orthodoxies of the human rights framework” (Evans 2000, 177).

While it is clear that religion is conceived of in a post-Enlightenment Eurocentric manner that privileges religious belief over religious expression and practice,

additional national projects geared towards taking religion seriously as a significant part of public life displays the state's commitment to religious promotion as well as protection (Chidester 2006, 63). Consequently, the material expression of the right to retain cultural, religious, and linguistic identity can be found in different areas of South African life. Nation-building projects, including heritage, monuments, and other public pedagogical sites, show the government's commitment to the constitutional mandate to promote and protect culture, religion, and language in post-apartheid South Africa (Chidester 2008). The Constitution allocates comprehensive rights to the individual and at the same time grants constitutional protection for religious and cultural groups (Chidester 2006). The right of South Africans to retain their cultural, religious, or linguistic identity is provided for in Section 30 of the Bill of Rights. Therefore, although the Constitution is chiefly concerned with creating an overarching unified national identity as a response to the divisiveness of the apartheid era, by granting the right to culture, religion, and language the Constitution tasks itself with protecting cultural, religious and linguistic diversity in the South African republic (Nhlapo, 2000). Waheeda Amien (2015, 116) proposes that through the limitations placed on religion "the Constitution facilitates the creation of a semi-secular society that involves an intersection between religion and the state where the latter is encouraged to support religion."

Religion is protected under the auspices of the freedom of expression clause through a limitation on the right to freedom of expression that prohibits "advocacy of hatred that is based on race, ethnicity, gender, or religion, and that constitutes incitement to cause harm (Republic of South Africa 1996, 14). The limitations placed on freedom of religion and freedom of expression provide the framework for the representation,

management and regulation of religion on public broadcast television. The way in which freedom of religion is conceived of within the constitutional framework, as well as in legislative and institutional policies, determines the way in which the expression of religion is articulated on public platforms. The fundamental implications that this arrangement has for the material expression of religion are important since public broadcasting is an important arena in which the constitutional state has had to deal with managing “difficult questions of linguistic, cultural and religious diversity” (Chidester 2006, 71). The distinction between freedom of religion and freedom of expression is more than a structural differential necessary for the orderly management of society; it is part of broader project of subordinating religion to constitutionalism and nation building. The Constitution provides the potential and limitations for the representation of religion. The vagary regarding the definition of religion, although potentially empowering for the expression of religious pluralism and religious diversity, can also be restrictive. The gap between freedom of religion and freedom of expression provides the space for the production of a regulated discourse about religion, religious pluralism, and religious diversity in the narrative of the new South Africa.

The New SABC

Established as a public company, the SABC is owned by the state. This arrangement is set out in the Broadcasting Act that ensures that the state remains the sole shareholder of the public broadcaster and its commercial and community wings. The SABC is incorporated under the conditions of the Company Act. The Minister of Communication acts on behalf of the state in determining the memorandum and

articles of association that regulate the relationship between the SABC and the state. There is no legislative injunction to involve the public in this procedure nor is it stipulated that the state holds the SABC shares on behalf on the public (OSISA 2010). Broadcasting, along with all other electronic media and telecommunication, is regulated by the Independent Communication Authority of South Africa (hereafter referred to as ICASA). Chapter 9 of the South African Constitution provides that “National legislation must establish an independent authority to regulate broadcasting in the public interest, and to ensure fairness and a diversity of views broadly representing South African society” (Republic of South Africa 1996, 102). Since this chapter of the Constitution is dedicated to the establishment of state institutions that support constitutional democracy, it seems that the broadcasting regulator should fall under the auspices of this chapter. However, there are ongoing disputes around this very supposition. Section 181 of the Constitutions provides details for the conditions under which the Chapter 9 institutions must operate yet fails to specifically mention the broadcasting regulator when it names the other state institutions which include the Public Protector, the South African Human Rights Commission, the Commission for the Promotion and Protection of Cultural, Linguistic and Religious Communities, the Auditor-General, and the Electoral Commission. The operating conditions set out in this section are following:

- These institutions are independent and subject only to the Constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour, or prejudice.

- Other organs of the state through legislative and other measures must assist and protect these institutions to ensure the independence, impartiality, dignity and effectiveness of these institutions.
- No person or organ of the state may interfere with the functioning of these institutions.
- These institutions are accountable to the National Assembly and must report on their activities and the performance of their function to the Assembly once a year. (Republic of South Africa 1996, 101)

The omission of the broadcast regulator in Section 181 and its inclusion in Section 192 has been the cause of contestation about whether or not the broadcast regulator is afforded the same protection as the listed institutions in section 181. The Open Society Initiative of Southern Africa (OSISA 2010) indicates that some parties have argued that it is clearly an oversight and that the Broadcasting Authority is constitutionally protected in the same way as the listed institutions whereas others, specifically officials of the Department of Communications, have insisted that the omission is deliberate and means that the broadcast regulator does not benefit from the constitutional protection afforded in Section 181(2-5). There remains no clarity on the situation since it has not been brought to the Constitutional Court. However, executive decisions on the matter seem to support “the constitutional protection of the independence of broadcasting regulation” (OSISA 2010, 96). The most recent and authoritative review of the matter is found in a 2007 report provided by a parliamentary committee reviewing Chapter 9 of the constitution and its associated institutions. The report incisively penetrates to the heart of the contention about the

issues regarding the constitutional protection and the independence of the broadcasting regulator. The committee found that the constitutional protection of the regulator is appropriate and that constitutional protection does not affect its independence (Parliament of the Republic of South Africa 2007). Based on the above, it is clear that there remains an inherent tension within the broadcasting sector. On the one hand, there are issues of independence, the ability to function without “fear, favour or prejudice,” while on the other there is the implicit influence constitutional protection and constitutional support. This scenario is suggestive of the notion that the Constitution is considered as a neutral, normative, and almost natural regulatory feature that not only constructs the right to independence but also provides the content for that independence.

This distinction has a significant political ramification since it places the power to elect the governing boards in the hands of the executive branch of government rather than the legislative. This problematic has not gone unnoticed, with the OSISA (2010, 134) commenting, “The SABC, given the requirements of independence and legislative oversight as stipulated by law, should be defined as a constitutional institution rather than a public entity.” The arrangement of the South African state has historically defined the way that public broadcasting has been organised. The politics of the state and the arrangement of the multi-party constitutional democracy in principle and practice are inordinately weighted in favour of the majority party, making this legal arrangement of the broadcaster vulnerable to political interventions. Over the years, government interventions with the SABC have led to the public questioning of the broadcaster’s editorial independence.

Despite these legislative ambiguities, a research study released in 2008 by the Human Sciences Research Council showed that between 2003 and 2007 the SABC consistently ranked as the second most trusted institution in South Africa. In 2010, the OSISA reported that only churches, as the most trusted institutions, beat the SABC. However, the arrangement between state, government, and broadcasting puts the SABC in a vulnerable position by opening the possibility for regression to the old model of state broadcasting, which would undermine the gains of democracy. Teer-Tomaselli (2008, 75) warns that state capture of the SABC could result in “replacing old beneficiaries of the system with beneficiaries of the new and so neglect the public interest.” The SABC seems to be quite comfortable with the present arrangement, uncritically declaring in its editorial code that the broadcaster is “free from obligation to any interest group, and committed to the public right to know” (SABC Editorial Policy 2003, 2). According to Kupe (2005, 1), the SABC appears to be an “institution or organization which has yet to attain its confidence and independent status that could underpin all of its programming, in particular news and current affairs. It seems to be in defensive mode unable to convincingly ride out controversies.”

In spite of public trust in the organization, the SABC has been consistently hampered by controversy. The extent of controversial issues matches the broadcaster’s far-reaching range. Allegations of political interference from the ruling party have plagued the institution. According to national legislation, the responsibility for electing the Board of Directors lies with Parliament. This has essentially been the most commonly cited reason for the alleged undue influence of the ANC over the public broadcaster. Indeed, the SABC board has had a high proportion of ANC-affiliated members. Opposition party members have called the nomination process

and selection process a farce, insinuating that the governing party is in total control of who is elected to the board (Phakathi 2013, 1). It is not only the institutional structure that has come under fire; accusations of content manipulation and censorship have also been rife. A headline in 2005, “SABC Battles Image of State Mouthpiece,” was a bitter reference to the reputation the SABC had under apartheid (Wanneburg 2005). The institution has also been in the middle of a financial crisis leading to an enormous government bailout in 2009 from which it has yet to show signs of recovery or reformation. The institution remains at the center of controversy around the mismanagement of funds and corruption. In 2013, the Auditor-General found that 1.5 billion rand charged for services and consultancy could not be accounted for by the SABC. At the end of 2014 the SABC reported 3.3 billion rand in irregular expenditure (Makinana 2014). Allegations of political intervention by the SABC have been exacerbated by editorial and programmatic interventions. In 2005, the SABC cancelled the screening of what promised to be a documentary film that was critical of then president Thabo Mbeki only hours before it was to be broadcast. Under the Mbeki administration, allegations arose of an in-house SABC blacklist with the names of political analysts critical of the president (Fourie 2003, 26). After the memorial service for Nelson Mandela, the SABC was accused of censoring the booing of President Jacob Zuma during his speech. In 2014, the SABC was accused of pulling the advertisements of a number of political parties who were critical of topical issues that cast a negative light on the ANC government. Most recently, the SABC came under fire for not showing the full extent of the drama that ensued at the 2015 State of the Nation address. It was reported that the SABC television director in charge ordered camerapersons to not capture the dramatic walk-out of political parties from the House of Assembly and instead focus the camera on the Speaker of

Parliament. Furthermore, a skills audit published in 2014 found a scarcity of skills at every level of staffing. The report revealed the dire incompetency of staff at all levels, including senior management. Over 62% of staff qualifications could not be vetted. It was found that only 15% of staff could display “marginal competence in strategic thinking and problem solving” (Makinana 2014).

In the wake of the constant controversy that has surrounded the broadcaster, a number of civil society organizations have been created to attempt to call the SABC to account. The Support Public Broadcasting Coalition (SOS) is a civil society organization, which was started in 2008, around the time that the SABC was experiencing the biggest financial crisis in the history of the organization, which resulted in a near standstill of the production of new local content. The SOS is basically a monitoring group that lobbies around issues in broadcasting, particularly those that affect the SABC. SOS’s main concern is for the production of high quality programming that serves the public interest. Media Monitoring Africa (MMA), established in 1993, still plays an active watchdog role in the public media sector in South Africa. The organization has been responsible for policy submissions, media training, and development initiatives that have been designed to promote “media ethics, media quality, and media freedom” on the continent as a whole. Based in South Africa, the organization predominantly engages with SABC programming and issues affecting the South African broadcasting industry. According to Professor of Media Jane Duncan, public opinion regarding the broadcaster is polarized. “Many middle class people have concluded that the SABC is a basket case, and they have looked elsewhere for news and information,” Duncan observes. “However, many working class people still do not have the luxury of choice, and remain heavily reliant

on the SABC. This is why no right-minded citizen should give up on the struggle for robust public broadcasting” (Duncan 2014). Although the SABC has continually courted controversy in various forms for many years, the broadcaster remains the dominant media source for the majority of the population and as such plays a crucial role in producing, representing, and regulating material about religion and religious diversity.

Editorial Policies

Despite the SABC’s long-standing problems, to a large extent the institution still goes about its daily business, which is essentially the production and broadcast of content for the consumption of the South Africans. The conditions that dictate the construction and articulation of this content are determined by the editorial policies of the broadcaster. All content screened on any SABC platform, regardless of its format, and all services rendered under the auspices of the institution, directly or through independent production houses, fall under the auspices of editorial policy.

Between late 2013 and early 2014 the SABC announced that it would be reviewing its editorial policies. The last review had taken place prior to 2004 and no changes had been made to the policy since then, despite the Broadcasting Act’s provision that mandates the review and revision of editorial policies every five years. Nevertheless the decision was welcomed by various interest groups, civil society organizations, and media watchdogs, while others were inherently suspicious given the timing of the review, just months from the 2014 national elections. As of 2016, however, the SABC had yet to publish its long overdue updated policy booklet.

The SABC's existing editorial policies attempt to codify for the purposes of clarity and compliance the various legislative injunctions that dictate the "powers, functions, rights and obligations" of the public broadcaster and subsequently the contours and substance of content (SABC Editorial Policy 2003, 1). These policies are guidelines for the production of broadcast content and act as interpretive mechanisms for understanding the ways in which national policies regarding broadcasting are mediated within the material context of broadcast production. The SABC mandate underwrites the editorial policy. According to the SABC mandate, the institution conforms to general universal public broadcasting norms and procedures, but has interpreted these within the historical and current context of South Africa, describing South Africa as a "young democracy and society in transition" (SABC Editorial Policy 2003, 4). The SABC mandate aligns itself with the objectives set out in the preamble to the 1996 Constitution. In this way, the SABC establishes that its core business is "to play a part in healing divisions of the past, to promote respect for democratic values and human rights, to supply information that allows citizens to exercise their rights and to reflect the rich diversity of a united South Africa" (SABC Editorial Policy 2003, 5). Throughout the editorial policy documents, the role of public broadcasting and SABC programming in national reconciliation and reparation is made explicit. This is demonstrated through detailed policies outlining commitments to universal access, language representation, local content production, the representation of religious diversity, and educational provisions for adults and children. The Broadcasting Act of 1999 dictates to the public broadcaster that a range of editorial policies be developed and submitted to the Department of Communications as a part of the licensing conditions of the broadcaster. According to the Act, every

area of programming must have dedicated policies specifying of the operational and production procedures with respect to news, programming, local content, education, universal service and access, language, and religion (Broadcasting Act 1999, 17). Clearly, as a site for social transformation, the SABC shares in the responsibility of nation building.

The preamble to the 1996 Constitution indexes the broader framework of the democratic era against the background of the history of oppression and injustice that produced a deeply fractured society. Aligned with the preamble to the Constitution, the SABC states that the constitutional values of “national development, unity, diversity, non-racialism, non-sexism, democracy, and human rights” are the underlying foundations of the editorial policies and posits that these are values, which are considered shared national values, unite South Africans in common cause in bridging “political, class, racial and gender divides” (SABC Editorial Policy 2003, 3). The SABC is therefore not an ordinary public broadcaster. The SABC is a post-apartheid public broadcaster. This distinction places reparative, constitutional, cultural, and transformational responsibilities upon the broadcaster. As the post-apartheid broadcaster, the SABC fulfills a therapeutic, persuasive, informational, educational, and representative role. The explicit constitutional alignment of the SABC, along with the historical and contextual circumstances from which it emerges and to which it responds, solidifies the institution and its media as sites for representing and educating the nation. The Constitution forms the basis for the operations and programming of the SABC and informs the editorial values of the SABC. Although religion is accommodated separately in a policy of its own, it is also subjected to the institutional mandate and the programming policy. Additionally, the

SABC's approach to managing religion is revealed throughout the policy booklet under different genres of programming.

Under the Programming Editorial Policy, religion is addressed when the issue of discrimination and stereotyping is raised. The SABC states that it endeavors to work actively to not promote and to dispel negative stereotypes and discrimination through language or images and to reflect diversity positively in its material. According to the policy, this commitment is two-fold. On the one hand, it is corrective, pledging to provide non-stereotypical representations of "South Africans that have been marginalized by the mainstream media or represented in narrow and stereotypical terms" (SABC Editorial Policy 2003, 22). On the other hand, it is generative as the SABC seeks to create new narratives for various groups of people, including religious communities, in the hope that this will correct past biases by generating a new sense of what it means to be a diverse people.

Religion is also raised as a concern in the programming policy under the topic of violence, prohibiting content advocating hatred based on religion that constitutes an incitement to cause harm. Under the Local Content Policy, which is informed by the ICASA regulations, the SABC is obliged to provide locally produced religious programming. Under the Language Policy, profane and religiously offensive language is highlighted as an area of concern. While acknowledging that freedom of expression renders it impossible to restrict what could be deemed "offensive" language, the SABC endeavors to limit the broadcast of such language through contextual and time-based restrictions. It also institutes classification warnings in order to alert viewers of what to expect from a programme and states that language usage which could offend

religious sensitivities must be taken into account by editorial staff before a programme is transmitted.

The Religious Broadcasting Policy

In 1991 at the historic *Jabulani: Freedom of the Airwaves Conference* delegates from a range of South African organizations gathered in The Netherlands to discuss the future of public broadcasting. The conference recommendations would have a far-reaching effect on broadcasting legislation and SABC editorial policies. With regard to religious broadcasting,

The committee recommends that given the Christian National nature of broadcasting in South Africa under the National Party rule, it is essential that steps be taken in the reconstruction of public broadcasting to remove this bias. This is not to deny the importance of the religious/spiritual dimension in society, but instead to insist that “Christian Nationalism” has been and (still is) a profoundly ideological rather than religious orientation. (Jabulani! Conference Proceedings 1991, 13)

The important role that religious broadcasting could play in reconfiguring the post-apartheid state is made clear when considering the historical relationship between the Dutch Reformed Church, the state, and the SABC. According to Rosalind Hackett (2006a, 169), “Within the contested power relations of the mass-mediated public sphere religious broadcasting policy and practice constitute a significant

microsphere.” The significance of religious broadcasting and the contestation that surrounded its establishment and management in the early days of democracy were a reflection of broader efforts to both celebrate and manage diversity within the new constitutional framework of the republic. The state, SABC management, and other broadcasting stakeholders recognized the power of broadcast media to recast and transmit the new story of South Africa to mass audiences. The role of religion in this narrative had been secured through the granting of freedom of religion and the promise of religious and cultural promotion and protection by the state. In religious broadcasting, the granting of these somewhat intangible set of assurances, for instance, that in the new South Africa religions would not be relegated to the private sphere nor would one religion be favored over another, was provided a space to be materialized through the reapportioning of airtime on an equitable basis and the representation of content that was free from the Christian National bias that had been problematized at the Jabulani! Conference.

In the early days of the public broadcaster’s democratic reformation, as Russell Baker has observed, different objectives organized the relationship between religions and the SABC. Baker points out that religions might see religious broadcasting as a platform for “addressing the religious needs of their established community and to fulfill their prophetic and proselyting functions” (Baker 2000, 226). Whereas previously religious broadcasting on television was characterized by conservative, confessional Christian programming that largely bolstered the racist ideology of the National Party, in post-apartheid South Africa one form of redress could be found in the provision of “meditational and worship programmes” for all religious groups (Baker 2000, 226). On the other hand, the broadcaster’s objective in providing religions with space on the

airwaves would be underpinned by the broader mandate of public broadcasting derived from legislative requirements and constitutional imperatives “to address a diversity of religious needs and also to facilitate the process of religious and cultural tolerance and understanding, and thereby its goal of nation-building” (Baker 2000, 226). The onus fell on the broadcaster to balance meditational and worship programming with documentary or actuality programming in a way that would fulfill policy mandates and reasonably accommodate public expectations about the new form of religious broadcasting that the SABC promised to provide.

Prior to 1996, religious broadcasting was managed in-house by the SABC under the auspices of the television news department. The Religious Broadcasting Panel made up of religious representatives from various faith communities in South Africa was established to mediate between the SABC and religious communities. Baker (2000, 243) suggests that the formation of this panel could be read as an “acknowledgment that the SABC has no principled basis for acting as a theological judge when broadcasting the viewpoints of various religions and denomination.” This allowed for some religiously sanctioned production control over broadcasting material. However, as Stig Hjarvard (2011) has noted, the institutional logic of the media can subsume the internal logic of religions. Hjarvard’s proposition proved true in 1997 when the SABC, as a result of a huge budget deficit, announced massive cutbacks to programming. Religious broadcasting, already an underfunded genre, lacking the commercial appeal to attract lucrative advertising, was hit hard by the cutbacks, which resulted in a 75% reduction in programming output. Furthermore, the SABC announced that religious broadcasting in the form of magazine programmes, which to a large extent serviced the Muslim, Christian, Jewish, Hindu, and non-institutionalized religious

communities, would be outsourced to independent production houses. The reduction in airtime meant that religious groups, particularly groups with statistically small constituencies who had only just come to enjoy the representative platform that the religious broadcasting genre provided, would be losing the small gains that had been made (Hackett 2006a, 172). In response to the cutbacks, the Religious Broadcasting Panel, which allegedly had not been consulted during the decision-making that affected the genre, commented,

We are concerned that these decisions are made without any consultation with its own panel and without even informing members of the panel before making the announcements. Is this the practice of a public broadcaster? The action is a sad reflection on the SABC and its ability to understand the requirements of a democratic nation, let alone ordinary decent behaviour toward people with whom you have made an agreement. (Worsdale 1997)

Hackett (2006a, 172) shows how after 1997 the SABC has in its annual reports progressively omitted its earlier endeavor to represent “all faiths in an unbiased and appropriately representative manner,” reflecting the shift in its programmatic offerings to “the current (global) trend toward framing news and issues more in the guise of entertainment and human interest [which] may also mitigate conflictual differences between religious positions, and neutralize any ‘prophetic’ critique of the state by religious leaders” (Hackett 2006a, 174). The SABC Religious Broadcasting Policy acts as a guide to staff that are responsible for the commissioning, production, and dissemination of broadcast material. The policy embodies the corrective,

generative, and representative ability of media in producing and circulating particular depictions of religion and religious diversity. The policy reflects the profoundly political character of South African public broadcast television, as well as the way that religion as a concept and practice has been moulded into the service of the nation-building project on this platform.

As noted, the shaping of broadcast material about religion is indexed against national goals that are underwritten by constitutional values and provisions. The objectification of religion in the Religious Broadcasting Policy raises questions about the inclusion and exclusion of particular groups in accessing resources and airtime. Although the SABC has identified the historical neglect of African culture in the media and has somewhat noncommittally promised to provide African traditional religions with more visibility on public media, the enactment of these promises have not occurred. Consequently, African traditional religions remain largely marginalised in the public broadcasting sector. According to African Traditional Religion expert and practitioner Dr. Nokuzola Mndende, the SABC has systematically marginalised ATRs with regard to airtime proportioning and regulatory measures. Citing examples from her personal experience working on religious broadcast programming, Mndende accuses the SABC of the outright favouritism of Christianity and the denigration of African traditional religions. Referring to an in-house memo on African traditional religions programming that forbids the “mere mention of missionaries,” Mndende claims that Christian programming is allowed to go relatively unrestricted even when comments made therein explicitly denigrate ATRs (1999b, 95). Furthermore, Mndende’s laments against the broadcaster shed light on the marginalisation of indigenous religions and the privileging of Christian normativity. Mndende attributes

this condition to what she calls the “false pretence of theoretical democracy.” According to Mndende, “The Bill of Rights proclaims freedom of religion in theory, yet its implementation only refers to the religions that were shipped into the country. The indigenous religion must still accept the colonial labels of “primitive” and “outdated” unless under the cloak of Christianity” (1999b, 95).

The SABC is mandated by the Independent Broadcasting Authority to provide educational programming about religion. The Religious Broadcasting Policy recognises South Africa as a “multi-cultural, multiple-faith society” (SABC Editorial Policy 2003, 45). Through religious broadcasting, the SABC supports state aspirations for societal transformation by undertaking to address and correct “gender, racial, religious, and resource imbalances associated with religious broadcasting in the past” (SABC Editorial Policy 2003, 45). The SABC links its obligation to provide religious programmes to the fact “that most South Africans acknowledge the Divine” and to the need to promote “mutual respect for religious beliefs among the country’s different religious groups.” The policy affirms that the SABC is to provide such programming without bias and in a way that is representative of the religious plurality of the country. The inclusion of religion as a category for editorial focus and policy development in the SABC framework is another indicator of the way in which religion and public broadcast media were conceived of as sites of reparation and transformation.

The SABC Religious Broadcasting Policy foresaw this genre of programming as an important part of a much broader nation-building project, suggesting that “religious programming should play a meaningful part in the moral regeneration of South

Africa” (SABC Editorial Policy 2003, 45). The SABC does not expand on this statement nor does it attempt to develop its position any further in the policy. This injunction supports the idea that religious broadcasting as a genre is envisioned as a national-building site, a tool for social transformation, and a platform for public pedagogy.

Furthermore, the SABC aligns religious broadcasting with national discourse about unity in diversity. Referring to religion as culture and faith, the SABC states, “Within its diversity there are human values that call for the promotion of social harmony, national healing, reconciliation, social reconstruction and nation building” (SABC Editorial Policy 2003, 45). This statement reflects how culture and faith are understood within the institution. The SABC conflates culture and faith with the characteristics of humanity and morality, claiming that there are human values that emanate from culture and faith that correspond to national values. Situated in the context of the broader nation-building endeavors of the modern democratic state, the policy also reflects global trends in making sense of the relationship between universal human rights that provide the right to particularity of ethnic, cultural, and religious identities and a national commitment to protect and promote religious and cultural diversity (see Kymlicka and Norman 2003). In order to do so, it is necessary for the SABC to essentialise religion, constructing an overarching commonality among religions, for the purposes of serving the nation-building project of South Africa.

Over and above the discursive project of the politics of religious diversity within the policy of the SABC, the effect of how religious material is mediated through

technological means also plays a significant role in shaping understandings of the lived reality of religion in South Africa. The positivist tone of the policy requires that the “dialectics of mediation and immediacy” in media policy and practice is made to “disappear in the act of mediation” (Eisenlohr 2012, 44). The SABC Religious Broadcasting Policy attempts to provide a reflection of the reality of South African society. Mediums are saturated by the socio-political environment in which they are positioned, as I have shown thus far in the South African context. Public broadcast media are not only funded and sustained by the state in the form of multiple and significant financial bailouts but the institutional structures and policies of the institutions which control these mediums are profoundly implicated with much broader national projects that are responsible for the kinds of material that are produced. In the South African context, media and the processes mediation manage to recede from the political underpinnings of their emergence by appealing to a national discourse of unity within diversity.

With religious broadcasting, the SABC undertakes to provide two kinds of programming. The first is faith-specific programming. According to the SABC Religious Broadcasting Policy, faith-specific programming is given to the major religions of South Africa in order to afford these groups a space for self-expression and celebration of their religions “without censure” (SABC Editorial Policy 2003, 45). However, the meaning of “without censure” is subjected to limitations set by the SABC, which insists that within religious broadcasting programmes particular care is taken to ensure that “there is sensitivity to the beliefs of others, and that no religion is either attacked or undermined” (SABC Editorial Policy 2003, 45). Faith-specific programmes are defined as meditational and worship programmes. The policy allows

the discretion of the presenter, as a “member of a particular religious organisation,” to determine the specific religious content of the programme.

According to the SABC, the major religions of South Africa, based on the most recent census figures, are Christianity, African Religion, Islam, Judaism, and Hinduism. Religious demographics determine the allocation of airtime for faith-specific programming. Upholding the principle of “parity of esteem, as Chidester explains, “all religious communities were in principle granted equal respect but differential allocation of time based on calculations, subject to adjustment, of the country’s religious demography” (2006, 71). Therefore, although all religions are considered equal and are protected by SABC editorial policy from discrimination by any other religious group, that equity is not translated into equal broadcasting time on public service television nor does it allow for the consideration of diverse practices and experiences within religious traditions. As indicated by the crudeness of a system of parity of esteem, religion in the SABC broadcast policy, although obviously considered an important area of public life, is treated with an absence of sensitivity to diversity, which calls into question the basis upon which religious communities are granted airtime for religious expression.

Multi-faith programming is considered by the SABC to have an explicitly educational aim. Audiences are positioned as like-minded citizens, who see the common human values that the SABC assumes are inherent in all religious traditions. In its tone and content multi-faith programming is meant to promulgate socially valuable attributes such as religious dialogue, respect, and understanding. In a Request for Proposal Booklet published in 2006, the SABC lays down the specific regulations to which

both multi-faith and faith-specific religious broadcasting must conform.

Objectives for Religious Broadcasting

- To provide a platform for dialogue, ethics, morals and values—
promote inter-faith understanding and dialogue
- To contribute to religious understanding and tolerance whilst engaging
South Africans in dialogue in the process of nation building
- To affirm religion as an important cornerstone of society and family
whilst celebrating the richness, unity, uniqueness and diversity.

(SABC RFP Book 2006).

These objectives provide more scope for the production of multi-faith programming than the 2003 Religious Broadcast Policy and place more constraints on the production of faith-specific programming. As it stands in the SABC policy booklet, read in conjunction with these proposal guidelines, it is clear that the SABC is predominantly interested in representing those religions or those parts of religions that reflect the educational and nation-building projects of religious broadcasting. In reflecting on the change of tone in religious broadcasting after the airtime cutbacks of 1997, Hackett (2006a, 174) observes that under the SABC's desire "to be seen as promoting national harmony and integration, rather than division and conflict, producers may opt for a pastiche of viewpoints, rather than allowing direct confrontation." The representation of religion on public broadcast television is subjected to a number of underlying factors of which the educational imperative of religious broadcasting is consistently foregrounded. This imperative is problematic because there is no coherent model for how to represent and manage religious diversity on public platforms. The concept of religious diversity is drastically

oversimplified in the SABC policy. The notion of religious pluralism in the policy is based on anecdotal evidence substantiated with out-dated census data. It provides little more than a superficial account of the diversity of religions found in South Africa. The idea of diversity within religious traditions is brushed over in the policy, once again re-enforcing the impression that the purpose of religious broadcasting has less to do with religion than with nation building.

However, when viewed in light of the entire institutional structure of the SABC and the history of broadcasting in the modern constitutional state, issues of inclusion and exclusion go beyond the politics of identity and extend to the role of what Kaur and Mazzarella (2009, 2) call “cultural regulation” and what I would identify as religious regulation in public broadcasting. In the context of post-apartheid South Africa and the freedom of expression provisions of the Constitution, the conventional notion of censorship as repressive state actions provides a limited understanding of censorship. The undertones of the restriction of free speech or free expression and the control and suppression of the circulation of information would be directly contested by the values of openness, transparency, and independence advanced by the Constitution and embodied in the mandate of the SABC. Although accusations of censorship that have been levelled against the institution have been largely left unaddressed, explicit censorship would not be tolerated. If sense is to be made of the role of religious broadcasting policy in delivering on the SABC’s nation-building objectives and programming obligations to faith specific groups, common-sense understandings of censorship only serve to provide basic understandings of that which is prohibited from broadcast, for a myriad of reasons, overlooking the “productive aspects” of censorship (Kaur and Mazzarella 2009, 6).

In establishing a particular image of religion and religious diversity for the production of broadcast material, the SABC's Religious Broadcasting Policy has developed a discourse for regulating religion in post-apartheid South Africa. However, since in the South African context the approach that is taken to regulating religion and religious diversity is generated from constitutional provisions about religion, underwritten by human-rights and law-based discourse, censorship as cultural or religious regulation does not register as the antithesis of free speech; it becomes a part of the context that makes freedom of expression possible. Whereas explicit censorship of religious groups would be considered intolerable, based on the national goals and constitutional framework of the SABC, religious regulation in the form of editorial policies ensures that these mechanisms which could ostensibly be read as censorship are advanced as an alignment with democratic principles.

Conclusion

A critical analysis of the SABC's Religious Broadcasting Policy provides an opportunity to understand the secularisation hypothesis in the South African context. In the post-apartheid political reforms, religion did not return to national public life; religion had never retreated from public life. Although religion has always been public in South Africa, the regulation of religion during apartheid rendered many religious formations invisible, while others, such as the Christianity of the Afrikaner churches, were given the privilege of favoured visibility. In post-apartheid South Africa, religion has been freed by the constitutional provision of freedom of religion

and then regulated through the precepts of freedom of expression and the internal regulatory mechanisms of the public broadcaster.

The development of the media landscape in post-apartheid South Africa does not correspond to the shape and form of media transformation across the continent. Media ownership has not been decentralized. The state monopoly of broadcast media remains largely intact, although it is not enforced in a repressive manner. This arrangement is out of step with other African contexts wherein the effect of democracy on media has been characterized by deregulation, liberalization, and globalization, which are justified under constitutional auspices and nation-building endeavors. The difference between South Africa and other developing African states illustrates the variability of democracy. The editorial policies of the SABC are underwritten by a preoccupation with the past, present, and future of South Africa and South Africans. As former commissioning editor for the SABC and broadcast industry professional Pat Van Heerden (2013) reflected on her experience working for the national broadcaster, “I am frightened by the idea that ‘our people’ are not interested in anything else but seeing their own reflections, a kind of myopic narcissistic nationalism. This at a time when a connected world is calling into question the over-structured national identities in our geo-political landscape. But according to many at the SABC, ‘our people’ need a saturation of their own reflections.” Van Heerden (2013) finds disturbing the “positive nationalism” that determines the editorial voice of the broadcaster, arguing that it is basically an exercise in public relations for the ruling government at the expense of the good of citizens. This narrative of positive nationalism through editorial control is reflected in the Religious Broadcasting Policy, illustrating how the broadcaster has come to

produce a regulated depiction of religion, one which is consistent with the values of modernity in general and nation-building in particular.

The post-apartheid story of religious broadcasting is a one of the most revealing examples of the challenge of building a democratic nation out of the fractured and fragmented vestiges of an oppressive system. In partnership with the state, the SABC has developed a format for the broadcasting of religion, religions, and religious diversity that is meant to cultivate a collective national consciousness and a shared moral sensibility among South Africans. In representing religion, the SABC regulates religion. The aura of legitimacy for the broadcaster's control of representations of religion and religious diversity is drawn from the Constitution of South Africa. However, the Habermasian notion of the private and public division does not apply here. On the contrary, instead of being relegated from public to private or being subjected to the free market principle of competition, religion is invited by the public broadcaster into the political economy of broadcasting as an integral part of the development of a new South African nation. Furthermore, the stringent rigours of broadcasting practice mean that religious actors are rendered little agency; they do not enter the public sphere on their own terms. Very little room is provided for the spontaneous exchange of religious ideas. Broadcasting practices and technological mediation create a ready-made mould, a storyboard, so to speak, in which religion is invited to read from a national script. From the pre-production phases to the times and dates of transmission, religion is regulated. Rather than being set free by the public broadcaster, religion has been cast in a supporting role in a film starring the new South African state.

Chapter Four: Freedom of Expression and Freedom of Religion

On 8 May 1998, Radio 786, a community radio station run by an organisation called the Islamic Unity Convention (hereafter referred to as the IUC), broadcast a programme, “Zionism and Israel: An In-depth Analysis.” The programme featured an interview with Dr. Yaqub Zaki, who is described as an author, historian, and academic. Although it is not the character of Zaki that is under discussion, it would be an oversight to omit that Zaki, is no stranger to controversy. In his native Great Britain, Zaki had come under fire in the British press where in light of recent terrorist attacks Zaki, in his capacity as the deputy leader of the Muslim Parliament of Great Britain, is reported to have said that he would be “very happy” and would exclaim “go ahead” if there was a terrorist attack planned for 10 Downing Street, the home of Prime Minister Tony Blair (Pipes 2005). On the Radio 786 programme, Zaki discussed “historical, political, social and economic factors” related to the state of Israel (CCoSA 2002, 2). His analysis included the expression of views that “questioned the legitimacy of the state of Israel and Zionism as a political ideology, asserted that the Jewish people were not gassed in concentration camps during the Second World War but died of infectious diseases, particularly typhus, and that only a million Jews died” (CCoSA 2002, 2). The events that ensued over a period of four years after the broadcasting of this programme resulted in a landmark Constitutional Court ruling that would establish a new and significant legal precedent for interpreting and analysing the relationship between religion, broadcasting, and freedom of expression.

In response to the broadcast by the IUC, the South African Jewish Board of Deputies (hereafter referred to as the SAJBD), an organisation that claims to be the “central representative institution of the South African Jewish Community,” complained to the Independent Broadcasting Authority (SAJBD 2015). The SAJBD claimed that the interview broadcast by the radio station contravened the following provision within the Broadcasting Code set up by the Independent Broadcasting Authority (hereafter referred to as the IBA):

Broadcasting licensees shall . . . not broadcast any material which is indecent or obscene or offensive to public morals or offensive to the religious convictions or feelings of any section of a population or likely to prejudice the safety of the State or the public order or relations between sections of the population. (Independent Broadcasting Authority Act 1993, Section 2a)

Before the complaint could be reviewed within the context of IBA institutional structures and practice, the IUC proceeded to launch a complaint with the High Court wherein, on the one hand, they questioned the decision of the IBA to launch an enquiry into the matter and on the other hand, more significantly, they challenged the constitutionality of this clause in the Broadcasting Code, arguing that it violated the constitutional right to freedom of expression. After moving between the various judicial authorities, the case was finally heard by the Constitutional Court. The resulting judgment would fundamentally alter the way that issues about religion in broadcast media are managed and regulated both within the broadcasting industry as a whole as well as within the regulatory frameworks governing the industry. The

magnitude of this judgment and its meaning for the way that the relationship between freedom of religion and freedom of expression is understood within the material possibilities and impossibilities of broadcasting and raises critical questions about how the contested role of religion is negotiated within the multi-layered legislative, institutional, and regulative frameworks of a co-operative constitutional democracy.

Both freedom of religion and freedom of expression can be situated within a framework of permissibility and impermissibility. As scholar of religion and law Winifred Fallers Sullivan has shown, “A commitment to religious freedom is a taken-for-granted part of modern political identity in much of the world.” When this freedom is negotiated in relation to other rights, such as freedom of expression, the less obvious notion of the “impossibility of religious freedom” as a material reality reveals the various underlying often tenuous interpretive arena within which democracy operates and within which religion is invited to participate (2005, 3). With the following excerpts from the Constitutional Court ruling in the Islamic Unity Convention case, the highest judicial authority in South Africa made an unambiguous statement in this regard.

The prohibition against the broadcasting of any material, which is ‘likely to prejudice relations between sections of the population’, is cast in absolute terms; no material that fits the description may be broadcast. The prohibition is so widely phrased and so far-reaching that it would be difficult to know beforehand what is really prohibited or permitted. No intelligible standard has been provided to assist in the determination of the scope of the prohibition. It would deny both

broadcasters and their audiences the right to hear, form, and freely express and disseminate their opinions and views on a wide range of subjects. The wide ambit of this prohibition may also impinge on other rights, such as the exercise and enjoyment of the right to freedom of religion, belief, and opinion guaranteed in section 15 of the Constitution. (CCoSA 2002, 29)

The Court concluded as follows:

There is no doubt that the inroads on the right to freedom of expression made by the prohibition on which the complaint is based are far too extensive. . . . It has also not been shown that the very real need to protect dignity; the enactment of a provision, which is appropriately tailored, and more narrowly focused could not serve equality and the development of national unity adequately. I find therefore that the relevant portion of clause 2(a) impermissibly limits the right to freedom of expression and is accordingly unconstitutional. (CCoSA 2002, 34)

Through this judgment, Section 2a of the Code of Conduct for Broadcasting Services was declared inconsistent with the freedom of expression clause, Section 16 of the 1996 Constitution, and therefore unconstitutional. The Court clarified that the broadcasting of material “likely to prejudice relations between sections of the population” could only be limited to the extent that freedom of expression is limited in the Constitution. Any further limitation on the Section 16 right would need to be

instituted by Parliament and be consistent with the provision of Section 36 of the Constitution, the general limitation clause. The three categories of constitutional limitations to freedom of expression are: “1) propaganda for war, 2) incitement of imminent violence, and 3) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm” (Republic of South Africa 1996, 14). This meant that religiously offensive comments or material would only be deemed unsuitable for broadcast and in violation of broadcasting code if any or all of the three criteria mentioned above are met. However, it must be highlighted as will be shown in the analysis of the case studies that will follow, that the advocacy of hatred must be accompanied by the incitement to cause harm. As the case studies under discussion in this chapter will show, the Broadcasting Complaints Commission of South Africa (BCCSA) has used its constitutional authority and institutional clout to determine the potential and limitations of the terms “hatred” and “harm” in relation to broadcasting code and practice as well as in dealing with complaints from viewers.

With the IUC judgment, the regulatory frameworks of media policy and practice were explicitly brought into the ambit of constitutional interpretation, presenting an early victory in the age of constitutionalism that South Africa had then only recently entered. Furthermore, the existing constitutional precept of freedom of expression expressively hailed religion as a category for constitutional protection and constitutional contravention. The particularities of the IUC vs. SAJBD case, a clear example of the tension between the form of freedom of religion and freedom of expression in the constitutional state, cogently revealed the asymmetrical relations between these two rights.

Christia Van Wyk, Professor of Law at the University of South Africa, uncovers some of the less obvious meanings that can be derived with respect to freedom of expression in the South African context. While the terms “free speech” and “freedom of expression” are often used synonymously both within and outside of the academy, it is not to say that they are exactly the same thing. According to Van Wyk (2002, 3), freedom of expression refers not only to free speech but includes various modes of mediums and communicative devices, including “written, pictorial and physical expression as well as expression via visual images. It therefore includes speech and activities such as displaying posters, painting and sculpting, dancing, the publication of photographs, symbolic acts such as flag burning, the wearing of certain items of clothing, physical gestures.” Van Wyk also points out that the exclusion clause attached to freedom of expression, along with other state interests, both named and unnamed, serves to limit the scope of expression the closer it moves to action. Therefore, while in principle the imparting of various ideas, opinions, and emotions is protected under freedom of expression, when these expressions have the potential to incite violence, propagate war, or advocate hatred that constitutes incitement to cause harm, the ambit of constitutional protection is removed.

The prohibitions placed on freedom of expression reflect what Asad refers to as “the shape of free speech” (2009, 27). Asad veers away from the “banal argument that free speech is never totally free because in a liberal society freedom is balanced by responsibility” (2009, 30). The knowledge of this arrangement is already common sense, according to Asad, and does not provide much needed insight into how formalised “patterns of restrictions” and the “inarticulate powers coursing through liberal orders” that work to define, manage, and regulate the expression or speech of

the free human being (Asad 2009, 30; Butler 2009, 15). Sullivan is suspicious of the compatibility of religion and law, especially the assumption that legal protection of religious freedom as defined by law is possible. She radically proposes discarding religious freedom as a legal precept. Sullivan argues that doing so might “enable greater equality among persons and greater clarity and self-determination for religious communities and individuals. Such a change would end discrimination against those who do not self-identify as religious or whose religion is disfavoured” (2005, 8). Whereas Sullivan’s point is provocative, forsaking the notion of freedom of religion in South Africa is a remote possibility. However, her argument highlights the important question of how freedom of religion might be promoted and protected in an even-handed manner that does not allow for only the law and courts to decide what counts as religion and what does not.

The way that the media industry and its regulatory bodies engage with religion, whether through production, dissemination, or regulation, is expected to be underlined in policy and practice by the constitutional mandate to balance freedom of expression against other rights that might be violated in the mediasphere. Whereas freedom of expression is considered the defining framework for broadcast media, religion is forced to yield to the predisposition of the media. In this view, following from Sullivan (2005), in a modern state it is not only the courts of law that make the determination of what counts as religion and what does not. In South Africa, the media industry and its regulatory bodies are critical institutional spaces at the intersection of state interests and public opinion where the meaning of religion and the shape of religious freedom has since 1994 been regularly defined, contested, negotiated, and regulated.

Although the issue raised by the IUC regarding the constitutionality of the specific clause in the Broadcasting Code was taken up by the Constitutional Court and ruled upon favourably, the substantive elements of the case between the SAJBD and the IUC persisted for nearly sixteen years. Despite the Constitutional Court ruling, the IUC remained steady in the belief that the offending programme was neither anti-Semitic nor discriminatory in either tone or content and therefore did not amount to hate speech. Under the auspices of the Independent Communications Authority of South Africa Compliance and Complaints Committee, the IUC and the SAJBD over the years consistently supported their original positions regarding the programme. In 2012, a final hearing was held and in early 2014 a settlement was reached between the parties who issued a joint statement in this regard. Both parties maintained their positions, the SAJBD that the broadcast amounted to hate speech and the IUC that it did not. It appears that the IUC concession that “Some of Dr. Zaki’s comments may have been viewed as nonsensical, and anti-Semitic” and that “the broadcast caused offence and distress to members of the South African Jewish community” was enough for the SAJBD to conclude that it “recognises that there was no intention of Radio 786 to cause any such offence or distress” (Zeibert 2014). According to the statement, which is vague with regard to the details of how the settlement was reached, the agreement to the settle and the final closing of the matter was made in the “spirit of Ubuntu.”

The Islamic Unity Convention ruling resulted in a number of important changes in the way that religion and broadcasting interact with each other in democratic South Africa. Within this new paradigm, the scope for public complaints about issues

regarding religion on broadcasting services was instantly limited by substantially restricting the right to recourse for religious groups and individuals. In the past, material that was deemed offensive or obscene on the basis of religious convictions, whether or not there was the threat of physical violence, would contravene the Code. In the new context, the courts demanded a level of specificity that was not previously required. Whereas the scope for broadcasters was extended, the scope for public complaint was limited. In this case, the promotion of the protection and extension of freedom of expression revealed a telling attitude toward religion, religious freedom, and religious diversity that would be codified into broadcasting law. Section 2a of the IBA Act was found to be unconstitutional and through this judgment it was decided that religion, which within the context of the Constitution and the courts remains an unarticulated concept, would not be afforded in broadcasting any more protection than that which is provided for by the Constitution.

For the courts and the broadcasting industry, the IUC ruling presented a triumph for free speech as an “aspirational norm” (CCoSA 2002, 17). Through the legal process religion was made more vulnerable to the demands of the modern nation-state. As the Broadcasting Code of Conduct was brought into line with constitutional provisions, the expression of religious freedom on public broadcast television and the promotion and protection of this right through media regulatory frameworks for administrative justice made religious participation within the realm of the SABC and other broadcasters contingent on conforming to the logic of modern secular politics.

South Africa is a religiously diverse country. Religion in South Africa is not privatized and is part of both formal and informal public life as shown by the example

of the Religion in Education Policy of 2003 and the inclusion of a policy on religion in the SABC editorial policy handbook and guidelines. In the previous chapter it was established that the broadcasting sector in South Africa, dominated by the SABC, is not an apolitical arena. It has been earmarked as a site for social transformation and as such has a particular constitutionally supportive mandate to fulfil. The IUC ruling set a precedent that when religion and broadcasting are found in the same space, there is more political and social value associated with the right to freedom of expression than there is to freedom of religion.

Asad assesses the compatibility of religion with the demands of the modern state and proposes that, “the public sphere is a space necessarily (not contingently) articulated by power. And everyone who enters it must address power’s disposition of people and things, the dependence of some on the goodwill of others” (2003, 184). Furthermore, Asad asserts that only religions that accept the preconditions of modernity within the context of the modern state are allowed to enter the public sphere. However, they are not allowed to do so on their own terms. In addressing “power’s disposition of people and things,” religion in the public sphere is expected to play a “positive political role in modern society” (Asad 2003, 183-184). Following Asad’s argument, to conceive of the arrangement between religion and broadcasting after the IUC ruling as more constitutional and therefore unproblematic, would be to ignore the formations, articulations, and meanings of power in this context. While it is clear from the judgment in the IUC case that the courts want freedom of expression to be favoured over freedom of religion in broadcast media, the way that this policy would be implemented still requires a careful and thorough assessment of broadcasting practice.

Relations between policy and practice are never seamless. Even such an order, passed down from the highest court of the land and based on the sovereign law of the republic, remains an idealistic and theoretical conception until such a time that its functional components are tested within a space in which freedom of expression and freedom of religion are situated side by side and balance between the two is sought. In this chapter, I show how the Broadcasting Complaints Commission of South Africa provides an ideal case study for assessing the conceptual and material implications of this proposal.

The Broadcasting Complaints Commission of South Africa (BCCSA)

The BCCSA emerged from the media legislative and regulatory processes that played an important role in the building of the “new” South Africa. To some degree, governance in the post-apartheid context was characterized by investing state power in a number of independent bodies that were tasked with upholding the sovereignty of the Constitution in the management of their affairs (Rivers 2006, 219). The Independent Broadcasting Authority, as a “self-regulatory body,” recognized the BCCSA and endorsed its Code of Conduct “as consistent with the standards of state bodies like the IBA and ICASA” (Rivers 2006, 224). As the management body for public complaints against broadcasters who air offensive material on television and radio, the BCCSA is a crucial site for attaining insight into the ways that South Africans perceive and act upon their right to freedom of religion and the protection of their religion in relation to broadcasting material. In addition, observing and analysing the processes involved in the adjudication of these complaints can shed light on our understanding of the multiple ways that religion is not only interpreted but also

constructed within the broadcasting sector. Rivers (2006) has argued that in relation to issues around hate speech and race, the BCCSA has not only sought to govern post-apartheid hate, but also to “govern the racial constructs upon which such hate depends.” By exploring the ways in which religion has been dealt with in the Annual Reports and the judgments of the commission, I will argue that the BCCSA has played a pivotal role in managing the relationship between religion and public broadcasting. Additionally, I propose that through its regulatory and management function the BCCSA has generated for both the public and the broadcasting sector an authoritative explanatory template for religion. It will be argued that this template appears to regularly interpret issues related to religion in a constitutionally sound manner, but in doing so actively undermines the internal diversity of religious belief and practice and enforces the sustained presence of a Christian normative bias within the sphere of media production and media regulation.

The BCCSA is registered as an independent judicial tribunal, which has been set up and funded by the National Association of Broadcasters (NAB). NAB identifies as a non-profit organization and positions itself as the “voice of South Africa’s broadcasting industry” (NAB 2015). According to the NAB website, the core goals of the organization are to promote “a broadcasting industry that provides choice and diversity for audiences, a favourable climate for broadcasters to operate in and a broadcasting industry grounded in the principles of democracy, diversity and freedom of expression” (NAB 2015). The SABC and all commercial broadcasters, as well as many community radio stations, are dues paying members of NAB. With these dues NAB funds the BCCSA. Although the BCCSA has signed an enforceable ongoing contractual agreement that binds NAB to the responsibility of providing for the

“reasonable expenses” of the commission, the BCCSA quite vehemently asserts independence from NAB, emphasizing that “it would be in conflict with its corporate and judicial independence to be called an industry body” (BCCSA 1998, 5).

The BCCSA is considered as a site for administrative justice related to issues about broadcasting and as such has relied on constitutional provisions in order to assert its independence from the broadcasting industry. In terms of Section 34 of the Constitution, which reads, “Everyone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum,” the BCCSA has gone to great lengths to assert its independence from the industry (Republic of South Africa 1996, 21). This includes a public nomination system for the election of the commissioners. The nomination of the chair is only allowed at the annual general meeting and is done independently of the appointment committee. The commission asserts that it is not accountable or answerable to NAB. Although NAB funds the BCCSA, the commission holds its own bank accounts and appoints an independent auditor on an annual basis. Furthermore, the BCCSA asserts that the decisions made by the commission are only subjected to the requirements of the Broadcasting Code and are in line with the “precepts of fair administrative justice as required by the Constitution of the Republic and legislation that governs fair administrative justice” (BCCSA 1999, 5).

The extent to which the BCCSA is independent of the broadcasting industry, particularly the members of NAB and the signatories of the code on whose funding the institution is clearly dependent, is difficult to assess. There are a number of

perceived shared interests between the work of BCCSA and the work of the broadcasting industry. To a great extent, these shared interests are directly aligned with the precepts of modern liberal democracy. Additionally, over the years the BCCSA has described its relationship with the broadcasting industry ambiguously, at times representing the commission as a separate legal entity and not an industry body and at other times referring to working with the broadcasting industry in a process of “co-production” (BCCSA 1998, 5). In the 1998/1999 annual reports the BCCSA reflected on its relationship with broadcasters by posing a self-reflective question: Does the commission have a direct influence on the content of broadcasting? In response to this question, the commission said the following:

We have come to the conclusion that indirectly we have influenced broadcasters in relation to balanced programmes, publicity, classification of warnings, and a realization of sensitivities. On the other hand within a “freedom of expression era”, it would be unacceptable for this Commission to adopt a hard line. Therefore it has become characteristic of this Commission that prefers the light touch where the aim is rather to inspire its broadcasters to greater quality than to subject them to rigorous control. (BCCSA 1999, 2)

The question is answered vaguely. The notion of a “light touch” approach infers a certain degree of leniency in light of the political order of the day. It also appears that the commission sees itself as fulfilling an educational role for the industry, providing guidelines for but not control over the broadcasting of material. The notion of indirect influence referred to by the commission can be regarded as a euphemistic device. It is

clear that the commission's work is significant in the process of democracy and nation-building in South Africa, particularly in regard to upholding freedom of expression as a constitutional right that had previously been denied and is now regarded as a defining democratic feature of the republic. However, the Code of Conduct is not a suggestion. It is a binding legal contract between the BCCSA, an institution endorsed by Parliament and the Constitution, and the signatories of the Code, for whom it is obligatory, as mandated by national legislation, to conform to the standards of a regulatory body. Infractions of the guidelines, whether implicit or explicit, can lead to punitive action in the form of reprimands, the broadcasting of corrections and apologies, and financial sanctions (BCCSA 2015a).

The Code of Conduct of BCCSA is an almost verbatim restatement of the Independent Communications Authority of South Africa (ICASA) code of conduct, which means that essentially the code is in line with national broadcasting legislation. The constitution of the BCCSA also allows the institution to set up additional rules and regulations for the members of the organization and the signatories of the code. While ICASA and the BCCSA provide the broad and general guidelines for broadcast licensees and signatories of the code respectively, as seen in the previous chapter it is the duty of the individual licensees to ensure that programme producers have detailed procedural support to provide guidance in the production of content that conforms to the code. The Broadcasting Complaints Commission has had three different codes of conduct since its establishment. For the purposes of clarity, I will primarily make reference to the latest code of conduct, which came into effect in 2011. When cases prior to 2011 are addressed I will make specific reference to the code that applies to those particular cases.

In nearly every annual report, the BCCSA has made mention of the importance of freedom of expression as a foundational precept of democracy. Following the example of the Constitutional Court, the BCCSA adheres to the dictum that “Freedom of expression lies at the heart of democracy.” Therefore, although the BCCSA can claim to be somewhat independent from the broadcasting industry, it is not independent in the sense that it is bound by the Constitution to promote particular values. Furthermore, the BCCSA has clearly indicated its constitutional bias within the context of the judgments handed down, in the code of conduct for broadcasters, as well as within the annual reports of the commission. Constitutional interpretation is woven into the discourse of the BCCSA and, accordingly, issues around freedom of expression are considered to be of paramount importance. In the 2007/2008 reports, the commission provides a clear indication of how it has come to understand the concept of constitutional interpretation within the ambit of the BCCSA’s policies and practices. By drawing from the rulings of the Constitutional Court, the BCCSA establishes that although Parliament has the legal right to protect morality, the morality that is to be protected is “constitutional morality” (BCCSA 2008a, 4). In recognizing this constitutional injunction, the commission recognizes the role that religion plays in structuring society but asserts that it would not be possible to interpret constitutional paradigms in light of religious doctrine. As a result, the BCCSA confines its interpretation of broadcasting code contraventions and violations within the context of “constitutional morality” as opposed to “the perceived moral beliefs of the majority of voters” (BCCSA 2008a, 4). Referring to the “doctrine” of the Constitutional Court, the commission has adopted the approach that “freedom of expression includes the right to express offensive ideas” (BCCSA 2008a, 6). Early in

the history of the BCCSA, the commission established its relationship with the Constitution and asserted that the Bill of Rights would guide the decisions of the commission insofar as possible. On the basis of Section 39, the commission commits to act within the “spirit of the Constitution” at all times (BCCSA 1999, 4). At this juncture it is important to note that the BCCSA, as a judicial tribunal, is bound by Section 39 of the Constitution and “must promote the values that underlie an open and democratic society based on human dignity, equality and freedom.” Under the conditions of this clause, the BCCSA is allowed to develop common law, provided it is inspired, interpreted, and consistent with the fundamental human rights granted through the Bill of Rights.

An implicit function of the BCCSA has been to negotiate the apartheid past and define the post-apartheid present (Rivers 2008; Nuttall and Coetzee 1998). In line with the precepts of freedom of expression, fairness, and administrative justice, the BCCSA claims to avoid pre-censorship measures. In the early days of democracy, the broadcasting industry opted out of the scope of the Film and Publications Board and, as a result, films and programmes broadcast on television are not subject to a pre-public certification process that might amount to pre-censorship (FPBC 1994). According to the Task Group for Film and Publication Control, the film industry did maintain a measure of self-censorship in this regard for economic reasons, citing that it would be more costly to withdraw material should it be regulated post-distribution (FPBC 1994). The broadcasting sector and more specifically the television industry were exempted from the Film and Publications Board’s auspices since the industry opted to establish a self-funded, but statutorily independent body to mediate and adjudicate complaints against broadcasters. To that end, the BCCSA is not allowed to

initiate an inquiry itself nor is it allowed to institute any kind of pre-clearance.

The data used in this chapter has been limited to what is publically available from the BCCSA. In compiling the data, I have collected all of the annual reports from 1993-2014; these reports are available in their full form from the BCCSA website. Additionally, I have made use of the BCCSA codes of conduct of which there have been a total of three since the establishment of the institution. The BCCSA has made the judgments of cases since 1994 available to the public via their websites. Although indexes are provided for these cases, I have examined them all in order to collect the cases that specifically deal with issues about religion on the public broadcast channels SABC 1, SABC 2, and SABC 3. While this data has been under-analysed in general, the wealth of material dealing with religion has not previously been mined. Considering the massive sphere of influence of the BCCSA, critical attention to these cases dealing with religion is important in mapping the field of religion and media in South Africa.

A central character in this story is Professor Kobus van Rooyen. Van Rooyen has been the head of the BCCSA since the establishment of the institution in 1993. Prior to his appointment as Chairperson, Van Rooyen was the head of the apartheid era Publications Appeal Board, responsible for the censoring and banning of material deemed undesirable in terms of the National Party ideology. In the earlier years of his career, Van Rooyen played an influential role in the Meyer Commission and the management of the SABC. A highly educated scholar, Van Rooyen holds degrees in science, law, and theology. As the head of the BCCSA, Van Rooyen has been responsible for writing the annual reports. As will be shown from the judgments on

religion, he has played an active role in adjudicating religious cases for the BCCSA. While Van Rooyen's role in the history of broadcasting in both apartheid and post-apartheid South Africa is a revealing narrative that provides insight into the intricacies of censorship and freedom of expression as they played out in the changing political landscape of South Africa, the primary concern of this study is to explore the institutional politics and practices of the BCCSA with respect to religion. Thus, references to the personal insights and influence of Van Rooyen will be limited except when pertinent to the study at hand. Van Rooyen has written prolifically on his professional experiences at the BCCSA for a number of South African academic journals and his insights in this regard are valuable (see Van Rooyen 2011; Rivers 2008).

All complaints to the BCCSA are subjected to the procedural rigours of the institution. Over one thousand complaints are received and dealt with on a yearly basis. The BCCSA (1999, 2) sees this large number of complaints in a positive light, attributing the number of complaints to broadcasters' commitment to fulfilling the rule that they must frequently advertise their affiliation to the commission and insisting that "the increase should . . . not be attributed to falling standard[s] of broadcasting in South Africa." The way that a complaint is formulated plays a large role in whether or not the complaint will be entertained. According to the commission, the BCCSA is guided by the legal concept of *prima facie*, which in a common law jurisdiction such as the commission is taken to mean the presentation of evidence to support a claim. The Registrar of the commission is imbued with the right to discern the legitimacy of the claim. However, the complainant has the right to appeal to the Chairperson in the event that they are not happy with the decision of the

Registrar. Anonymous complaints are never accepted and only complaints with full contact details are accepted. Furthermore, only complaints that are made in writing are considered for evaluation. According to the BCCSA, “The Registrar will only accept a complaint which is . . . not anonymous or which in his or her opinion is not fraudulent, frivolous, malicious or vexatious” (BCCSA 2011a). The complaint must be detailed and provide the following information: date, time, channel of broadcast, name of the programme, and examples of the content that is considered to be in contravention of the Code. Thereafter, when a complaint is accepted the registrar will contact the respondent and provide them with a copy of the complaint after which the respondent and complainant will be informed if the complaint will be adjudicated by one of the commissioners or if a tribunal to address the matter will be held.

The SAJBD vs. IUC dispute was a landmark case for understanding the complicated historical and material conditions in which constitutional guarantees of freedom of religion and freedom of expression are tested. Deputy Justice Langa, who presided over the case, brought into focus particularly the historical significance of freedom of expression in the democratic era. Langa contrasted the current state of freedom of expression with that of the apartheid era. He argued that while freedom of expression is indeed a hallmark of democracy, an essential part of the foundation of a democratic society for South Africa in the “severely restrictive past . . . the constraints that were placed on expression were not only a denial of democracy itself, but also exacerbated the impact of systematic violations of other human rights in South Africa” (CCoSA 2002, 17). In light of this weighty statement, it appears that within the prevailing discourse of the judgement and the historical context of South Africa, this democratic value, freedom of expression, is of particular importance to the meaning of South

African democracy and as such should be given the full protection of the law and as little limitation as possible.

By its own account, the BCCSA was ahead of the curve in relation to the religious implications of the clause that was altered by the IUC ruling. As early as 1999/2000, the BCCSA found that the Broadcasting Code clause that prohibited the broadcast of material that was “offensive to the religious conviction or feelings of a section the population” was problematically restrictive (BCCSA 2000a, 7). In this time period, the BCCSA, using its authority at to act upon common law that is in line with the tenets of the Bill of Rights, began interpreting the clause in light of Section 16 of the Constitution which limits the right to freedom of expression in the advocacy of hatred on the basis of race, ethnicity, gender, or religion. The commission also declared that the term ‘offensive’ has a limited meaning in law and, as a result, “the absence of advocacy of hatred based on religion would weigh heavily in favour of a finding that the material would have not been offensive” (BCCSA 2000a, 4). This comment indicates that for the commission the advocacy of hatred would most likely be embedded in offensive broadcast material. Although the interpretation perpetuated by the BCCSA in 1999/2000 would not directly reflect the new code, which would emerge years later, the effect of this forward-thinking strategy around adjudicating cases related to religion would provide broadcasters with more freedom when creating content about religion and by the same token limit the scope for complaints by the public. In other words, the BCCSA apparently had a streamlining process for religion in place long before it was constitutionally sanctioned to do so.

In 2003, based on the Constitutional Court decision to limit the broadcasting code in light of the IUC case, a new broadcasting code had to be adopted into legislation. The new broadcasting code consequently led to a re-drafting of the BCCSA Code of Conduct. The commission was tasked with interpreting the new broadcasting code into the ambit of the regulatory framework, expected to make crucial decisions related to religion, including the constitutional interpretation of hate speech and incitement to violence, as well as decide whether the new limitations of the code meant that material that is offensive religious convictions or feelings could still be found to be in contravention of the code.

The advent of democracy and freedom had a tremendous impact on the media regulatory framework. According to Van Rooyen (2011 4), “With freedom, however, also came a new paradigm for freedom of expression.” I extend this assertion by proposing that the changes in the regulatory framework, which created a new paradigm for freedom of expression, also created a new paradigm for freedom of religion. Through exploring the relationship between freedom of religion and freedom of expression as conceptually intertwined and materially connected categories of human rights and human culture, I will investigate the way in which these concepts are manifested within the media regulatory framework. This approach can provide insight into understanding the way in which content about religion on television is perceived by the South African public and managed by the regulator. The Independent Communications Authority of South Africa Act and the Broadcasting Code are legal documents that create and shape the context for broadcast media to produce and disseminate material to the public. Given that the regulators are legal entities with the task of adjudicating code violations, interpreting legislation, and

providing rulings which subscribe to the broadcasting code, upholding constitutional values, and delivering administrative justice, the regulatory site of the Broadcasting Complaints Commission of South Africa is a crucial arena for exploring the ways in which these issues are managed in broadcasting.

According to Sullivan, “Religion and law speak in languages largely opaque to each other” (2005, 3). Sullivan further elaborates that when these concepts and their practices intersect or implicate each other, the topics are usually confined to familiar issues that have captured the attention of the state, government, media, and other institutions that participate in the public sphere. Within the context of the South African broadcasting sector and particularly in the case of public broadcast television, following Sullivan’s dictum it appears that religion and media speak in languages largely opaque to each other. In an industry dominated by a discourse of devotion to freedom of expression, and served with the triple mandate to “educate, inform and entertain,” the nuances of the expression of religious freedom, along with its conceptual analogues such as religious diversity and religious pluralism, are to a large extent based on an “unproblematic understanding of secular law, its history and how it works today” (Sullivan 2005, 3). In the South African context, the historical conditioning of colonialism and the recent memory of apartheid have dovetailed with the neo-liberal aspirations of the post-apartheid state. Under these conditions, religion competes for space in broadcasting. In this chapter I have no intention to try and decode the many and varied interpretations of secular law that are at play in the relationship between religion and broadcasting. Instead, I will cast my glance to the BCCSA’s Code of Conduct, its institutional constitution, the Annual Reports of the organization, and the judgments made in cases dealing specifically with religion in

order to provide a clear understanding of how religion has been managed and regulated in broadcasting in the post-apartheid context.

Offense

In the 2002/2003 Annual Reports, the commission addressed the question of balance in relation to foreign material broadcast on South African media. “The rule that balance should be present in programmes of public importance is primarily directed at the South African situation” (BCCSA 2003a, 5). On 10 January 2002, a complaint was lodged in relation to the broadcasting of a Channel 4 documentary from the United Kingdom. The complainant argued that the documentary, entitled “Unveil the Secrets,” was biased against the Taliban, “offensive to Islam,” and substantially lacking in balance, thereby contravening the Code of Conduct. The documentary was based on the experiences of Muslims, particularly women, living under the rule of the Taliban in Afghanistan. According to the BCCSA, the complainant alleged that the documentary was “biased *towards* (sic) the Taliban, lacking in common-sense and overflowing with worthless innuendos and assumptions; filled with lies and distortion; offensive to the religious convictions or feelings of a section of the population” (BCCSA 2002b, 2). In this case, the tribunal isolated a number of pertinent issues regarding the case brought before the commission, including the nature of the type of investigative journalism showcased in the documentary. The tribunal found that the viewing public often does not receive documentaries of this kind as neutral; “either they are perturbed by the atrocities which are presented to them as facts or they are upset by what they consider undue criticism” (BCCSA 2002b, 4). The socio-political context of Afghanistan and the effect that this had on

the way in which the documentary material was captured and treated was also taken into consideration. The tribunal considered the history of the Taliban and its pattern of flagrant disregard for human rights. Furthermore, the tribunal deliberated on the conditions of filming at this particular time in Afghanistan, commenting “it appears Afghanistan under the Taliban was not a normal society, just like South Africa was not a normal society under the apartheid government” (BCCSA 2002b, 6). On the issue of offense to Islam, the BCCSA made a strong statement by confronting the complainant with the question of whether every criticism of the Taliban is a criticism to Islam. The complainant denied this in principle, arguing that the complainants themselves critique some aspects of the Taliban’s interpretation of Islam, but insisted that in the case of the film there was a systematic conflation of the two, which was offensive to Muslim viewers. Nevertheless, the tribunal advanced the opinion that facts are open to interpretation and that such interpretation is subject to various factors, such as the context of the film in question. The tribunal found that the interpretation of the presenter was her own, to which she is entitled and with which complainants have the right to disagree (BCCSA 2002b, 4). Therefore, the commission did not uphold the case.

In taking the decision to limit issues of public importance to only that which is directed at the South African context, the commission neglected to take into account the multiple supranational affiliations including religion, which South Africans might have. As South African Muslims, the complainants clearly show that they are concerned about the perceived conflation of Islam and the extremism of the Taliban portrayed in the documentary film. Although the film was obviously not about the experiences of South African Muslims nor were the comments directed at the South

African context, the response of South African Muslim viewers reveals anxiety about the implications that such an association might have on the impression of Islam as it is practiced and experienced in South Africa. In light of the timing of the film's screening, only a few months after the 9/11 attacks in the United States, at the height of globally intensified Islamophobic sentiments, which resulted in Muslims around the world bearing the brunt for the actions of a few, it is not surprising that South African Muslims would be uneasy about the representation of their religion that was allegedly portrayed in this film. In light of the statement made in the Annual Report of the year 2002/2003, representing religion and taking offense on religious grounds are evaluated according to how they relate to freedom of expression in the South African context.

In some ways, all the complaints received by the BCCSA about religion are about comment that is perceived as offensive. The Code of Conduct includes a mandate on comment:

35.1 Licensees shall be entitled to broadcast comment on and criticism of any actions or events of public importance.

35.2 Comment shall be honest expression of opinion and shall be presented in such a manner that it appears clearly to be comment, and shall be made on fact truly stated or fairly indicated and referred to.

(BCCSA 2005a, 4)

At the time of this judgement, the old broadcasting code still read that programmes could contravene the Code of Conduct on the basis of offensiveness to the religious

convictions or feelings of a section of the population. However, the commission had already set a standard to evaluate complaints that claimed offense in the spirit of the freedom of expression clause of the Constitution. As a result, in evaluating this complaint and others that claim religious offense, the commission ruled that, “The word ‘offensive’ is qualified by requiring that there should be an element of hatred and the material should constitute incitement to cause harm” (BCCSA 2002b, 4). In the absence of these elements of hatred and harm, religious communities are expected to evaluate their feelings about the representation of their religions outside of the internal logic of their belief systems and instead shape their thinking in line with constitutional ideals.

In 2005, a complainant took issue with the way in which a presenter depicted Christianity. According to the complainant, the presenter, referring to church leadership, described Christianity as a sexist and tyrannical religion, and in doing so propagated views that were against Christian morality and bordered on hate speech (BCCSA 2005a). The complainant alleged that the presenter of the programme had an uninformed opinion, insinuating that she was not qualified to speak on issues related to Christianity. Additionally, the complainant indicated disapproval about the time during which the broadcast was shown, at 11h00 on a Sunday morning, and raised concern that children of an impressionable age might be watching (BCCSA 2005a). The BCCSA found that the rules relating to comment would apply in this regard.

In this case, the programme under discussion featured a presenter interviewing practitioners of Wicca. In the form of a conversational exploration, the presenter compares the beliefs and practices of this religious tradition to the “mainstream

established norms of religious beliefs” (BCCSA 2005a, 2). The tribunal found that the opinion provided by the presenter in her capacity as a journalist was based on her own experience of Christianity as “male dominated and sexist, and hierarchically dictatorial,” and was made within her constitutional right to freedom of expression as well as freedom of religion, opinion, and belief (BCCSA 2005a, 4). On the issue raised about the “uninformed opinion” provided by the presenter, the tribunal commented, “this does not render such utterances an advocacy of hatred based on religion that constitutes incitement to cause harm” (BCCSA 2005a, 4). Furthermore, the tribunal found that the nature of the programme would not have engaged the attention of younger viewers, thereby undermining the concern of the complainant about timing. In this judgement, the tribunal also reminded the public that the right to offend is a part of the right to freedom of expression and that religion does not enjoy special protection in this regard.

Since the viewer also mentioned an issue with the transmission timing of the offending programme, which was only provided a cursory acknowledgement by the tribunal, it is necessary to note that strict rules regarding time are a significant part of the Code of Conduct. The watershed period is stipulated as time set aside for the screening and viewing of material that might be deemed inappropriate for children and sensitive viewers. The watershed period is therefore set out as time when a viewer could reasonably expect to encounter the broadcast of potentially offensive material. For public broadcasting, the watershed period runs from 21h00-05h00. According to the code, during the watershed period television material which contains “explicit violence and/or sexual conduct and/or nudity and/or grossly offensive language intended for adult audiences,” as well as promotional material and music video that

depict “scenes of explicit violence and/or explicit threatening violence and/or sexual conduct and/or the fondling or touching of breasts and/or genitalia or anus and/or nudity and/or offensive language intended for adult audiences may be broadcast and that broadcasters should broadcast progressively more adult content with the advance of the watershed period” (BCCSA 2011c, 5).

The broadcasting code directives under the watershed period place the burden of moral responsibility on the broadcasters. Although age restrictions are compulsory, the code warns broadcasters to exercise sensitivity because there exists the possibility that children might still view material broadcast during and after the watershed period. Although this period of time ostensibly provides more opportunity for broadcasting material that might be viewed as controversial or even offensive, particularly around sexual conduct and violence, there are a number of non-negotiable restrictions related to sexual conduct. These include “child pornography, and bestiality, sexual conduct which degrades a person in the sense that is advocates a particular form of hatred based on gender which constitutes incitement to cause harm, explicit sexual conduct, explicit extreme violence or the explicit effects thereof or explicit infliction of domestic violence” (BCCSA 2011c, 5). As with the broadcast of material considered under the violence clause, a sub-clause is added that allows for the broadcast of the prohibited material within the context of the genre of the broadcast and is further subjected to the conditions of audience advisory warnings and the sliding scale of watershed broadcasting. Therefore, although the BCCSA makes claims to not accommodate the sensitivities of viewers at the expense of freedom of expression, in the absence of hate speech and incitement to cause harm, the watershed period presents a time and space for exceptions.

The BCCSA has not only been faced with complaints regarding the use of particular words and phrasing in relation to religion, but complaints have also been lodged that take issue with who is allowed to talk about religion and with what tone they are allowed to do so. In 2008 a complaint submitted to the BCCSA alleged religious offense based on a number of observations made by the complainant when viewing the Indian lifestyle programme, *Eastern Mosaic*. The first issue under discussion in the complaint is that a presenter in the programme said that Hindu's worship "cows, bulls and other animals" (BCCSA 2008b, 3). Together with a disdain for the above comment, the complainant took particular issue with the fact that the presenter was allegedly non-Hindu. The complainant expressed the following opinion in that regard:

However such a comment is unacceptable even if it had been made by some hillbilly Hindu ignorant of his or her religion. The onus is on the public broadcaster to uphold the South African constitution, the Bill of Rights and its own code of ethics by ensuring that only bona fide Hindu scholars are allowed to make comments on the religion and cultural practices of the *Hindu's* (sic) in South Africa, and not disrespectful Muslim and Christian Indians who masquerade as our keepers. (BCCSA 2008b, 4)

Furthermore, the complainant provided an exposition problematizing the distorting of Hinduism by foreign "colonizing cultures/religions," who without understanding the religion seek to establish the superiority of the Abrahamic religions over Hinduism. The complainant felt that the offending broadcast perpetuated a historical pattern of

misrepresentation of Hindus by non- Hindus. According to the complainant, “The nuances and subtleties of concepts, symbols and metaphors elude those who report from an alien perspective, especially from the prejudiced perspective of the colonising, conquering religions and cultures of the world” (BCCSA 2008b, 4). The complainant then goes on to explain the significance of the cow and the animal world in the Hindu tradition and continues to lament the ill-informed and callous way in which Hinduism is presented in the media in general.

In response to this issue, the SABC stated that it considers the South African Hindu Maha Sabha as the national representative body for the Hindu community. Since this body did not submit a complaint regarding the allegedly offensive material, the SABC was certain the material was not offensive (BCCSA 2008b, 5). The complainant clearly sought to quell any notion of cow worshipping in Hinduism and used the Bhagavad Gita as the primary religious text with which to substantiate this claim. According to complainant, “We do NOT WORSHIP COWS, but we worship GOD, to say otherwise is defamatory” (BCCSA 2008b, 6). The respondent for the SABC, a non-Hindu, used a Vedic text to argue that Hindus are enjoined to worship and protect cows. Taking this into account, the BCCSA found that there was no distortion of Hinduism and “that the use of the word worship was not incorrect” (BCCSA 2008b, 7).

In a follow-up complaint by the same complainant, issue was taken with the fact that a presenter on the programme made the following comment regarding the closing procedure at a temple: “We were told that the Sundareswar Meenakhi Temple in Mudurai only closes after ‘a lullaby is sung to the Deities’” (BCCSA 2008b, 5). The

complainant found this comment offensive since it put forward the idea that God requires sleep, a foreign concept in the Hindu tradition and again linked the root of this offense to the non-Hindu status of the presenter. The complainant made the following statement:

Understanding connotations of words and expressions are often an integral aspect of the social knowledge of a particular culture-the nuances and subtleties of which can elude those who have not experienced them as a vital in inseparable part of their heritage. Indian Muslims and Indian Christians lack this social knowledge of our culture and are mere intruders. (BCCSA 2008b, 4)

Furthermore, the complainant addresses his complaint directly to the SABC, asking why in a magazine programme such *Eastern Mosaic*, Hinduism is allowed to be portrayed as a part of a non-religious programme. “Does the SABC think that our religion is a circus or a carnival, a fashion show or a Bollywood spectacle to be showcased by outsiders?” (BCCSA 2008b, 4). The complainant accuses the SABC of perpetuating a system of preferential treatment for religions such as Christianity and Islam, thereby violating the constitutional principles that all religions are equal.

The BCCSA in its judgement found that the core of both of the complaints was centred around the religious identity of the presenters, the one in question considered as “half-Muslim,” and the fact that *Eastern Mosaic*, an Indian lifestyle show, is predominantly hosted by non-Hindu presenters. In this regard, the BCCSA stated, “Broadcasters have no inherent limitation of subjects that may be discussed by

specific presenters as long as they represent a fair and proper presentation of opinion” (BCCSA16 2008, 7). Analysing the phrases in the context of running commentary, the BCCSA found that there was no emphasis placed on the offending words nor was the tone of the presenter found to be “contemptuous.” The tribunal observed,

It should be kept in mind that that in time religious vocabulary (such as the word worship) passes into more common usage. An attempt to separate sacred and secular, pure and tainted into separate airtight categories would be indicative of an authoritarian and intolerant society. (BCCSA 2008b, 6)

The tribunal found that the comments were fair and that hate-speech based on religion had not been committed. The complaint was therefore not upheld.

The travel and educational documentary series *Shorelines* explores the history, culture, and landscape of South Africa. One episode follows a pair of archaeologists, who act as the presenters of the programme, exploring the origins of modern human beings purported to have come from the tip of southern Africa. The comments of one of the presenters on evidence that these modern humans ate human flesh were found to be offensive by viewers professing to be devout Christians. The archaeologist observed,

Clearly these remains don't represent burials like the ones we're used to seeing. They are much more likely to represent episodes of cannibalism, people were eating other people. The victims in this case

included an elderly woman and a twelve-year-old boy. There was probably an element of ritual involved; rituals are sets of formal behaviour that are generally associated with changes in conditions or status. So we have weddings that move us from unmarried to married, funerals that move us from living to dead. And various other rites of passage that take us from childhood to adulthood: Qumbuza, Barmistzvas, uMemula and 21st. In the same way, some kinds of cannibalism makes some people predators and other people, prey. In other cases eating people might be a way of gaining access to some special element, some special essence of the victims. Christians for example eat the blood and the body of Christ so they can absorb some of his purity and godliness. (BCCSA 2012b, 3)

Three complainants are named in the judgement and in each case the complainant has taken issue with the way in which the Eucharist had been depicted in the programme in question. The first complaint made the following statement:

As a bible believing, reborn Christian I was absolutely horrified last night watching Shorelines on SABC3. The presenter was talking about the act of cannibalism in history and actually said: Christians had practiced this for centuries, eating the body and blood of Jesus to absorb some of his holiness and purity. This is the most horrific misrepresentation of the truth. This teaching maybe found in some Christians cults but the truth is that communion is a beautiful act of

remembrance and privilege that have through the sacrifice of our Lord and saviour Jesus Christ. (BCCSA 2012b, 3)

The second complainant raised the same issues and added, “The comment is highly offensive to one who is a follower of the Lord. It likens a deeply meaningful sacrament to a primitive pagan practice. It is sincerely hoped that the offender will be reprimanded and informed of the truth and that he will never again make such a comment of SABC” (BCCSA 2012b, 3). Concurring with the first and second complainant, the third complainant added, “I want to object strongly to this statement. Christians use only the symbols of bread and wine as Jesus instituted the communion, Himself. I think this statement amounts to hate speech and it only shows the ignorance of the presenter regarding the Holy Communion as instituted by Christ” (BCCSA 2012b, 4).

In its response to the complaints, the SABC submitted that although the statement was never meant literally, “the presenter who juxtaposed real cannibalism with Communion made no clear reference to symbolism and in this he may have unwittingly caused offence to some Christians. There was however no attempt to denigrate Christianity or incite any kind of violence against Christians” (BCCSA 2012b, 6). Furthermore, in light of the sensitivities raised by the comments, the SABC promised to edit the offending comments from all rebroadcasts.

This case was subjected to scrutiny based on two of the broadcasting code clauses, Clause 4 on Religion and Violence, which includes the freedom of expression provisions and exclusions, and Clause 13 pertaining to public importance. While it

was found that the broadcast did not violate Clause 4, the tribunal decided that the case should also be evaluated in terms of Section 13. Although Section 13 of the Code, “Controversial Issues of Public Importance,” does not explicitly define what is meant by either “controversial issues” or “public importance,” leaving the meaning of these terms to the discretion of the broadcaster, it does provide clear stipulations for formatting the manner in which these issues are addressed within a programme. Firstly, the Code requires that matters of public importance be approached with balance in that “a broadcaster must make reasonable efforts to fairly represent opposing points of view.” Secondly, in the event that an individual’s views are criticised, the right to reply must be extended to that individual within the same programme insofar as that it is practically possible (BCCSA 2012b, 6). The particulars of the judgement of this case, however, did not rely on the guidelines provided for the management of issues of public importance. Rather, the BCCSA used this case to elaborate on the scope and meaning of the concept of controversial issues of public importance.

The BCCSA found that the programme, although it made an error regarding Christianity, was not in contravention of the hate speech clause because it was found to be a justified within the realm of informative programming. Although not standard practice, the BCCSA found no reason as to why “certain matters pertaining to religion cannot amount to matters of public importance” (BCCSA 2012b, 6). Therefore, the complaints and the offending content were subjected to the standards set out in the public importance clause. Following a precedent set in an earlier case, *Chetty vs Mnet 21/2012* the tribunal attached a narrow meaning to the term “public importance.” Furthermore, the tribunal posited the opinion that the Eucharist is a matter of public

importance and that “it is in the public interest that misinformation in this regard not be broadcast” (BCCSA 2012b, 7). Using the information from the Wikipedia entry on the Eucharist, the tribunal found that the rite of communion is of paramount importance to Christians and that the comparison between Christian communion and actual cannibalism was unfounded. At this juncture, the tribunal did not address a point presented in the SABC’s response to the complainants around the idea of transubstantiation. The tribunal criticised the remarks made by the analogy calling it a “textbook example of a faulty argument” (BCCSA 2012b, 8). Furthermore, the tribunal found that the comment was a misrepresentation of a crucial aspect of Christianity, further supporting the contravention of Clause 12 which calls for comment that is based on “facts truly stated or fairly indicated and referred to” (BCCSA 2012b, 7). Additionally, the tribunal made this authoritative statement on the Eucharist: “Although there are different approaches to the meaning and symbolism of the Eucharist within Christianity, Communion is not in any way perceived as a form of cannibalism” (BCCSA 2012b, 8).

The term “offense” appears regularly in discussions about freedom of expression. In liberal democratic societies, including South Africa, it is a commonly projected assumption that freedom of expression includes the right to offend through the expression of iconoclastic ideas, opinions, or beliefs. By consequence, the extension of the right to offend through freedom of expression means that at the receiving end of the distribution of offense is the offended. Ideally, the limitations placed on freedom of expression function as regulatory mechanisms meant to curtail the dissemination and reception of offensive material. However, this does not mean that only material which conforms to the exclusion clauses can be found to be offensive

by the general population. This would presuppose that broadcast material that does not explicitly contravene the exclusions of freedom of expression could not still be found to be offensive. As shown in the cases above, how offensiveness is tested is largely a matter of interpretation.

The BCCSA includes the term *offensive* five times in its Code of Conduct. At each juncture that the issue of offense is raised, it is generally in relation to language. The first time offense is mentioned is in the children's clause and is explicitly connected to religion. The code reads, "offensive language, including profanity and other religiously insensitive material, must not be broadcast in programmes specially designed for children." At other points, offensive language is predicated by terms such as "excessively or grossly," although no further definition or guidance is provided in relation to what is meant by the term, "offensive" (BCCSA 2011b, 5).

In *The Moral Limits of Criminal Law*, political and legal philosopher Joel Feinberg (1988) distinguishes between offensive nuisances and profound offense. Profound offense is differentiated from offensive nuisances both quantitatively and qualitatively. Feinberg argues there are five crucial characteristics whereby profound offense can be identified by contrast to offensive nuisances that register as annoyances and are therefore to a large extent trivialised by the law. Profound offense can only be understood in relation to offensive nuisances since, as Feinberg argues, the differential experience of each kind of offense is a definitive relational feature. The first characteristic of profound offense, according to Feinberg (1988, 58), "is by that they are deep, profound, shattering, serious, even more likely to cause harm by the obsessiveness to those who experience them." Secondly, profound offense does

not need to be experienced or witnessed directly and it is not bound by time and space. Profound offense can manifest with the idea of something occurring, by the very thought of it, imagined or real. This kind of offense would fall outside of the ambit of compliance to the BCCSA due to the procedural elements that need to be followed in order to lodge a complaint. However, within the context of media technology and the dialectics of immediacy as developed by Eisenlohr (2012) one need not be present at the site of offense, to experience the kind profound offense identified by Feinberg. Thirdly, according to Feinberg (1988, 59) profound offense refers to “something that offends *us* and not merely our senses or lower order sensibilities.” Feinberg emphasizes “*us*” since profound offense exceeds the sensorial and lower order sensibilities through which nuisances can be resolved. Fourthly, Feinberg argues that profound offense emerges from the belief that something *is* wrong; “it is not believed to be wrong simply and entirely because it causes offense” (1988, 59). Here Feinberg connects profound offense to the higher sensibilities he mentions earlier in his argument, and elaborates that profound offense “results from an assault to the standards of propriety” that scaffold and structure these sensibilities (1988, 60). The fifth characteristic of profound offense advanced by Feinberg is that it is usually experienced as “partly impersonal, and in most cases as entirely impersonal.” With this point Feinberg is arguing that offense does not necessarily have to be directed toward the individual as a singular human being. Of course, there are exceptions to this assertion and Feinberg does well in addressing them. However, this point goes back to the idea about the indirect experience of profound offense. Feinberg argues that the offended party does not always feel wronged on their own behalf. The victim feels wronged on the basis of their moral sensibilities being threatened or violated by the offensive behaviour. While this point makes some sense

at a conceptual level, it does not take into account the many ways in which religion and morality are both sensorial and intellectual, and embodied in the personal subjective experience of the offended. Although Feinberg occasionally addresses religion by the use of examples, he typically uses the discursive practices of law and philosophy in framing religion and morality as unproblematically interchangeable concepts. However, this does not discount the utility of his taxonomy of profound offense.

When utilising the lens provided by the concept of profound offense, the relationship between freedom of expression and freedom of religion appears contingent. Offense is distinguished from nuisance based on the tone, shape, and content of the offending gesture, as well as by the manner in which that offending gesture affects the offended, primarily with regard to the higher order sensibilities of religion and morality. Therefore, the way in which the offended construes that offense in pursuing administrative or legal justice is to a great degree determined by the way in which freedom of religion is understood.

When South African viewers complain to the BCCSA they are following what Feinberg refers to as “offense, in the strict sense of ordinary language.” This means that the experience of offense is subjective since it follows a logic of suffering an unpleasant mental state, the attribution of this suffering to the wrongful conduct of another, and resentment of the “other” that has caused the suffering. In a discussion of freedom of expression, offense, and religion, complaints of offense are directed at the broadcaster generally, the channel or programme more specifically, and finally the particular moment of offense. The broadcaster, and not the viewer or listener,

provides the material context for offensive expressions to be made, disseminated, and experienced. In this paradigm, the BCCSA is the site of mediation for offense.

Blasphemy

Blasphemy, as both concept and crime, has a long history in Christianity. The roots of blasphemy as a religious crime, particularly its Christian expression, can be traced to the following biblical injunction: “One who blasphemes the name of the Lord shall be put to death; the whole congregation shall stone the blasphemer” (Leviticus 24:16). Asad (2008, 3) describes blasphemy as “an insult to God’s honour, as the sin that can be committed in many ways.” According to David Nash (2007a, 6) blasphemy refers to “the use and abuse of language or behavioural acts, that scorn the existence, nature or power of sacred things, items or texts.” Nash (2007b) distinguishes between passive and active models of blasphemy. In his analysis, Nash shows the development of blasphemy as a crime in the history of Christian Europe. In the passive model of blasphemy, which Nash argues was dominant in medieval Europe, unpunished blasphemy was considered a religious, physical, and political threat that was seen as able to incur the wrath of God and thereby endanger the wellbeing of the community. Baumgartner (2013, 44) identifies the relationship between the community and unchecked blasphemy: “In the model of a passive blasphemy, people need not actually encounter a blasphemous act in order to be affected by it, rather the mere existence of a blasphemy threatens peace and social order.” In the model of active blasphemy, which Nash argues is the form of blasphemy that featured dominantly in the legal discourse of Western countries, the communal element of passive blasphemy is obscured and instead reflects the disposition of democracy and secular by focussing

on the religious feelings of the individual believer. According to Nash (2007a, 82), “This new form of active blasphemy did not necessarily protect the rights of free expression, yet it placed much more responsibility on those who claimed they were offended by the actions and words of others.” As in most liberal democratic contexts, blasphemy, as the denigration of God, sacred objects, or sacred persons, is not considered a criminal offense in South Africa.

While blasphemy was not explicitly repealed as a common law offense under the 1996 Constitution, the scope for public protection from blasphemy has been substantially restricted by the exclusionary conditions of the freedom of expression clause. Under these conditions, offenses that are perceived as blasphemous need to meet the criteria of “incitement to violence and the advocacy of hatred that constitutes incitement to cause harm” (Republic of South Africa 1996, 14). In the early days of the new South Africa, a task group was assembled to evaluate the validity of the Film and Publications Act of 1974 in light of the new democratic identity of the republic. Although the 1996 Constitution had not yet been completed and signed into law, the task group for Film and Publications Control considered the old act in light of the fundamental rights indicated in the interim constitution. These rights included equality, human dignity, privacy, freedom of religion, belief and opinion, freedom of expression, access to courts, and administrative justice, all based on the constitutional provisions of limitation and interpretation (FPBC 1994).

In the report of the task group, blasphemy is raised under the issues of “Attacks Against Religion” (FPBC 1994, 55). The 1974 Act, as mentioned in Chapter 2 of this thesis, held that “a publication or film or any part thereof shall be deemed to be

undesirable if it is blasphemous or offensive to the religious conviction or feelings of any section of the population.” According to the report of the task group, the blasphemy provision only protected Jewish and Christian perceptions of God. Their interpretation and evaluation of the blasphemy provision was based on various factors, including apartheid-period public surveys and by drawing from international contexts where similar issues have been raised, particularly in Britain and by the European Commission of Human Rights. The task group found that a blasphemy clause would be unconstitutional going forward in the new South Africa since, based on the specificity of its historical and contextual usage, it would promote inequality by only protecting the interests of Christians and Jews. Furthermore, the report found that “If there is to be some form of protection, it must be effected in such a manner that the same criterion would apply to all religious groups” (FPBC 1994, 59).

Interestingly, the task group did recommend that some protection of religion be afforded in the interest of “public order.” According to the task group, “From an idealistic point of view, one could argue that religion does not and should not need state protection in so far as the content of the religion is concerned. However, in practice, probably as a result of the protection that the South African state has given to religious feelings in the past, the expectations of many citizens in this regard are high. To ignore these expectations would be unrealistic” (FPBC 1994, 65). On the notion of public order and public expectations the task group recommended that while the offence of blasphemy might contravene constitutional standards, attacks on religion should not be allowed to escape constitutional scrutiny. Referring to the contemptuous nature of a blasphemous attack, the task group decided, “Where an attack on religion reaches the level of promotion of hatred against a religious group in

a publication or film, it should be prohibited” (FPBC 1994, 69). This injunction would by no means serve as a blanket prohibition and would be subjected to the spirit of “pro-democratic and pro-equality” commitments in the Constitution (FPBC 1994, 66). Significantly, the task group suggested that religious works, even if they attacked other religions, should not be prohibited, citing the idea that “at the heart of religious belief lies the necessity to be able to differ vehemently from other religions.” A change in focus from content to form provided the shift required for equality to be enacted. Based on this provision, blasphemy came to be considered a contravention of the broadcasting code only if it is perpetuated in a manner that constitutes hate speech and the “incitement to cause harm.” Subjected to the conditions of freedom of expression and in the interest of equality of religions, blasphemy is supposedly scrubbed of its theological content and secularised in alignment with the ideals of the modern state (Asad 2008; Dacey 2012).

The BCCSA annual reports, along with the cases that have been heard by the commission, bear testimony to the fact that the issue of blasphemy has and still continues to be overarching concern for the South African viewing public as well as for the work of the commission. The Bi-Annual Report for 1999/2000 indicates that the public has raised the subject of blasphemy as a subject of concern numerous times, every year of the existence of the BCCSA. In this report, the BCCSA explains the significance of the term blasphemy in the broadcasting sector in the context of post-apartheid South Africa using the standard constitutional interpretation as illustrated above. In an attempt to provide more clarity on the issue to the public, the commission reiterates the “advocacy of hatred that constitutes incitement to cause harm” as the foundational necessity for a finding of code contravention. Over and

above this constitutional interpretation of the potential and limitations for blasphemous materials on public broadcasting, the commission reveals an unofficial institutional view of blasphemy that resonates as sympathetic with viewers who disapprove. It is explicit in the report that the BCCSA considers blasphemous language as “coarse,” and consequently undesirable in broadcasting, echoing an approach to blasphemy originating from nineteenth-century England in assessing potentially offensive conduct or material in relation to the denigration of God (BCCSA 2000, 4). In this context, the emphasis was placed on the form of blasphemy instead of the content, leading to what scholar Joss Marsh refers to as blasphemy as a “class crime” (1998, 14). It appears that the commission’s unofficial, extra-constitutional position on blasphemy has had a material effect on the dissemination of blasphemous material on public broadcasting platforms. The commission’s annual reports and judgments on blasphemy reveal that additional arrangements made between broadcasters and the BCCSA to regulate blasphemy have resulted in an imbalanced regulatory framework for managing this broadcasting offense. Normative Christian sensibilities about blasphemy are sustained through the institutional practices of the commission, undermining the religious sensibilities of non-Christian groups for whom conventional notions of blasphemy do not apply.

Based on the annual review published for the period April 2002-May 2003 the BCCSA welcomed the judgement handed down by the Constitutional Court regarding the Islamic Unity Convention case, observing, “The Constitutional Court has also brought more clarity to this controversial area: only when religiously controversial material amounts to the advocacy of hatred based on religion that constitutes incitement to cause harm will the Broadcasting Code be applicable” (BCCSA 2003a).

The commission found that this constitutionally sanctioned limitation authorised the pre-existing method with which the commission had been approaching cases related to blasphemy and religion. The commission had long problematized the limited judicial meaning of blasphemy and its position within broadcasting. Through problem-solving workshops with broadcasters and television producers, the commission claims to have taken a “tolerant” approach to the issue. The solution to quelling concerns and limiting complaints about blasphemy, according to the BCCSA, is in the form of classifications, age restriction, and verbal and on-screen warnings, as well the sliding scale approach to the watershed period. In light of these prescriptions, it is not permitted during children’s time to broadcast blasphemous material in the form of language or image. During family time, broadcasters are expected to excise the offending language as much as possible. After the watershed period, the sliding scale rationale would apply. However, the report states that at a workshop earlier that year broadcasters, together with the commission, agreed on the following: “The taking in vain of the Lord’s name combined with foul language, should be excised, even after the watershed.” Additionally, the BCCSA holds the opinion that although it is permissible to broadcast fictional works that depict the “taking of the Lord’s name in vain” after the watershed, on-air presenters are prohibited from using this kind of language, specifically the terms “Jesus Christ” and “Christ” (BCCSA 2003a, 7).

Despite measures taken by the BCCSA to accommodate Christian feelings about blasphemous language, South African Reverend Jannie Pelsler, under the auspices of “The Jesus Project,” has since the start of democracy in South Africa been at the helm of an initiative which addresses the “increasing abuse of God’s name in the media”

(Pelser 2009). The foundations for the project, according to its official website, lie in the Christian scriptures, specifically the Old Testament injunction against abusing the name of God. Furthermore, the organisation's website rationalises the existence of the project and the relevance of its work by claiming that abuse of God's name in the media is responsible for the suffering of thousands of people who "pay a high price as direct result of their unshaken belief in His Name" (Pelser 2009). The initiative has garnered a wide support base; at its genesis, the project had 600,000 signatories supporting its work. Through a system of network ministries it is supported by the continental wide project, "Transformation Africa," the international prayer network Jericho Walls, the Christian Action group, The World Evangelical Alliance, the Baptist Union of South Africa, the Anglican Church Diocese of Johannesburg, the NG Kerk, and "various" unnamed churches and "prominent theologians" (Pelser 2009). The main work of the initiative is to create a blasphemy free South Africa. To that end, the Jesus Project has been involved in the drafting of memoranda and proposals to media-monitoring bodies and institutions involved in the regulation and production of media. The project appears to be satisfied with the progress that has emerged from their advocacy, claiming, "The impact of these deliberations cannot be underestimated. Naturally the secular media will not be keen to acknowledge that pressure from communities of faith have influenced them. A greater sensitivity is however evident and care is taken to inform the public" (Pelser 2009).

During 2003, the BCCSA conducted a tribunal with a proceedings report that shows a clear waiving of institutional procedure in order to hear the complaints of Pelser on behalf of the Jesus Project and its constituencies. This tribunal defies procedure because there is only a vague reference to "two films" that resulted in the hearing and

the specificity of the content is provided but a cursory reference. The rest of the tribunal appears to have been dedicated to a discussion between Pelser and the commissioners regarding the question of taking the “Lord’s Name in Vain.” Standard operating procedure at the BCCSA dictates that the complaint must be specifically about a particular broadcast. As justification, the BCCSA held that the complaint provided the opportunity to educate Pelser and his supporters about the legality of their complaints about blasphemy. Basically, the tribunal reiterated the constitutional position that underwrites the Broadcasting Code, that blasphemy in any expression would need to accord to the “advocacy of hatred” provision in the freedom of expression clause. Reminding Pelser “What is blasphemy in religion is, accordingly, not necessarily prohibited by law,” the tribunal explains that by adhering to the constitutional guidelines, “all religions are on the same level insofar as protection is concerned” (BCCSA 2003b, 7). The tribunal then goes on to explicate how blasphemy and hate speech are evaluated, stating that the foregrounding of two questions is essential: “Does it amount to the advocacy of hatred based on religion? And does it constitute incitement to cause harm” (BCCSA 2003, 8). The following excerpt from the tribunal proceedings explores these questions:

When a presenter agitatedly reacts to a caller on air by uttering “Jesus Christ” in vain it would *prima facie* amount to a form of advocacy. The words are used in the presence of thousands of listeners and show utter disrespect to the religious feelings of a large number of listeners. For Christians, “Jesus Christ” is a holy name. The fact that the presenter may not have thought about the meaning of the words is irrelevant. The question is: What is the objective effect of the words?

Its effect, to our minds, is to show, on a *prima facie* basis, utter disrespect and, in effect, hatred concerning the dignity of a large number of Christians, who are taught time and again that the taking in vain of the Lord's name amounts to a contravention of one of the *Ten Commandments*. Freedom of conscience and religion is no excuse. . . . We are also of the view that such a reaction *prima facie* amounts to incitement to harm. The utter disrespect amounts to nothing less than incitement. It has objectively the tendency of hurting the feelings of a substantial number of Christians. (BCCSA 2003b, 9)

The BCCSA clarifies that in ascertaining harm it has taken a cue from the Canadian Supreme Court, which has emphasized the potential emotional and psychological damage and the threat to dignity that might arise from hate speech. Although the tribunal recognised the importance of context, it asserted the general principle that “any agitated or extremely vehement reaction by way of taking the Lord's Name in vain, *prima facie* affects the feelings and dignity of a substantial number of Christian listeners in a serious manner” (BCCSA 2003b, 9).

Blasphemy as a concept is cloaked in Christian normativity. Although the commission claims that the aforementioned provisions also protect Jewish feelings about the name “God,” blasphemy as a distinct category is not recognised in the Jewish tradition (Lasker 2005). While Ernst (2005, 975) has argued that the Islamic crimes of *sabb* (insult) and *shatm* (vilification) of God and Muhammad are “fully comparable to blasphemy,” Asad and Mahmood (2009) caution against hasty comparisons wherein the hegemonic discourse of one tradition (in this case

Christianity) sets the conditions of participation for another. Similarly, Wendy Doniger (2015) shows that blasphemy in India, in general, and Hinduism, in particular, was a concept imposed by the British Raj but never took significant hold, legally or socially. One of the reasons the tribunal offered as to why it did not comment on other religions was because complaints about blasphemy were only received from Christians. The question that arises then is how, given the long Christian history of blasphemy as a concept and crime, could other religions claim the same protection that Christians complaining about blasphemy are afforded?

The BCCSA claims that all religions in South Africa are afforded equal protection under the conditions of the Code of Conduct. However, a close examination of the Annual Reports and the case judgments of the commission reveal additional arrangements that have been made with broadcasters to excise and exclude explicitly Christian perceptions of blasphemy from broadcast material. The exclusion and excision measures put in place to manage blasphemous material constitute pre-censorship in the form of prior restraint, which sociologist of religion Azonzeh Ukah (2013, 250) has identified in relation to the Nigerian religious broadcasting regulatory framework as an “unconstitutional restraint on free speech.” Although television is exempt from pre-clearance measures, the BCCSA shifts the responsibility to broadcasters by asking them to exercise prior restraint with regard to blasphemy. Given the circular relationship between the BCCSA and the broadcasting industry, wherein both bodies are financially and legally dependent on each other, the BCCSA’s institutional clout, the South African public demands for less blasphemy, and the Christian bias of the SABC inherited from the historical conditioning of the

South African broadcasting industry and Western Christian bias of democracy have all merged in forming the current approach towards blasphemy on public television.

In the period between June 2003 and May 2004, the commission turned down a request from Pelsler, who wanted the tribunal to consider an additional classification symbol, a B, which would be used to indicate the presence of blasphemous language or activity, which would offend the Christian conception of God. The commission, along with the Film and Publications Board, found that the L symbol, indicating language, and the P symbol, indicating prejudice on the basis of gender, race, or religion were adequate and that no further classification symbols would be necessary. The refusal to grant this symbol must be read within the classification system and the excision agreement between the BCCSA and its signatories. Through the excision arrangement and the exclusion agreement, particularly for children's times, the BCCSA has granted extended protection to the Christian conception of God, contradicting the position of equality of religions it has so vehemently defended.

Despite the BCCSA's claims to constitutional allegiance, the commission is unable to see the paradox presented in its blasphemy policy in relation to the IUC ruling, which specifically proscribed the prohibition of broadcast material on the basis of religious feelings and convictions. The commission appears to be convinced of the even-handed nature of its application of the broadcasting code and constitutional legislation to cases about blasphemy. However, the direct focus on "religious feelings" conveyed in the blasphemy rules, as illustrated by the Annual Reports and the Pelsler case, along with the Christian overtones of the term, conveys a clear favouring of Christianity in broadcasting regulatory practice. Therefore, although the BCCSA claims equality of

religions in principle, in practice it has given special treatment to Christianity in the three cases it has adjudicated on the question of blasphemy.

In 2004 a complaint was laid by numerous viewers, including the Cornerstone Church, wherein it was alleged that a late night television show, *Phat Joe Live*, had made “a mockery of Jesus” through a satirical sketch about the film, *The Passion of the Christ*. Below is the transcript of the sketch:

Mr. Weinstein: Well I am telling you this is going to be bigger than
“Brave Heart”

Secretary: Mr. Christ, Mr. Weinstein, is here to see you”

Christ: Send him in

Mr. Weinstein: Jesus baby!

Christ: Talk to me

Mr. Weinstein: The movie is a hit; you haven’t been this big since you
walked on water.

Christ: What can I get for you?

Mr. Weinstein: Some wine will be great. That is just water baby”

(Jesus dips his finger into the glass of water, which turns to wine)

Mr. Weinstein: One time, the chicks must love that, not bad, great,
great. Listen the guys at the studio want to make a sequel, you
interested?

Christ: Do you have a script?

Mr. Weinstein: We have a few ideas, how about this, “Passion of the
Christ Two—Jesus Reloaded.”

Christ: aah, aah

Mr. Weinstein: No no. Okay how about “Passion of the Christ- Oh Shucks its Jesus”

Christ: Very tacky

Secretary: Comedy is the way to go, sir.

Mr. Weinstein: I’ll get Leon Schuster on the line, we’ll set up a meeting. You, you going to be big, baby.

Secretary: Mr. Christ, St. Peter is on line two.

Christ: I’m going to have to take this. My assistant will show you out.

Howzit baby! Hi Peter my disciple, what is happening, my honey.

Dinner tonight? I don’t know, remember the last time I had supper with you. (BCCSA 2004a, 3)

The complainant explained that Christianity is centred on the death and the resurrection of Jesus Christ, a tenant of belief and a “historic fact” (BCCSA 2004a, 2). He further emphasized that after the resurrection Jesus is considered the saviour of humanity and is regarded as sacred by Christians. The complainant found that the sketch portrayed Jesus as a regular human being, “a weakling” who is concerned with worldly things, and accordingly was deeply offensive to Christians. The depiction of the crown of thorns, which Jesus wears in the skit, was also seen as a deliberate denigration of the suffering of Christ and the significance of that sacred object in Christianity. The complainant reflected that he did not want to impose his beliefs on others but felt that this scene and its visual and aural depiction of Jesus was “an attack on what Christians believe about Jesus” (BCCSA 2004a, 2).

The SABC claimed that the insert was satirical in form and that the object of the sketch was to ridicule “films, film making, and Hollywood” and not the life of Jesus (BCCSA 2004a, 3). At the time, the global and local controversy about the film, *The Passion of the Christ*, was in full swing and the SABC asserted that the sketch was meant to satirise “those who were involved in the production and acting in the film” and not Christians or Christianity. The SABC acknowledged that the sketch could have caused offence due to “religious and linguistic disparities” that might have obscured the intended humour of the piece, but argued that due to the satirical nature of the sketch it did not contravene the Broadcasting Code.

Following the protocol set by a case of a similar nature from radio, the tribunal first established the timing of the sketch, which was scheduled for one hour after the start of the watershed, in order to assess whether its content would be suitable in this time period. After an extensive review of the history of freedom of expression, a notable pattern in many of the cases involving religion, the tribunal proceeded to assess the issue “protection of religious feelings.” Although the acceptance of some films featuring Jesus are indicative of a more progressive attitude towards the arts from a “Christian perspective,” the tribunal argued that this did not mean that Christians had lost a “deep-rooted respect for the core precepts of their religion.” Furthermore, the tribunal noted that while the protection of religious convictions and feelings is not absolute, there are times, particularly instances of mockery of sacred beliefs, when protection must be extended.

The tribunal considered the feelings of the complainants and other Christians by stating that the dialogue together with the association of Christ with a comedy genre

was enough to constitute a mockery of Christian beliefs. Furthermore, the tribunal found that the “comical inclusion of sacred elements from the life of Jesus in the sketch touched upon a particularly sensitive vein,” referring to the crown of thorns and the reference to the Last Supper. The tribunal argued that since the Last Supper, which institutionalised the practice of Holy Communion, a Christian sacrament, was referenced in a humorous manner, “the sacred [was] also profaned” (BCCSA 2004a, 7). These elements, the crown and the Last Supper, according to the tribunal, “lie at the very core of Christ’s salvation of sinners.”

The tribunal then considered the dramatic merit of the sketch and found that it did not amount to a *bona fide* satirical work. Acknowledging the SABC’s argument that the sketch was satirising the production of the films, the tribunal nevertheless concluded that the mocking of religious elements, “which are held to be sacred by millions of Christians in this country . . . amounts to a promotion of nothing than an expression of hate against those deeply held beliefs” (BCCSA 2004a, 10). The tribunal found that the sketch amounted to incitement of “shock and pain” for Christian viewers, claiming that the sketch’s mockery of sacred elements of Christian belief constituted hatred against Christianity and incited “serious harm.” Furthermore, the tribunal found that the sketch could not be saved by the watershed period, concluding that many of the expected watershed viewers are also Christian and that the magnitude of the offense caused, as hatred and harm, could not be tolerated, even after the watershed period. The complaint was upheld. The tribunal found that the exceptions to freedom of expression were not met; the sketch was registered as hate speech against religion, fulfilling the criteria of inciting hatred and causing harm. The SABC was required to broadcast an apology:

The SABC wishes to apologise to Christian viewers who were offended by our sketch, which related to the Mel Gibson film, *The Passion of the Christ*. Our intention with the sketch was to satirise the commercial exploitation of the Scriptures. Unfortunately, the sketch also hurt the religious convictions of feelings of a substantial number of Christian viewers. The Broadcasting Complaints Commission of South Africa has held that although the sketch intended to satirise those who took part the production and acting in the film, the sketch also made light of matters held sacred by Christians. In the process, the sketch gave rise to offence. (BCCSA 2004a, 11)

In 2002 a number of complaints were lodged with the BCCSA regarding the broadcast of a song collaboration by two artists that depicted an interaction between God and the Devil within the cabaret genre. The song was broadcast in an Afrikaans language music programme, entitled *Geraas*, before the watershed period at 8pm. The theme of the song was the classic battle between good and evil, and the singers characterised God and the Devil in a playful interaction (BCCSA 2002c). The complaints received by the BCCSA argued that the underlying theme of the song insinuated that good and evil, God and the Devil, are interdependent forces. On those terms, God's participation in the song was offensive to the Christian community. The complainants asserted that "the song denigrated God and was blasphemous" (BCCSA 2002c, 2). The tribunal approached the complaint and found that the content judged within the genre of cabaret was not meant to "offend or blaspheme" (BCCSA 2002c, 2). The tribunal did, however, hold that the complex nature of the song, which made it

vulnerable to misinterpretation, should have been broadcasted after the watershed period and within the context of an art programme. The tribunal justified its position with the logic of the watershed clause and the importance of context. Referring to the voice-over narration of warning that was screened prior to the insert, which in a derogatory manner warned that old women with wet underwear should not watch the song, the tribunal admonished the broadcaster that the kind of content portrayed in the song would be better suited at a time when such an additional warning would not be necessary. Regarding context, the tribunal proposed that viewers watching an arts programme after the watershed period would be more likely to tolerate the creative freedom exercised within the cabaret genre (BCCSA 2002c, 6). In this case, the complaint was not upheld on content but rather on timing. The context, timing, and form of material in this case took precedence in the BCCSA's approach in evaluating complaints about religion.

In the event that complainants are unhappy with a judgment of the commission, they might be eligible for the appeals process. The appeals process is also open to the commissioners of the BCCSA who are able to submit dissenting opinions on cases that have been heard and ruled upon by their colleagues. In this event, the BCCSA assembles a tribunal made up of different commissioners to hear the case against which an appeal is made. According to the 2006/2007 annual report, this arrangement has been a productive one and on some occasions the appeal tribunal has made decisions that have gone against that made by the first tribunal. However, the commission strictly monitors the appeals process since the application for leave to appeal is first heard by the Chairperson of the first tribunal, and only in the event that the application is dismissed by the Chairperson can the application be brought before

the Deputy Chairperson or another commissioner (BCCSA 2007a). The commission states that the appeal tribunal may only interfere with a first judgment where it has been clearly wrong. Since the code of conduct guides the commission, it can be deduced that in the event that the first judgment has misunderstood or misinterpreted the Code, the appeals tribunal will be brought in. In ten years, only twenty cases have been brought before the appeal tribunal, one of which was directed at dealing with controversial issues posed by the film, *The Last Temptation of Christ*.

In 1989 the Publication Appeal Board refused a certificate for the screening of the 1988 Martin Scorsese film, *The Last Temptation of Christ*. The film depicts a fictional fourth temptation that is encountered by Christ during the last few minutes of his life. In the scenario of the fourth temptation, Satan appears in the form of an androgynous child. The film depicts Christ fantasizing about and longing for “an ordinary life in which he could wed and have children” (Van Rooyen 2011, 1). Within the context of this forty-minute day dream, Christ weds Mary Magdalene, and, following her death, weds her sister Mary. In addition, the film depicts an inexplicit, hazy matrimonial sex scene in which Jesus is one of the two parties involved. The departure from the Gospel in general and the depiction of Christ as a mortal, and more specifically as a sexually active mortal, was the source of outrage for Christians all over the world. The formal justification for the banning in South Africa lay in the contravention of Film and Publications Act of 1974, which forbade the broadcast, or screening of films which were deemed as “offensive to the religious convictions or feelings of a section of the population,” or deemed as blasphemous, denigrating the Christian conception of God. In 1999, the new Film and Publications Board approved the DVD and video distribution of the film. However, the film could still not be screened in theatres.

According to Van Rooyen, this decision was primarily taken due to the anonymous threats that promised to attack theatres where the film was screened (2011, 4). In 2007 the film was screened on South African television by the free to air broadcaster e-TV. Subsequent to the screening of the film, the BCCSA received a total of 1200 complaints, most of which were not entertained. However, one particular complaint, that of the Wesleyan Church, was heard by the tribunal. The essence of the complaint against the film was that it was offensive to the religious convictions of Christians.

The complaints against the film were primarily based on commonly held theological views of Christians. The tribunal found that the basis of the complaints could be found in conducting a comparison of the Biblical narratives of Christ, his birth, life, death, and resurrection, with the way in which these significant moments, which according to the tribunal were the essence of Christianity, were portrayed in the film (BCCSA, 2007b). Although it is stated early on in the film that it is not based on the Gospel and it is clear from viewing the film that the filmmaker took a tremendous amount of artistic liberty, the tribunal found that it could not dismiss the complaints of historical inaccuracy since the figure of Christ is so central to the doctrine of Christianity (BCCSA 2007b). The complainants claimed that the portrayal of Christ as “weak of spirit, confused and as having lustful thoughts” was deeply offensive (BCCSA 2007b, 11). Additionally, the complainants asserted that the film depicted Jesus disregarding his own teaching about adultery. Through this portrayal, “the only conclusion that the reasonable viewer could come to is that Jesus is sinful” (BCCSA 2007b, 12).

The tribunal recognized that offense, on its own, is not grounds for contravention and

that the only basis for finding a contravention in this case would be hate speech based on religion. At the onset of the judgment, the tribunal explained that its task was “to find a balance between freedom of expression and freedom of religion (BCCSA 2007b, 6). At the conclusion of the judgment, the majority of the tribunal found “The Last Temptation of Christ be it only by way of his imagination, is so contrary to the basic tenants of the Christian and so contemptuous of the faith that it amounts to hate speech” (BCCSA 2007b, 17). In order to meet the provision with respect to inciting violence or harm, the tribunal explained that harm is not only limited to physical harm but also “includes emotional or psychological harm” (BCCSA 2007b, 15). The tribunal made a pointed remark on the topic of violence by proposing that “to find that there was no incitement to cause harm because no violence ensued would amount to discrimination against religions whose adherents are not prone to commit acts of violence when they believe their religion is under attack” (BCCSA 2007b, 15). The tribunal makes specific reference to a case in which the Islamic community in South Africa was granted protection from “hate speech” when a local newspaper was forbidden from publishing controversial cartoons of the Prophet Muhammad from the Danish newspaper *Jyllands Posten* because the event had sparked protests which resulted in “harm to property and people.” In *The Last Temptation Christ* judgment, the tribunal argues for equal treatment of religions regardless of their alleged propensity for violence (BCCSA 2007b, 6-9). Furthermore, the tribunal found that “the filmmaker was also not *bona fide* in that he knew or must have known that in making a film in which Christ is portrayed as a sinful man, is such a flagrant attack on the basic tenets of the Christian Faith that the film and its maker cannot pass the test of *bona fides*” (BCCSA 2007b, 16). The tribunal comes to the conclusion that the outcry caused by the film and the offense caused to Christian adherents was the intent

of the filmmaker and that the film constituted an attempt to “erode the entire basis of the Christian faith” (BCCSA 2007b, 17). The tribunal held that freedom of religion, as postulated in the Constitution, includes the right to be protected against attacks against one’s religion. The tribunal found that the film undermined Christianity to the extent that it “ridiculed the faith” and that “when in a film the main elements of religion are treated in such a way that viewing objectively the religion loses all meaning, one is obliged to find there is advocacy albeit subtle of hatred against that religion” (BCCSA 2007b, 14). The majority of the tribunal accordingly upheld the complaint and the penalty inflicted on the broadcaster was a reprimand.

Exercising the right to appeal, Chairperson Van Rooyen filed a minority opinion wherein he praised the dramatic merit of the film and engaged in an in-depth and thought-provoking critical analysis of the film, which undermined to a large extent the bulk of the majority judgment’s justification for upholding the complaint. Following Van Rooyen’s analysis, the appeals tribunal found that the Broadcasting Code had not been contravened by the screening of the film. Van Rooyen, in the dissent, points out that the film does not advocate hatred incite harm. On this matter, Van Rooyen defers to the actual content of the film. He argues that while Christians might take offense at seeing Christ, the Messiah, portrayed as imagining himself as an ordinary man and not as the Messiah, Jesus the Messiah does not long for the alternative life presented in the film. Since Jesus the Messiah rejects this imaginary life, his divinity as Lord and Saviour of Christians is not questioned nor is the predominant perception of Christ’s character undermined (BCCSA 2007b). Furthermore, according to Van Rooyen, “The film was rightly shown after 23h15, with sufficient classification and a high age restriction. . . . It is constitutionally impermissible to withhold that right from

an adult viewer in an open and free democracy merely because other viewers find the film offensive” (BCCSA 2007b, 30). Although the broadcaster was merely reprimanded for screening the film, the response of the tribunal was centred on religion whereas the minority opinion took a more constitutionally rigorous approach to analysing the film. Nevertheless Van Rooyen’s exercise in film criticism was informed by a certain reading of Christian theology.

Defamation

My complaint refers to the 10 years of Freedom celebration festival that was televised on SABC 2 at Prime Time, 19 February 2005. During this festival, which was so far a success, an imbongi “praise-singer” came to the stage and made very, very disturbing and malicious allegations that;

1. Missionaries came to this country in boats and forcefully presented our people with a “BIBLE” (sic)
2. and if they (our people) refused to take the BIBLE they were harassed by colonialists and
3. were told to abandon their traditions and cultures (i.e. ancestor worship), in-order for them to embrace the foreign faith

NB: These utterances made by the imbongi were made just before Mbongeni Ngema’s performances. I must express my disgust at this smack of Christian character, in a country where statistics have shown Christianity to be a walloping +70% of the nation. These statistics, if anything to go by, symbolise that the two-third majority of this country

belong to Christian religious belief and are therefore principles by the Christian guide-book the BIBLE.

These comments made by the imbongi about the Bible and Christianity, in alignment with missionaries, are disturbing and whoever responsible for the editing of the programme for the Broadcast/the Festival should apologise to the entire Christian community and be brought to book for this premature display.

(BCCSA 2005c, 2-3)

Since the broadcast was live, the SABC replied that it did not have control over the content, which was co-ordinated by the National Department of Arts and Culture. Additionally, the SABC attempted to provide context for the words of the imbongi by stating, “What the praise singer was relating was his interpretation of the historical fact that people from foreign lands (who were usually Christian by religion) had come to the land of his ancestors and inflicted a range of hardships on them” (BCCSA 2005c, 4). The broadcaster’s response made reference to the fact that the freedom festival was held within the context of celebrating the freedoms that have been gained since the end of colonialism and apartheid. The SABC defended the words of the imbongi by making a distinction between the perceived attack on the religion of Christianity and the criticism of the “faith of the people who enforced hardship and even slavery on indigenous peoples in the last century and in the case of South Africa, even until just a decade ago” (BCCSA 2005c, 4). Furthermore, the SABC claimed that the imbongi’s poem was performed in a context of religious diversity since the segment that immediately followed involved another participant who declared, “We

are also gravitating towards the African faith; churches like Lekganyana, Amazayoni and Shembe, the Nazareth Baptist Church, have played a major role in re-igniting the African faith in our people” (BCCSA 2005c, 4).

In responding to the SABC’s inference that the issue of broadcasting live supposed that the “religiously offensive material” would otherwise have been edited from the programme, the complainant expressed dissatisfaction not only with the response of the SABC but also with the lack of any apology (BCCSA 2005c, 4). Additionally, the complainant took issue with the perceived subjective nature of the response, particularly the explanation of the imbongi’s remarks as an interpretation of the historical conditions of colonialism and the subjugation of Africans, questioning the authority upon which the respondent, the manager of Broadcast and Compliance, Policy, and Regulatory Affairs of the SABC, could make these assertions (BCCSA 2005c).

Since the complainant was dissatisfied with the results of this mediation, the BCCSA tribunal stepped in to make a judgement. The tribunal found that religion was not being attacked in the song of the praise-singer. Instead, misunderstandings of African culture and religion were the subjects of his critique. In this analysis the tribunal found that the complainant, although sincere, “read too much into the words of the praise-singer” (BCCSA 2005c, 4). Instead of focussing on the issues of complaint, the tribunal provided a more general context for the words of the praise-singer. According to the tribunal, “possibly there was an overstatement that would be typical of a praise-singer. Likely viewers would understand the chant of the praise-singer as amounting to typical sabre rattling, including truths and even exaggeration” (BCCSA 2005c, 5).

In this case, the complaint was not upheld and the actions of the praise-singer were judged to fall under the protection of freedom of expression.

Although context is usually subjected to the all-encompassing analytical lens of the BCCSA, a case brought before the commission in 2013 directly addressed the issue of both context and content. On 23 May 2013, the SABC3 investigative programme, *Special Assignment*, broadcast a documentary entitled, *Praise the Drug Lord*. The film sought to uncover and report on a number of churches and clergy that have allegedly been involved in crimes such as money laundering and the illegal drug trade, as well as those that have violated South Africa tax regulations. In response to this programme, the South African arm of the Universal Church of the Kingdom of God complained to the BCCSA that “its reputation had been impaired owing to the use of visual inserts” in the programme (BCCSA 2013b, 4). It should be noted that the church and its clergy were not verbally mentioned nor was a narrative link made between the alleged illegal activities reported on and the church. Nevertheless, a number of visual inserts which were used in the programme showed “recognisable premises of the Church that are used for worship and the heart dove symbol and name of the Church are clearly visible in at least one instance” (BCCSA 2013b, 5). The inserts also depicted the location of the church’s premises in two particular places.

The representative of the Universal Church of the Kingdom of God at the tribunal argued that this visual treatment within the documentary forged a clear link “between the criminal behaviour and immoral conduct that was the subject matter of the insert, and the Church” (BCCSA 2013b, 4). The church argued that the reasonable viewer would make the connection between the visuals and criminal allegations made in the

voice-over narration of the film and conclude that the church is indeed involved in the nefarious activities under investigation. Furthermore, the church argued that these allegations would be “false and devoid of any truth,” since, according to the church, it “complies with all the laws of South African that apply to it and its activities” (BCCSA 2013b, 5). The complaint claimed that the inferences of dishonesty that could be drawn from the programme were “wrongful” and that they “infringed on the complainant’s good name,” impugned its dignity and breached the church’s constitutional right to privacy (BCCSA 2013b, 2). Moreover, it was argued that the implication of the church in criminal activities and immoral conduct without comment from the church amounted to a matter of public importance. The BCCSA concluded that the question of public importance would form a part of the defamation complaint, thus following the commission’s rule against duplicating charges.

In response, the broadcaster reminded the complainant that no verbal linkage had been made to the church and accordingly asserted that this should have been enough to squash the complaint. The broadcaster claimed that although it was true that images of the church were used, images of other churches were also used. As a result, “there was no selective identification of or statement made that any of the churches shown were involved in drug peddling” (BCCSA 2013b, 5). Rejecting the SABC’s defence, the tribunal found that the impression created by including the visual imagery of the church the programme was incorrect. The tribunal stated that the correct course of action would have been to approach a representative from the church or to exclude the complainant “from any mention, including visual mention” (BCCSA 2013b, 7). The broadcaster’s attempt to justify the images used by arguing that the characters accused were clearly named and their affiliations exposed, with no mention of the Universal

Church, was rejected by the tribunal. In this case, the BCCSA found that in the absence of verbal communication, the visual imagery used within the prevailing storyline of the programme implied the complicity of the church in crime. The tribunal found that the church had been defamed and upheld the complaint. The tribunal acknowledged that the defamation was unintentional and that at the hearing the respondent made no effort to show that the church is involved in criminal activities. Nevertheless, the tribunal stated, “absence of intention is not a defence” and that “negligence suffices for a finding of defamation so far as the media concerned” (BCCSA 2013b, 7). In this regard, the BCCSA exercised its right to instruct the broadcaster to screen a written summary of the outcome of the case at the start of the next episode of the programme. In this statement the church was absolved of any criminal activities that were implied in the documentary, and the SABC assumed responsibility for the negligence that resulted in the disciplinary action taken by the BCCSA.

In 2013 a complaint was made to the BCCSA about the use of the term “Islamist militants” in a news broadcast. The complainant argued that Islam is a non-violent religion; the use of the term “Islamist militants” was not only offensive but also incorrect. The complainant took issue with the presumption that Islam and militancy are synonymous. The SABC apologised for the error with the following message:

1. We fully understand the complainant’s concern about generalising any religion when terrorism is involved unless there is a clear justification for this.

2. The SABC does not subscribe to this view and we have instructed all staff to refrain from referring to the religion of militants in any actions if it is not justified, the preference being rather for reference to their affiliation to a particular organization, e.g. Al Qaeda as in the complainant's correct suggestion.
3. We apologise for this instance where there was an oversight on the part of a staff member who compiled this bulletin and have instituted appropriate disciplinary action.
4. We would like to assure the complainant that we agree with his view and have taken further strong steps to ensure that there is no recurrence of such a reference. (BCCSA 2013c, 4)

The complainant was not happy with the qualification attached to the apology. The broadcaster implied that when “factually justifiable” this kind of terminology would be broadcast. The complainant argued that there is a bias against Islam in both international and domestic news when the actions of militants are attributed to their religion rather than to the organization that orchestrates their attacks (BCCSA 2013c). Citing examples from the South African context where reporting on non-Muslim terrorist activities made no reference to religion, the complainant asked for the same approach to be taken with respect to Islam. Furthermore, the complainant argued that a “blanket ban” should be placed on this kind of terminology for all religions, including Islam. According to the complainant, Islam has been especially marginalized in this regard, so a “blanket ban” should be issued on the use of this terminology in all media in order to ensure fairness and equality (BCCSA 2013c, 3). The complainant asserted that his position was underpinned by the idea that acts of

terrorism are never religious but always political in nature; “religion is where militants find solace and uses/misuses of religious texts to justify their actions” (BCCSA 2013c, 4).

In the evaluation of the case, the BCCSA responded to the dissatisfaction with the qualification attached to the apology and the direct request for punitive action. However, the tribunal interpreted the request made by the complainant as “pre-control,” and equated pre-control with censorship as an undemocratic practice that flies in the face of century-long struggles against “the tyranny of the State and, indeed, certain elements of, for example, Christianity” (BCCSA 2013c, 6). Furthermore, the tribunal reinforced the importance of context in the critique of broadcast material by indicating that even in the case of child pornography the emphasis on context is not waived. Cautioning broadcasters, the tribunal conceded that words should be chosen carefully. If there is doubt, generalisation must be avoided. Terms that associate religion with militancy, violence, or terrorism should only be used if there is direct evidence showing that a person has committed associated acts in the name of a religion. While the tribunal found that in the first instance the SABC had contravened the code, they were satisfied with conciliatory actions taken by the broadcaster and since the complainant made no further appeal the issue was put to rest (BCCSA 2013c).

Defamation of religion and its meaning for freedom of expression has been a topic of debate amongst human rights lawyers and activists for a number of years. Although the controversial *Defamation of Religion Resolution*, which sought to provide protection for all religions from expressions that “fuel discrimination, extremism and

misperception leading to polarization and fragmentation with dangerous unintended and unforeseen consequences," was subsequently replaced by *Resolution 16/18* in which the focus was shifted to protecting the individual believer from the same kind of expressions (United Nations Human Rights Council 2008, 2) The alleged defamation cases show that South African viewers have increasingly sought a level of protection from what they consider to be negative or false claims about their religion, insisting that these claims are not only offensive but actually damaging to their human dignity.

Incitement to Violence

In 2010 the following complaint, claiming an incitement to violence based on religion, was lodged with the BCCSA:

During the *Veldfokus* segment hyenas were linked to witches (nothing wrong with that), but then Mr Engelbrecht commented that the rest of segment has no evil intentions (geen bose intensie)—thus connecting witches with evil and harm. This constitutes direct hate speech toward a constitutionally-protected minority in this country—those thousands who self-identify as WITCHES. I expect a public apology on the next episode of 26 April of 2010 from Mr Engelbrecht to all who follow the religion of Witchcraft in South Africa. The South African Pagan Rights Alliance has also been contacted in this regard. Please see that this matter is addressed as that which it is, hate speech toward a legal

and peaceful religion through ignorant and malicious connection (sic).

(BCCSA 2010, 2)

The complaint directed attention specifically toward the following comment: “In the Sepedi culture it is believed that witches use hyenas as taxis that is why their hindquarters are lower than the front one.” The second presenter commented in response with the following words: “Well I must say I do not think there is evil intent here” (BCCSA 2010, 3).

The complainant raises a number of pertinent points regarding the offending broadcast. The complainant was concerned with the negative stereotyping of witches which was perceived to be embodied in the statement and a concern that the comment might result in “renewed witch persecution,” particularly in light of the connection of witches with evil (BCCSA 2010, 5). The complainant justified this concern by drawing on evidence from the African context, arguing that words like “witch” and “witchcraft” have a number of negative connotations that have resulted in violence against “witches.” Since the comment did not differentiate the different kinds of witchcraft, the complainant, as a practitioner of Wicca, identifying himself as a witch, took issue with the sweeping nature of the statement about witches in the programme.

In this case, the chairperson of the tribunal requested background information regarding Paganism, Wicca, and other related concepts from the complainant, which the complainant provided. Therefore, the judgement of this case begins with a descriptive and somewhat analytical deposition of the pagan tradition, the connotations and denotations of the term, “witch,” the main beliefs of witches, and a

repeated assurance that pagans, witches, and their practices are not evil and in no way related to Satanism. “Pagans do not believe in an entity called Satan or the devil, they do not practice human or animal blood sacrifice, and do not even slaughter their own food, as is still common practice amount African, Judaic and Islamic religious cultures” (BCCSA 2010, 5). The complainant also cited evidence supporting the recognition of Neo-paganism as a religious minority that is afforded constitutional protection in South Africa.

The broadcaster responded to the complaint by assuring the tribunal that “the SABC does not discriminate against any religion and is very sensitive with regard to material that might be objectionable to the different religious communities” (BCCSA 2010, 5). The SABC representative used context to justify the offending comment, observing that it “was made in a jocular manner and could also have referred to the unusual behaviour of the wild dog towards the hyena.” The SABC argued that this is how a reasonable viewer would have interpreted and connected the two comments.

Agreeing with the SABC, the tribunal found that the comment was in line with Clause 35.2 that allows for the opinion of the presenter, which the tribunal concluded was not malicious. The tribunal substantiated its support for the SABC by stating that Clause 16.1 was not violated since the comment did not “sanction, promote or glamorise” violence toward witches. It further observed that since the context of the comment was a *bona-fide* documentary, the opinions of the presenters are allowed to be expressed. Moreover, in this case the tribunal provided an explanation of why the comment was not hate speech because it lacked the crucial elements of advocacy and incitement. The tribunal declared that the actions associated with these concepts do

not emerge from “the mere stating of a viewpoint or the use of a certain vocabulary,” and, as a result, “it could not be found that the audience was encouraged or stirred up towards committing violence against witches or to cause them harm in any way” (BCCSA 2010, 7).

Given the high levels of physical, sexual, xenophobic, and criminal violence in South Africa, along with the numerous research studies suggesting the causal relationship between viewing material and behavioural patterns, it is no surprise that the first substantive issue dealt with in the Broadcasting Code is violence (BCCSA 2011c, 3). The clause does not prohibit the broadcast of material that depicts violence; rather, it mandates that broadcasters produce content with a built-in self-regulatory mechanism for evaluating when representations of violence or expressions of hate speech are either prohibited or permissible. In doing so, the clause produces an ambiguous discourse of broadcasting regulation in which religion is simultaneously protected by law and made vulnerable by the broadcasters.

Since no definition of violence is provided, the code is open to interpretation by both the broadcasters who sign it and the audiences who watch and listen to the material provided by broadcasters. This is not to say that there is an absence of interpretive guidelines within the code. The code distinguishes between four kinds of violence. The first can be considered as aimless, mindless, or meaningless violence. This kind of violence is prohibited unless, according to the exclusion clause of this section, it is “a broadcast which judged within context amounts to a *bona fide* scientific, documentary, dramatic artistic or religious broadcast” (BCCSA 2011c, 3). The second type of violence, contextual violence is permissible if it plays “an integral role in

developing the plot, character or theme of the material as a whole” (BCCSA 2011c, 3). The third kind of violence is physical violence. In South Africa, the concept of violence as physical bodily harm is part of the national consciousness. Therefore, to interpret the use of the term “violence” in the code as physical violence would be widely accepted. Furthermore, the code specifically prohibits the broadcast of material, “which judged within context, amounts to a) propaganda for war; b) incitement of imminent violence” (BCCSA 2011c, 3). However, depictions of physical violence in programming are allowed as long as they fit the criteria of contextual violence and are supported by the exclusion clause.

The fourth kind of violence addressed within the code refers to non-physical violence or “unlawful conduct.” A large number of actions and activities can fall under the ambit of non-physical violence or unlawful conduct. They could include the depiction of criminal activities, drug use, money laundering, illegal sexual activities, including prostitution and bestiality, and vandalism. The code prohibits broadcasting material that “sanctions, promotes, or glamorises violence or unlawful conduct based on race, national or ethnic origin, colour, religion, gender, sexual orientation, age, or mental or physical disability” (BCCSA 2011c, 3). Finally, the code emphasizes an additional form of non-physical violence that is prohibited from broadcast, “the advocacy of hatred that is based on race, ethnicity, religion or gender and that constitutes the incitements to cause harm” (BCCSA 2011c, 3). Through this injunction the prohibition of the advocacy of hatred on the basis of the aforementioned identity categories is established and limited. Non-physical violence is prohibited in the event that it has the ability to incite harm. However, the exclusion clause provides space for the advocacy of hatred to be broadcast within the context of certain programming

restrictions. When read together with this requirement, it is only prohibited in the event that it incites harm or imminent violence. This provision gives broadcasters large scope for interpretation and audiences a relatively small window for complainants seeking administrative justice.

Conclusion

There are some clear inconsistencies in the tribunal judgments that contradict the BCCSA's claims about promoting equal protection of religions in the broadcasting sphere. Cases about Christian issues dominate in the complaints. As the commission notes, many complaints do not make it to tribunal, especially those that are dismissed for insisting that the Christian concept of blasphemy should be upheld by the BCCSA. However, in the judgment of the cases that do come before the tribunal it is clear that the commission is more familiar with the content and internal logic of Protestant Christianity than with any other religion that has come under discussion in a hearing. In the Wiccan case of 2010, the complainant was even required to provide the tribunal with information about the basic tenets of Paganism, admitting that the tribunal lacked a working knowledge of this religion. In the Hindu case, the tribunal uncritically accepted the religious opinion of the SABC compliance officer, a non-practitioner, who essentially debated the accuracy of the source of the complainant's religious conviction. Additionally, in this case the BCCSA allowed the SABC to go unchecked when it inferred that since its recognised Hindu representative body did not lodge a complaint, the broadcast material could not have been offensive. In this judgement, the handling of the complaint reflects a strikingly similar discourse regarding the importance of essential elements of religion that should be defended and protected in

public to that which is recorded in the case of *The Last Temptation of Christ*. In the Hindu case, instead of evaluating the way that the complainant has explained the effect of offending comment, the BCCSA, following the letter of code, dismisses the Hindu complainant's religious objections and grounds its decision on the word of broadcaster, the absence of complaints from a national representative body, a comparatively skewed theological explanation, and a lack of intent. Unlike the protection that was offered to the Christian complaints in *The Last Temptation* case, in the *Eastern Mosaic* case the utility of blasphemy as "a tool to produce and enforce negative stereotypes of followers of a particular religion," particularly those that are "in a socially weak and marginalised position," is not regarded with the same sensitivity (Baumgartner 2013, 58). Furthermore, in the judgements of both cases about Islam, the tribunal engaged complainants in a discussion purely based on legal theory and constitutional principles, addressing none of the religious nuances, especially around the concept of harm, that have been highlighted in the Christian cases.

The judgments about Christianity are consistently longer and more detailed than the other cases and blur the boundaries between the supposedly objective legal opinion and the subjective interpretive religious knowledge of the tribunal. This knowledge only extends to Christianity, and while Christian issues have also been subjected to legal critique, as the majority of the cases about other religions demonstrate, very little discussion, understanding, and regard are shown for the internal content and logic of these traditions. The Eucharist case, for instance, shows how a creative legal interpretation is found to address what viewers and the tribunal found to be a gross misrepresentation of Holy Communion. Although not considered hate speech, the

representation of the Eucharist was ruled to be a matter of public importance because “it is in the public interest that misinformation in this regard not be broadcast” (BCCSA 2013, 7). This case was exceptional because the tribunal actively sought to address the complaints by correcting the comment made in the offending broadcast. Not entertaining any debate about the cannibalism analogy, nor considering the genre of the documentary film as the context of the comment, the tribunal ruled that the analogy was wrong. The same effort at correction could have been made in the Wiccan case, given the social stigma attached to witches and witchcraft and the real threat that those who are identified as witches face of physical violence in South Africa and the rest of the continent. The tribunal could have made the same attempt to consider the repercussions that the alleged linkage of witches with evil, if unchecked, could have on the self-identified witches of the Wiccan community.

According to Sullivan (2005, 5), “There is a sense in which religion moved from norm to fact in modernity. Laws guaranteeing religious freedom meant that religion no longer provides norms for our society, but that religion must prove itself a social fact in court.” This change appears in the trajectory of the political and legal history of religion in modern South Africa, including the history of religion and broadcasting. Conceived politically as an essential human right, freedom of expression is propagated in the democratic era within the new paradigm for legal protection and constitutional recognition of religious freedom that democracy brought but is underpinned by particular assumptions that are simultaneously “legal and cultural” (Sullivan 2005, 151). The cases in this chapter show that in the era of freedom of expression and freedom of religion, Christianity is seen legally, factually, and normatively easier to protect. As seen in the examples of the Wiccan and Ten Years

of Freedom cases of 2005, which criticized aspects of Christianity such as gender discrimination and involvement in colonialism, these complaints were dismissed. The cases examined in this chapter draw attention not only to the deeply rooted Christian past of South Africa in particular and the Western Christian orientation of democracy in general, but also to the enduring presence of a Christian orientation in the democratic era.

Chapter Five: Conclusion

This thesis began with a discussion of the under-researched and under-theorised character of religion and media studies from and about South Africa. In explaining what can be considered a historical and ostensibly mutual intellectual slighting of religion in media studies departments and of media in religious studies departments, David Morgan (2013) has shown that this condition is by no means exclusive to the South African context. However, since Engelke (2010) and others have shown that the study of religion and media has exploded from Euro-American perspectives and although there has been a recent upsurge in scholarship on the topic from Africa, as predicted by Ihejirika (2009), Hackett and Soares (2015) have argued that these studies have often focussed more on questions of media and development than media and religion. Given the eruption of religion and media studies in the last two decades and following Hackett's (2006b) prediction that the study of religion and media would come to represent a "new axial moment in the study of religion," the current dearth of studies about religion and media from the Southern African region in general and South Africa in particular suggest that this area of inquiry is in need of serious critical attention.

Through surveying the present state of the field it was proposed that existing studies, particularly those that have emerged from the disciplines of media studies and cultural studies, have tended to view religion as a domain that is separate from the political economy in which media functions. In doing so, these studies have reduced religion's role in the historical development of the South African mediascape to a marginal status, thereby replicating and reinforcing the much-critiqued separation between the

sacred and the secular. The modern history of South Africa has been unquestionably shaped by dramatic political activity and change. In attempting to account for religion's relative absence and general underestimation in studies of media in South Africa, this project has traced the varying roles of religion in state politics across time and space, during both the apartheid and democratic areas, through the analysis of public broadcast television.

Research Findings

The following research question was developed in order to secure an entry point to this discussion: How has religion within the public broadcasting sector been employed as a strategy and resource for social control and social transformation by the South African state? By foregrounding media as a central category of analysis in a study of religion, an opportunity was provided to reread the history of religion and map the development of religion's definition, management, and regulation within changing socio-political contexts. In the second chapter, "The Devil's Own Box: Religion and Television in Apartheid South Africa," it was revealed through a close reading of the *Hansard* debates and the findings of the Commission of Inquiry into Matters Related to Television that religion played a paramount role in television's initial exclusion from and subsequent inclusion in the mediascape of the country. The second chapter began with a review of three contemporary studies about the initial absence and delayed introduction of television in South Africa mediascape at a time when the medium was common in Africa and around the world. Rob Nixon (1994) situated these concerns within a framework of "rationalised fantasy." Ron Krabill (2010) attributed the National Party's anti-television stance to a combination of a

commitment to cultural purity and opposition to cultural imperialism and the broader internal political struggles within the House of Assembly in general and the National Party in particular. Carin Bevan (2008) claimed that the role of morality in explaining the absence of television has been over-emphasized in historical recollections of the television debate and reserves much criticism for Nixon's and Krabill's approaches to the study of television's prehistory in South Africa. Bevan's study is therefore a deliberate attempt to highlight what she considers the other equally important practical reasons for television's delayed introduction. While Nixon, Krabill, and Bevan have addressed the issue of religion in the great television debacle, by separating the religious and political character of the National Party into independent conceptual and material domains, they have done so in a marginal way and failed to properly situate the television controversy within the religiopolitical context of apartheid South Africa, thereby underestimating the pervasiveness of religion within National Party politics and disregarding the pliability and diverse utility of Christian Nationalism in the apartheid project.

In critically engaging these studies, this chapter did not attempt to uncover a one-dimensional underlying bond between the religiopolitical underpinnings of the National Party and television's absence. Based on the findings of the Meyer Commission, it would be tempting to accept that the change in the National Party's attitude towards television from that of a spiritual danger to a site for the preservation of spiritual heritage as entirely inspired and supported by the religiopolitical interpretation of the utility of the technology for the Christian national project of apartheid. Instead, my aim was to re-evaluate the role of religion in relation to the political landscape as a background for appraising the present and future of religion and public broadcasting

in South Africa. This chapter hoped to provide the historical and critical foundation from which a study of the contemporary relationship between religion and public broadcast television in South Africa could be considered with the scrutiny necessary to advance the field of religion and media studies in South Africa.

Against the background of Afrikaner Christian Nationalism, it was shown that the religiously saturated anti-television rhetoric of the apartheid government must be taken seriously as a key resource and strategy upon which the National Party orchestrated its opposition to television. In constructing this position, I have used the concepts of religious legitimation and religiopolitical power in order to narrate the story of the religious development of Afrikaner nationalism, highlighting the utility of the Calvinist paradigm and neo-Fichteanism that allowed for the merging of religious and political power and shaped the distinctive religiopolitical position of the state which would eventually manifest in the National Party's attitude toward television as a national spiritual danger. In the television debate, the merger of Neo-Fichteanism with the Calvinist paradigm provided the anti-television position of Afrikaner nationalists with religious resources to justify their position beyond a historical impulse-based abhorrence of British cultural imperialism and anxieties about the democratising ability of the technology.

Furthermore, it was shown that as the socio-political climate changed as a result of public sentiment towards the television question, the onset of satellite transmissions, and fracturing within the National Party leadership structures, religion was once again drawn upon to ensure that television's inevitable introduction would be controlled by the state and that the medium would function to preserve the spiritual heritage of

South Africa, a euphemism for the protection of the Christian National religiopolitical project of the apartheid government. The Commission of Inquiry into Matters Relating to Television had made this possible. Statutory control that was underpinned by a Christian National ethos provided the salve needed to appease the National Party government's anxieties about the spiritual danger of television and eventually allow its introduction to the country. Therefore, in sum, the second chapter established that if the South African government's pre-emptive banning of television was the "most drastic act of cultural protectionism in the history of the medium," the eventual introduction of television transpired as a part of the Christian National educational, cultural, social, and political project of apartheid (Nixon 1994, 4).

The third chapter, "Religion and Television in Post-Apartheid South Africa," was set against the background of the transition from an apartheid state to a constitutional democracy. The years between 1990, symbolised by the unbanning of black resistance movements, and 1996, the induction of the paradigm shifting new Constitution, represented a period of massive change for the political economy of the media. The South African Broadcasting Corporation was constituted by the new state as a site of and for social transformation. By exploring how each element of the religion, politics, and media triptych was reconfigured in light of the constitutional changes that emerged with the advent of democracy in South Africa, this chapter showed that the constitutional changes regarding religion that were instituted in 1996 have played a defining role in how religion, religions, and religious diversity have been managed and mediated on public broadcast television. This chapter analyzed the SABC mandates, editorial policies, and the Religious Broadcasting Policy, to assess the ways in which the SABC has mediated constitutional conceptions of religion through

institutional practices and to evaluate what this means for the representation and expression of religion and religious diversity. The most significant milestone in the transitional period was the final minting of the Constitution in 1996. As the sovereign law of the country, the Constitution irrevocably assigned the authoritarian political structures of the apartheid government to history and shaped the democratic character of the new South Africa. Key constitutional guarantees were made that would affect the relationship between religion and public broadcasting. The assurance of freedom of expression and the promise freedom of religion, rights which were once only a display of tokenism in the context of the nominal whites-only democracy of apartheid South Africa, were reconceived within modern liberal democratic practices. As the public broadcaster, the SABC was earmarked as a critical site for the promotion of these rights, set up to reproduce the transformational agenda of the state through the transmission of broadcast material.

Chapter Three showed how through formal regulatory measures put in place to secure the interests of the state, including constitutional orders, national legislation, institutional practices of policy development and implementation, the SABC was earmarked as a site for nation building and knowledge production about religion in South Africa. Along with state-imposed regulatory measures, broadcasting sector institutional logic, and the technological limitations inherent in content production and airtime limitations, a system of religious regulation emerged within the SABC. While the Religious Broadcasting Policy of the SABC had obtained a space for religion on public broadcast television, the SABC in propagating a specific national image of religion and religious diversity for the production of broadcast material has developed a discourse for regulating religion in post-apartheid South Africa. Placed

within the framework of modern secular politics, religious regulation, although analogous to censorship, is not regarded as such by the SABC since democratic regulatory policies and procedures go beyond the silencing of certain broadcast material to highlight the role of authorising discourses that allow for the production and circulation of the material that is broadcast. Since the approach that is taken to regulating religion and religious diversity is generated from constitutional provisions about religion, censorship as religious regulation does not become the converse of free speech; it becomes a part of the conditions that make freedom of expression possible.

In post-apartheid South Africa, the media industry and its regulatory bodies are critical institutional spaces, at the intersection of state interests and public opinion, where the meaning of religion and the shape of religious freedom has since 1994 been regularly defined, contested, negotiated, and regulated. The way that the media industry and its regulatory bodies engage with religion, whether through production, dissemination, or regulation, is expected to be underlined in policy and practice by the constitutional mandate to balance freedom of expression against other rights that could be violated in the media framework. Freedom of expression is established as the definitive paradigm for broadcast media and as a result freedom of religion registers as a secondary concern.

Whereas in the third chapter it was shown that constitutional changes, including the promise of freedom of religion and freedom of expression, had a material impact on the domain of religion and public broadcasting, the fourth chapter, “Freedom of Expression and Freedom of Religion, uncovered the persistence of the Christian

National heritage of apartheid in the new South Africa in general and on public broadcast television in particular. By analysing the hearings of complaints about religion submitted to the Broadcasting Complaints Commission of South Africa (BCCSA), this chapter assessed how the constitutional promises of balance and equality have been managed in public broadcasting. In doing so, it was proposed that the limits and potential of freedom of expression and freedom of religion in the media can be tested and evaluated against the constitutional promises that enfold religion and broadcasting in principle. Exploring the institutional practices of evaluating complaints to the BCCSA provides insight into how content about religion on television is perceived by the South African public and managed by the regulator. This chapter demonstrated that through the rulings of the chief media regulatory body, the media plays a key role in making the determination of what counts as religion and what does in post-apartheid South Africa.

Chapter Four's analysis of the BCCSA's Code of Conduct, its institutional constitution, annual reports, and the judgments made specifically about religion provided an overview of the post-apartheid history of religion and public broadcasting. This chapter showed how religion has been managed and regulated in broadcasting in light of the tension between freedom of expression and freedom of religion in the democratic era. This chapter established the relationship between freedom of religion and freedom of expression as conceptually intertwined categories of human rights and explored how these concepts are adjudicated within the media regulatory framework.

This chapter examined how the BCCSA, through its regulatory and management functions within the media landscape, operates as a site for ruling on complaints about religion from the public against broadcasters. But the BCCSA has also acted as a pedagogical site, generating for both the public and the broadcasting sector an authoritative template for religion. Superficially, this template appears to be in line with constitutional principles regarding freedom of expression and freedom of religion. However, when evaluated in terms of the practices of the BCCSA through its annual reports and the case judgments, it was demonstrated that this template actively undermines the internal diversity of religious belief and practice and enforces the sustained presence of a Christian normative bias within the sphere of media production and media regulation in South Africa.

In evaluating a selection of cases about religion, four categories of complaints emerged from the data: offense, blasphemy, defamation, and violence. Under the category of offense it was shown that freedom of expression and freedom of religion in the public broadcasting sector, although contingent, are not equally weighted. Freedom of expression is systematically foregrounded as the media's most valued principle. Although the cases that could register as religious offense do not fall under the scope of broadcasting policy or the BCCSA Code of Conduct, this has not prevented viewers from seeking administrative justice on the basis of what they have perceived to be religiously offensive broadcast material. As the site of mediation between viewers and broadcasters, the BCCSA plays a decisive role in determining what, when, and how offenses related to religion are interpreted within the constitutional framework. In this way, the BCCSA makes determinations that influence what counts as legally legitimate offense against religious sensibilities. In

terms of the content against which complaints have been lodged, a pattern emerged that was centred on umbrage about the representation of religions and objections to presenters perceived to be religious outsiders.

Furthermore, this chapter revealed that the issue of blasphemy, despite the limited judicial scope of the term, constitutes a flashpoint for the viewers and the BCCSA. It was demonstrated that additional arrangements had been made to contain the broadcast of blasphemous material. Notwithstanding the BCCSA's claims to constitutional allegiance, the commission is unable to see the contradiction presented in its blasphemy policy in relation to the freedom of expression limitations which expressly forbid the prohibition of broadcast material on the basis of religious feelings and convictions. Indeed, the Islamic Unity Convention ruling in 2003 on this particular issue set a legal precedent. However, in dealing with the issue of blasphemy, the BCCSA has taken extraordinary measures to appease Christian concerns about this topic. Although the BCCSA claims equality of religions in principle, in practice it has given special treatment to Christianity in the three cases it has adjudicated on the question of blasphemy. The direct focus on "religious feelings" conveyed in the internal blasphemy rules, as illustrated by the annual reports and the commission's response to the Reverend Pelsler, show a clear favouring of Christianity in broadcasting regulatory practice.

The cases about defamation showed that South African viewers have increasingly sought a level of protection from what they consider to be negative or false claims about their religion, insisting that these claims are not only offensive but also actually damaging to their human dignity. The clause on violence in the code of conduct was

subjected to close scrutiny. The case studies illustrated that given the vague constitutional and code guidelines on what constitutes violence, hatred, and harm, the BCCSA has used its constitutional authority and institutional clout within the public broadcasting sector to determine the potential and limitations of these terms—“violence,” “hatred” and “harm”—in relation to broadcasting code and practice as well as in dealing with complaints from viewers. In at least two cases, *The Last Temptation of Christ* and the skit featuring Jesus on the *Phat Joe Live Show*, despite the contextual conditions of their dramatic or satirical forms, the BCCSA extended the definition of violence and harm to include psychological harm. The commission claimed that offended viewers had been harmed as a result of these programmes being broadcast. In holding the authority to make such an assessment, the BCCSA wields a considerable power in extending the definition of violence to include psychological violence against religious sensibilities.

Continuing Controversies, Lasting Legacies

In January 2016, M-Net, South Africa’s subscription-funded television channel, screened the Fox-produced, American fantasy police procedural drama, *Lucifer*. Set in contemporary Los Angeles, *Lucifer* tells the story of Satan, on an extended sabbatical from his regular duties as Lord of the Underworld, experiencing life away from hell. Lucifer is cast as a generically attractive, fashionable, wealthy, thirty-something white male with a British accent that is apparently an aphrodisiac for every mortal woman he encounters save for a beautiful but tough and jaded police officer and divorced single mother, Chloe Decker. To give the show a predictably “unpredictable” twist, in response to the murder of his sometime lover, Lucifer inserts himself as an

unwelcomed but useful consultant for the Los Angeles Police Department, getting his “kicks from helping . . . punish criminals” (Nellie 2016). In the United States, reviews for the show were mixed. According to one reviewer, “The devil is hot . . . [but] his cases not so hot.” Another reviewer commented, “Lucifer starts hot, cools quickly” (Slezak 2016; Bianco 2016). One critic summed up what appears to be the overall consensus: “Lucifer is as fun and flashy as its promotions have promised. Just don’t go into this one expecting anything more extraordinary” (Rawden 2016). Lucifer is cast as a typically defiant anti-hero following in the footsteps of the many others in *Batman*, *Daredevil*, and *Deadpool*. Reviewer Chris Cabin (2016) of *Slant Magazine* made the following scathing comment on the character: “He never does anything that truly suggests a moral complexity beyond an interest in threesomes, jazz piano, and good scotch. The character isn’t so much evil, or even a particularly bad person, as he’s a showy, attention-hungry douche, the sort of guy who thinks every woman alone at the bar is secretly waiting for him to talk to her.” Reviews aside, the American Family Association in the United States so disapproved of the show that it managed to secure a petition of over 140,000 signatories demanding that *Lucifer* be cancelled and threatening its corporate sponsors with boycotts.

In South Africa, *Lucifer*’s reception was warm but not in a hospitable way. After the screening of the first episode, the dominant headline on news and review sites described the reaction of Christian viewers to the show: “Lucifer gets viewers fired up.” An Afrikaans language site declared, “*Hel los na Lucifer se eerste episode* (Hell breaks loose after Lucifer’s first episode).” Errol Naidoo, a popular evangelical minister and self-proclaimed leader of the “Christian voice in government and the media,” issued an urgent call to subscribers of the Christian lifestyle magazine, *Joy*.

In this call to action, Naidoo invoked Christians to stand up for righteousness and to take action against the show by complaining to the Broadcasting Complaints Commission of South Africa (BCCSA) and the Chief Executive Officer of the broadcasting network. Naidoo declared, “The program is obviously targeted at youth—hence the early broadcast schedule. When the personification of all that is evil is given a positive spin by Hollywood—then you and I must not only pray—but act decisively!” (Naidoo 2016). Whether on their own accord or incited by Naidoo, Christian viewers asserted their right to freedom of religion and to the pursuit of administrative justice by lodging almost one hundred separate complaints, the most ever received by the BCCSA for any broadcast. Here is a selection of the complaints:

It is completely unacceptable to me that an offensive series like *Lucifer* be televised. . . . I would suggest that DStv contribute to the cultivation of this country and community and not break it down and let it fall into sin—from pornography to Satan worship. It is unacceptable to say the least.

We find the new series *Lucifer* distasteful. It's being aired in a prime slot in the evening and we feel it promotes Satan as something intriguing which we find offensive. If it must be aired then it should be aired in a late off-peak slot or on the DStv Explora.

DStv is broadcasting this series on Wednesday evening, that actively portrays Satan/Lucifer as a hero to innocent people who might not know better. Has he succeeded in deceiving DStv and South African Christians, to believe that this is an innocent fable as well? In the

meantime I cannot support DStv while they are actively spreading Satan's word.

I find it most disturbing that this kind of series is aired during family time (19:00). It goes against any grain of Christianity to project Satan as a caring and helpful “person”. Children especially will be giving contradicting messages when allowed to watch this. I know one can block it or remove the channel but that is not the point, what has become of morality and values?

Shortly after the first episode, following the barrage of complaints from Christian viewers who threatened to cancel their subscriptions to the channel, a new headline emerged, “M-Net shifts Satan to TV hell after *Lucifer* complaints” (Ferreira 2016). Within a matter of days, *Lucifer* was moved from a primetime 7pm time slot with an age restriction of 13 years old, to 11pm on the least watched day and timeslot with an age restriction of 18, accompanied by no less than three pre-broadcasting warnings. These actions taken by the broadcaster implied, although did not admit, that the original scheduling was inappropriate.

In an opinion piece, a student journalist writing for an independent news website tried to make sense of viewers’ responses to *Lucifer*. Linking the response from Christians to what can be described as a historical pattern of moral panic regarding perceived occult and Satanist activity, Jordan Coetsee (2016) argued that the contemporary response can be attributed to the country’s particular Christian past: “South Africa is still slowly recovering from the conservative hangover induced by the Calvinistic

moral indoctrination of the apartheid era. And South Africans continue to be stuck in a loop of moral panic, fuelled by sensational media reporting.” Clearly, the controversy over *Lucifer* demonstrated the persistence of Christian normativities and the recycling of Christian panic about Satanism in South Africa (see Chidester 1991, 60-66; Comaroff and Comaroff 1999; Falkof 2010).

Although the full details of the BCCSA’s *Lucifer* hearing are not yet available, a number of inferences about the history, politics, and regulation of religion on television in South Africa can be made in response to the complaints, reviews, and replies from the broadcaster to the fallout from *Lucifer*. Firstly, considering the loss of revenue that would be experienced by moving the show to a less lucrative time-slot it could be argued that M-Net’s advertising revenue would have less of a fiscal impact than the potential loss of revenue from cancelled subscriptions from upset Christian viewers. This would not be the first time that a South African corporation has capitulated to the demands of Christian consumers. In 2010, under pressure from Christian groups, retailer Woolworths reversed a decision to remove Christian magazines from the shelf in a matter of days. Commercial power, therefore, is an important factor in religion and public broadcasting.

Secondly, evidenced in the complaints are insights into how South Africans consider the role of television at a national level as a place for the dissemination of values and morals, and not merely entertainment, echoing a demand for Reithian ideals even on subscription television. The opinions of the viewers draw attention to the perceived influence of the broadcast media in South Africa, as the complaints indicate not only outrage that the religiously offensive material was broadcast, but also concern about

the perceived purpose and the potential outcomes that screening *Lucifer* could have on the youth of the country. The complaints underline the willingness on the part of concerned Christians to engage media institutions in order to have their religious sensibilities protected and their religious interests advanced.

Thirdly, in determining the suitability of *Lucifer* for broadcast on South African television, the BCCSA emerges once again as the primary site for mediating the interests of the viewers, the broadcasters, and the state in relation to questions of religious offense and freedom of expression in a constitutional democracy. Whether or not the BCCSA eventually sanctions the broadcaster, religion is clearly entangled in its authority to regulate broadcasting.

The responses to *Lucifer* from viewers, reviewers, the broadcaster and the regulatory institution for broadcasting offer a neat cross-section of the issues that have surrounded religion and broadcasting in South Africa since 1936, the genesis of mass broadcasting. The Christian orientation of the apartheid government has had an enduring effect not only on South African society in general but also on the broadcasting landscape in particular. Throughout the history of broadcasting in South Africa, religion has been mobilized in strategies and resources for nation building. Within the South African narrative of religion and media, under apartheid we see religion regulating media and then in the democratic era we see the state using the broadcasting sector to regulate religion. Although we expect a radical disjuncture between apartheid and democracy, our review of the history of religion and public broadcasting shows a surprising continuity in the use of religion for a national project,

however different those projects might be, and the persistence of a Christian orientation.

This thesis has sought to provide the historical and critical foundation from which a study of the contemporary relationship between religion and public broadcast television in South Africa could be considered with the scrutiny necessary to advance the field of religion and media studies that is currently underdeveloped in South Africa. This thesis investigated the role of religion in the development of the South African mediascape and in doing so uncovered and analysed issues of religious legitimation, religious regulation, freedom of expression, and freedom of religion in relation to the multiple complementary, conflicting, and overlapping configurations of religion, media, and politics. The advent of democracy underpinned the guarantees of freedom of religion and freedom of expression with the principle of equality. Through this study of religion and media in South Africa, it was shown that together with the deeply rooted Christian National heritage of broadcasting and the Western Christian orientation of the constitutional democracy, the pervasiveness of Christian normative sensibilities within the institutional structures that govern the political economy of religion and public broadcasting are sustained through regulatory policies and practices.

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