

**PERSUASION AND THE “MEDIATISATION” OF CULTURE:
A RHETORICAL CRITICISM OF SOUTH AFRICAN
TELEVISION NEWS REPORTS ON CRIME AND THE
CRIMINAL JUSTICE SYSTEM**

By

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Declaration

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Abstract

This study undertakes a rhetorical analysis of South African television news reports on the criminal justice system. The aim is to build on the existing rhetoric culture theory by considering the persuasive communicative work performed through the mediatisation of a cultural system. The overarching issues that the study sets out to explore are the persuasive communicative work being performed by South African television news reports on crime and justice and how these reports frame or re-present crime, justice, and the criminal justice system in this persuasive communication work. It also analyses the rhetorical strategies and devices employed in these reports.

This qualitative study was undertaken using elements of grounded theory methodology and elements of the case study method. The analysis was undertaken on 90 days of prime time news bulletins from SABC and eTV, aired in 2019 and 2020. The Burkean notion of language as symbolic action is the framework that informs this study. The study also draws on Metz's notions on film semiotics and Walton's concept of persuasive argumentation scheme.

In critiquing how South African television news reports re-present crime, justice, and the criminal justice system in doing persuasive communicative work and the rhetorical strategies and devices they employ, the study discusses contextual framing as the key strategy employed, and amplification as the most notable rhetorical device. It also highlights that the criminal justice system is virtually ignored in these reports. Instead, the focus is on elements of the system, such as the people, the procedures, and the places. In considering these elements, what emerges is a system whose focus changes from year to year depending on what is topical; a system where women are the primary and secondary victims of crime, and men are active agents both in terms of how they are depicted as criminals and how they are featured as the ones with the solutions to the crime problem; a system that operates in urban areas; and a system whose most important player is the police minister.

The study finds that South African television news reports' mediatisation of the criminal justice system employs framing to ensure that the viewer is inclined to interpret the developments being reported on from the journalist's perspective. It also relies on amplification as a rhetorical device that makes salient those aspects that the reporter deems significant to make them stand out to the audience. In the present age where most people's exposure to the justice system is through the mediated experience of watching something about, through the analysis undertaken, the study has theorised that to understand a televised cultural system, we must consider how television frames that system and the aspects of the system that it amplifies as a medium.

Keywords: rhetorical criticism, language as symbolic action, South Africa, television news reports

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Dedication

I dedicate this thesis to my late father and mother, Fumanekile and Nobuntu Mcimeli, who left an incredible legacy of faith, hard work, courage and the drive to explore uncharted territory. Ndi nje nje nje, nguNomtata noNommama.

Acronyms

| Acronym | Full name |
|----------------|--|
| ANC | African National Congress |
| BBC | British Broadcasting Corporation |
| EFF | Economic Freedom Fighters |
| NP | National Party |
| SABC | South African Broadcasting Corporation |
| TV | Television |

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CHAPTER 1: Introduction

1.1 Introduction

Mass media technologies have proven to be among the most significant developments of the past century. In introducing the study, this chapter expounds on why these platforms are so persuasive when shaping our perspective of the world and why it is crucial to understand the persuasive appeal they wield by employing the systematic and rigorous research approaches of rhetorical analysis. Next, the chapter discusses the aims and objectives of the study. It outlines the contribution this research endeavours to make in the body of knowledge on the persuasive aspects of popular culture as depicted in television news reports. Finally, it concludes by providing an overview of how this dissertation is structured.

1.2 Context

The advent of mass media has been one of the most significant developments in shaping the world as we know it today.¹ Some, such as Timothy Borchers, argue that these communication technologies have altered our “human consciousness, culture, and epistemology”.² Hannon Hardt describes mass media as the “defining channels of the cultural, political, and economic discourse of society”.³ This is because the discursive and non-discursive utterances thereof are central in giving meaning to all other present-day social institutions. McQuail labels mass media as “an instrument of social power” because of the extent of its influence over individuals and institutions.⁴ These platforms have been instrumental in moulding the norms, values, and traditions that characterise popular culture, mainly because the messages they carry engage ordinary people, a trait that attests to their mass appeal.⁵ Further, mass media has made it possible for a relatively small number of corporations to produce and transmit

¹ McLuhan, M. (2012). The medium is the message. In M. G. Durham, & D. M. Kellner, *Media and Cultural Studies: Keywords* (2nd ed., pp. 100-106). Chichester: Wiley & Sons; Iyengar, S. (1992). "How television news affects voters: From setting agendas to defining standards. *Notre Dame JL Ethics & Pub. Pol'y*, 6, 33-48. Retrieved June 10, 2020, from <https://heinonline.org/HOL/P?h=hein.journals/ndlep6&i=39>

² Borchers, T. (2012). *Persuasion in the media age* (3rd ed.). Long Grove: Waveland Press. p. xx

³ Hardt, H. (2004). *Myths for the masses: An essay on mass communication*. Victoria: Blackwell Publishing. p. 1

⁴ McQuail, D. (1977). The influence and effects of mass media. In J. Curran, M. Gurevitch, & J. Woolacott, *Mass communication and society* (p. 7-23). London: Arnold. p. 21

⁵ Williams, R. (2005). 'Culture' and 'Masses'. In R. Guins, & O. Z. Cruz, *Popular culture: A reader* (pp. 25-32). Thousand Oaks: Sage.

messages to a vast amount of people, giving these organisations the power to influence societies at an unprecedented rate and scale.⁶ The extensive research on mass media considered how these texts shape public deliberations over various issues, including politics, morality, and culture.

Peter Simonson, whose work focuses on the history of mass media research, defines mass media as “communication emanating from a more or less centralised source, reaching vast and geographically scattered audiences” and ties into what Lois Wirth in 1948 referred to as “giant enterprises, dependent upon and designed to reach a mass audience”.⁷ Simonson notes that this term was coined in the 1920s to justify commercial broadcasting when the industry in America was facing a credibility crisis due to negative perceptions of its place in American society. While the term was most likely used before the 1920s, he argues that it first appeared in print in a 1927 newspaper article. Hannon Hardt’s version of these developments is that “[t]he history of mass communication (and its definition) materialised over several centuries from a chronicle of shifting power, when preoccupations with control over nature are accompanied, if not replaced, by desires to dominate individuals (or societies) through persuasion and manipulation.”⁸ Irrespective of the exact details on how mass media developed, what is evident is that since its advent, it has changed the way people communicate and has proven to be among the most influential developments to date.

Mass media wields influence as channels that transmit information from a small group of creators to the public as a mass audience. As Borchers notes, “media sources, channels, and content persuade us by creating knowledge about products and people and their place in our culture.”⁹ Beyond this, scholars argue that mass media’s more significant role is to construct reality and ideology in popular culture. From McLuhan’s essays describing the fact that when it comes to mass media platforms, “the medium is the message”,¹⁰ to Carey’s theory of communication as culture, that advances a view of media texts as sites where “reality is produced,

⁶ White, P. R. (1998). Telling media tales: The news story as rhetoric. Telling media tales: The news story as rhetoric. Sydney: Department of Linguistics, Faculty of Arts, University of Sydney. Retrieved June 1, 2020, from [http://www.prrwhite.info/prwhite.%201998.%20Telling%20Media%20Tales%20\(unpublished%20PhD\).pdf](http://www.prrwhite.info/prwhite.%201998.%20Telling%20Media%20Tales%20(unpublished%20PhD).pdf); McQuail, D. (2013). Journalism and society. Newbury Park: Sage.; (McLuhan M. , 2012)

⁷ Simonson, P. (2010). Refiguring mass communication: A history. Chicago: University of Illinois Press. p. 1

⁸ Hardt, 2004, p. 7

⁹ Borchers, 2012, p. 103

¹⁰ McLuhan M. , 2012

maintained, repaired and transformed”,¹¹ the view here is that our perspectives on many aspects of life are media-generated.¹² Hardt explains this by arguing that:

[d]eeply embedded in the cultural fabric of contemporary society, mass communication defines reality and marks the boundaries of social knowledge, authenticating its representations of the world through public compliance and consent, if not sheer popularity.¹³

He critiques the role of mass communication in society by stating that:

[w]hile mass communication may originally have been conceived by society as a way of gathering, producing, and disseminating information (or sharing entertainment) – and in this sense as a communal activity – it has subsequently been appropriated for private profit or political control, suggesting a significant change in the nature of earlier understandings of mass communication. In either case, mass communication appears as a force for integration, positively through assimilation into a common culture and negatively through hegemonic practices of incorporation.¹⁴

This phenomenon is captured in a concept called mediatisation which “places the media at the centre of all kinds of important cultural, political and social developments”.¹⁵ Couldry and Hepp define mediatisation as “the broad consequences for everyday life and practical organisation (social, political, cultural, economic) of media, and more particularly of the pervasive spread of media contents and platforms through all types of context and practice.”¹⁶ An institutional perspective views mediatisation as the process of change that other spheres undergo in response to mass media technologies.¹⁷ A social constructivist perspective on mediatisation

¹¹ Carey, J. W. (2008). *Communication as culture*, revised edition: Essays on media and society. Philadelphia: Routledge.

¹² Gamson, W. A., Croteau, D., Hoynes, W. H., & Sasson, T. (1992). Media images and the social construction of reality. *Annual review of sociology*, 18(1), 373-393. doi:10.1146/annurev.so.18.080192.002105

¹³ Hardt, 2004, pp. 6-7

¹⁴ Ibid. p. 14)

¹⁵ Deacon, D., & Staneyer, J. (2014). Mediatisation: Key concept or conceptual bandwagon? *Media, culture & society*, 36(7), 1032-1044. doi:10.1177/0163443714542218. p. 1032

¹⁶ Couldry, N., & Hepp, A. (2013). Conceptualizing mediatisation: Contexts, traditions, arguments. *Communication Theory*, 23, 191-202. doi:10.1111/comt.12019. p. 191

¹⁷ Mazzoleni, G., & Schulz, W. (1999). Mediatisation" of politics: A challenge for democracy? *Political communication*, 16(3), 247-261. doi:10.1080/105846099198613; Hjarvard, S. (2008). The mediatisation of society: a theory of the media as agents of social and cultural change. *Nordic Review*, 29(2), 105–134. doi:10.1515/nor-2017-0181

“focuses on the changing communicative construction of culture and society,”¹⁸ Through this concept, one can analyse the relationship between media and communication on the one hand, and society and popular culture on the other.¹⁹

Because they are so pervasive and persuasive in shaping attitudes and behaviour, it is vital that society rigorously evaluates the rhetorical aspects of mass media and considers what these platforms’ messages persuade audiences of. This is because of the pivotal role they ultimately play in shaping perspectives in popular culture. Borchers labels this the media’s role in presenting us with “mediated realities”, arguing that “[t]he pictures we have in our heads of the world, of people, and of corporations are not usually based on our real experiences with them. Instead, these pictures are formed through our interactions with media images”.²⁰ Furthermore, their role as an assurance of the idea of free speech in Western societies means that consideration needs to be given to how they contribute to the rhetoric of democracy in these contexts. This is because the idea of “unfettered communication [that they represent has become] the operating condition for a democratic system of government”.²¹

Indeed, the general approach in research that has considered mass news media as one of the most important textual systems in the present age has been from the perspective of considering its role in constructing reality ²². Scannel terms this approach of researching language use in news media as the hermeneutics of suspicion because it assumes that “the media and language are both systems of representation that, in ordinary practice and use, misrepresent the reality which they re-present”.²³ This kind of research considers issues such as bias and ideology in the news, as it focuses on how news media re-presents developments. Scannel contrasts this with another approach he calls hermeneutics of trust that views language and

¹⁸ Hepp, A. (2013). The communicative figurations of mediatized worlds: Mediatization research in times of the ‘mediation of everything’. *European Journal of Communication*, 28(6), 615-629. doi:10.1177/0267323113501148

¹⁹ Ibid.

²⁰ Borchers, 2012, p. 103

²¹ Hardt, 2004, p. 4

²² Lanjouw, J., & Burger, P. (2013). Criminals as heroes. News media rhetoric in the Heineken kidnap case. In H. van Belle, P. Gillaerts, B. van Gorp, D. van de Mierop, & K. Rutten, *Verbal and visual rhetoric in a media world* (pp. 289-307). Amsterdam: Leiden University Press.; Berg, D. M. (1972). Rhetoric, reality, and mass media. *Quarterly Journal of Speech*, 58(3), 255-263. doi:10.1080/00335637209383122; White, 1998

²³ Scannel, P. (1998). *Media-Language-World*. In A. Bell, & P. D. Garrett, *Approaches to media discourse* (pp. 251-267). Malden: Wiley-Blackwell. p. 256

media as “things that simply, routinely and ordinarily work (whether for or against human interests is not, in the first instance, at issue)”.²⁴ Here the focus is on examining the work being done through the way language and media are used. Montgomery describes the task of research engaged in this approach as being to consider “the kind of work being done and show how it is done.”

1.3 Focus and scope

This study undertakes a rhetorical analysis of South African television news reports on the criminal justice system. The aim is to build on the existing theory of rhetoric culture by considering the persuasive communicative work performed through the mediatisation of a cultural system. By considering South African news reports on issues of crime and justice, the study aims to theorise on how the mass news media’s re-presentation, or framing, shapes the persuasive performance of the components that make up the criminal justice system, and the communicative devices and approaches that are used to do enact this work of ‘re-presentation. The notion of ‘re-present as opposed to ‘represent’ refers to television news’ inclination to present something in altered form instead of merely standing in for something.

The view taken in this thesis is that television news broadcasts on the criminal justice system in South Africa persuade viewers of this system’s nature. The character of this persuasion, namely *what* they are persuading of, and the process of this act of persuasion, namely *how* they persuade, are critical to understand because a considerable number of South Africans know about the criminal justice system based on what they see depicted in media, not necessarily from having had first-hand exposure to it. Therefore, in considering these news reports, the study will not concern itself with establishing the authors’ intentions but will instead consider these video reports as texts in their own right.

The study limited itself in several respects to engage in the kind of in-depth analysis that typically characterises a rhetorical analysis. These limitations are dealt with in greater detail in the methodology section, but a brief outline is needed to provide a clear study scope. First, the study will only consider those news reports that deal with the criminal justice system. Second, while the notion of popular culture is used, it is used only as far as it relates to mass media. The definition of popular culture used

²⁴ Ibid. p. 257

in this study is the one posited by Raymond Williams that views popular culture as “culture actually made by the people for themselves”,²⁵ where culture refers to “a particular way of life, whether of a people, a period or a group”.²⁶

Timothy Borchers argues that persuasion and popular culture can be linked in at least three respects. First, because of how popular culture shapes the use of language and images in contexts, it permeates all communication. As such, “persuaders cannot help but involve and shape culture when they communicate to audiences”²⁷ Second, in seeking to position themselves as relevant, persuaders must constantly seek to understand and predict cultural trends so that they can identify with their audience. Finally, he posits that “management of [popular] culture is a persuasion strategy because it allows persuaders to create value for their products, services, and ideas”.²⁸

The study does not engage in the debates around what popular culture is or is not; instead, it takes the phenomenon as a given and looks at the place of mass news media in this respect. This exclusion is important to keep the study from being derailed from one that focuses on rhetoric. Third, the study only considers South African news broadcasters and their coverage based on their role in popular culture in this context.

A further point worth clarifying relates to terms that are sometimes used interchangeably in the literature but have a specific meaning and are relevant in this study. The first relates to the notions of mass communication and mass media. Mass communication is used in this study to refer to “technologically and institutionally based mass production and distribution of symbols, images and messages to a heterogeneous and (largely) non-interactive audience”.²⁹ Mass media refers to the platforms through which mass communication occurs. They are “impersonal – in other words institutionalised – means of mass communication through which messages are transmitted to an audience”³⁰. They are characterised by “a mechanism of impersonal reproduction” which acts as a go-between, connecting a speaker and relatively large, heterogeneous and non-present audience.”³¹

²⁵ Williams, R. (1983). *Keywords* revised edition. London: Fontana. p. 237

²⁶ *Ibid.* p. 90

²⁷ Borchers, 2012, p. 210

²⁸ *Ibid*

²⁹ Franklin, B., Hamer, M., Hanna, M., Kinsey, M., & Richardson, J. (2005). *Key concepts in journalism studies*. London: Sage. p. 140

³⁰ *Ibid.* 143

³¹ *Ibid*

The second relates to the notions of audiences, viewers, and the public. The notion of audience used in this study is “as a large collection of people scattered across time and space who act autonomously and have little or no immediate knowledge of one another”.³² This idea of an audience is generally passive. It assumes that the people who are part of the audience engage with the material in the way that the producers of the mass media content would like. Stuart Hall’s reception theory rebuffs this view of audiences. It rightly points out that audiences can choose to reject outright the preferred reading that the producers of a media text try to advance, or they may negotiate and take some aspects of the text on-board while rejecting others.³³ However, because this dissertation aims to analyse the rhetorical potential of what is happening in the text, it must be assumed that the audience will engage with it based on the preferred reading for a more confined discussion. This idea of “audience” differs from the concept of “the public”, which is sometimes referred to in this study. Here, the public is used synonymously with citizens, and it refers to people that live in a context and are affected by developments in that context. The audience is always part of the public, but the public need not be part of the audience. Thus, when referring specifically to an audience, the study means those watching the television news bulletins discussed. When referring to the public or citizens, the study means South Africans in general. Further to that, the notion of audience is taken as being synonymous with viewers in this study.

Finally, the notion of a “mass” needs to be fleshed out to highlight the assumptions behind references to “mass” communication, “mass” media and “the audience” often implied in this reference to a mass. Hardt notes that articulation of mass media institutions “shape the image of other social institutions and give them meaning; they also help construct ways of seeing individuals as masses.”³⁴ For Hardt, this idea of mass communication is the antithesis of individual participation, and he argues that “mass communication and the notion of the masses are interdependent ways of denying individual autonomy through strategies of separating people from themselves.”³⁵ Further, he notes that contrary to a view that these platforms promote

³² Webster, J. G. (1998). The audience. *Journal of Broadcasting & Electronic Media*, 42(2), 190-207. doi:10.1080/08838159809364443 p. 192

³³ Hall, S. (1991). Encoding/Decoding. In S. During, *The Cultural Studies Reader* (pp. 90–103.). London: Routledge.

³⁴ Hardt, 2004, p. 1

³⁵ *Ibid.* p. 13

the democratic ideal of active involvement by citizens, mass media restrict authentic democratic participation because the masses do not speak but are instead spoken to due to the one-way traffic character of mass communication technologies.³⁶ Other scholars such as Kurt Lang and Gladys Lang have a more tempered idea of the “mass” in mass communication and mass media, defining it as “expanding the range of common experience and making people more responsive to distant events”,³⁷ focusing more on the properties than the influence. In this study, the idea of the mass is comparable to the idea of the audience explained earlier, namely “as a large collection of people scattered across time and space who act autonomously and have little or no immediate knowledge of one another.”³⁸ Further, for reasons previously mentioned, the ‘mass’ is viewed as passive, and they are deemed as engaging with the text based on the author’s preferred reading.

These assumptions have been made to focus the study so that the reader does not get distracted wondering if the study considered that people might not read the texts as envisaged by the journalists. The limitations are subject to critique. Indeed, Hardt criticises an idea of mass communication that does not engage with how this type of communication limits democratic participation, contrary to its claim of facilitating democratic engagement through the idea of a public sphere.³⁹

Now that the limits have been discussed, the following section will outline the significance of the study.

1.4 Significance and relevance of the study

1.4.1 *Significance and relevance of considering the criminal justice system*

Issues of crime and justice are among the most important facing societies. From a micro-level, where individuals put measures in place to ensure their safety, to the macro level, where safety and security issues direct public policy and government spending, crime touches all of us and drives how we behave. In a context like South Africa, where crime levels, particularly those of violent contact crimes such as murder

³⁶ Hardt, 2004; Franklin, Hamer, Hanna, Kinsey, & Richardson, 2005

³⁷ Lang, K., & Lang, G. E. (2009). Mass Society, Mass Culture, and Mass Communication: The meaning of Mass. *International Journal of Communication*, 3, 998-1024. Retrieved February 23, 2021, from <https://ijoc.org/index.php/ijoc/article/download/597/407>

³⁸ Webster, 1998, p. 192

³⁹ Habermas, J. (2006). The Public Sphere: An Encyclopaedia Article. In M. G. Durham, & D. M. Kellner, *Media and cultural studies: Keywords* (pp. 73-78). Malden: Blackwell Publishing Ltd.

and rape, are markedly higher than many other countries worldwide,⁴⁰ it is an issue that is uppermost in people's minds. Further, in this context, there appears to be dissonance between laws on paper that are supposed to mitigate the crime problem and laws in practice that have not reduced crime levels. This has implications for how crime and justice, as notions, are understood.⁴¹

Scholars who have looked at the factors that shape opinions on the criminal justice system argue that most people's views are not based on having had a personal encounter with the system. Instead, the perspectives are informed primarily by what they have seen, read and heard in secondary sources, such as the mass news media.⁴² Legal scholar and former judge Antoine Garapon asserts that "for millions of people, the television has become ... the main, not to say the sole, source of information, culture and entertainment ... and therefore, for many, the only contact they have with the law".⁴³ Further, an empirical study by Lori Dorfman and Vincent Schiraldi confirms this and finds that three out of every four people in America have formed their opinions on the criminal justice system based on media sources.⁴⁴ However, some scholars believe that the media's influence on opinions around crime and the criminal justice system tends to be overstated.⁴⁵ Those who hold this view, like Vincent Sacco⁴⁶ and Ray Surette⁴⁷, argue that people's positions around crime and the criminal justice system stem from "generalised anxieties concerning the social

⁴⁰ United Nations Office of Drugs and Crime. (2018). DATAUNODC. Retrieved June 2, 2020, from <https://dataunodc.un.org/>

⁴¹ Pelser, E., & Rauch, J. (2001). South Africa's criminal justice system: policy and priorities. South African Sociological Association (SASA) Annual Congress on Globalisation, Inequality and Identity (pp. 1-4). Pretoria: University of South Africa. Retrieved June 2020, 2, from <http://www.csvr.org.za/docs/policing/southafricacriminal.pdf>

⁴² Gies, L. (2007). *Law and the media: The future of an uneasy relationship*. London: Routledge. Retrieved June 3, 2020, from https://is.muni.cz/el/law/jaro2011/MVV012468K/um/11726413/13041456/Law_and_the_media.pdf; Riccio, V. (2007). Media, Images of Justice, and Brazilian Reality Television. *Observatorio (OBS*)*, 1(2), 147-166. doi:10.15847/obsOBS12200784

⁴³ Garapon, A. (1996). *Justice out of court: The dangers of trial by media*. In D. Nelken, *Law as Communication* (pp. 231-245). Dartmouth: Aldershot. p. 231

⁴⁴ Dorfman, L., & Schiraldi, V. (2001). *Off balance: Youth, race & crime in the news*. Washington: Building Blocks for Youth. Retrieved June 3, 2020, from https://www.bmsg.org/wp-content/uploads/2001/04/bmsg_other_publication_off_balance.pdf

⁴⁵ Sacco, V. F. (1982). The Effects of Mass Media on Perceptions of Crime: A Reanalysis of the Issues. *The Pacific Sociological Review*, 25(4), 475-493. Retrieved June 3, 2020, from <https://www.jstor.org/stable/1388925>

⁴⁶ *Ibid.*

⁴⁷ Surette, R. (1992). *Media, crime, and criminal justice: Images and realities*. Pacific Grove: Brooks/Cole Publishing Company.

and political environments,” as opposed to being primarily based on what is depicted in the media.

Nevertheless, even those who hold a differing view do not downplay media's vital role in the contemporary era.⁴⁸ For example, Peter Robson and Jennifer Schulz note that it was a recognition of just how media-saturated the world has become that gave rise to research into a notion called popular legal culture,⁴⁹ which is based on the hypothesis that because “the extent of programming and coverage [by the media is] so vast ... it must have an influence on how people view and understand the law.”⁵⁰ The following section discusses the concept of popular legal culture to provide context on how media coverage of the criminal justice system has been theorised in the literature.

Popular legal culture is premised on the fact that media are an important platform for depicting and enacting a society's criminal justice system. These depictions and enactments provide a perspective on how this system works and why it works in the way it does.⁵¹ Thus, popular legal culture is different from traditional legal culture based on individuals and institutions' actual performance in the criminal justice system. Studies in popular legal culture shift the focus from the letter of the law, which can seem cold and disconnected from other aspects of society, to focus on the context in which the law is lived out, namely in everyday life. Patricia Ewick and Susan Silbey explain it by noting that legality “is not solely sustained by the formal law of the Constitution, legislative statutes, court decisions, or explicit demonstrations of state power, such as executions. Rather, legality is enduring, because it relies on and invokes commonplace schemas of everyday life”.⁵² Lieve Gies terms this “paradox of distance and familiarity”⁵³ and builds on Ewick and Silbey's view that “the law is experienced as both strange and familiar; an episodic event and a constant feature of

⁴⁸ Slotnick, E. E., & Segal, J. A. (1998). *Television news and the Supreme Court: All the news that's fit to air?* Cambridge: Cambridge University Press; Iedema, R. (2001). *Analysing film and television: A social semiotic account of hospital: An unhealthy business*. *Handbook of visual analysis*, 183-204. doi:10.4135/9780857020062.n9; White, 1998

⁴⁹ Robson, P., & Schulz, J. L. (2016). *A Transnational Study of Law and Justice on TV: Introduction*. In P. Robson, & J. L. Schulz, *A transnational study of law and justice on TV* (pp. 1-6). London: Bloomsbury Publishing. p. 2

⁵⁰ *Ibid.*

⁵¹ Riccio, 2007

⁵² Ewick, P., & Silbey, S. (1998). *The Common Place of Law: Stories from Everyday life*. Chicago: The University of Chicago Press. p. 17

⁵³ Gies, L. (2003). *Explaining the absence of the media in stories of law and legal consciousness*. *Entertainment Law*, 2(1), 19–54. p. 19

our lives; deadly serious and a source of humor and entertainment; irrelevant to our daily lives and centrally implicated in the way those lives are organised and lived.”⁵⁴ Given the mass reach and appeal of media and its role in popular culture, these platforms are essential channels for shaping public perspectives and providing a window through which we observe the criminal justice system in everyday life. Through the daily news reports on court and crime matters, as well as the plethora of legal dramas and films, audiences are exposed to matters of law, giving them a sense of familiarity with procedures they otherwise might not know of, making media coverage an essential aspect of how people make meaning of legal matters.⁵⁵

Another important perspective in how the media coverage of crime and the criminal justice system has been theorised is the distinction between law-in-media and media-in-law. In their discussion, Robson and Schulz distinguish between law-in-media and media-in-law regarding theoretical approaches to popular legal culture. The first approach considers media platforms “as a jurisprudential text[s] by asking how law should or should not regulate and order our worlds by critiquing the way it does so”⁵⁶ in the depictions in popular culture texts such as media. Of interest here is whether the aspects and enactments of the criminal justice system depicted in media reflect the actual system in real life. The genre most suitable for this type of analysis uses fiction, such as television dramas or films. Consideration is given to whether the depiction of court cases portrays them as being quickly resolved and where justice always prevails, or if they are depicted accurately as laborious and bureaucratic processes that do not always culminate in a just manner.

Scholars who research the media’s coverage of the criminal justice system from a law-in-media perspective, like David Papke, note that “[v]arious lawyers and legal commentators have written on the ‘inaccuracy’ of courtroom trials in American fiction,

⁵⁴ Ewick & Silbey, 1998, p. 16

⁵⁵ Robson, P. (2007). Lawyers and the legal system on TV: the British experience. *International Journal of Law in Context*, 2(4), 333-362. Retrieved October 21, 2020, from <https://heinonline.org/HOL/LandingPage?handle=hein.journals/injwtext2&div=27&id=&page=>; Gies, L. (2005). Law as Popular Culture: Cross-Disciplinary Encounters. *Continuum: Journal of Media & Cultural Studies*, 19(2), 165–180. doi:10.1080/10304310500084376; Friedman, L. M. (1989). Law, lawyers, and popular culture. *The Yale Law Journal*, 98(8), 1579-1606. Retrieved October 21, 2020, from <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=7225&context=yli>;

⁵⁶ Robson & Schulz, 2016, p. 4

film, and television, and their writings often border on indictments”⁵⁷. This is because, unlike what happens in media depictions of court cases, “[m]ost criminal charges, after all, are dropped or plea-bargained, and less than ten percent lead to a trial. Furthermore, in that minority of cases that do get to trial, the judge controls the lawyers, and the lawyers control the laymen much more than one would ever anticipate from reading and watching the cultural convention.”⁵⁸ A law-in-media framework analyses the discrepancies in these popular culture texts. Thus, the concern of this orientation is the accuracy of media texts on matters of law

The other approach, namely media-in-law, considers how media texts about the criminal justice system influence the general public understanding of what this system looks like and how it functions, and in so doing, it shapes a popular view of legal culture. This view does not engage on whether the media's depictions of the criminal justice system are accurate depictions of reality. Instead, it assumes that many people view these texts as reflective of the system due to their prevalence, and as such, they play a role in shaping opinions of the criminal justice system in real life. Robson and Schulz say this approach pays attention to a media text's “unique qualities as a medium and asks how its peculiar ways of world-making shape our expectations of law and justice in our world at large”.⁵⁹ It considers the criminal justice system from the perspective of people whose exposure to it is primarily through texts in popular culture. In-depth knowledge of the criminal justice system does not usually inform these perspectives on legal culture.

This is the perspective used in this study. The assumption aligns with some of the studies highlighted above, namely that the news media wields incredible influence on prevailing beliefs and views about crime and the criminal justice system's effectiveness to deal with the problem of crime. Gies goes as far as to term this influence “the mass media's iron grip on the popular legal imagination”.⁶⁰ This, in turn, influences people's perceptions of the criminal justice system, as Carol Thompsom, Robert Young and Ronald Burns argue:

⁵⁷ Papke, D. R. (1999). Conventional wisdom: The courtroom trial in American popular culture. *Marq. L. Rev.*, 82(3), 471-489. Retrieved October 21, 2020, from <https://scholarship.law.marquette.edu/cgi/viewcontent.cgi?referer=https://scholar.google.com/&httpsredir=1&article=1060&context=facpub>. p. 487

⁵⁸ *Ibid*

⁵⁹ Robson & Schulz, 2016, p. 4

⁶⁰ (Gies, *Law and the media: The future of an uneasy relationship*, 2007, p. 1)

“What people believe about crime and criminals influences ...[c]ourt decisions, criminal justice policies, the election of public leaders, and the routine activities of the public”. Many attitudes and beliefs about crime and criminals are shaped and influenced by media representations of crime⁶¹

Consequently, while the study’s analysis is at the level of the text only, this is done with the view that in understanding how the text is constructed to influence, we can then understand how society is being influenced and ultimately postulate on the consequences of this influence. In the next section, consideration is given to the significance behind the specific genre of media text that this study focuses on, namely televised news reports.

1.4.2 *Significance and relevance of considering television news reports*

Television has been chosen as the medium for consideration primarily because of its place in popular culture. John Hartley explains it as follows:

“Just as the popular press of the nineteenth century was responsible for the creation of the mass reading public and thence the political public, so TV has become the place where and the means by which, a century later, most people have got to know about most other people, and about publicly important events or issues.”⁶²

Timothy Borchers, meanwhile, argues, “[c]ulture is, at least in part, dependent on the medium of communication that its members use. Because it is so widespread, electronically mediated communication provides members of our culture with a common set of values and beliefs that is transmitted via that media”.⁶³ Thus, as individuals turn to television to learn about developments in the world and how to make

⁶¹Thompson, C. Y., Young, R. L., & Burns, R. (2000). Representing gangs in the news: Media constructions of criminal gangs. *Sociological Spectrum*, 20(4), 409-432. Retrieved June 3, 2020, from https://www.tandfonline.com/doi/pdf/10.1080/02732170050122620?casa_token=YwOM0EyWiDwAAA:AA:ma7a1CTB8psudfbgHQkgBk72OHfFIQ4iXLKkxxTgnpnMo_yD8KsDR4CIXRWGUYiCXHPlaOxhfdyw. p. 409 - 410

⁶² Hartley, J. (2003). Reading Television After 25 Years: A New Forward by John Hartley. In J. Fiske, & H. John, *Reading television* (2nd ed., pp. ix-xxii). London: Routledge. Retrieved November 13, 2020, from https://d1wqtxts1xzle7.cloudfront.net/41860781/John_Fiske_Reading_Television.pdf?1454349074=&response-content-disposition=inline%3B+filename%3DReading_Television.pdf&Expires=1605242356&Signature=Wlrric3NPsatMCOx-G8FeluaQoaNAcvDKcVk5O3ihvPxbcpCNTW2S8V6He. p. xv

⁶³ Borchers, 2012, p. 12

sense of them, the attitudes, beliefs and behaviours of communities are shaped, and so is their culture.

Further, of the primary forms of traditional news media, namely print, radio and television, television is the one medium with features that combine moving visuals, audio and text in its re-presentations of reality. The re-presentivity trait of these reports is best described using the Greek notion of mimesis. Mimesis is used to consider the relationship between various forms of re-presentation, such as art and media, and reality. Both Plato and Aristotle used the idea to discuss how poetry re-presents nature specifically. In Book III of the Republic, Plato defines mimesis as to liken oneself to another either in voice or in appearance⁶⁴. For Plato, the aim of mimesis concerns deception around who the speaker is. An Aristotelian conceptualisation of mimesis is a little harder to define concisely since, in Poetics, he considers the notion under three headings: media, objects and modes where media refers to re-presentations through various mediums such as music, dance and visual art; mode refers to the re-presentation in narrative or dramatic form; and object refers to as re-presentations of things as they are, ought to be or ought not to be.

In the context of this study, the notion of mimesis allows us to think of television news reports as texts that aim to imitate, re-present, and frame the reality on which these events are based. The medium's ability to re-present reality is by far the most realistic for audiences since it relies on visuals to show them what transpired during a particular incident and audio to ensure that those involved in an incident are allowed to speak for themselves. Because of these features, television is afforded special status compared to other media forms due to how it constructs reality.⁶⁵

Despite the proliferation of other media forms such as digital media, this medium remains among the most widely consumed in the South African context. A 2019 survey conducted by the Broadcast Council of South Africa found that not only does television reach more South Africans than the internet, 96% of the population compared to 61% respectively, but television also has double the viewing time that mobile devices

⁶⁴ Plato. (1974). *The Republic*. (H. D. Lee, Trans.) Harmondsworth: Penguin.

⁶⁵ Pogorzelski, W. a. (2007). How Television News Media Use Courtroom Footage. *Judicature*, 124-134. Retrieved June 10, 2020, from https://heinonline.org/HOL/Page?handle=hein.journals/judica91&div=31&q_sent=1&casa_token=nRRSi-CFMiYAAAAA:INCQ3IYbx_K4Oog34psXbmhkh7_3l6iyK0w_YhbGdzIp10uczsjTBRO8SdjA2J0W5ICwoWvfrb4&collection=journals; Gamson, Croteau, William, & Sasson, 1992; Iyengar, 1992

connected to the internet have.⁶⁶ Thus, when endeavouring to analyse how audio-visual news media constructs reality on any given issue, televised news reports still carry considerably more clout in this context because it reaches more people than its digitised counterparts.

With specific reference to persuasion, the view in this study aligns to that of Hanna Adoni, Akiba Cohen and Sherrill Mane's, namely that for television, the "symbolic representation of reality is based on selection and editing of material derived from reality, and thus depicts only a certain part of reality and portrays it from a specific point of view".⁶⁷ This "certain part of reality" and the "specific point of view" articulated by the reports are what the analysis in my study is most interested in since it may point to the perspectives advanced by the coverage. Moreover, the study is interested in how news reports on this particular medium are crafted as visually and textually compelling stories because of television's audio-visual character. These features make it a unique platform for socialisation.⁶⁸ Now let us consider the specific genre of television programming of interest, namely television news reports.

Many scholars deem news reports among the most influential texts of the contemporary era due to how they shape public debate and perspectives.⁶⁹ While we know what a news report is when we see or hear it, defining it is less straightforward. Some scholars define news based on the people who produce it rather than on the content. For example, Jackie Harrison posits that news reports are reports of events that are "judged to be newsworthy by journalists, who exercise their news sense within the constraints of the news organisations within which they operate."⁷⁰ This view places the onus on those tasked with producing news to define news, implying that even if an event might not be deemed news by the broader public because journalists report it, that event becomes news. This is important for matters related to the criminal

⁶⁶ Broadcast Research Council of South Africa. (2019). The establishment survey: March 2019. Johannesburg: Broadcast Research Council of South Africa. Retrieved May 13, 2020, from <https://brcsa.org.za/establishment-survey-march-2019-release/>

⁶⁷ Adoni, H., Cohen, A. A., & Mane, S. (1984). Social reality and television news: Perceptual dimensions of social conflicts in selected life areas. *Journal of Broadcasting & Electronic Media*, 28(1), 33-49. Retrieved June 10, 2020, from <https://heinonline.org/HOL/P?h=hein.journals/jbem28&i=43>. p. 34

⁶⁸ O'Guinn, T. C., & Shrum, L. J. (1997). The role of television in the construction of consumer reality. *Journal of consumer research*, 23(4), 278-294. doi:10.1086/209483

⁶⁹ White, 1998; Iedema, 2001; van Dijk, T. A. (1988). *News analysis*. New Jersey: Lawrence. Retrieved June 5, 2020, from <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.470.4348&rep=rep1&type=pdf>

⁷⁰ Harrison, J. (2006). *News*. London: Routledge. p. 13

justice system. It implies that journalists wield much clout in influencing which cases receive priority and which ones are not deemed high profile enough.

Another view of news reports emphasises the content of the reports rather than who authors them. In this respect, the definition given by Denis McQuail, namely that news reports are “accounts of contemporary events, persons or circumstances of public significance or interest, based on information acquired from reliable sources”,⁷¹ provides an example of such a view. This perspective on the news implies that it is deemed to be news irrespective of who authors these reports if it fits the description above. This view finds particular relevance in this era. Social media has changed the news production process and given ordinary citizens the platform and power to direct public interest matters through citizen journalism. That being said, in contexts like South Africa, where most people still depend on traditional news media platforms,⁷² like television and radio, journalists’ role as crafters of news is still significant. When the concept of news is used in this study, it concerns the product that journalists produced in their work.

When putting together this product called news, journalists use a set of criteria that they come to internalise due to the formal training they receive and the informal socialisation they go through in their news organisations.⁷³ This criterion is called newsworthiness and helps those who produce news decide which events to include and exclude in their respective news publications.⁷⁴ While scholars have used phrases such as “somewhat mythical” and a “slippery concept” in reference to this idea, practitioners and researchers agree that newsworthiness and news values drive journalism and inform journalists’ decisions.⁷⁵ Johan Galtung and Mari Ruge’s work is the earliest attempt to develop a taxonomy of news values⁷⁶ and outlines twelve

⁷¹ McQuail, 2013

⁷² Broadcast Research Council of South Africa, 2019

⁷³ Harrison, 2006

⁷⁴ Palmer, J. (2000). *Spinning into control: News values and source strategies*. London: A&C Black.

⁷⁵ Palmer, 2000; O’Neill, D., & Harcup, T. (2009). News values and selectivity. In K. Wahl-Jorgensen, & T. Hanitzsch, *The handbook of journalism studies* (pp. 181-194). Philadelphia: Routledge. Retrieved June 6, 2020, from

https://d1wqtxts1xzle7.cloudfront.net/35646440/journalism_studies.pdf?1416430158=&response-content-disposition=inline%3B+filename%3DJournalism_Studies_Ed._by_Karin_Wahl-Jor.pdf&Expires=1591474233&Signature=YUF165p2uxao4iDyx5J-siEYLFQ-zCNTur2MkuBpOGfeNTjAv; Harrison, 2006

⁷⁶ Galtung, J., & Ruge, M. H. (1965). The structure of foreign news: The presentation of the Congo, Cuba and Cyprus crises in four Norwegian newspapers. *Journal of peace research*, 2(1), 64-90.

Retrieved February 17, 2021, from

https://journals.sagepub.com/doi/pdf/10.1177/002234336500200104?casa_token=jVq58fGmum4AAA

factors that determine whether or not a particular development is likely to be viewed as newsworthy by journalists. Concerning crime and justice, the overarching theme of good versus evil, plus the emotional and evocative nature of crime, makes it highly likely that criminal incidents will be deemed newsworthy. Borchers argues that as “a mediated filter that causes us to view the world in certain ways ... [news] creates presumptions about the guilt and innocence of suspects accused [and as such] the news deserves our attention as a specific kind of media content”.⁷⁷

Further, certain crimes are likely to receive more coverage than others, even when this does not necessarily correlate with actual crime statistics. For example, a 1994 study by Steven Chermak found that nearly a quarter of crimes reported on by United States-based (US) media in the period of that study were murders, even though that amount of coverage did not correlate with official crime statistics.⁷⁸ Added to this, there is a criteriology of newsworthiness that drives decisions around which specific crimes are reported. As long-time US crime reporter Robert Jordan explains:

“Something interesting about a particular incident begins to appeal to an intuitive judgment that journalists have about certain stories (some call it a nose for news) ... Among those elements are also popular beliefs, often subliminal, that all people are not equal, that the murders of some people are more important events than the murders of others. That line of thinking even carries over into how news is covered.”⁷⁹

While the idea of intuitive judgements is widely accepted as an explanation for why specific incidents receive the kind of coverage they do, it is a view that needs rigorous interrogation because it masks a great deal around how news reports are constructed and what perspective these carefully crafted texts provide on social issues. For example, if the murder of a prominent person is deemed more newsworthy than that of someone relatively unknown, as is the current status quo, what perspective are news crafters advancing on whose lives are worth knowing about and whose are not? If the rape and murder of Franziska Blöchliger, a white teenage girl who lived in an

⁷⁷ Borchers, 2012, p. 98

⁷⁸ Chermak, S. M. (1994). Body count news: How crime is presented in the news media. *Justice Quarterly*, 11(4), 561-582. Retrieved June 1, 2020, from https://heinonline-org.ezproxy.uct.ac.za/HOL/Page?lname=&public=false&collection=journals&handle=hein.journals/jquart11&men_hide=false&men_tab=toc&kind=&page=561

⁷⁹ Jordan, R. H. (2017). *Murder in the news: An inside look at how television covers crime*. Amherst: Prometheus Books.

affluent area in Cape Town, gets more extensive and prolonged coverage than the rape and murder of another teenager, Sinoxolo Mafevuka, who comes from a more disadvantaged area in the same city, despite these crime occurring in the same week,⁸⁰ how are news values being used as a basis to decide which of these is more significant than the other? More importantly, what perspectives does this advance on a micro and macro level regarding views on criminality and justice? Stuart Hall critiques this idea of news values by arguing:

Journalists speak of “the news” as if events select themselves. Further, they speak as if which is the “most significant” news story, and which “news angles” are most salient are divinely inspired. We appear to be dealing, then, with a “deep structure” whose function as a selective device is un-transparent even to those who professionally most know how to operate it.⁸¹

In examining news reports on crime and the criminal justice system in South Africa, this study endeavours to make some aspects of this deep structure that drives coverage in this context more transparent. This deep structure, more directly referred to as “news structure” by media scholars such as Winfried Schulz⁸² and Teun Van Dijk,⁸³ refers to how the process of producing news reports and the content contained in news reports props up certain ideologies.⁸⁴ Van Dijk argues that “ideas ... and hence ideologies are mental representations [thus] ideologies are largely reproduced by text, talk and communication”.⁸⁵ Studying news reports on South Africa’s criminal justice system can help shed light on the unacknowledged beliefs advanced in how these texts are constructed and how they shape the South African public’s perspective on crime and justice. The analysis hopes to uncover the unacknowledged assumptions advanced in the language and visuals used in these audio-visual news reports and

⁸⁰ Dano, Z. (2016, March 15). #Sinoxolo murder: Two due in court. Cape Argus. Retrieved June 5, 2020, from <https://www.iol.co.za/news/sinoxolo-murder-two-due-in-court-1997800>

⁸¹ Hall, S. (1973). The determinations of news photographs. In S. Cohen, & J. Young, *The Manufacture of News: Deviance, Social Problems and the Mass Media* (pp. 176-190). London: Constable. p. 181

⁸² Schulz, W. F. (1982). News structure and people's awareness of political events. *Gazette*, 30(3), 139-153. doi:10.1177/001654928203000301

⁸³ van Dijk, T. A. (2009). News, discourse, and ideology. In K. Wahl-Jorgensen, & T. Hanitzsch, *The handbook of journalism studies* (pp. 191-203). Philadelphia: Routledge. Retrieved June 7, 2020, from https://d1wqtxts1x2le7.cloudfront.net/35646440/journalism_studies.pdf?1416430158=&response-content-disposition=inline%3B+filename%3DJJournalism_Studies_Ed._by_Karin_Wahl-Jor.pdf&Expires=1591474233&Signature=YUF165p2uxao4iDyx5J-siEYLFQ-zCNTur2MkuBpOGfeNTjAv

⁸⁴ *Ibid.*

⁸⁵ *Ibid.* 193

pay particular attention to the narratives used in these accounts through an in-depth and relatively longitudinal approach.

1.4.3 Significance and relevance of focusing on South African broadcasters

South Africa's criminal justice system is an excellent example of how the notions of crime and justice are intricately dependent on the perspectives prevalent in popular culture in a particular period. Some activities that were criminalised during apartheid, such as same-sex and interracial marriage, are now celebrated as evidence of a just society. While the political inclinations of a regime certainly influence this, the sentiments expressed in popular culture are also essential to consider when examining why particular perspectives on crime and justice dominate. Another aspect that makes South Africa a relevant and significant site to study concerning news reports on crime and the criminal justice system is its noteworthy crime situation.⁸⁶ The country's segregated and violent apartheid past resulted in peculiar crime patterns.⁸⁷ These include the fact that violent interpersonal crime has been on the increase. It was assumed that doing away with the arbitrary laws that criminalised people who would be deemed innocent in most other democratic contexts, including things like marrying someone of a different race, in the immorality act, not carrying documentation to move from one neighbourhood to another, in the so-called pass laws and the group areas act that dictated who should live where based on race would decrease crime. However, crime levels have increased despite the overhaul in the foundation of what constitutes law in South Africa. The other notable trend is that crime does not affect everyone uniformly. There is a disproportionate likelihood of poor and black people being victims of violent interpersonal crimes. At the same time, wealthy

⁸⁶ Grundlingh, L. (2017). Identifying markers of sensationalism in online news reports on crime. *Language Matters*, 48(2), 117-136. doi:10.1080/10228195.2017.1341543; Du Plessis, D. (2003). An analysis of crime reporting (and audience perceptions of it) in selected South African media. *Communicare: Journal for Communication Sciences in Southern Africa*, 169-186.; Lombaard, C., & Fronema, J. D. (2011). A critical evaluation of religious references in crime and accident reports in Beeld and Rapport. *Litnet Academic: A Journal for the Humanities, Natural Sciences, Law and Religious Sciences*, 8(1), 166-184. Retrieved June 11, 2020, from https://journals.co.za/docserver/fulltext/litnet/8/1/litnet_v8_n1_a8.pdf?expires=1591830702&id=id&accname=quest&checksum=CB3905E6A8CE39B9845757FB1F5ECDF8

⁸⁷ Schönsteich, M., & Louw, A. (2001). *Crime in South Africa: A country and cities*. Institute for Security Studies, Crime and Justice. Pretoria: Institute for Security Studies. Retrieved June 8, 2020, from <https://media.africaportal.org/documents/paper49.pdf>

and white people are more likely to be victims of crimes associated with their property, such as hijackings and robberies.⁸⁸

The post-apartheid era, which started in 1994, marked a change from a system driven by using state resources to control crime to a system that now emphasises crime prevention crime.⁸⁹ As such, post-1994, the South African Criminal Procedure Act 51 of 1977 outlines the following components of the country's criminal justice system: the South African Police Service, the National Prosecuting Authority, the Department of Justice and Correctional Services and probation officers whom the Department of Social Development oversees.⁹⁰ While expounded on in this way in policy, researchers who study this system break it down into four components: police, courts, prisons and aspects of the welfare system.⁹¹ Therefore, in its analysis of news media coverage of the criminal justice system, this study will consider news reports that feature the four elements named above. This is a novel approach to this kind of research because the existing studies focus on analysing news media coverage of just one of these aspects. In terms of quantity, the most dominant topic that has been researched in terms of the news media's coverage of the criminal justice system relates to police and crime, followed by media reports on the courts and the judiciary. There is very little in terms of how the news reports on prisons and the correctional services aspect of the system,⁹² and even less that looks at the welfare aspects of the criminal justice system, particularly in the South African context. An analysis that considers the news media's coverage of the criminal justice system as a whole will be better placed to explore how if at all, the media represents the different ways in which

⁸⁸ South African Police Service. (2020). Crime situation in Republic of South Africa twelve (12) months (April to March 2019_20). Retrieved October 8, 2021, from https://www.saps.gov.za/services/april_to_march_2019_20_presentation.pdf

⁸⁹ Pelsner & Rauch, 2001

⁹⁰ National Prosecuting Authority. (2008). Understanding the Criminal Justice System. Johannesburg: Jacana Media. Retrieved June 2, 2020, from https://www.npa.gov.za/sites/default/files/resources/justice_system/NPA_eng.pdf

⁹¹ Pelsner & Rauch, 2001; Montesh, M. (2007). A critical analysis of crime investigative system within the South African criminal justice system: a comparative study. Unpublished Thesis. Retrieved June 2, 2020, from <https://core.ac.uk/download/pdf/43164747.pdf>; Morodi, L. R. (2001). The constitutional rights of prisoners within the South African criminal justice system. *Crime Research in South Africa*, 4(4), 1-14. Retrieved June 2, 2020, from https://journals.co.za/docserver/fulltext/crisa/4/4/crisa_v4_n4_a4.pdf?expires=1591132851&id=id&accname=quest&checksum=3EBFA441CC05A688149871F3BE1E463E

⁹² Cecil, D. K. (2007). Looking beyond caged heat: Media images of women in prison. *Feminist Criminology*, 2(4), 304-326. doi:10.1177/1557085107306142; Mason, P. (2006). Lies, distortion and what doesn't work: Monitoring prison stories in the British media. *Crime, Media, Culture*, 2(3), 251-267. doi:10.1177/1741659006069558

these components of the system interact with each other, and also which of these aspects, if any, receives greater focus and to what end.

The final point around this study's relevance relates to using rhetorical criticism as a framework for analysis and is discussed in the following section.

1.4.4 Relevance and significance of using rhetorical criticism in this study

Rhetorical criticism has been used in this study as a robust way of engaging in this exploration since rhetoric is about "observing in any given case the available means of persuasion".⁹³ The point of departure in this study is that in these news reports, one can observe how verbal and visual symbols of popular culture have been used to shape attitudes and beliefs around crime and justice in South Africa.⁹⁴ This act of persuasion is critical to shaping the prevailing culture of the day⁹⁵ and is at the heart of rhetoric culture theory. In this regard, Ivo Strecker and Stephen Tyler, who have been among the leading thinkers on rhetoric culture theory, observe that "many factors contribute to the shaping of human action ... *rhetoric* ... is the decisive factor in the emergence of cultural diversity past and present".⁹⁶ They attribute this to the fact that it is our "rhetorical genius that creates the "customs" and "lifestyles" of culture",⁹⁷ aligning themselves with a view that posits that "cultures are continuously produced, reproduced and revised in dialogues among their members".⁹⁸ To this end, rhetoric culture theory posits ways that rhetoric can be used to understand culture and produce, reproduce, and revise it. In Strecker and Tyler's conceptualisation, the theory refers to traditional notions of culture as it is primarily understood from an anthropological perspective. However, it is also applicable to popular culture, which Ray Browne defines as "all the experiences in life shared by people in common, generally though not necessarily disseminated by the mass media".⁹⁹ By turning to the texts that largely influence popular culture, namely mass media, we can use the perspectives provided by the rhetoric culture theory to understand the rhetoricality of

⁹³ Aristotle. (1994). *Rhetoric*. (R. W. Roberts, Trans.) Retrieved May 13, 2020, from <http://www.bocc.ubi.pt/pag/Aristotle-rhetoric.pdf>. p. 7

⁹⁴ Borchers, 2012

⁹⁵ Strecker, I. A., & Tyler, S. A. (2009). Introduction. In I. A. Strecker, & S. A. Tyler, *Culture & rhetoric*. Vol. 1. , 2009. (pp. 1-20). New York: Berghahn Books. p. 2

⁹⁶ *Ibid.* p. 1

⁹⁷ *Ibid.*

⁹⁸ Tedlock, D., & Manheim, B. (1995). In D. Tedlock, & B. Manheim, *The dialogic emergence of culture* (pp. 1-32). Champaign: University of Illinois Press.

⁹⁹ Browne, R. B. (1973). *Popular Culture and the Expanding Consciousness*. New York: Wiley. p. 6

television news reports on the criminal justice system in South Africa and posit around how these texts influence popular perspectives of crime and justice in this context.

Thus, this section has justified for the decisions to focus on the criminal justice system in South Africa, the rationale behind considering television news reports on this system, and the motivation for adopting rhetorical criticism as the approach. Further, where necessary, terms that inform the study have been clearly defined, and the scope stated. The next section of this chapter outlines the study's aim and objectives and the accompanying research questions.

1.5 Aim and objectives

1.5.1 *Title*

Rhetoric and the “mediatisation” of culture: A rhetorical criticism of South African television news reports on the criminal justice system

1.5.2 *Aim*

This doctoral study aims to build on the existing rhetoric culture theory by considering the persuasive communicative work performed through the mediatisation of a system. By considering South African news reports on issues of crime and justice, the study aims to theorise on how the mass news media's re-presentation, or framing, shapes the persuasive communicative work of the components that make up that system and the communicative devices and approaches that are used to enact this work of re-presentation.

1.5.3 *Research questions*

The overarching research questions that the study sets out to answer are:

1. What is the persuasive communicative work being performed by South African television news reports on crime and justice?
2. How do South African television news reports frame or re-present crime, justice, and the criminal justice system in this persuasive communication work, and what rhetorical strategies and devices do they employ?

1.5.4 Objectives

- To discuss the persuasive communicative work being performed by South African television news reports on crime and justice.
- To assess how this persuasive communicative work frames or re-presents crime, justice and the criminal justice system and describe the rhetorical devices and strategies used when undertaking this persuasive work.

The notion of persuasive communicative work is based on Burke's conceptualisation of language as symbolic action, elaborated in the conceptual framework chapter.¹⁰⁰

1.6 Chapter outline

Chapter 1: Introduction

This chapter provides an overview of the study and outlines the scope, significance, and contributions to knowledge. It also defines some key terms as they relate to the concepts that are explored. Finally, it outlines the aim and objectives of the study and lists the research questions.

Chapter 2: Literature review

This chapter provides an extensive review of the concepts in this study: rhetoric culture theory, news reports on crime and persuasion, and popular culture. In its review of the literature, it highlights some similarities with studies that have considered similar concepts. More importantly, it shows where the literature gap, which necessitates this study, is located. The review of the literature follows a thematic approach rather than a chronological one.

Chapter 3: Theoretical framework

This chapter discusses the three central concepts that have been used to understand the persuasive communicative work being done by South African television news as rhetors. The first relates to the news reports' message, where consideration is given to theories dealing with the content and how language and visuals persuade. The

¹⁰⁰ Burke, K. (1966). *Language as symbolic action: Essays on life, literature, and method*. California: University of California Press.

second relates to mass media as messengers. It considers how television's characteristics as a medium, together with the contexts in which it is consumed, make it a suitable platform for replicating and performing popular culture. Finally, the third relates to how television news is structured. Considering the news reports' content, Kenneth Burke's theory of language as symbolic action is used, focusing on his notions of dramatism, identification, and terministic screens.

Chapter 4: Methodology

This chapter outlines the research design, methodology, and methods employed to conduct an interpretive qualitative-grounded theory study on how television news reports, as rhetors, replicate and perform the criminal justice system in South Africa. The chapter demonstrates that to give due consideration to the content, medium, and format of television news reports, different types of rhetorical criticism need to be employed, as there currently is no single means of analysing the persuasive features of these texts. In this respect, the study has highlighted its methodological novelty and contribution to this field. The chapter also discusses the ethical considerations taken in this study and how the researcher's positionality informed the analysis.

Chapter 5: The persuasive communicative work performed by South African television news reports on crime and justice

This chapter considers the persuasive communicative work of South African television news reports on crime and justice. It does this by first discussing news reports on specific developments in the criminal justice system in the period concerned. Next, this section analyses the persuasive communicative work performed using words and visuals when reporting on crime and justice incidents such as farm attacks, crimes involving children, the 2019 Hong Kong protests, and religious figures implicated in a crime.

The second section looks at how these news reports report on specific aspects of South Africa's criminal justice system. Here, consideration is given to, among others, how these news reports feature the public gallery in court and what that usually aims to communicate. Another aspect discussed is how these reports report on the funerals of victims of crimes. These aspects cut across specific developments and are analysed to determine some generalisable communicative approaches that are not

driven by a particular case but are instead indicative of prevalent approaches to dealing with certain aspects of the criminal justice system.

The third section looks at specific elements of television in South African news reports on the criminal justice system. Consideration is given to three elements. The first is file footage, which is film footage that the broadcaster already has on file because it was captured in a previous development, not necessarily the one being reported on at a specific time. The second relates to news reports where specific visuals that are being referenced are not allowed to be shown. The third element is the use of hashtags, a label typically used on social media to highlight the contents of a post. In this section, the question is: how do these elements shape the communicative work of South African television news reports on crime and justice issues.

Chapter 6: The rhetorical strategies and devices employed by South African television news reports in their re-presentation of crime, justice, and the criminal justice system

This chapter discusses the importance of amplification as a rhetorical device used in South African television news reports to persuasively frame or re-present crime, justice, and the criminal justice system. In addressing the question around the rhetorical strategies and devices employed, the chapter shows that the reports rely on certain visuals repeatedly and use certain terms to amplify particular features of actors and events in the criminal justice system to achieve this. They employ various types of amplification to re-present or frame the perspective they are advancing on criminal justice matters. They also employ amplification at the level of the words, visuals and argumentation scheme that is used.

The chapter also discusses contextual framing as a rhetorical strategy that inclines viewers to interpret the report in the manner envisaged by its producer. The chapter shows that this strategy brings together the Burkean notions of identification and terministic screens, and it is a persuasive strategy, employed by the journalist writing a news report, to ensure that viewers read the report informed by a specific contextual background that would then make it more likely for them to have a shared perspective.

Chapter 7: Conclusion and recommendations

This final chapter of this thesis first summarises and discusses each of the rhetorical criticism techniques. It then shows how the study has responded to the two questions at the heart of this study. It concludes by outlining the contributions to knowledge that the study has made before concluding with recommendations on areas of possible future research

Bibliography

Appendices

1.7 Conclusion

This chapter has introduced this study by outlining the context needed to understand the research undertaken and delineating its focus and scope. It has discussed the contributions that the study hopes to make in terms of rhetoric culture theory and listed the study's aim and objectives in light of the research question that guides it. The chapter that follows engages in a review of the literature that informs this study.

CHAPTER 2: Literature review

2.1 Introduction

This study locates itself within the scholarship on mass communication and culture, which considers mass communication and its role in entrenching or sometimes disrupting power relations in society.¹⁰¹ Hardt argues that this school of thought on mass communication and culture is rooted in “social and political scepticism, and a mistrust of the possibility of absolute knowledge”, dating as far back as when Plato criticised the Sophists’ use of persuasive communication techniques for personal gain.¹⁰² The research considers mass communication in three respects: mass communication platforms, mass communication products, and mass communication processes.¹⁰³ This is rooted in the view that to understand how mass communication persuades, it is not enough to consider just one of these aspects; you require an approach that considers mass communication holistically, an orientation that appears minimally in the current body of literature. The most dominant approach for scholars appears to consider either the content, medium, or form of mass media in isolation from the other aspects and then draw conclusions based on an analysis of these aspects of these texts discreetly.

This study theorises how these different literature perspectives can be brought together to arrive at a more comprehensive mass communication and persuasion theory. In this respect, it considers literature from three main fields. The first is literature that looks at the relationship between rhetoric and news. The second relates to literature on television news and rhetoric. Finally, it considers some studies on the rhetoric of news reports about crime and justice. For the topic of television news and rhetoric, studies that will be considered include those that have looked at how television, with its unique characteristics as a form of audio-visual media, shapes the public’s understanding of the systems and institutions it broadcasts about. All of these are considered from theoretical and empirical perspectives, focusing on studies that have explored these topics in the South African context to emphasise the significance of studying this context in particular.

¹⁰¹ Hardt, 2004; McQuail, 2013; McLuhan, 2012

¹⁰² Hardt, 2004, p. viii

¹⁰³ Laughey, D. (2007). *Key themes in media theory*. Berkshire: Open University Press.

2.2 News and rhetoric

The position taken in this study is that news should be viewed as a form of public rhetoric closely linked to the Habermasian notion of the public sphere, which he defines as “a realm of our social life in which something approaching public opinion can be formed”¹⁰⁴. While the idea has been the subject of much critique¹⁰⁵, it finds resonance in this study in three respects. First, it emphasises the coming together of private individuals instead of state actors to deliberate on matters of common concern. Second, it advances the view that these deliberations should be weighed on the arguments’ strengths rather than on who makes them. Finally, Habermas is explicit in designating mass media platforms such as newspapers and television as today’s public sphere. Earlier studies on the news focused on newsgathering and production processes and were driven by a need to understand the social dimensions of putting these products together.¹⁰⁶ van Dijk argues that it has only been since the late 1970s and early 1980s that scholars have started considering the “systematic discursive and cognitive approaches to news structures, news production and news comprehension”¹⁰⁷. Among the pioneers of this work are van Dijk¹⁰⁸, Hall¹⁰⁹ and Bell¹¹⁰. van Dijk’s work argues that news to be studied as a form of public discourse to understand how news reports’ macro and microstructures reveal the ideology of those in power.¹¹¹ Hall’s work focuses on the social production of news and looks at how crime news gives rise to moral panics.¹¹² These theorists’ work has moved the scholarship from primarily considering how news texts are produced towards an analysis of how in their production, they are written to influence audiences’ social cognition with a view of persuading them of particular perspectives. This, in turn, has

¹⁰⁴ Habermas, J., Lennox, S., & Lennox, F. L. (1974). The public sphere: An encyclopedia article (1964). *New German Critique*, 3, 49-55. Retrieved October 8, 2021, from <https://www.jstor.org/stable/487737>. p. 49

¹⁰⁵ Garnham, N. (2007). Habermas and the public sphere. *Global Media and Communication*, 3(22), 201-214. doi:10.1177/1742766507078417; Emden, C., & Midgley, D. R. (2013). *Beyond Habermas: Democracy, knowledge, and the public sphere*. New York: Berghahn books.; Hofmann, M. (2017). *Habermas’s public sphere: A critique*. Washington DC: Rowman & Littlefield.

¹⁰⁶ van Dijk, 2009

¹⁰⁷ Ibid. p. 194

¹⁰⁸ van Dijk, T. A. (1988). *News as discourse*. London: University of Groningen; van Dijk, 2009

¹⁰⁹ Hall 1991; Hall, S. (1982). The rediscovery of ‘ideology’: return of the repressed in media studies. In M. Gurevitch, T. Bennett, J. Curran, & J. Woollacott, *Culture, society and the media* (pp. 52-86). London: Methuen.

¹¹⁰ Bell, A. (1991). *The language of news media*. Oxford: Blackwell.

¹¹¹ van Dijk, T. A. (1988). *News as discourse*. London: University of Groningen.

¹¹² Hall, S., Clarke, J., Critcher, C., Jefferson, T., & Roberts, B. (1978). *Policing the crisis: Mugging, the state, and law and order*. Hampshire: Pelgrave MacMillan.

paved the way for other forms of textual analysis of news items, including rhetorical analysis.

Rhetorical analysis of news seeks to understand the persuasive dimension of news items. These can be observed at various levels of the news items. Some scholars have considered the persuasive aspects of news items from a structural perspective. They argue that irrespective of the media platform, news reports' inverted pyramid structure, which starts by reporting on a particular development's most important details, is a standard feature. They view it as a strategy to influence audiences to accept the propositions advanced in these reports and be more amenable to the text's ideology.¹¹³ Others consider the persuasive dimension of news items by looking at the topics these texts deal with, often articulated in the headlines.¹¹⁴ Still, others have looked at the rhetorical features of news reports at the sentence level, drilling deeper to explore the tropes, schemes, and figures of speech used to persuade.¹¹⁵

There appears to be a gap in research that looks at these texts holistically and does not separate the headline from the news texts' body in order to consider how one part of the news report supports the other's persuasive potential. Applying a framework like Quintilian's five canons of classical rhetoric to news reports can aid in better understanding how these texts have been developed holistically to render them persuasive. This is because, for one to be persuaded by a news report, one must read the headline and the body of the story, not just one of these. Of course, one can be persuaded by reading the headline alone. However, first, people do not typically engage with news reports in that way; the headlines and body are read together. Second, if they do read the headline alone and are persuaded, they are persuaded by that aspect of the report, not the report as a whole. That difference is subtle but is an important nuance because the details in a headline are different from the details of the news report as a whole. The same applies to the body of the news report. While this study will not apply the five canons in its analysis, it employs a similar approach of looking at the aspects of news reports holistically. In this way, it adds to the scholarship

¹¹³ White, 1998; Smith, C. R. (1977). Television news as rhetoric. *Western Journal of Speech*, 41(3), 147-159. doi:10.1080/10570317709389608

¹¹⁴ Conboy, M. (2013). *The language of the news*. Philadelphia: Routledge.; Dor, D. (2003). On newspaper headlines as relevance optimizers. *Journal of pragmatics*, 35(5), 695-721. doi:10.1016/S0378-2166(02)00134-0

¹¹⁵ van Dijk, 2009; White, 1998

on news and rhetoric while demonstrating the importance of not limiting the analysis to an aspect of the text but considering how the parts work together to form the whole.

In undertaking an analysis that seeks to understand how news items persuade, exigence is one of the characteristics considered. Lloyd Bitzer defines exigence as “an imperfection marked by urgency; it is a defect, an obstacle, something waiting to be done, a thing which is other than it”¹¹⁶ that causes the news report to be written in the first place. In a previous study, I argued that exigence could be seen as the newsworthiness that prompts the journalist to cover a particular development.¹¹⁷ This notion will be relevant in this dissertation as it helps us understand why certain types of stories about the criminal justice system appear to get more coverage than others and how that may shape a particular view of the criminal justice system in this context.

Most studies on news and rhetoric do not deal with the exigence that informs the news reports. In so doing, they do not adequately address the fact that a critical part of these texts is that they are written because of something that must be done in a particular context. A study like Peter White’s “Telling media tales: The news story as rhetoric” considers the textual aspects of news reports devoid of the factors that gave rise to the writers writing them. This study undertakes a rhetorical analysis of a range of news reports to map out the distinct features of news stories that make them uniquely persuasive. A study like Janno Lanjouw and Peter Burger’s “Criminals as Heroes: News Media Rhetoric in the Heineken Kidnap Case”¹¹⁸ does provide the exigence of the report, but because it is limited to a particular case, this is primarily around the background to the case. In this dissertation, the aim is to build on the scholarship by looking at the exigence of news reports on crime and justice in South Africa broadly, such that the focus is not on why a particular case was covered, but rather why certain kinds of stories are more likely to be reported on than others.

Pamela Shoemaker argues that in a democratic society, “the role of the news media is not to mirror the world as it is, but rather to spotlight and draw public attention

¹¹⁶ Bitzer, L. F. (1992). The rhetorical situation. *Philosophy & rhetoric*, 25, 1-14. Retrieved February 19, 2021, from <https://www.jstor.org/stable/40237697>. p. 96

¹¹⁷ Nkoala, S. B. (2015). A Rhetorical Analysis of SABC 3’s Flagship Bulletin: In what ways does the SABC succeed and/or fail in persuading viewers that its version of the news is credible? Masters Thesis, University of Cape Town, Centre for Film and Media Studies, Cape Town. Retrieved October 8, 2021, from https://open.uct.ac.za/bitstream/handle/11427/20127/thesis_hum_2015_nkoala_sisanda.pdf?sequence=1

¹¹⁸ Lanjouw & Burger, 2013

to problems and situations that need solutions and repair.”¹¹⁹ In an authoritarian society, on the other hand, “The news media act as an arm of the state and help it maintain power by manipulating the nature of news to teach the public which events, people, and ideas will be rewarded or punished.”¹²⁰ South Africa is a democratic state, so if one uses Shoemaker’s perspective, the exigence behind the news coverage of certain events and developments in the criminal justice system highlights the problems that need solutions. The nature of these problems, whether they are portrayed as institutional or at the individual level, the characters that embody the problems, and the places where these problems occur, are important in analysing the criminal justice system as mediated by television.

In his paper, Bitzer explores the notion of situations that give rise to rhetorical discourse creation.¹²¹ The characteristics that he hypothesises about apply to rhetorical situations generally but manifest differently depending on the context. He notes:

In short, rhetoric is a mode of altering reality, not by the direct application of energy to objects, but by the creation of discourse which changes reality through the mediation of thought and action. The rhetor alters reality by bringing into existence a discourse of such a character that the audience, in thought and action, is so engaged that it becomes a mediator of change. In this sense, rhetoric is always persuasive...a speech is given rhetorical significance by the situation.¹²²

The news stories on crime and justice are given significance by the fact that they are news items. The stories featured are not necessarily the most important or most impactful.¹²³ The reasons they are featured do not primarily lie in the particular case itself. Instead, it is because of aspects related to news production practices. These include how accessible the place where an incident occurs is to news media entities, whether the case is being conducted in a language that journalists understand, other

¹¹⁹ Shoemaker, P. J. (2006). News and newsworthiness: A commentary. *Communications*, 31(1), 105-111. doi:10.1515/COMMUN.2006.007 p. 108

¹²⁰ Ibid. p. 109

¹²¹ Bitzer, 1992

¹²² Ibid. p. 4, 5

¹²³ Roshier, B. (1973). The Selection of Crime News by the Press. In S. Cohen, & Y. Jock, In *The Manufacture of News*, (pp. 28-39). Beverly Hills: Sage.

news values such as whether it features someone prominent or it deals with an issue that may be deemed unusual by journalists¹²⁴.

The rhetorical situation is significant in the television news context because of the news media's power to then broadcast the stories it deems to be important, and in so doing, confer importance to these events. Let us look at the geographic jurisdictions that get the bulk of the focus in South Africa. Those are in areas like Johannesburg and Cape Town, where media companies have dedicated reporters. Court cases in rural areas are rarely covered unless there is national and international interest.

Richard Vatz provides an interesting and relevant critique of Bitzer's definition of the rhetorical situation, noting that "Bitzer takes the position that meaning resides in events...[but] Fortunately or unfortunately meaning is not intrinsic in events, facts, people, or "situations" nor are facts "publicly observable."¹²⁵ Vatz's view finds resonance with this dissertation because he notes that "Except for those situations which directly confront our own empirical reality, we learn of facts and events through someone's communicating them to us."¹²⁶ This lies at the heart of what this study is seeking to do. Vatz states that "[a]ny rhetor is involved in this sifting and choosing, whether it be the newspaper editor choosing front-page stories versus comic-page stories or the speaker highlighting facts about a person in a eulogy."¹²⁷ If, on the other hand, you view meaning as a consequence of rhetorical creation, your paramount concern will be how and by whom symbols create the reality to which people react. In a world of inexhaustible and ambiguous events, facts, images, and symbols, the rhetorician can best account for choices of situations, the evocative symbols, and the forms and media which transmit these translations of meaning. This is the view taken by this dissertation. The news reports' rhetorical situation does not come with meaning and depictions of reality inherent to it. Rather these are created by the rhetors, the journalists, who want us to see the world in a certain way. If we view the communication of an event as a choice, interpretation, and translation, the rhetor's responsibility is of utmost concern. Thus, when crimes by individuals receive more coverage than corporate crimes, we will not assume it is due to the relative, intrinsic

¹²⁴ Montgomery, M. (2007). *The discourse of broadcast news: A linguistic approach*. Philadelphia: Routledge.

¹²⁵ (Vatz, 1973, pp. 154, 156) Vatz, R. E. (1973). The myth of the rhetorical situation. *Philosophy & rhetoric*, 6(3), 154-161. Retrieved February 19, 2021, from <https://www.jstor.org/stable/40236848>. p. 154, 156

¹²⁶ Ibid. 156

¹²⁷ Ibid

importance of the former. Instead, the choices must be seen as purposeful acts for discernible reasons. “They are decisions to make salient or not to make salient these situations.”¹²⁸

After reviewing the literature relevant to news and rhetoric, the focus now turns to reviewing the relevant research on rhetoric and television news. It will start by reviewing the relevant literature on mass media and rhetoric broadly and then deal with television specifically as a type of mass media.

2.3 Mass media and rhetoric

The literature on the importance of considering mass media from a rhetorical perspective was discussed in the preceding chapter. In this section, the discussion delves a bit deeper into some of the relevant studies and explain how this dissertation aligns with the views expressed by other scholars. Bitzer’s work was among the first to consider the rhetorical criticism of contemporary media discourses, such as broadcast journalism.¹²⁹ First, he confirms the position taken in this dissertation that by virtue of the role they play in public communication, journalists should be deemed to be rhetors: “[t]hey help set political agendas, they test politicians who are in office and who aspire to office, they sift events and persons and convey information about those they deem important.”¹³⁰ In this respect, Bitzer introduces a genre of rhetoric that he calls informative, which he argues should be considered alongside deliberative, forensic and epideictic rhetoric. Thus, he introduces the notion of collecting and disseminating information as a rhetorical strategy.

Douglas Walton’s “Media Argumentation: Dialectic, Persuasion and Rhetoric” is a more contemporary text that considers mass media and rhetoric.¹³¹ In this book, Walton examines how mass media persuade by treating media arguments as though they are embedded in dialogues. He explains the purpose of the book as follows:

It explains what arguers do in rhetorical situations: they imagine a dialogue to establish the initial position of the audience, and they then work within that framework to persuade the audience through dialectically secured claims. This

¹²⁸ Ibid. 158

¹²⁹ Bitzer, L. F. (1987). Rhetorical public communication. *Critical Studies in Mass Communication*, 4(4), 425-428. doi:10.1080/15295038709360153

¹³⁰ Ibid. p. 426-427

¹³¹ Walton, D. (2007). *Media argumentation: Dialectic, persuasion and rhetoric*. Cambridge: Cambridge University Press.

works just like a dialogue except that the audience cannot respond to the arguer's questions, so he or she must anticipate and account for what the audience would say...The central task undertaken in this book is to apply this conversational model to media argumentation by integrating rhetorical and dialectical factors in the model.¹³²

The irony, though, and one that Walton himself acknowledges, is that traditional mass media do not exhibit these dialectical factors because the audience cannot reply. He names this the "Respondent-To-Dialogue" problem, which is the problem of identifying a respondent in a supposed dialogue of which a mass media argument is a part.¹³³

Walton makes a noteworthy distinction around how persuasion of mass media has traditionally been studied. He points out that the focus has been from a social science perspective. The focus has been on measuring and evaluating the effects of mass media messages on audiences, typically by ascertaining the responses that these media messages evoked from their audience. This, in turn, has emphasised persuasion that has primarily been understood from a psychological perspective. Walton's suggested alternative is to consider persuasion from the perspective of the structure of the arguments that are advanced through mass media texts, and then using a normative framework of examining the conformity of these arguments to other existing forms of arguments, we can determine how persuasive they are. This approach will allow us to generate theories that further our understanding of how mass media persuades us. These theories are not primarily focused on measuring effects, which usually means that we need to consider other factors that are outside of the text. They are focused on using tried and tested argument types to evaluate how mass media employ formal and informal logic.

The type of dialogue most relevant to this study is one Walton calls the information-seeking type used when information is being communicated by one party to another.¹³⁴ Walton notes that this type of dialogue has not received much attention but is important to consider because "intelligent deliberation clearly depends on the ability of a decision maker to take in relevant information on a current situation".¹³⁵ The view of this dissertation is that in the case of the news reports, the viewers watch because, for them, that communicative act is about information-seeking. However,

¹³² Ibid. p 4, 5

¹³³ Ibid. 138

¹³⁴ Ibid. 62

¹³⁵ Ibid. 62

where Walton separates the information-seeking type of dialogue from persuasive dialogue, in this study, it is argued that these can coincide and that news reports provide a good example of when this is the case. Thus, the argumentation scheme that is used is one dubbed persuasive-information-seeking, which combines the inclination of news reports to provide information to audiences, and also the view advanced in this dissertation that the aim behind the provision of that information is to advance a particular opinion, not merely to state the “facts”. As was argued above, based on existing literature, news reports are texts that advance a perspective, and the intention of advancing that perspective is to persuade audiences of a particular view. They do not merely provide information, as would be the case in something like a weather report. They provide information in ways that influence public opinion and, in so doing, engage in persuasive information sharing. This adaptation of the information-seeking argumentation scheme into persuasive information-seeking is discussed in greater detail in chapter three on the dissertation’s conceptual framework because it is one of the notions used to better understand the persuasive performance and replication of the criminal justice system by television news reports.

Another relevant study that considers mass media and argumentation is Christian Kock’s work on media studies in rhetorics and rhetorics in media studies.¹³⁶ It examines how rhetoric has been used in media studies as a discipline, and argues that when it comes to shaping public argumentation, the role of the media is to present the two sides of an issue to expose audiences to them in the same way they might have been, had they sat in a room where an actual debate was unfolding between two parties on the issue at hand. She states, “the best we can do in public debate is to make sure that the best reasons on both sides of a case are *heard, understood and given attention*”.¹³⁷ Here we see a very different view on mass media and argumentation, focusing not on the types of arguments advanced by communicative acts in mass media, but rather on mass media as a platform to exhibit views on matters of public debate. For Kock, the rhetorical aspects of mass media should be considered from the perspective of the forum that mass media creates for society to learn about differing perspectives. This view is important because, as will

¹³⁶ Kock, C. (2004). Rhetorics in Media Studies—Media Studies in Rhetorics. *Rhetoric in Media Studies: The Voice of Constructive Criticism*. *Nordicom Review*, 25(1-2), 103-110. Retrieved February 21, 2021, from <https://content.sciendo.com/downloadpdf/journals/nor/25/1-2/article-p103.pdf>

¹³⁷ *Ibid.* p. 104

be argued further in the dissertation, persuasion is not merely at the level of the content when it comes to mass media. It is also at the level of the medium itself and what is or is not possible, depending on the medium's characteristics.

David Berg's study *Rhetoric, Reality and Mass Media*, argues this point more specifically by noting that "because mass media, particularly television, tend to expand and intensify man's insights into the imperfections of his society, they often play a primary role in shaping the character of his rhetorical responses".¹³⁸ In this regard, he makes two critical points. First, he notes the mass media's ability to expand and intensify society's imperfections due to its mass reach. Through this ability, mass media can take perspectives that would otherwise be unknown and amplify them to the point that they shape public opinion in the way Kock advances. A concrete example relevant to this study would be when news media dedicates focused coverage on a particular crime category, even when that crime category is not statistically significant.¹³⁹ Second, he makes the point that media-produced reality has the capacity "to exact rhetorical responses".¹⁴⁰ Berg notes that this happens in two ways. First, the chances of a criminal incident being known about by people who would not have seen it increases when it is broadcast. By seeing the event on television, viewers get an impression of having witnessed something, and from this, they then formulate a rhetorical response to deal with this exigence. Berg then notes that "even if he had become aware of the situation through some other means, there is virtually no way that he could have experienced the same kind of "reality" the television report exposed to him".¹⁴¹ He also notes that there are instances in which "the rhetoric generated response to mass media-produced reality differed from that which resulted from the direct observation of events or word of mouth knowledge".¹⁴² Moreover, the audience's views on a story are not just around the details of the case, but the response is also around how the story is covered, both in terms of how it is told, who is featured there speaking, and what they are saying.

Thus, we see different aspects for consideration regarding mass media and persuasion in the existing literature. To date, scholars have been inclined to examine the discursive and textual elements separately from the elements related to the

¹³⁸ Berg, 1972, p. 255

¹³⁹ Jordan, 2017

¹⁴⁰ Berg, 1972, p. 257

¹⁴¹ Ibid. p. 258

¹⁴² Ibid

medium and structure of these texts. This is useful because it enables a more in-depth analysis. However, the scholarship of mass media and rhetoric can be developed further by examining how these different aspects relate to each other to understand mass media's persuasive potential. This study aims to do that concerning television news reports.

The following section considers the literature relevant to understanding how audio-visual texts, like television, should be read to understand how they persuade.

2.4 Television news and rhetoric

2.4.1 *Film theory*

Film theorist Christian Metz's work provides a framework and methodology for analysing how audio-visual texts, like film and television, make meaning and create versions of reality. He argues:

One of the most important of the many problems in film theory is that of the impression of reality experienced by the spectator. Films give us the feeling that we are witnessing an almost real spectacle ...They speak to us with the accents of true evidence, using the argument that "It is so." With ease they make the kind of statements a linguist would call fully assertive and which, moreover, are usually taken at face value. There is a filmic mode, which is the mode of presence, and to a great extent it is believable.¹⁴³

Metz advances a particular "language" that one can use to read film based on film semiotics. While some of the propositions he makes around how to read audio-visual texts have been critiqued,¹⁴⁴ such as his view that when it comes to visuals, and that images should be 'read' as one would a written statement, rather than a word, his overarching view that film can be read like a text and that that reading is different to how one would read a written text, are widely accepted by those who study how to make meaning from moving images.¹⁴⁵

Metz's work is relevant in this study because it informs how visual aspects of the news stories are read. He makes a point about television news that even though we

¹⁴³ Metz, C. (1991). *Film language: A semiotics of the cinema*. Chicago: University of Chicago Press. p. 4

¹⁴⁴ Buckland, W. (1999). *Film semiotics*. In T. Miller, & R. Stam, *A companion to film theory* (pp. 84-104). Victoria: Blackwell Publishing.

¹⁴⁵ Metz, 1991, p. 7

read it as a depiction of reality, it is not because the developments we are watching are not happening at the time and place that we are viewing them.¹⁴⁶ On the contrary, he states, “reality does not tell stories, but memory, because it is an account, is entirely imaginative. Thus, an event must in some way have ended before its narration can begin”¹⁴⁷ In television news reports, more so than other forms of mass media, we are taken to the scenes where events unfolded, and the visuals used are accompanied by audio that presents them in the present continuous tense. This has the effect of blurring the “now” with the “then” and in the mind creates an overlap between the reality that we think we are seeing before us and the imagination based on the fact that the visuals depict something that has already happened. Metz eloquently explains this as follows: “[t]he movie spectator [in our case the TV viewer] is absorbed, not by a “has been there,” but by a sense of “[t]here it is.”¹⁴⁸ Metz’s approach, rooted in film semiotics, provides a framework used to read these audio-visual texts generally. Its application in this study is discussed in greater detail in chapter three on the conceptual framework.

2.4.2 *Medium theory*

Given the differences in film and television as forms of audio-visual mass media, there is a need to use frameworks such as Metz’s as a starting point and develop these further to tease out the nuances that each medium brings out. Intuitively one knows to read television very differently from how one would read film. This distinction is articulated well in an idea called medium theory, where the focus of analysis is on mass media as communication platforms. It is an approach that “emphasizes the importance of media technologies in determining the features of media products and content, as well as determining their social, cultural, political and economic uses.”¹⁴⁹ Whereas Metz focuses on reading the visual content of audio-visual texts, medium theorists like Dane Laughey,¹⁵⁰ Marshall McLuhan¹⁵¹, and Harold Innis¹⁵² seek to move away from a focus on the influences and effects of mass media content and

¹⁴⁶ Ibid

¹⁴⁷ Ibid. p. 23

¹⁴⁸ Ibid. p. 6

¹⁴⁹ Laughey, 2007, p. 202

¹⁵⁰ Laughey, 2007

¹⁵¹ McLuhan, 2012

¹⁵² Innis, H. A. (2007). *Empire and communications*. Plymouth: Rowman & Littlefield.

instead draw attention to the cultural effects of media technologies, to consider how a particular medium shapes how people relate to each other in a given context.¹⁵³ In his “Empire and Communications”¹⁵⁴ and “The Bias of Communication”,¹⁵⁵ Innis’s main argument is that because “[a] medium of communication has an important influence on the dissemination of knowledge over space and over time ... it becomes necessary to study its characteristics in order to appraise its influence in its cultural setting.”¹⁵⁶ Meanwhile, McLuhan famously coined the phrase, “the medium is the message”¹⁵⁷ and argues that “the personal and social consequences of any medium – that is, of any extension of ourselves – result from the new scale that is introduced into our affairs by each extension of ourselves, or by any new technology”.¹⁵⁸

These arguments are relevant to this study in that they support the view taken that to fully consider the persuasive communicative work being performed by South African television news reports on crime and justice, we must consider the influence of television as a medium of mass communication. As Joshua Meyrowitz argues, “[m]ost of the questions that engage media researchers and popular observers of the media focus only on one dimension of our media environment: the content of the media message.”¹⁵⁹ Furthermore, scholarly consideration of the rhetorical aspects of television as a mass communication technology is scarce. Ronald Primeau’s “The Rhetoric of Television”¹⁶⁰ is perhaps the most comprehensive text in this regard. Primeau applies classical rhetoric to consider the unique features of television as a persuasive medium. He moves the consideration beyond merely considering the content of television programmes and delves into how the five canons of rhetoric can be used to understand how television persuades. Despite being subjected to criticism

¹⁵³ Meyrowitz, J. (1994). Medium theory. In D. J. Crowley, & D. Mitchell, *Communication theory today* (pp. 50 - 77). Redwood City: Stanford University Press. Retrieved October 29, 2020, from https://d1wqtxts1xzle7.cloudfront.net/36446327/MEDIUM_THEORY_0386.pdf?1422600646=&response-content-disposition=inline%3B+filename%3DMedium_Theory.pdf&Expires=1603943247&Signature=d3KTUDwLxXRonRf6Zh8Y04lqc1SJbv7~EQOem1S8PxIXSIYObHpLjhw3ubMqsHIP5hb8C3Q9nD7O

¹⁵⁴ Innis, 2007

¹⁵⁵ Innis, H. A. (1949). The bias of communication. *The Canadian Journal of Economics and Political Science*, 15(4), 457-476. Retrieved October 29, 2020, from <https://www.jstor.org/stable/138041>

¹⁵⁶ *Ibid.* p. 457

¹⁵⁷ McLuhan, M., & Fiore, Q. (1967). *Message: An Inventory of Effects*. New York: Bantam.

¹⁵⁸ *Ibid.* p. 106

¹⁵⁹ Meyrowitz, 1994, p. 50

¹⁶⁰ Primeau, R. (1979). *The rhetoric of television*. London: Longman Publishing Group.

for being relatively scant on rhetorical theory¹⁶¹ and being more of a textbook rather than a scholarly work,¹⁶² there does not appear to have been work done to build on this and further take into account how the technological changes that television has undergone since Primeau wrote the book 40 years ago, have changed it as a mass communication medium, and ultimately changed the role and way this medium shapes popular culture, as outlined by medium theory. While limited to television news reports, this study will include an analysis to this effect.

Medium theory has been criticised for being a technology deterministic perspective because it strongly emphasises technology's role in shaping culture. Critics argue that contrary to the proposition made by medium theory that humans adapt to technology, it is the technology that humans shape to adapt to us.¹⁶³ However, this perspective is relevant in the South African landscape because of the history of this medium in this context. While the world's first regularly scheduled television service was introduced in 1935, through the launch of the British Broadcasting Corporation (BBC), television was only introduced to South African viewers in 1976 because the then-governing National Party (NP) deemed it "a destroyer of the human spirit [that] is a bigger menace than the atom and hydrogen bombs."¹⁶⁴ The concerns lay in the new technology's cost and its audio-visual nature, which the NP predicted would negatively affect impressionable young white South Africans. As the then-Minister of Post and Telegraphs, Dr Albert Hertzog put it: "[t]he child who looks at television is often to a large extent no longer the leader in his area; he feels inferior, and at best is only a follower. It is very important to us in South Africa that the white nation should be the leaders and remain the leaders."¹⁶⁵ There were also arguments on the impact of this medium on family life and spirituality because of its supposed hypnotic power.¹⁶⁶ Thus, from its very introduction, perspectives aligned

¹⁶¹ Medhurst, M. (1981). The rhetoric of television (review). *Quarterly Journal of Speech*, 67(2), 230. doi:<https://web-b-ebSCOhost-com.ezproxy.uct.ac.za/ehost/pdfviewer/pdfviewer?vid=3&sid=7ae04353-cb20-4773-888f-b204a14579c2%40pdc-v-sessmgr05>

¹⁶² Mundhenk, R. (1980). The rhetoric of television by Ronald Primeau (review). *College Composition and Communication*, 31(1), 104-106. Retrieved October 29, 2020, from <https://www.jstor.org/stable/356648>

¹⁶³ Williams, R. (2003). *Television: Technology and cultural form*. London: Psychology Press.

¹⁶⁴ Cros, B. (1996). Why South Africa's Television is only Twenty Years Old : Debating Civilisation, 1958-1969. *Alizés : Revue angliciste de La Réunion, Faculté des Lettres et Sciences humaines*, 12, 117-130. Retrieved November 3, 2020, from <https://hal.univ-reunion.fr/hal-02350316/document>. p. 120

¹⁶⁵ Hertzog, A. in Cros, 1996, p. 121

¹⁶⁶ Cros, 1996

with medium theory have undergirded how television is viewed in this context. The NP eventually introduced television three decades later. Their roll-out of the medium was driven by this view that they would use it as a technology to mould society.

The influence of policies informed by medium theory on the use of television in the South African context is also evident in how slowly courts in this context were when it came to allowing for live televised broadcasts of criminal cases. The first criminal trial to be televised live in South Africa was the 2014 murder trial of Paralympian Oscar Pistorius.¹⁶⁷ While media have been allowed to report on court proceedings, video cameras in court have been a contentious matter not only in this context but around the world.¹⁶⁸ The issue with this technology seems to be its perceived influence on people's behaviour, thus causing caution around how it might affect witnesses and the accused. Delivering his judgment in the matter, Judge Dunstan Mlambo quoted from "South African Broadcasting Corporation Limited vs The National Director of Public Prosecutions" case, that distinguished the features of broadcast media from other forms of media, stating that "Broadcasting, whether by television or radio, has the potential to distort the character of the proceedings. This can happen in two ways: first, by the intense impact that television, in particular, has on the viewer in comparison to the print media; and second, the potential for the editing of court proceedings to convey an inaccurate reflection of what actually happened."¹⁶⁹

And indeed, in the literature, there are findings on the effect of audio-visual media on witnesses feeling more nervous while giving evidence in court¹⁷⁰ and on the public's sense of the judicial system.¹⁷¹ Judge Mlambo eventually ruled that while other aspects of the trial could be televised, "the audio-visual or televising and still photography of Pistorius and his witnesses when they testify be disallowed as this has the potential to deprive him of a fair trial."¹⁷² Thus, the late adoption of television in the

¹⁶⁷ Moseneke, D. (2018). The courtroom as TV studio: the case of the Oscar Pistorius trial. *International Journal of Law in Context*, 14, 493–503. doi:10.1017/S1744552318000204

¹⁶⁸ Moseneke, 2018; Borgida, E., DeBono, K. G., & Buckman, L. A. (1990). Cameras in the courtroom. *Law and Human Behavior*, 14(5), 489-509. Retrieved November 4, 2020, from <https://www.jstor.org/stable/1393937>; Nasheri, H. (2002). *Crime and Justice in the Age of Court TV*. El Paso: LFB Scholarly Pub.

¹⁶⁹ *Multichoice (Proprietary) Limited and Others v National Prosecuting Authority and Another*, 10193/2014 (Gauteng High Court February 25, 2014). Retrieved November 4, 2020, from <http://www.saflii.org/za/cases/ZAGPPHC/2014/37.html> par 19

¹⁷⁰ Borgida, DeBono, & Buckman, 1990

¹⁷¹ Roberts, R. E. (1997). An Empirical and Normative Analysis of the Impact of Televised Courtroom Proceedings. *SMUL Rev*, 51, 621 - 666. Retrieved November 4, 2020, from <https://scholar.smu.edu/cgi/viewcontent.cgi?article=1640&context=smulr>

¹⁷² *Ibid.* par 25, 26

country, as well as the late adoption of live televised court cases, point to the need for studies that consider mass media items not only from the perspective of what the content persuades viewers of but also from the perspective of how the different mediums shape the character of that persuasion.

2.4.3 *Television news and rhetoric*

Craig Smith's¹⁷³ "Television News as Rhetoric" makes a crucial theoretical contribution in understanding how television news functions rhetorically. It unmaskes the strategies employed in television news items as "preeminent source[s] of persuasion".¹⁷⁴ It does this by rightly arguing that one of the most persuasive characteristics of television news items is in how they are positioned as being "'informative instead of 'persuasive'".¹⁷⁵ This positioning, he argues, is one of the reasons citizens are more inclined to trust them and assign more favourable properties to them such as objectivity, credibility, and balance, as opposed to traits like "'manipulation', 'coercion' ad salesmanship" which are assigned to advertisements and spin-doctors. The paper then elaborates on the "sophisms of technical know-how"¹⁷⁶ in television news production. It expounds on how all of these are geared at persuading viewers that a particular newscast provides the most reliable, object and balanced representation of the world. It also explores how news reports and reporters employ commonplaces to make "news reporting into a smooth entertaining show" that hide the fact that what is being aired as a representation of reality is actually re-presentation or framing of reality which has been scripted and choreographed such that it prioritises the audience's enjoyment of the viewing experience, rather than accuracy.¹⁷⁷ Furthermore, it discusses some of the most important rhetorical strategies used by television news broadcasts.

Smith's study makes an important contribution by arguing, "[a]udiences have come to expect polished news presentations, and reject unpolished, yet more spontaneous, news as unreal. The situation is not far removed from the worst audiences of classical display: smoothness was expected lack of polish was hooted;

¹⁷³ Smith, 1977

¹⁷⁴ Ibid. p. 147

¹⁷⁵ Ibid. p. 147

¹⁷⁶ Ibid. p. 148

¹⁷⁷ Ibid. p. 150

the message was subordinate.”¹⁷⁸ This argument bears some resemblance to Aristophanes’ protagonist in *Clouds*, Strepsiades, who wanted to exploit the persuasive elements of oration to make the weaker argument the more robust. In this respect, Smith argues that through the myriad of limitations placed on television news items, they could never actually provide the factual, objective, balanced, reliable, neutral and accurate depiction of reality that they claim to. As such, they employ various rhetorical strategies based on their audio-visual elements to strengthen the impression that they do, in fact, do this. This argument is not explicitly stated in Smith’s paper, but based on the points raised and examples cited, it comes through. This dissertation will build on this by showing that the type of critique engaged in by Smith raises some of the same philosophical arguments against rhetoric that were raised by Plato and Aristophanes, with the main difference being that the mediated audio-visual character of television news items in the modern era introduces a few interesting dynamics. Smith’s paper does not engage with the philosophical and theoretical underpinnings of television news items as rhetorical texts in this way.

While the issues around media effects fall outside the scope of this dissertation because they deal with cognition and recall, this study will provide an in-depth look at the types of visuals that are used for television news reports on the criminal justice system and ascertain the role they play in the messages being communicated. In visual rhetoric, visuals are recognised as rhetorical devices strategically chosen to make particular types of arguments. In this respect, Kock notes that graphics, such as logos, lower thirds, text backgrounds, bugs and idents, represent one aspect of media rhetoric that media studies should give more attention to. By nature, they are two-dimensional and are packed with information and insight at a ratio that is hard to match with other means.¹⁷⁹

2.4.4 Television news and rhetoric in South Africa

The preceding section briefly discussed the history of television in South Africa from the perspective of mediatisation and how new technology was a cause of concern for the governing party under apartheid. This section’s focus is to examine the extent to which research on South African television has examined the rhetorical aspects of this

¹⁷⁸ Ibid. p. 150

¹⁷⁹ Kock, 2004, p. 109

medium and its content. The focus will be on the South African Broadcasting Corporation (SABC), as the longest existing channel and appears to be the most researched. However, consideration will also be given to the free-to-air television channel, eTV, since it is of interest in this study.

Only a few studies have explicitly set out to examine South African television from a rhetorical perspective.¹⁸⁰ In most studies about South African television, the persuasive aspects are taken for granted, given the well-documented ways in which the medium has been used to mould views as desired by the governing party of the day.¹⁸¹ In this regard, the SABC has received considerable focus since it not only dominates the local TV landscape but, as studies have found, was employed as a tool of government propaganda both pre-democracy¹⁸² and after 1994.¹⁸³ Concerning eTV, South Africa's first free-to-air commercial television channel, very little research has been done. Some studies look at eTV in comparison to SABC based on aspects such as content¹⁸⁴ and viewership figures.¹⁸⁵ However, we do not yet know whether there are commonalities and differences in how these two leading players in the South African television landscape employ rhetorical devices for persuasion, particularly concerning their news content. This gap is very evident when one considers how such studies abound in contexts like America and Europe.¹⁸⁶ The consequence of this is

¹⁸⁰ Nkoala, S. (2019). Internal affairs: an Aristotelian perspective on SABC 3 news. *African Journal of Rhetoric*, 11(1), 224-243. Retrieved February 24, 2021, from <https://journals.co.za/doi/pdf/10.10520/EJC-1ae3312c23>

¹⁸¹ Teer-Tomaselli, R. (1995). Moving towards democracy: the South African Broadcasting Corporation and the 1994 election. *Media, Culture & Society*, 17(4), 577-601.

doi:10.1177/016344395017004004; Orgeret, K. S. (2008). From his master's voice and back again? Presidential inaugurations and South African television—the post-apartheid experience. *African Affairs*, 107(429), 611-629. doi:10.1093/afraf/adn043

¹⁸² (Truth and Reconciliation Commission, 1998, pp. 168-170) Truth and Reconciliation Commission. (1998). Final Report, Volume 4, Chapter 6: Institutional Hearing: The Media. Retrieved February 24, 2021, from <https://www.justice.gov.za/trc/report/finalreport/Volume%204.pdf>. p. 168-170

¹⁸³ Duncan, J. (2008). Executive overstretch: South African broadcasting independence and accountability under Thabo Mbeki. *Communicatio: South African Journal for Communication Theory and Research*, 34(1), 21-52. doi:10.1080/02500160802144504

¹⁸⁴ Nelson, O., & Salawu, A. S. (2017). Television News Coverage and Xenophobic Attacks on Foreign Africans in South Africa: A Content Analysis of Youtube Videos. *Bangladesh e-Journal of Sociology*, 14(1), 104-116. Retrieved February 25, 2021, from <https://bangladeshsociology.org/14.1-7.pdf>

¹⁸⁵ Ndlovu, M. W. (2014). South African young adults' viewership of television news and implications for democracy. *Ecquid Novi: African Journalism Studies*, 35(2), 92-108. doi:10.1080/02560054.2014.923322

¹⁸⁶ Feldman, L., Maibach, E. W., Roser-Renouf, C., & Leiserowitz, A. (2012). Climate on cable: The nature and impact of global warming coverage on Fox News, CNN, and MSNBC. *The International Journal of Press/Politics*, 17(1), 3-31. doi:10.1177/1940161211425410; Kevin, D. (2003). *Europe in the media: A comparison of reporting, representation, and rhetoric in national media systems in Europe*. London: Routledge.

that while we are aware of television's persuasive aspects in the South African context, we have not yet adequately theorised about these to uncover how if at all, they differ from those employed by broadcasters in Western countries.

My previous work on SABC 3's news bulletins is among the studies that have tried to address this.¹⁸⁷ By employing classical rhetoric criticism, I determined that the bulletins relied strongly on emotive appeals and epideictic rhetoric to mask instances where the reports were not accompanied by compelling evidence to back up the claims being made.¹⁸⁸ This case study was limited and demonstrated a need to broaden the scope so that more generalisable conclusions can be arrived at to propose theories that can be applied more broadly. Such is the aim of this study, and in the discussion on the existing literature thus far, I have aimed to make a case for the fact that while we know a great deal about mass media and persuasion, there are still critical gaps that need to be addressed, including studies that first consider the persuasive aspects of television news reports more holistically, and consider content together with the medium. Second, there is a need for research that will consider television news for persuasive ends in an under-explored context like South Africa to extend the existing theories based mainly on perspectives from Western contexts.

The final section of this chapter will consider the literature on news reporting on crime and justice. Several relevant studies were already highlighted in the first chapter to give a rationale for this study. In the next section, a few are highlighted because they specifically deal with crime reporting from a rhetorical perspective.

2.5 The rhetoric of news reports on crime and justice

Lanjouw and Burger's paper, "Criminals as Heroes. News Media Rhetoric in the Heineken Kidnap Case,"¹⁸⁹ draws some parallels with the aims of this study. First, as far as the focus is on establishing news reports' rhetorical character based on a crime story, this is similar. However, whereas Lanjouw and Burger make use of a case study on the news coverage of a particular crime story over three years and then draws conclusions on the rhetorical effect on the use of narrative to persuade these specific type of crime stories, where perpetrators are portrayed as villains, this dissertation

¹⁸⁷ Nkolala, 2019

¹⁸⁸ Nkolala, 2019

¹⁸⁹ Lanjouw & Burger, 2013

looks at various news items on crime stories. It then discusses the persuasive communicative work being performed by South African television news reports on crime and justice. By taking this broader approach, this study avoids some of the pitfalls of using a specific case study that, as Lanjouw and Burger's work itself notes, does not offer much scope in terms of comparisons because it aims to understand a particular situation.

Another notable study is Steven Chermak's "Body count news: How crime is presented in the news media"¹⁹⁰ on the presentation of crime stories in news media because of the way that it employs different methodologies in its attempt to understand "how the news production process affects the presentation of crime in the news media."¹⁹¹ Even though the study was undertaken over two decades ago, it is still relevant today because news production practices concerning mass media have not changed much. The news values that informed practices in the early 1990s are still mostly observable today. Further, even though this particular study was done in an American context, the findings are relevant to the South African context because even though the crime situations of these two contexts may be different, the factors that inform the news production process around crime stories are similar. The most helpful aspect of Chermak's study is how it traces the developments of research on crime and news reporting over the decades, pointing out the contributions made and the aspects that need further research.

Most notably, Chermak finds that "[t]he shifts in newsworthiness found across time, in comparisons of literature, show that news and source organizations accommodate public and political interest".¹⁹² This asserts that news coverage of crime is not neutral and has features that persuade society of something. However, it also notes that what is happening in any given society around crime and popular topics also impacts the types of crime stories that receive priority coverage. An example is that in the period considered by his study, despite drug-related crimes being deemed less severe than crimes such as murder, these incidents received considerable coverage because of the political and social dynamics at play. Thus, if one uses the notion of exigence described in Bitzer's "Rhetorical Situation"¹⁹³, covering these

¹⁹⁰ Chermak, 1994

¹⁹¹ Ibid. p. 561

¹⁹² Ibid. p. 579

¹⁹³ Bitzer, 1992

specific stories at the time was an act of addressing them by giving a rhetorical response. This idea will be an important lens through which the coverage of the specific news stories considered in this dissertation will be analysed.

Mark Fishman's¹⁹⁴ work on crime and ideology also confirms the role of news production practices and societal developments in shaping news reports on crime. His argument is that driven by notions around what crimes are newsworthy, news media creates an impression of a particular crime wave. In turn, it compels authorities to prioritise dealing with that crime wave even if, in reality, it is a figment of the media's imagination. The case he uses is of crime against elderly people in New York in 1976, and he notes:

Officials and authorities were willing to assume from the outset that the crime wave represented something real or, at least, they were unwilling to express any doubts in public. Thus, by making public statements and taking official action based on this assumption, authorities made the wave look more real.¹⁹⁵

Consequently, we see the rhetorical effect of news reports on crime and justice; namely, they make people say and do things in response, even if that response is to a crisis that might not be real. Like the other studies cited above, Fishman's work does not look at the reports at the micro-level, namely based on the sentences and words used, to see how this persuasive effect is being created based on how they are written. Instead, his focus is on the frequency of the reports and follow-up interviews that give further context to what was happening socially at the time.

Thus, we see this as the general approach of the scholarship on news reports on crime. It looks at the content broadly to map out what the focus is or zooms in on a particular case to explore its coverage implications on society. Unfortunately, we do not see enough research examining these texts and how they persuade by examining how words and visuals are used in the reports and their rhetorical effect. We are told that persuasion occurs when we read about individuals' actions due to the reports. However, due consideration is not given as to what it is about the way these reports have been written that would prompt such a response and the persuasive communicative work being performed by the news reports.

¹⁹⁴ Fishman, M. (1978). Crime waves as ideology. *Social problems*, 25(5), 531-543. Retrieved February 25, 2021, from <https://www.jstor.org/stable/800102>

¹⁹⁵ Ibid. p. 541

2.6 Conclusion

The literature review undertaken in this chapter discussed the existing body of literature dealing with mass media and rhetoric, focusing on television news and crime. It has been argued that there are two gaps in the scholarship that this study will endeavour to address. The first relates to an approach to mass communication research that isolates matters of content from matters of the medium. For example, when considering the rhetorical features of mass communication texts, one notes that theories that explain the use of visuals and images do so without considering theories that explain how different mediums shape the discursive and visual aspects. Taking this approach is akin to one divorcing the orator from the oration in classical rhetorical analysis: it uncovers some aspects of the persuasive performance. However, it does not give a comprehensive enough picture of the rhetorical situation at hand.

The second gap relates to scholarship on television news reports on crime and justice. In this respect, it was first noted that not enough studies have explored how television news persuades in the South African context. Second, the studies that consider news reports on crime and justice do not appear to have taken an approach that looks at these texts from the sentence level to theorise about why they are so persuasive. More often than not, the approach has been to focus on a single case and undertake an analysis on that, or the inclination is to monitor how often reports on crime feature, and what people do in response to these without postulating on why the way in which these stories are written would influence people in the way that they do.

The following chapter discusses this study's central concept, namely that of television news reports as rhetors that frame or re-present crime and justice and perform a type of persuasive communicative work concerning the South African criminal justice system. This idea of television news reports as rhetors means that consideration is given to how these texts use words and visuals to persuade and how television is used as a medium to deliver this persuasive messaging.

CHAPTER 3: Conceptual framework

3.1 Introduction

As texts that define, frame, and interpret current affairs, news reports are sites of power struggles regarding the meaning and significance we assign to present-day events.¹⁹⁶ This power lies in their role as texts of popular culture that influence what people think about and how they think about things. Furthermore, they are texts with which we do things in the world and persuade others. Through news media, we announce something as novel, confer importance significance to events, create present-day heroes and villains and challenge powerful institutions and individuals. Therein lies their rhetorical dimension.

This chapter discusses some of the central concepts that have been used to understand the persuasive communicative work being done by South African television news as rhetors that replicate and perform popular culture. As Barry Brummett argues, “[t]he theory of rhetoric today is increasingly recognizing the important business that is done through popular culture”, so if we want to understand “how public affairs are nudged in one direction or another, we need to look more at what is happening on television”.¹⁹⁷ This idea of television news reports as rhetors means that consideration is given to how these texts use words and visuals to persuade, as well as how television is used as a medium to deliver this persuasive messaging and how the structure of the reports engages in persuasive communicative work within popular culture. As has been argued in the literature review in the preceding chapter, studies on television news reports on the criminal justice system either focus on the reports’ messages through an analysis of the content, or they consider the medium in which the reports are aired or the form of these texts. As such, there appears to be a gap in postulating how the content, the medium and the form work together to persuade. Given the status of television news reports as popular culture texts, theories need to be developed to make meaning of their re-presentations of society’s most dominant practices and perspectives.

In light of this, three kinds of concepts are dealt with in this chapter. The first relates to the news reports’ message, where consideration is given to theories dealing with the content and how words and visuals are used to persuade. The second relates

¹⁹⁶ Brummett, B. (2017). *Rhetoric in popular culture*. Thousand Oaks: Sage Publications.

¹⁹⁷ *Ibid.* p. 102

to mass media as messengers. It considers how television's characteristics as a medium, together with the contexts in which it is consumed, make it a suitable platform for engaging in persuasive communicative work in popular culture. The third relates to how arguments are structured in television news as a genre.

Considering the news reports' content, Kenneth Burke's theory of language as symbolic action¹⁹⁸ is used, focusing on his notions of dramatism, identification, and terministic screens. Building on these Burkean concepts, which focus our attention on the textual aspects of the content of television news reports, two other concepts are discussed, namely metaphors as conceptual systems that we use to think and act and film semiotics which is used to consider the impression of reality that is created through the use of audio-visual texts. To explore the persuasive aspects of television as a medium David Altheide and Robert Snow's idea of media logic is used to focus on television as a metonymic text.¹⁹⁹ This conceptual framework chapter primarily deals with explaining these concepts and how they have been applied in this study to examine how South African television news reports act as rhetors that advance particular perspectives on criminality and justice. The chapter concludes by looking at techniques of argumentation used by mass media, focusing on how a persuasive information argumentation scheme is often employed in news media reports as advanced by Walton.²⁰⁰

3.2 Language as symbolic action

As stated in chapter one, the orientation of this study is to view language and media as social phenomena that "that simply, routinely and ordinarily work",²⁰¹ where consideration is given to the kind of work being done through the use of language and media, and how that work is being done through language and media use. As such, Burke's notion of language as symbolic action finds great relevance. In his conceptualisation, Burke sees language as a mechanism for exchanging ideas and as an instrument to do things in the world. He states, "[l]anguage is a species of action, symbolic action--and its nature is such that it can be used as a tool".²⁰² This stems

¹⁹⁸ Burke, 1966

¹⁹⁹ Altheide, D. L., & Snow, R. P. (1979). *Media Logic*. Sage: London.

²⁰⁰ Walton 2007

²⁰¹ Scannel, 1998, p. 257

²⁰² Burke, 1966, p. 15

from his view of a human being as a “symbol-using animal”.²⁰³ He expounds on this idea on two levels. First, he notes that to make things function in society, such as a factory, one relies on various nomenclatures, such as accounting, technological specialities, and education.²⁰⁴ In this sense, then, these symbols enable the factory to do what it does. By extrapolation, it is language that steers how systems and organisations function in society. The second level relates to the intuitive ability of human beings to use language as a tool that helps them examine how they use language, as is the case in definitions listed in a dictionary.²⁰⁵

Stemming from this perspective of language as symbolic action, Burke defines rhetoric as “the use of language as a symbolic means of inducing cooperation in beings that by nature respond to symbols”.²⁰⁶ In this statement, he advances the view that all language is persuasive because symbolic acts do something. Using the idea of chopping down a tree to compare symbolic action with practical action, Burke posits that is a practical act. When one writes about chopping down a tree, that act of writing is a symbolic action. In considering rhetorical criticism from Burke’s perspective, one seeks to answer the question that he poses: “[w]hat is involved when we say what people are doing and why they are doing it?”²⁰⁷ Burke’s definition of rhetoric is similar to an Aristotelian view of rhetoric which is “the faculty of observing in any given case the available means of persuasion.”²⁰⁸ However, where the traditional idea of rhetoric is rooted in understanding the persuasive aspects of speeches, Burke’s work examines persuasion in other language systems such as literature, religion and politics.

Further, where Burke differs from the traditional view is in how persuasion is achieved. For Aristotle, this was through using the artistic proofs of *ethos*, *pathos*, and *logos*.²⁰⁹ For Burke, persuasion occurs through “the use of words [symbols] by human agents to form attitudes or induce actions in other human agents.”²¹⁰ Furthermore, central to Burke’s view of rhetoric is that language can be used as a tool to make people do things physically, or think about things in a certain way, as expressed in his

²⁰³ Ibid. p. 13

²⁰⁴ Burke, 1966

²⁰⁵ Ibid. p. 14; Burke, K. (1969)b. A Rhetoric of Motives. Los Angeles: University of California Press. p. 43

²⁰⁶ Ibid

²⁰⁷ Burke, K. (1969)a. A grammar of motives. Los Angeles: University of California Press.

²⁰⁸ Aristotle, Rhetoric, 1994, p. 7

²⁰⁹ Aristotle, Rhetoric, 1994

²¹⁰ (Burke, 1969b, p. 46)

conceptualisation of language as symbolic action. Thus, for Burke, the concern of rhetoric and rhetorical criticism is understanding what motivates people and how language, as a symbolic system, can be used to influence and expose those motives.

Burke's theory of language as symbolic action is an interpretive communication studies theory that considers language beyond linguistic perspectives and views it as a tool through which reality is socially constructed. It is rooted in a view of man as a "symbol-using (symbol-making, symbol-misusing) animal".²¹¹ On this issue of symbols, he states:

can we bring ourselves to realize ... just how overwhelmingly much of what we mean by "reality" has been built up for us through nothing but our symbol systems? Take away our books, and what little do we know about history, biography ... What is our "reality" for today ... but all this clutter of symbols about the past combined with whatever things we know mainly through maps, magazines, newspapers and the like about the present.²¹²

The suggestion here is that reality is mediated through how humans make symbols, use symbols, and even misuse symbols, chief of which is language in Burke's view. Burke further posits that "however important to use is the tiny sliver of reality each of us has experienced first-hand, the whole overall "picture" is but a constructs of our symbol system".²¹³ Thus he does not discount tangible individual experiences but argues that our understanding of those incidents is through the lens of the symbolic system of language. His view is that language reveals how we view reality around us.

Burke's conceptualisation of language as symbolic action is relevant for this study because it directs the analysis to how those who craft news media texts use words and visuals to "identify symbolically their perspectives as they attempt to define situations, create orientations or attitudes and shape an individual's view of reality."²¹⁴ While he does not explicitly define this notion of language as symbolic action, he argues that all language is persuasive because it is a tool used to say things and a tool used to do things. He argues that words "shape our relations with our fellows.

²¹¹ Burke, 1966, p. 16

²¹² Ibid. p. 5

²¹³ Ibid

²¹⁴ Foss, S. K. (2017). *Rhetorical criticism: Exploration and practice*. Long Grove: Waveland Press. p.

They prepare us for some functions and against others, for or against the persons representing these functions. [They] go further, they suggest how you shall be for or against.”²¹⁵ Thus, by choosing to report on crime and justice issues in a certain way, news reports direct the audience to interpret them from a particular point of view, which usually aligns with the perspective of the journalists who crafted the story.²¹⁶

3.2.1 *Dramatism*

This theory of language as symbolic action led Burke to branch out and introduce the concept of dramatism, which he used to explore human motivations. Dramatism is “a technique of analysis of language and thought as basically modes of action rather than a means of conveying information,²¹⁷ and it is rooted in Burke’s view that language is dramatic, because it is “primarily as a mode of *action* rather than as a mode of *knowledge*, though the two emphases are by no means mutually exclusive.”²¹⁸ Burke argues that life is not *like* a drama; it *is* a drama, where humans are the actors who use language in their acting. Through the notion of dramatism, one can consider “What is involved, when we say what people are doing and why they are doing it?”²¹⁹ Sonia Foss explains this idea by stating that in Burke’s conceptualisation:

We use rhetoric to constitute and present a particular view of our situation, just as a play creates and presents a certain world or situation inhabited by the characters in the play. Through rhetoric, we size up a situation and name its structure and outstanding ingredients ... Once we know how rhetors have described situations, you are able to discover their motives for action in the situation²²⁰

Thus, in the case of this study, Burke’s idea of dramatism allows us to consider how the words used in the news reports unmask the motives behind why the crafters of these news items construct them in the way that they do. What actions or attitudes is this rhetorical utterance trying to evoke? What is the motive behind it? Are these news

²¹⁵ Burke, K. (1984). *Attitudes toward history*. University of California Press: Berkeley. p. 4

²¹⁶ Burke, 1969b

²¹⁷ Webster’s Third New International Dictionary. (1968). Springfield: Merriam-Webster. p. 685

²¹⁸ Burke, K. (1978). Questions and answers about the pentad. *College Composition and Communication*, 29(4), 330-335. doi:10.2307/357013

²¹⁹ Burke, 1969b, p. xv)

²²⁰ Foss, 2017, p. 36

reports on the criminal justice system trying to evoke fear, prompt the public to come together in response, disseminate information or find answers to issues?

To guide in arriving at an answer to this, Burke directs the rhetorical critic to a heuristic that considers five terms closely associated with drama: the act, the agent, the agency, the scene, and the purpose, commonly referred to as the dramatic pentad.²²¹ These elements will be discussed later in the methodology section, where the study will go into greater detail on how they have been used to undertake the dramatic pedantic criticism. For this section on the framework, attention is drawn to them as a means of highlighting that by considering as part of Burke's dramatic pentad, the study endeavours to consider how particular "realities" come into being in the use of words and images in these television news reports, and how the constructors of these news items "motivate or block particular understandings, attitudes, and pre-dispositions"²²² on matters related to the criminal justice system in South Africa.

3.2.2 Identification

Burke advances another notion to support his theory of language as symbolic action when he introduces the idea of identification. Through this notion, he advances the view that a speaker only persuades an audience if the speaker somehow evokes viewpoints shared in common with the audience. He states, "[y]ou persuade a man only insofar as you can talk his language by speech, gesture, tonality, order, image, attitude, idea, identifying your way with his".²²³ For traditional rhetoric, identification was a means of persuasion, best captured through the *ethos* proof. However, in the Burkean school of thought, "persuasion is but one means of identification within rhetorical discourse."²²⁴ Burke uses the following analogy to explain what he means by identification "A is not identical with his colleague, B. But insofar as their interests are joined, A is identified with B. Or he may identify himself with B even when their

²²¹ Burke, 1969a; Burke, K. (1978). Questions and answers about the pentad. *College Composition and Communication*, 29(4), 330-335. doi:10.2307/357013

²²² Livesey, S. M. (2002). Global warming wars: Rhetorical and discourse analytic approaches to ExxonMobil's corporate public discourse. *The Journal of Business Communication*, 39(1), 117-146. doi:10.1177/002194360203900106 p. 121-122

²²³ Burke, 1969b, p. 55

²²⁴ Hansen, G. (1996). Kenneth Burke's rhetorical theory within the construction of the ethnography of speaking. *Folklore Forum*, 33, 20-59. Retrieved April 16, 2021, from <https://core.ac.uk/download/pdf/213810459.pdf>. p. 52

interests are not joined, if he assumes that they are, or is persuaded to believe so.”²²⁵ Thus for Burke, one of the main reasons people engage in communication is that even though they are separate beings, they long to bridge that divide by finding people to identify with. Words are the primary way that identification is facilitated. Identification then is an essential rhetorical tool, according to Burke, because only once an audience feels as though they have identified with a speaker can they be persuaded by what the speaker is arguing. Burke states, “We might well keep it in mind that a speaker persuades an audience by the use of stylistic identifications; his act of persuasion may be to cause the audience to identify itself with the speaker’s interests”.²²⁶

Gregory Hansen distills identification into three types of processes: “the use of language as an act of naming ... the use of language to negotiate identity within groups...[and] how rhetoric negotiates personal identity.”²²⁷ The first naming process is based on observing an object or an event and then giving them a name, which is a rhetorical process. The second process of negotiating identity involves associating the object or event with somethings while disassociating it from others. The last process is when identification is said to have occurred through consubstantiality. Burke explains this last process as follows: “in being identified with B, A is ‘substantially one’ with a person other than himself. However, at the same time, he remains unique, an individual locus of motives. Thus he is both joined and separate, at once a distinct substance and consubstantial with another”.²²⁸ (Borchers, 2012) links the notion of identification to persuasion by arguing that “persuasion [is] the coproduction of meaning that results when individuals or groups of individuals use language strategies and/or visual images to make audiences identify with them.” For Burke, while identification is the aim of rhetoric, consubstantiality is the “substance” that makes one person identify with another.

When considering this idea concerning news reports, consideration is given to how people and phenomena are named to ensure that the audience identifies with the argument advanced in the news report. For example, descriptors such as “tragedy” and “heinous” are sometimes used for particular incidents, and identification assists in the critique of which crimes are described as such and how such descriptions are the

²²⁵ Burke, 1969b, p. 20

²²⁶ Ibid. p. 46

²²⁷ Hansen, 1996, p. 52

²²⁸ Burke, 1969b, p. 21

journalists attempt at employing identification to ensure the viewer agrees with their perspective.

Second, in the process of association involving the criminal justice system, the news reports emphasise certain aspects and conceal others to advance a particular perspective and prompt a particular kind of meaning to be read from it. As is shown in the analysis chapters, there is a difference in which crime receive focused coverage on any particular year. In one year, issues of gender-based violence are amplified which corruption-related crimes are ignored. In another year, corruption takes centre stage while reports on interpersonal crimes receive less coverage. This is not based on the statistical prevalence of the crimes, but rather on efforts, on the part of the journalists, at identification based on what they assume is uppermost in the public's minds. The third process occurs as the audience finds that "shared substances" advanced in the report, and in so doing, is persuaded by the message it advances, which brings the other two processes together to consider their overall rhetorical effect.

The description of these three processes as discrete activities is purely academic because, in reality, they co-occur. This study will analyse how news reports on the criminal justice system create these interdependent identities that Burke argues language does. For the sake of systematic criticism, the analysis will involve looking at how each of these processes unfolds. However, there should be an awareness that this happens simultaneously at the back of the reader's mind. Although Burke focuses on the relationship between public speakers and their audiences, identification is also how an audience member can perceive a communicator as being similar or having the same interests. When it comes to news reports, the idea of focusing on newsworthy incidents is one way in which journalists attempt to identify with their audiences by sourcing stories they believe will be deemed relevant by those watching, reading or listening to their news reports. Consideration is given to factors such as the proximity of the story, the story's timing, how many people the story is assumed to impact and whether a report confirms publicly held views about an issue or contradicts those.²²⁹

²²⁹ Jordan, 2017; Gruenewald, J., Pizarro, J. P., & Chermak, S. M. (2009). Race, gender, and the newsworthiness of homicide incidents. *Journal of criminal justice*, 37(3), 262-272.
doi:10.1016/j.jcrimjus.2009.04.006

3.2.3 *Terministic screens*

The final Burkean concept that is important in this study is the notion of terministic screens. Burke introduces the idea of terministic screens, which he describes as the way in which we use language as filters, or screens, through which we view reality.²³⁰ Our interpretation of what particular developments mean is informed by how they have been described because “terms direct the attention to one field rather than to another.”²³¹ Burke posits that there is no way of avoiding terministic screens “since we can’t say anything without the use of terms; whatever terms we use, they necessarily constitute a corresponding kind of screen; and any such screen necessarily directs the attention to one field rather than another”.²³² While Burke uses language in the discursive sense, because the perspective undergirds the concept of terministic screens as symbols used from communication, it can be applied to visual communication. In fact, in expounding on how he came to the idea of terministic screens, Burke states that it was inspired when he came across “different photographs of the same objects, the difference being that they were made with different color filters.”²³³ Adoni, Cohen and Mane argue that when it comes to television, persuasion occurs when the “symbolic representation of reality is based on selection and editing of material derived from reality, and thus depicts only a certain part of reality and portrays it from a specific point of view”²³⁴. This “certain part of reality” and the “specific point of view” articulated by the reports are what the analysis is most interested in since it may point to the perspectives advanced by the coverage. Moreover, because of the audio-visual character of television, the study is interested in the crafting of television news reports as visually, and discursively persuasive texts since this medium uses these strengths as a platform for socialisation.²³⁵

Each of these Burkean concepts allows us to consider an aspect of how news reports on the criminal justice system achieve their rhetorical purpose. First, the dramatic pentad focuses on these texts’ structure and allows us to unpack how the language used reveals the motives behind texts’ construction. Second, the idea of identification steers the analysis to focus on the more abstract ways language relates

²³⁰ Burke, 1966

²³¹ Ibid. p. 46

²³² Ibid. p. 50

²³³ Ibid. p. 45

²³⁴ Adoni, Cohen, & Mane, 1984, p. 34

²³⁵ O’Guinn & Shrum, 1997

the news reports to the audience. Finally, the idea of terministic screens also focuses on the more abstract ways in which language is used to prompt viewers to read the reports through a particular filter and arrive at particular perspectives. Each of these concepts provides a rich enough analysis by itself. However, to understand the rhetorical effectiveness of news reports better, we must consider what motivated the creators of these texts, simultaneously with how these texts try to produce identification in the audience, simultaneously with how they prompt the audience towards a particular perspective using discursive and non-discursive filters and ultimately how they function as symbolic action.

Building on these Burkean concepts, which focus our attention on television news reports' textual aspects, two other concepts need to be discussed. First, consideration must be given to the idea of metaphors, which George Lakoff and Mark Johnson argue are not merely characteristic of language alone, but rather linguistic expressions of the conceptual systems we use to think and act.²³⁶ In this respect, they contend that:

Our conceptual system ... plays a central role in defining our everyday realities. If we are right in suggesting that our conceptual system is largely metaphorical, then the way we think, what we experience, and what we do every day is very much a matter of metaphor.²³⁷

To therefore understand the persuasive communicative work being performed by South African television news reports on crime and justice, and how they frame or represent criminality and justice in this context, consideration must be given not only to the metaphors used about the criminal justice system in this context but also to the fact that the practice of reporting on matters of crime and justice on an almost daily basis in the news is a metaphorical act.

The second concept related to the television news reports' content relates to the images used in television news reports to consider visuals, as argued in film semiotic by Christian Metz²³⁸. Metz's notions of film semiotics have already been discussed in the preceding chapter. In this chapter on the conceptual framework, the point of

²³⁶ Lakoff, G., & Johnson, M. (2003). *Metaphors we live by*. Chicago: University of Chicago Press.

²³⁷ *Ibid.* p. 4

²³⁸ Metz, 1991

departure is that due to the audio-visual nature of television news reports, which can consequently be deemed to be a type of film, these texts “give us the feeling that we are witnessing an almost real spectacle — to a much greater extent ... than does a novel, a play, or a figurative painting”.²³⁹ Thus, in endeavouring to explore how these texts replicate and perform the criminal justice system, aspects of film semiotics are used to understand the visuals used by these news reports to advance particular criminality and justice perspectives in this context. Each of these concepts will now be elaborated on to demonstrate how they are applied to this study.

3.3 Frames and metaphors

Linked to Burke’s ideas on language as symbolic action are the ideas around framing and metaphors. Entman explains framing as follows an activity that:

essentially involves selection and salience. To frame is *to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation* for the item described.²⁴⁰ [emphasis in the original text]

Elsewhere, Entman describes framing as the “process of culling a few elements of perceived reality and assembling a narrative that highlights connections among them to promote a particular interpretation.”²⁴¹ For David Altheide, the framing of events dictates “what will be discussed, how it will be discussed, and above all, how it will not be discussed”.²⁴²

²³⁹ Ibid. p. 4

²⁴⁰ Entman, R. M. (1993). Framing: Towards clarification of a fractured paradigm. *Journal of Communication*, 43(4), 51-5. Retrieved October 21, 2021, from https://d1wqtxts1xzle7.cloudfront.net/33549924/entman_Framing-with-cover-page-v2.pdf?Expires=1634816277&Signature=NQ4t9vtEj4m5V5i3HFs80njMKIliKyDBA0aGK-tlj2JHC72Wz81svlb~VFR8XeemDqaacQduVc7i3pOfTsnhoybsnlNpnXO2NY0vM1oY4HYIZcmIAJR21mLX~-rmN~1U4dh7szwv0BuRW p. 52 Italics included in the original

²⁴¹ Entman, R. M. (2007). Framing bias: Media in the distribution of power. *Journal of communication*, 57(1), 163-173. Retrieved July 16, 2021, from https://watermark.silverchair.com/jnlcom0163.pdf?token=AQECAHi208BE49Ooan9khhW_Ercy7Dm3ZL_9Cf3qfKAc485ysgAAAugwggLkBgkqhkiG9w0BBwagggLVMIIIC0QIBADCCAs0GCSqGSIb3DQEHAATaEgqlghkgBZQMEAS4wEQQMfHvLXkMZpjKYKbzHAgEQgIIcm3NzvbrrcRj4A88nMIymH9fulLWRoBSv6ysKBZLrNf p. 164

²⁴² Altheide, D. L. (1997). The news media, the problem frame, and the production of fear. *The sociological quarterly*, 38(4), 647-668. Retrieved July 24, 2021, from <https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1533->

Lakoff suggests a link between framing and language because “[w]e ... know frames through language. All words are defined relative to conceptual frames. When you hear a word, its frame is activated in your brain.”²⁴³ Lakoff argues that the power of frames lies in the fact that as “mental structures that shape the way we see the world”,²⁴⁴ frames reveal what counts as common sense in a particular context. Paul van den Hoven elaborates on the importance of context in understanding frames by noting that persuading audiences through using framing “relies on elements that a community shares in what is often called a ‘collective memory’”²⁴⁵ because the audience must be prompted to think about the notion that the rhetor wishes to advance. William Gamson argues that a “frame is a central organizing idea for making sense of relevant events and suggesting what is at issue.”²⁴⁶

Frames are broader than terministic screens because “framing is about getting language that fits your worldview. It is not just language. The ideas are primary – and the language carries those ideas, evokes those ideas”.²⁴⁷ “Since communication is based on the same conceptual system that we use in thinking and acting, language is an important source of evidence for what that system is like.”²⁴⁸ To unpack what is articulated in frames practically, we look to how language is used, and for Lakoff, the aspect of language that is most telling of the “mental structures that shape the way we see the world”²⁴⁹ articulated in our frames are metaphors. Lakoff’s work is specific to political communication but finds relevance to rhetoric broadly in as far as it makes an argument that the use of certain words and phrases, namely metaphors, can appeal and amplify certain value systems, namely frames, and in so doing can persuade.

Johnson and Lakoff explain the importance of metaphors as “not just a matter of language, that is, of mere words ... on the contrary, human thought processes are

[8525.1997.tb00758.x?casa_token=4m7gVxhMfbgAAAA:HM4DH5SdX611_Sa7S_ssiNPVwutldYzdFyTR8CbY6hV555yiKKIU14I4cguZxla8o0rRpnO3SkWRwg](https://doi.org/10.1177/0002764289033002006?casa_token=Jj2PgcySWoQAAA:E3E1BAbbEAtuY89R1gFvoV0n73LJxvetWeDeq4Y5Ktwc0aZ85_y_LESPODK2oLdJ049lcdD8A-Ug) p. 651

²⁴³ Lakoff, G. (2004). Don't think of an elephant!: Know your values and frame the debate. White River Junction: Chelsea Green Publishing. p. xv

²⁴⁴ *ibid*

²⁴⁵ van den Hoven, P. (2015). Gold Mining: The Art of Rhetorical Discourse Analysis. Xiamen: Xiamen University Press. p. 299

²⁴⁶ Gamson, W. A. (1989). News as framing: Comments on Graber. *American behavioral scientist*, 33(2), 157-161. Retrieved August 11, 2021, from https://journals.sagepub.com/doi/pdf/10.1177/0002764289033002006?casa_token=Jj2PgcySWoQAAA:E3E1BAbbEAtuY89R1gFvoV0n73LJxvetWeDeq4Y5Ktwc0aZ85_y_LESPODK2oLdJ049lcdD8A-Ug

²⁴⁷ Lakoff, 2004, p. xv

²⁴⁸ Lakoff & Johnson, 2003

²⁴⁹ Lakoff, 2004, p. xv

largely metaphorical”.²⁵⁰ Robert Entman links the notion of frames to words, metaphors and visuals. He argues frames are created by particular words and phrases that consistently appear within a narrative and “convey thematically consonant meanings across time.”²⁵¹ This is because metaphor is “the main mechanism through which we comprehend abstract concepts and perform abstract reasoning”.²⁵² Lakoff and Johnson argue:

metaphor is not just a matter of language, that is, of mere words. We shall argue that, on the contrary, human thought processes are largely metaphorical. This is what we mean when we say that the human conceptual system is metaphorically structured and defined. Metaphors as linguistic expressions are possible precisely because there are metaphors in a person’s conceptual system.²⁵³

They further state that “[m]etaphors have entailments through which they highlight and make certain aspects of our experience more coherent. A given metaphor may be the only way to highlight and coherently organize exactly those aspects of our experience. Metaphors may create realities for us, especially social realities.”²⁵⁴ Aristotle explains how metaphors work by noting that “Metaphor consists in giving the thing a name that belongs to something else; the transference being either from genus to species, or from species to genus, or from species to species, on the grounds of analogy.”²⁵⁵ The example he gives is: “whenever there are four terms so related that the second (B) is to the first (A) as the fourth (D) is to the third (C), for one may then metaphorically put (D) in lieu of (C) and (C) in lieu of (D).”²⁵⁶ This is very similar to the Burkean notion of identification discussed above. The main difference is that identification occurs when a speaker communicates so as to explicitly identify with an audience, whereas with Aristotle’s perspective of metaphor, the speaker uses a concept or description that prompts the audience to think about something else. An example of this difference in the context of these news reports is if the news anchors were to say, “we have all been

²⁵⁰ Lakoff & Johnson, 2003, p. 7

²⁵¹ Entman, R. M. (1991). Framing US coverage of international news: Contrasts in narratives of the KAL and Iran Air incidents. *Journal of communication*, 41(4), 6-27. doi:10.1111/j.1460-2466.1991.tb02328.x p. 7

²⁵² Lakoff, G. (1993). The contemporary theory of metaphor. In A. Ortony, *Metaphor and thought* (pp. 202-251). Cambridge: Cambridge University Press. p. 244

²⁵³ Lakoff & Johnson, 2003, p. 7

²⁵⁴ *Ibid.* p. 157

²⁵⁵ Aristotle. (2017). *Poetics*. (I. Bywater, Trans.) Digireads.com. p 1457b1-30

²⁵⁶ *Ibid.*

victims of one or other crime”, she would be employing identification. Whereas if she talks about “a war on women” when referring to the prevalence of gender-based violence, she employs a metaphor. Thus, we see that metaphors and identification both do important work in explaining how language is used as a vehicle to carry concepts.

With specific reference to the news media, Lakoff states that “[m]uch of what we read on the daily op-ed pages of our finest newspapers is metaphorical common-sense reasoning.”²⁵⁷ Lakoff argues that because the metaphors articulated in mass news media platforms are based on common-sense reasoning, the public will most likely accept the reasoning advanced. Two things are at play when it comes to metaphors and mass news media. First, there is the linguistic use of metaphors wherein words are carefully chosen to allow us to “comprehend one aspect of a concept in terms of another”, something Lakoff terms as structural metaphors.²⁵⁸ In this regard, Lakoff argues that “[t]he most fundamental values in a culture will be coherent with the metaphorical structure of the most fundamental concepts in the culture.”²⁵⁹ Thus concerning news reports on the criminal justice system, it is not enough to look at the words used based on the idea of terministic screens. One must also consider how these stated concepts stand in for unstated concepts, which allude to how the issues are framed and can reveal the worldview being articulated. In chapter five, where analysis of news reports on farm murders and farm attacks is undertaken, for example, there is a systematic criticism of how the metaphorical elements of the notion of “farm attacks” expose an underlying worldview where white farmers engage in a form of self-othering in order to advance a view that they are targeted victims in the democratic dispensation.

Further, the action of broadcasting news reports on crime and the criminal justice system is in itself a metaphorical act. Viewers watch a news report on the issue but undergirding this is an unstated activity of making viewers feel like they are party to the process. By watching a trial, for example, and seeing what happened in court and hearing what was said in this context, even if it is an edited account, the viewer feels like they have watched justice unfold. That is why the argument is that broadcasting

²⁵⁷ Lakoff, G. (2002). *Moral politics: How liberals and conservatives think* (2nd ed.). Chicago: University of Chicago Press.

²⁵⁸ Lakoff & Johnson, 2003, p. 10

²⁵⁹ *Ibid.* p. 23

these reports can be deemed a metaphorical act wherein the edited news report stands in the place of the actual court case. This idea is elaborated on in the section that follows on film semiotics.

Similarly, news reports on a crime will act as a metaphor for the actual crime and include features such as eyewitness news accounts, visuals of the crime scene and images of the victim, all of which act as a metaphor for the actual crime. Further, there is the metaphor of the news media being a court of public opinion, akin to the court of law in which the court cases being reported on unfold. This metaphoric relationship explains why it would be that people feel that they know how the courts operate based primarily on what they have observed in mainstream media, particularly television. In this vein, it is thus not a coincidence that more than any other media platform, the presence of television news reporters in courts has been a matter of debate, one where the issues of permission to broadcast live visuals were only resolved in 2014 in South Africa.

It is important to note that one cannot avoid using framing or metaphors because of how language works. Language is full of metaphors that help us articulate abstract notions. In trying to share information with an audience, it is a given that the communicator will activate some frames for the discourse to make sense. This is as true for journalism as it is for any other communicative act. In fact, for journalism, the information communicated is driven by currency, prominence, and timeliness. Accordingly, in the consideration given to frames in this study, it intends to analyse what frames are evoked and to what end.

3.4 Film semiotics

As discussed previously, the significance of considering audio-visual texts, in the form of news reports, is because the trait of these texts being moving visuals that is by far the most vivid depiction of reality offered by other forms of medium such as text-based newspaper articles or image-based photograph. In order to discuss the unique features of these texts, the study draws on the concept of film semiotics, which is based on a perspective of audio-visual texts, like television and film, being viewed as possessing a language whose signs and symbols can be uncovered using similar techniques to those employed by linguistics when undertaking semiology.

Film scholar Christian Metz's work in this regard has already been discussed for how it draws on the strategies that analyse language to uncover the "unobservable, latent level that makes filmic meaning possible and defines its specificity".²⁶⁰ Metz makes the case that what makes the viewers' impression of reality so strong when they watch audio-visual texts is the fact that by using moving images, these texts "speak to us with the accents of true evidence, using the argument that 'it is so'".²⁶¹

In considering the filmic aspects of the news, one must also think around visual persuasion and what it is about these images that make them persuasive. Paul Messaris identifies three characteristics of images that make them persuasive: their ability to simulate reality, their ability to advance arguments in how they "show us the unspoken",²⁶² and their role as evidence or proof of something. The greatest significance to this study is the latter, namely, how these television news reports use visuals as evidence to persuade on the claims being made. To explain this idea, Messaris draws on semiotics scholar Charles Peirce's notion of an index which is a sign that has some physical connection to the object or event. Seeing visuals in the news about an incident "testifies" about what happened and is used to serve as proof that the journalistic account is credible.²⁶³ When one watches a televised news report on a particular court case, the video footage of the judge seated on the bench, or the accused standing in the dock, a vivid impression of reality is created because we "see" the person before us and "hear" them as if the development were unfolding in the moment, we are watching the news report. This is because television uses the same techniques as film to connote meaning.²⁶⁴ This study's focus on television is based on this textuality that it possesses, namely a medium that employs audio and visuals to depict the drama and speech of real-life events in a form that uses particular signs and symbols to re-present reality to us. As argued in the literature review, these signs and symbols are similar to those employed in film; hence the research draws on film semiotics.

²⁶⁰ Buckland, 1999, p. 89

²⁶¹ Metz, 1991, p. 4

²⁶² Messaris, P. (1997). *Visual persuasion: The role of images in advertising*. London: Sage.

²⁶³ *Ibid*

²⁶⁴ Fiske, J., & Hartely, J. (2003). *Reading television* (2nd ed.). London: Routledge. Retrieved November 13, 2020, from

https://d1wqtxts1xzle7.cloudfront.net/41860781/_John_Fiske_Reading_Television.pdf?1454349074=&response-content-disposition=inline%3B+filename%3DReading_Television.pdf&Expires=1605299022&Signature=UX7mMc5Hiss0jDHChLhHEqADJks1KoKiqg4iZsm~VGAGoXUoj9D5H~5k04. P. 29

Nevertheless, even though the mediums, namely television and film, may employ the same forms of expression, namely audio and moving visuals because they are different mediums, they employ different formats: a film is viewed in a cinema as a particular kind of experience in the moment, whereas we watch television in our homes following a daily schedule. We know when the television news bulletin will come on, and we are usually aware of what other domestic activities we will be doing while we watch. In the South African context, it is still the case that many families gather in front of their TV sets to watch the news in the evenings while having supper. Consuming television in this way connotes particular meanings to the text. That is why the concepts above explain how the study will analyse the textual aspects of the television news reports, theories on media logic and media argumentation have been incorporated in this study and will now be discussed.

3.5 Media logic

One shortcoming of the interpretivist approaches discussed above is their one-way reading of television as a text and downplaying the role that format plays in how television is read. Lakoff and Johnson do not mention medium at all in their work. Metz's work seems to imply it, but his focus is on "cinematographic language" generally and does not distinguish between how that language is read differently when presented in a domestic context, as is the case with television. Meanwhile, Burke's work is wholly opposed to the idea that the medium through which a message is presented has a bearing on its meaning. In his book "Language as symbolic action: Essays on life, literature, and method", he has a specific chapter entitled "Medium as "Message"" where he provides a detailed critique of his contemporary McLuhan's notion that the medium is the message. McLuhan's view posits that technology is an extension of man, and as such, is an integral part of the language we use to shape perceptions of reality. He states:

'the medium is the message' because it is the medium that shapes and controls the scale and form of human association and action. The content or uses of such media are as diverse as they are ineffectual in shaping the form of human association. Indeed, it is only too typical that the "content" of any medium blinds us to the character of the medium.²⁶⁵

²⁶⁵ McLuhan & Fiore, 1967, p. 203

Burke takes issue with this, as his view is that media are but “instruments” and favour a particular kind of content, and as such, content remains the focus. He argues, “If the medium is the message, obviously the important thing is not what somebody says in a given medium, but what medium he uses, regardless of what he says ... The medium is the message. Hence, down with content analysis.”²⁶⁶ He is firm in his criticism of McLuhan. He describes this approach of outlawing content analysis as an oversimplification when it comes to an understanding how media technologies advance perspectives on reality. In his strong criticism, he does not advance a perspective on how, if at all, technology influences language as symbolic action. A reason for this could be that in his conceptualisation of this idea, his sole references were to written texts that “carry” language very differently from the audio-visual texts that have come to proliferate society. Thus, while this study does not take McLuhan’s overzealous media deterministic view on the role of the media in shaping reality, it does draw on the notion of media logic to supplement the interpretivist view that understanding language and visual use alone will aid in understanding communication. It does this by drawing on the notion of media logic because in the 21st century, “much of popular culture comes to us through the ‘tube’”.²⁶⁷

Media logic is:

the way organizational and technological media formats (how the material is organized, the style in which it is presented, the focus or emphasis on particular characteristics of behaviour, the grammar of communication) structure both content and audience expectations.²⁶⁸

It is a perspective that views media as an institution with its own kind of logic when it comes to communication²⁶⁹ and assumes that “as people become accustomed to a technology and to the social uses to which it is put, they internalize certain ways of thinking and perceiving.”²⁷⁰ When drawing on this idea of media logic, consideration is given not only to how content shapes reality but also to the fact that how that content

²⁶⁶ Burke, 1966, p. 413

²⁶⁷ Brummett, 2017, p. 271

²⁶⁸ Brants, K., & van Praag, P. (2017). Beyond media logic. *Journalism Studies*, 18(4), 395-408. doi:10.1080/1461670X.2015.1065200 p. 398

²⁶⁹ Altheide & Snow, *Media Logic*, 1979

²⁷⁰ Brummett, 2017, p. 272

is packaged and delivered to audiences “cultivates a sense of its own reality in viewers.”²⁷¹ Media logic has similarities to a notion advanced by Neil Postman that each medium has its own epistemology and that in turn privileges certain types of intellect in a culture.²⁷² Audiences engage very differently when reading about a court case in a newspaper than what they would when watching the case on television. The fact that this difference in engagement seems intuitive points to media logic’s pervasive nature.

Indeed, it has not always been the case that audiences instinctively know to distinguish fiction from fact in media programmes. For example, the historic radio broadcast of the radio drama “The War of the Worlds” in 1938 caused public panic as audiences did not realise it was fiction and thought aliens were invading earth based on what they were hearing²⁷³. This is evidence that media logic is something that has developed with time, as audiences have learnt how to read the different media platforms and genres.

One also considers the context in which the medium is usually used by considering whether one is likely to consume the medium alone or with a group of people; one is likely to consume the medium in public spaces or private spaces.²⁷⁴ The medium considered in this study is television. As such, consideration is given to its realism as an audio-visual medium; its intimacy as a medium orientated towards making “small, intimate concerned paramount”,²⁷⁵ given that people view it in intimate contexts, such as homes. Finally, given its status as a mouthpiece of popular culture,²⁷⁶ consideration is given to television as a text that articulates the rhetoric of popular culture. Of relevance is this idea that audio-visual media, such as television, changes an audience’s sense of time and space.²⁷⁷ The fact that we can be transported to a crime scene while seated in our homes or watch a judge deliver a

²⁷¹ Ibid. p. 275

²⁷² Postman, N. (2005). *Amusing ourselves to death: Public discourse in the age of show business*. New York: Penguin.

²⁷³ Heyer, P. (2003). America under attack I: a reassessment of Orson Welles’ 1938 war of the worlds broadcast. *Canadian Journal of Communication*, 28(2), 149-166. Retrieved October 21, 2021, from <https://cjc-online.ca/index.php/journal/article/download/1356/1422/1480>

²⁷⁴ Brummett, 2017

²⁷⁵ Ibid, p. 276

²⁷⁶ Brummett, 2017

²⁷⁷ Meyrowitz, J. (1986). *No sense of place: The impact of electronic media on social behavior*. Cambridge: Oxford University Press.

sentence at 8 pm while eating supper shapes our attitudes and beliefs around the developments we are observing.

The idea of media logic is linked to the concept of mediatisation discussed in the first chapter. Mediatisation allows one to consider the consequences of media logic on society as expressed in popular culture.²⁷⁸ Altheide and Snow argue that:

when media logic is employed to present and interpret institutional phenomena, the form and content of those institutions are altered. The changes may be minor, as in the case of how political candidates dress and groom themselves; or they may be major, such as the entire process of present-day political campaigning in which political rhetoric says very little but shows much concerns.²⁷⁹

Altheide and Snow's work on TV news logic is used as the basis of this study's consideration of how the TV news format shapes the content. First, one of the perspectives they say informs media logic is the notion of television news as entertainment, which leads to certain types of events being deemed more newsworthy than others for this medium. Second, they cite the fact that TV news is a distinct format of television with certain features in terms of duration, time of day when it is aired, and the content that it focuses on. Third, media logic informs who and what is deemed a credible news source, and in so doing, it determines what kinds of content gets reported on. Next, there is an approach in television news that within a bulletin, there should be a variety of stories, so that even if there happen to be a lot of relevant developments related to crime on a particular day, not all of them will be reported on so that political, economic, human interest and sports stories can also be included so that there is variety in the bulletin. Lastly, they highlight the audio-visual nature of TV news which compels this format to rely on stories with action and where visuals can be obtained to show, not merely tell a particular development.

Another aspect of media logic not mentioned by Altheide and Snow but deemed relevant to this study is television news as metonymic text. Brummet characterises television as a metonymic text because of its feature of being able to reduce ideas and events into "simpler, smaller, more manageable [aspects] that leaves out certain

²⁷⁸ Altheide & Snow, *Media Logic*, 1979

²⁷⁹ *Ibid.* p. 11

details of the larger whole”.²⁸⁰ ‘Metonymy’ comes from the Greek for ‘change of name’, where a word, or in the case of television, an image, replaces a broader idea based on a relationship that is material, causal, or conceptual.²⁸¹ A ninety-second television news of a court case must draw on this metonymic nature to reduce the developments so that they fit the medium’s requirements.

Concerning the news reports on crime and justice considered in this study, these approaches informed by media logic for TV news will help analyse the kinds of stories reported on about the criminal justice system. They will also help us hypothesise on the persuasive communicative work being performed by South African television news reports on crime and justice and assist in drawing a conclusion on how TV influences the persuasive performance and replication of the system. Considering just the words and visuals in these news reports would not allow for analysing these texts’ features based on TV logic. Another feature of news reports that cannot be examined by simply considering the words and visuals used are the argumentation schemes used in these texts. The following section considers persuasive information-seeking to understand how argumentation in television news reports functions and argues that a particular type of argumentation scheme, namely persuasive information-seeking, is best suited for understanding television news reports.

3.6 News media argumentation: persuasive information-seeking

In setting out to understand how television news reports persuade, this study considers news media argumentation as one of the strategies used in these texts. Argumentation is a more specific form of persuasion that compares “claims in support of and in opposition to a proposition”.²⁸² The study of argumentation is relevant as it helps one understand how people reason in different contexts. Furthermore, considering communication exchanges from an argumentation perspective means that consideration is given as to how people use language to explain a particular view

²⁸⁰ Brummett, 2017, p. 73

²⁸¹ Riad, S., & Vaara, E. (2011). Varieties of national metonymy in media accounts of international mergers and acquisitions. *Journal of Management Studies*, 48(4), 737-771. doi:10.1111/j.1467-6486.2010.00940.x

²⁸² Borchers, 2012, p. 21

in the hope of getting others to agree with them. To this end, Joseph Wenzel²⁸³ advances three perspectives on argumentation, which outline the differences between rhetoric argumentation, dialectic argumentation and logical argumentation.²⁸⁴ He views rhetoric argumentation as the natural process of persuasive communication; dialectic focuses on engagement procedures in persuasive communication and logic as the product of persuasive communication.²⁸⁵ The view advanced in this study is that news media has its unique approaches to argumentation because of its characteristics as a text. Nevertheless, as Walton argues, not much work has been done to understand the “central mechanisms of media argumentation”.²⁸⁶ As a result, there is somewhat of a gap in the scholarship on argumentation schema used in mass media.

Because it aims to analyse the persuasive communicative work of South African television news reports on crime and justice, this study focuses on rhetoric and dialogue argumentation. As argued above, while some general features of media argumentation apply to news media texts broadly, different mediums draw on their specific logic and have specific ways of making persuasive arguments. Peter White, for example, provides a framework through which one can analyse the rhetoric of newspapers and explores how the “recurrent, characteristic patterns of text organisation and lexical choice may influence readers, how they may position readers to accept a text’s propositions, to accede to its presuppositions or to endorse the particular view of the social order upon which it relies” as a means towards this.²⁸⁷ This study draws on Walton’s work on media argumentation²⁸⁸ to do something similar to what White has done for newspaper reports concerning television news reports. The previous chapter explained why this study considers television news reports through the persuasive information-seeking argumentation scheme. This section

²⁸³ Wenzel, J. W. (1990). Three perspectives on argument: Rhetoric, dialectic, logic. In J. E. Schuetz, & R. Trapp, *Perspectives on argumentation: Essays in honor of Wayne Brockriede* (pp. 9-26). Prospect Heights: Waveland.

²⁸⁴ Ibid

²⁸⁵ Ibid; Lewiński, M., & Mohammed, D. M. (2016). Argumentation theory. In K. B. Jensen, & R. T. Craig, *The International Encyclopedia of Communication Theory and Philosophy* (pp. 82-95). Hoboken: John Wiley & Sons. Retrieved March 24, 2021, from https://apply.ffzg.unizg.hr/wp-content/uploads/2019/12/03-Lewinski_Mohammed_2016_Arg_theory.pdf

²⁸⁶ Walton, 2007, p. 5

²⁸⁷ White, 1998, p. 4

²⁸⁸ Walton 2007

discusses how this scheme analyses the persuasive performance and replication of the criminal justice system in South African television news reports.

Walton outlines three elements of persuasive dialogue:

the argument put forward by the proponent is deductively valid or is otherwise structurally correct ... The second element is the commitment of the respondent to the premises of the argument ... The third notion is that of the unique proposition designated as the conclusion of the argument.²⁸⁹

In the case of news reports, these elements are evident. First, news reports put forward a perspective on something that is “amiss” or newsworthy in the world. Second, the perspectives they put forward are perspectives that viewers generally accept. At the end of the report, the news report intends to get the viewer to deem the report filed as a credible account. The information-seeking element comes in since each of these elements uses the information-seeking disposition of viewers to advance the argument. News reports rely on the fact that audiences turn to them out of a need to know about local, national and internationally significant developments outside of their immediate context. The reports rely on features such as information from experts and officials, and in the case of television news, visuals of the developments to position the argument they advance as deductively valid. If someone hears from the police chief about a crime, they are likely to view that police chief’s account as credible. Similarly, if one sees a particular suspect in a news report about a court case, they are likely to view the report as a first-hand and valid account. Second, informed by the notion of news values, one observes that the events reported on are ones that the reports assume will be most relevant to viewers and thus much more acceptable to them.

Accordingly, we see that understanding the argumentation schemes of television news reports does not lie at the level of understanding the textual elements, such as how language and visuals are used, neither does it lie at the level of understanding how the medium’s features are used to make the reports persuasive. It lies in understanding the structure and organisation of the news reports, the type of stories that are more likely to be covered and the kind of people more likely to be featured.

²⁸⁹ Walton D, p. 54

The idea of persuasive information-seeking, where the study considers how the reports employ persuasive argumentation and an information-seeking scheme, will allow the study to consider these reports' compositional aspects in greater depth.

This persuasive information-seeking scheme is linked to framing because while the information sought and referenced in a story may, in and of itself, be neutral, the way that information is framed will “construct a particular point of view that encourages the facts of a given situation to be viewed in a particular manner, with some facts made more or less noticeable (even ignored) than others.”²⁹⁰ In a news story, the information provided and the way it is provided is a communicative act that is done to organise the ideas on an issue in a particular way. It might be an approach that places differing information side by side, creating an impression of “not taking sides”. It might be an approach that uses information that corroborates the views expressed. It could even be information that is presented as providing an update on the developments.

3.7 Conclusion

This study focuses on the persuasive communicative work of South African television news reports on crime and justice in this context. The emphasis is on the text's message produced by these news reports as rhetors, and the study considers how the messages within these television news reports function. This chapter has argued that to understand the persuasive work being done holistically, one must consider the content, the medium and the organisation of these texts.

Using Burke's notion of language as symbolic action, the chapter has highlighted three concepts used in this study in terms of the content. The first is dramatism, which allows one to analyse the television news reports to understand what may have motivated the reports' messages. The second is identification, which explores how words and visuals are used to identify with the viewers. The third is terministic screens that explain that news reports, as rhetors, use words and images to cause the audience to filter messages from specific points of view. Finally, the chapter also discussed film semiotics and how the reports' audio-visual aspects are analysed using this Metz's notions of how moving visuals persuade about reality.

²⁹⁰ Kuypers, J. A. (2009). Framing Analysis. In J. A. Kuypers, *Rhetorical Criticism: Perspectives in Action* (pp. 181-204). Lexington Books: Lanham. p. 182

Regarding the medium, the chapter argued for the applicability of media logic to explain why television is read in a particular way and why this influences how it persuades as a medium. Finally, the chapter dealt with Walton's idea of media argumentation. It explained why the concept of a persuasive information-seeking argumentation scheme is employed to understand how persuasion occurs based on how these news reports are organised.

This chapter endeavoured to make the overarching argument that previous perspectives that have considered the persuasive features of television news reports either at the level of the content or the medium or structure are inadequate to explain these texts' persuasive features holistically. The content, medium, and structure are involved in how these texts engage in a persuasive performance and replicate popular culture and should be considered.

In the next chapter, a discussion will be had on how these concepts have informed the methodology and the types of rhetorical criticism used in this study. It will also explain how the various rhetorical criticism techniques have been combined into generative criticism that will use empirical data to develop a new theory that considers both the content and the medium of television reports when examining how they use visuals and words to persuade.

CHAPTER 4: Methodology

4.1 Introduction

This chapter outlines the research design, methodology, and methods employed to conduct an interpretive qualitative-grounded theory study on the persuasive communicative work performed by South African television news reports on crime and justice. In this chapter, the applicability of grounded theory and the study's interpretivist approach are discussed in-depth. The research plan, including the methodology, data collection procedures, analysis methods, and ethical concerns, are also primary components discussed in this chapter. Finally, and perhaps most importantly, the chapter demonstrates that to give due consideration to the content, medium, and format of television news reports, different types of rhetorical criticism need to be employed, as there currently is no single means of analysing the persuasive features of these texts. In this respect, the study has highlighted its methodological novelty and contribution to this field.

4.2 Research design

4.2.1 Methodology

This study used a qualitative methodology since it is the most appropriate approach when dealing with descriptive text and image data to understand “the meaning people have constructed in and about the world”.²⁹¹ While not dealing directly with human subjects, the view was taken that because humans construct television news reports, these reports can be reliably examined to gauge what they articulate about how people make sense of the world. In how it employs deductive analysis, it aims to uncover the “richness, depth, nuance, context, multi-dimensionality and complexity” of these texts in how they deal with notions of crime and criminality.²⁹² It can furthermore be categorised as an interpretative study because it took the view that the idea of reality is socially constructed.²⁹³ This means that in its endeavour to respond to the research questions above, it is not attempting to find “the one true answer” but rather to use the

²⁹¹ Merriam, S. B., & Tisdell, E. J. (2015). *Qualitative research: A guide to design and implementation*. John Wiley & Sons: Hoboken. p. 15

²⁹² Mason, J. (2002). *Qualitative researching* (2nd ed.). London: Sage.

²⁹³ Merriam & Tisdell, 2015

data at hand to offer one of the many possible ways of interpretation, in light of the framework employed. This orientation allows the enquirer to “view the world through the perceptions and experiences”²⁹⁴ articulated in the texts under consideration. I approached this study from my position as a former journalist who worked in the broadcast media field and has a keen awareness of some of the dynamics behind the scenes in terms of how news reports are constructed. Such a positionality gives me a particular understanding of the audio-visual rhetoric used by television news as reports and how these texts are constructed to persuade.

This qualitative study was undertaken using elements of grounded theory methodology and elements of the case study method. “Grounded theory method consists of a set of systematic, but flexible, guidelines for conducting inductive qualitative inquiry aimed toward theory construction”.²⁹⁵ The grounded theory approach is driven by positivist and interpretivist approaches that allow one to discover theory from a rich set of data collected. The strength in taking this approach lies in the fact that it moves one from applying general and generic theoretical perspectives to trying to find tailor-made theoretical explanations for the problem. In rhetorical criticism, generative criticism, as expounded by Foss,²⁹⁶ aligns with a grounded theory approach. Generative criticism is used when interesting instances of communication, which cannot fully be explained by employing formal criticism methods, are encountered. This is indeed the case with the television news reports being considered here due to the layered ways these reports can be analysed regarding how they persuade. Existing criticism methods such as narrative criticism, cluster criticism, and neo-Aristotelian criticism prompt one to consider a particular aspect of these texts that ignored the others.

This study aims to consider these texts holistically and examine the different persuasive features. From how they use visuals, to how the reports are structured with a beginning, middle, and an end, to considering where these reports on crime and criminality feature in the entire bulletin; all of this is important when considering the broad question of the persuasive communicative work being performed by South

²⁹⁴ Thanh, N. C., & Thanh, T. (2015). The interconnection between interpretivist paradigm and qualitative methods in education. *American journal of educational science*, 1(2), 24-27. doi:<http://files.aiscience.org/journal/article/pdf/70380008.pdf>. p. 24

²⁹⁵ Charmaz, K., & Bryant, A. (2008). Grounded theory. In L. M. Given, *The Sage encyclopedia of qualitative research methods* (Vol. I & II, pp. 374-376). London: Sage publications. p. 374

²⁹⁶ (Foss, 2017)

African television news reports on crime and justice, and how these reports frame, or re-present crime, justice, and the criminal justice system in this context. An approach that would only consider the visuals, for instance, would be too limited. Similarly, an approach that considers these texts from a discursive perspective would fail to tease out the essential aspects of visuals and text. Therefore, interpretive grounded theory aims to “conceptualize the studied phenomenon to understand it in abstract terms, articulate theoretical claims, acknowledge subjectivity in theorizing, and offer an imaginative interpretation”²⁹⁷ and speaks directly to the aim and objectives of this study.

The case study approach was used because the dissertation considers a specific use case, namely two South African broadcasters. It also considers a specific case in terms of its focus on reports on the criminal justice system. The findings are particular to this case, and while they may be relevant in other instances, they cannot definitively be applied to another context. The view taken in this study is of a case study not being a methodology but rather a decision on what to be studied, namely a bounded system.²⁹⁸ In this case, it is bounded by time based on the 90 days considered. It is also bounded by place in that two specific South African broadcasters were studied. Moreover, it is bounded in terms of the issue being considered, namely news reports on crime and justice. The specific type of case study employed is the collective case study, wherein the logic of replication is used to illustrate an issue.²⁹⁹

4.2.2 Researcher positionality

Because this is an interpretivist study aimed at understanding the meaning of particular texts, it is important to highlight my positionality as a researcher, namely the ontological and epistemological assumptions underlying my perspective. Angel Lin posits that in this kind of orientation, the researcher is a participant-observer because “[w]hile the researcher does not objectify the researched as an entity as in the positivist paradigm, the researched is still often positioned as the object of description and

²⁹⁷ Charmaz, K. (2006). *Constructing grounded theory: A practical guide through qualitative analysis*. London: Sage.

²⁹⁸ Stake, R. E. (1995). *The art of case study research*. London: Sage.

²⁹⁹ Creswell, J. W., & Poth, C. N. (2018). *Five Qualitative Approaches to Inquiry*. Thousand Oaks: Sage.

analysis without the agency of talking back to the researcher.”³⁰⁰ Indeed, the positionality from which I approached this study was as a former journalist who worked in the broadcast media field and thus has a keen awareness of some of the dynamics behind the scenes in terms of how news reports are constructed. This positionality gives me a particular understanding of the audio-visual rhetoric used by television news as reports and how these texts are constructed to persuade. It will employ a case study research design, focusing specifically on the television of the criminal justice system. This former “insider” positionality is common in qualitative research³⁰¹. However, it does warrant a need for mindfulness since who I am, where I come from and what I know about this topic is integral to the research process undertaken in this study, particularly since it is interpretative in orientation. Sandra Corlett and Sharon Marvin argue that “knowing the researcher’s positioning in relation to others gives context to the researcher’s voice, to their perception of the research problem or dilemma, and enables the audiences’ understanding of the findings.”³⁰² In the section on research rigour, I expound on how I have attempted to mitigate against the subjectivity that comes with my particular positionality by using the rhetorical approaches that I have.

4.2.3 *Methods of data collection*

This study employed purposive sampling as a means of collecting the data. The prime-time news bulletins aired on SABC and eTV were recorded for 90 days. The first 45 days of the recordings occurred between 15 September 2019 and 30 October 2019, while the second consecutive 45 days of recordings were done between 15 September 2020 and 30 October 2020. Some bulletins were missing either due to the broadcaster not airing them on a particular day to changes in programming schedule or due to

³⁰⁰ Lin, A. M. (2015). Researcher positionality. In F. M. Hult, & D. C. Johnson, *Research methods in language policy and planning: A practical guide* (pp. 21-32). Chichester: John Wiley & Sons. p. 25

³⁰¹ Moore, J. (2012). A personal insight into researcher positionality. *Nurse researcher*, 19(4), 11-14. Retrieved October 22, 2021, from <https://www.proquest.com/docview/1095359521/fulltextPDF/FA96412DA26E44B4PQ/1?accountid=26862>

³⁰² Corlett, S., & Marvin, S. (2018). Reflexivity and researcher positionality. In C. Cassell, A. L. Cunliffe, & G. Grandy, *The SAGE handbook of qualitative business and management research methods* (pp. 377-399). London: SAGE Publications. Retrieved October 22, 2021, from https://eprints.ncl.ac.uk/file_store/production/242880/44F33FAF-5A18-44BD-90F7-C741D77B03ED.pdf

power outages due to rolling blackouts that have been occurring in South Africa since 2008.

It was decided that the recordings should consist of bulletins aired in two different years. Initially, the footage was to be collected over 90 days in 2019; however, due to crime issues receiving increased coverage that year, it became clear that the data would be skewed. Collecting data over the same period a year later would hopefully provide an opportunity to compare further. Further, the prime-time news slot was pinpointed because of this particular slot's importance in television production practices.³⁰³ The prime-time news slot is typically reserved for those news reports deemed the most newsworthy on a particular day. Therefore, content aired on these particular bulletins can indicate what a particular newscast deems important to communicate. The transcripts of the bulletins have been uploaded on Figshare. There is a version of the transcripts that only has the text of the bulletins.³⁰⁴ Another version of the transcripts includes the text as well as descriptions of the visuals.³⁰⁵ The analysis, where reference is made to a particular news report, can be viewed in the version of the transcripts, which contains just the text from the bulletin. The version with the description of the visuals can be consulted to view the images that correspond with that particular report.

4.2.4 Methods of data analysis

The bulletins were recorded in their entirety, and the stories targeted for analysis were those that referred to crime and aspects of the criminal justice system either through visuals associated with legal contexts or by mentioning terms related to this system. The process of targeting the stories for analysis was iterative, as is the practice when using a grounded theory approach. Thus, stories that might initially not have been deemed to be about crime and the criminal justice system initially were included after the first round of analysis when it emerged that they were indeed on these issues.

Once the stories for analysis were identified, the audio was transcribed, and the images were captured either as still images or as descriptions. It is from these

³⁰³ Grindstaff, L., & Turow, J. T. (2006). Video cultures: Television sociology in the "new TV" age. *Annual review of sociology*, 32, 103-125. doi:10.1146/annurev.soc.32.061604.143122

³⁰⁴ This is the doi where the transcripts of the texts of the bulletin are available: <https://doi.org/10.6084/m9.figshare.16860475>

³⁰⁵ This is the doi where the transcripts with texts and the descriptions of the visuals of the bulletin are available: <https://doi.org/10.6084/m9.figshare.16860496>

transcriptions that the data analysis was conducted. The procedures used to analyse the data were simultaneous and iterative due to the grounded theory methodology employed. John Creswell and Cheryl Poth outline three general approaches for the analysis³⁰⁶. The first is open coding, where the researcher makes a line-by-line or even word-by-word note of aspects relating to the notable data. The second is axial coding, where the researcher assembles the data and make connections between some of the codes that emerged following the open coding process. The final stage is selective coding, where the researcher then makes certain connections from the categories arrived at in the axial coding stage.

The coding began by first looking at the discourse world's mimetic elements. This was done to describe the salient features of the discourse world that South African television news reports show concerning the criminal justice system. From this description, the study discussed the perspective on the discourse world presented in these news reports. The insights from this allowed for multifaceted rhetorical criticism. This was all done simultaneously and iteratively, even though explaining the process used in this study has been described as discrete steps. Foss suggests a very similar process when she outlines the steps one takes when doing a generative criticism, starting with a general coding of the artefact, searching for an explanation, and creating a scheme that explains what has been coded.³⁰⁷

In terms of general grounded theory, scholars such as Kathy Charmaz³⁰⁸ and Sonia Foss³⁰⁹, who use generative criticism specifically, offer the following guidance: when deciding on what to code for in the open coding process to look out for frequency and saliency. These features are easily applicable when dealing with the discursive aspects of a text. However, other approaches need to be considered in texts like news reports where the significance of an aspect of the text is not always easily identifiable based on how frequently it appears or how salient it seems. Further, for these news reports, one does not simply code for what is said, but also for the visuals used, the structure of the report, and where the specific report is featured in the news bulletin as a whole.

³⁰⁶ Creswell & Poth, 2018

³⁰⁷ Foss, 2018

³⁰⁸ Charmaz, 2006

³⁰⁹ Foss, 2018

To address this complexity, the study employed different formal rhetorical methods of criticism as a systematic and rigorous way of ensuring that the most significant aspects of these news reports receive due consideration in the analysis. These different methods were then brought together to generate the overall theory on the persuasive communicative work performed by South African television news reports on crime and justice and how these reports frame or re-present crime, justice, and the criminal justice system in doing this persuasive communicative work. In this respect, methods to critique the content, the medium, and the format were used. For the content, two methods were considered: methods that analyse the discursive aspects and methods that analyse the visual aspects. In addition, medium criticism was used to analyse the television news reports as texts that rely on a specific kind of media logic. Finally, based on the argumentation structure they employ, the notion of the persuasive information-seeking argumentation scheme was discussed to analyse the form of these texts. A more detailed description of each of these is provided in the section that follows.

4.3 Rhetorical criticism

4.3.1 *Cluster criticism*

Drawing on the Burkian framework of language as symbolic action, various rhetorical criticisms were used to analyse different aspects of the news reports' linguistic and discursive features. Because of the breadth and depth of Kenneth Burke's work concerning how language does things in society, his conceptualisations can be applied when looking at different aspects of a text and yet still have coherency in their outlook.

His cluster criticism approach guides this study's consideration of the key words and visuals used in the news reports and what other words and visuals cluster around these to advance particular perspectives. An example of this might be the key words and visuals used about a person accused of a crime. Generic words such as "suspect" and "accused" may be used in direct reference to this person, but of greater interest are the words surrounding these and how these shed light on how the rhetor would like viewers to perceive the person being spoken about.

4.3.2 *Pentadic criticism*

Burke's pentadic criticism was used to analyse "what is involved when we say what people are doing and why they are doing it."³¹⁰ Burke uses the five elements of a drama: an act, an agent, agency, scene, and purpose.³¹¹ Here the focus is not on the minute details of what words are used; the focus is on analysing how texts create constructions of others' motivations. By looking at these five elements in relation to each other, the study analysed which ones were dominant and which ones the rhetors perceived as the most important. This analysis level moved the consideration further than a cluster criticism because it looked at the relationships between elements of the news reports as a whole. It allowed one to consider, for example, whether an accused is an agent or someone that is acted upon. It also helped us gauge whether these rhetors considered setting as being essential or not. Combined, it facilitated an improved understanding of the motive behind the report.

4.3.3 *Film semiotics analysis*

Metz's film semiotics was used to analyse the visuals used. Film semiotics enables one to "read" video footage and make meaning from aspects such as the types of shots employed, how the story is sequenced, and how audio is used in relation to the visuals. Due to scope, only two aspects of the televised news reports were considered for this study: the shots employed and the sequence they followed. According to Sergei Eisenstein and Daniel Geould, the shot is the basic unit of film.³¹² However, even though it is viewed as the basic unit of film in film semiotics, it is not the same basic unit as, for example, a word is in semiotic analysis involving language. Here Metz says, "through its semantic content, ... its "substance" is closer, all things considered, to a sentence than to a word".³¹³ Thus, in its consideration of the shots used, the study analysed aspects such as the type of shot used at critical junctures of the news report, for instance, the opening and closing shot. These are akin to analysing a narrative's opening and closing sentences, which are always significant in stories. Consideration was further given to the image

³¹⁰ Burke, 1969a, p. xv

³¹¹ Burke, *A grammar of motives*, 1969

³¹² Eisenstein, S., & Geould, D. (1974). *Montage of Attractions: For" Enough Stupidity in Every Wiseman*. *The Drama Review: TDR*, 18(1), 77-85. Retrieved October 21, 2021, from <https://www.jstor.org/stable/1144865>

³¹³ Metz, 1991, p. 67

featured and how it was framed in the shot. In a paper entitled “Crimes Against Children: Evaluative Language and News Reports on Sentences”, for example, I draw on film semiotics and argue that in South African television news reports, judicial officers are framed almost exclusively using medium shots to establish a psychological distance between the viewer and the judicial office and infer objectivity.³¹⁴

The second aspect of film semiotics considered was the sequences employed in these reports, namely how they start and end and how these shots followed each other. Metz describes a film sequence as “a complex segment of discourse”.³¹⁵ Sol Worth argues that used in the context of film, a “sequence is a deliberately employed series used for the purpose of giving meaning rather than order”.³¹⁶ Thus, we see that ordering visuals in film and television is done purposively to articulate and confer meaning. Particular focus was given to the beginning and the end of the stories and the junctures at which visuals of characters such as victims and perpetrators were used. In my 2020 study referenced above, another relevant finding was that in the television news reports considered, visuals of child victims of crimes were likely to be screened simultaneously with the narration explaining the gruesome nature of their attacks. The finding was that the visuals were not randomly arranged, nor were they arranged based on a particular chronology, but rather to create meaning, as argued by Worth.³¹⁷

4.3.4 *Media criticism*

A further type of analysis used was media criticism since television has particular ways of communicating. As Brummet explains, “media-centred criticism argues that texts of popular culture should be analyzed using concepts that consider the medium in which the component signs of the text appear”.³¹⁸ Thus, media-centred criticism engages in analysis that teases out how a medium shapes the texts it carries and influences the audience. As Brummet notes, when undertaking a medium-centred criticism, “the

³¹⁴ Nkoala, S. (2020). Crimes Against Children: Evaluative Language and News Reports on Sentences. *Javnost-The Public*, 27(4), 420-432. doi:10.1080/13183222.2021.1844500

³¹⁵ Metz, 1991, p. 65

³¹⁶ (Worth, 1968, p. 34) Worth, S. (1968). *The Development of a Semiotic of Film*. Retrieved March 27, 2021, from <https://files.eric.ed.gov/fulltext/ED031945.pdf>. p. 34

³¹⁷ Worth, 1968

³¹⁸ Brummett, 2017, p. 270

questions we are asking are how media logic shapes stories and which stories do better in certain media because of their logics.”³¹⁹

Thus concerning the TV news reports, this study considered realism as one of the features of this medium that cultivates viewers’ perspectives of the world. Because of its audio-visual character, television gives viewers a sense of watching reality unfold, almost as though they were looking through a “magic window”.³²⁰ This sense of realism is further amplified for television news because viewers know that what they are watching is based on real-life developments, a trait Rick Busselle terms social realism.³²¹ What viewers do not consider is that what they are seeing is a *version* of reality, compressed by time, space, and the resources the producers of these reports had access to. When the media-centred criticism is undertaken in this study, it considers how the notion of social realism and the sense of television as a magic window influences the persuasive communicative work performed by South African television news reports on crime and justice.

The other feature to be considered in the medium-centred criticism relates to television as an intimate medium. Here the study draws on the intimate nature of television as a medium. This intimacy is vested in the fact that television is usually consumed in a domestic context. Further, in how stories are told on television, the medium appears to prefer personal stories, a trait that leads one to deem it a metonymic text. Brummett expounds on this, noting that television’s audio-visual nature enables it to reduce ideas and events into “simpler, smaller, more manageable [aspects] that leaves out certain details of the larger whole”.³²² ‘Metonymy’ comes from the Greek for ‘change of name’, where a word, or in the case of television, an image, replaces a broader idea based on a relationship that is material, causal, or conceptual.

A ninety-second television news of a court case must draw on this metonymic nature to reduce the developments so that they fit the medium’s requirements. Metonym is not just about summarising; it “is crucial to the aspect of power management that controls meaning”.³²³ Crimes deemed pervasive are reduced to one or two incidents that are given disproportionate media coverage; court outcomes are

³¹⁹ Ibid. p. 272

³²⁰ Potter, W. J. (1986). Perceived reality and the cultivation hypothesis. *Journal of Broadcasting and Electronic Media*, 30(2), 159-174. doi:10.1080/08838158609386617

³²¹ Busselle, R. W. (2001). Television exposure, perceived realism, and exemplar accessibility in the social judgment process. *Media psychology*, 3(1), 43-67. doi:10.1207/S1532785XMEP0301_03

³²² Brummett, 2017, p. 73

³²³ Ibid. p. 104

used as examples of justice on display, and the visuals used when depicting accused persons are used to reinforce ideas of what a criminal looks like. Again, this metonymic nature is most evident in television because through the use of audio and moving visuals, viewers believe they have “seen” for themselves what unfolded, as opposed to having read or heard about it, as would be the case with newspapers and radio. Thus, in this study, consideration will be given to how these news reports focus on individuals and choose smaller aspects of the criminal justice system instead of the larger and more structural phenomenon that characterise the system.

4.3.5 *Media argumentation criticism*

The use of persuasive information-seeking as the argumentation scheme most suitable for considering the television news reports in this study has already been discussed above and will not be repeated. This brief section outlines the features of persuasive information-seeking that were considered during the analysis. In this regard, Walton outlines the importance of the appeal to expert opinion as one of the key traits of this argumentation scheme based on the assumption that the most useful information will come from the expert.³²⁴ It is therefore essential to ascertain who these news reports position as subject matter experts. For this reason, the types of people featured in this expert role and what that says about the kind of information that these news reports deem to be persuasive are considered. Of course, the public already views these news reports as a form of expert opinion, hence their persuasive appeal. However, whom these texts put forward as experts on crime and justice issues in the South African context is significant in their persuasive performance and replication of this system.

Walton outlines this argumentation scheme as follows:

MAJOR PREMISE: Source E is an expert in subject domain D containing proposition A

MINOR PREMISE: E asserts that proposition A (in domain D) is true (false).

CONCLUSION: A may plausibly be taken to be true (false).³²⁵

³²⁴ Walton, D. (2005). *Fundamentals of critical argumentation*. Cambridge: Cambridge University Press. p. 85

³²⁵ Walton, 2007, 87

Consequently, in this study, this scheme was analysed from the perspective of the news bulletin as a whole and at the level of individual news reports.

The final type of criticism to be considered is generative criticism, which is an approach that combines all the other types of criticism discussed above to give holistic consideration, in terms of content, medium, and form, to the persuasive communicative work being performed by South African television news reports on crime and justice.

4.3.6 *Generative criticism*

Generative criticism is an approach to rhetorical analysis where one considers the text as a whole and examines how the different features contribute to its persuasive character.³²⁶ Foss argues that “[t]his kind of criticism is generative in that you generate units of analysis or an explanation from your artefact and your analysis rather than from previously developed, formal methods of criticism.”³²⁷ Therefore, this study argues that there appears to be no current formal rhetorical criticism methods that adequately consider how the content, medium, and form of mass media texts interact to make them persuasive. The existing approaches consider either the content, medium, or form and lead to limited findings on the persuasive communicative work performed by television news reports. Drawing on the existing methods discussed above, the study followed steps Foss’s framework³²⁸ as follows:

1. Encountering a curious artefact – The curious character of television news reports has been dealt with above, focusing on the fact that they are texts where meaning is made from the content, medium and form.
2. Coding the artefact in general – Here, the study has discussed the different existing methods of criticism that will be used to code the content of the texts, the medium of the texts and the form of the texts.
3. Searching for an explanation – Because the methods of criticism employed for the general coding are based on theoretical frameworks that postulate how

³²⁶ Foss, 2017

³²⁷ Ibid. p. 411

³²⁸ Ibid. p. 179-190

meaning should be made, these frameworks will point the researcher toward plausible explanations.

4. Creating an explanatory scheme – This will be a novelty since a schema that considers content, medium, and form does not currently exist and is hence the aim of the study.

As can be seen, these steps mirror Creswell and Poth's grounded theory steps discussed above. That is why this is deemed a grounded theory study that employs rhetorical analysis to theorise how the various features of television news reports persuade society's perception of the criminal justice system.

4.4 Ethical considerations

Being a study based solely on texts, this research did not encounter the same ethical challenges one comes across when dealing with living subjects, such as humans, animals, or the environment. There is also no conflict of interest on the part of the researcher. The central aspect of ethical considerations pertains to naming and identifying those affected by crime, those implicated in crime, and those within the system of professionals and have been featured as part of the news stories considered. In this respect, consideration was given to whether or not the individual's identity was significant to the reported development.

There are several reasons why a news story on the criminal justice system may be considered newsworthy. These include the fact that the matter being dealt with is topical, the matter being dealt with is unusual, the matter being dealt with is novel, the matter being dealt with features a prominent person, and the matter being dealt with affects a significant number of people. At the outset, the reason why a story is deemed newsworthy determines the importance of the characters who are part of the story. Where news stories on the criminal justice system involve a prominent person, identifying them is essential to understanding the story and why it has been covered. A story implicating the president's son in a hit and run incident, for example, is newsworthy not because of the hit and run incident but because the person involved is prominent. A story about a child who has been shot and killed in a gang-related incident is prominent not because of who the child is but because the crime committed is topical.

Using the literature on newsworthiness, the data processing began by noting the possible news values that have informed why the story was considered news. Based on this, the centrality of a character's identity in the developments is determined. Where a character's identity is not deemed to be the most newsworthy aspect of the story, generic descriptions such as "victim", "witness", "accused", "investigator", "lawyer", "presiding officer/judge", "prosecutor", "spokesperson", are used. Over and above maintaining the anonymity of individuals, these descriptors help the reader focus on the fact that this study is not about the details of individual cases but instead gaining a general understanding of the criminal justice system. As such, generic descriptions assist in demonstrating things such as the perspective television news gives us on witnesses' roles, as opposed to a perspective on what a particular witness did or did not do in a court case. In addition, it may help analyse how legal professionals are positioned when they are filmed instead of describing a specific lawyer and how they are reported on.

For stories involving prominent people, the view taken is that anonymity is neither possible nor desirable. In terms of possibility, since the news story about the prominent person is deemed newsworthy precisely because of the person involved, trying to anonymise this person would prove impossible. Further, in the analysis, it would prove very difficult to speak to issues such as how television news persuades us of power dynamics within the criminal justice system without referring to influential people by name.

4.5 Research rigour

Because this study uses a qualitative approach, the research rigour is understood through the interpretivist paradigm as trustworthiness.³²⁹ This section uses Yvonne Lincoln and Egon Guba's notions of credibility, dependability, confirmability and transferability to explain why the methods employed in this study can be deemed trustworthy³³⁰.

Credibility deals with the data's completeness and accuracy and is evident in a researcher's prolonged engagement with an in-depth exploration of the data.³³¹ For

³²⁹ Lincoln, Y. S., & Guba, E. G. (1985). *Naturalistic Inquiry*. Newbury Park: Sage.

³³⁰ Ibid

³³¹ Ibid

this study, the methods employed for data collection and analysis were done with these principles in mind. Ninety hours of footage was recorded over two years across the two broadcasters, namely SABC and eTV. Recording 45 days of news bulletins each year for two years meant that in-depth research could be conducted since this translates into hundreds of individual news reports. Typically for rhetorical analysis, a much smaller sample is used. Instead of examining a particular case or issue, the data collection methods allowed for a consideration of various cases and issues, facilitating a depth in the exploration of the data. Further, the sheer amount of data captured meant that the researcher was immersed in the data for a prolonged period.

In terms of credibility in the analysis, Lincoln and Guba recommend that researchers leave an audit trail so that another researcher who employs the same type of analysis is likely to arrive at the same conclusion.³³² This study ensured credibility by providing full transcripts of the videos in the appendices as part of the audit trail. These transcripts provide documentation of the reports discussed, making it possible that the references can be verified. Further, when a quote is used from these transcripts, it is fully referenced so that the reader can verify what has been said and the context in which it is featured in the original text. Moreover, the study uses tried and tested rhetorical criticism methods, all of which have been proven credible.

Dependability assesses a study's consistency and the degree to which the inquiry findings would be similar if someone outside the researcher employed the methods used.³³³ In this study, dependability was ensured through the detailed methodology section above so that the steps employed by the researcher are explicitly laid out. Second, in the chapters that follow where the criticism is undertaken, the presentation of the analysis is such that it is clear to the reader how a particular finding has been arrived at. Lastly, by discussing the researcher's positionality, the study is transparent about underlying biases that inform the reading of the texts in research.

The third mark of trustworthiness in research, according to Lincoln and Guba, is confirmability. This is the extent to which a researcher can show that their study results are "clearly linked to the conclusions in a way that can be followed and, as a process, replicated".³³⁴ Guba says to ascertain confirmability, one must ask the

³³² Ibid

³³³ Ibid

³³⁴ Moon, K., Brewer, T. D., Januchowski-Hartley, S. R., Adams, V. M., & Blackman, D. A. (2016). A guideline to improve qualitative social science publishing in ecology and conservation journals. *Ecology and Society*, 21(3). Retrieved October 21, 2021, from <https://www.jstor.org/stable/26269983>

questions: “[h]ow can one establish the degree to which the findings of an inquiry are a function solely of the subjects (respondents) and conditions of the inquiry and not of the biases, motivations, interests, perspectives and so on of the inquirer?”³³⁵ In this study, the methods of rhetorical criticism employed are a means of ensuring that. Secondly, the fact that the research positionality is known and acknowledged means that the reader can ascertain the degree to which this may have informed findings. Finally, the detailed conceptual framework chapter engages in a detailed discussion on the ontological and epistemological perspectives that drive this study.

It is acknowledged that by virtue of this being an interpretivist study, the researcher’s reading of the texts, informed obviously by the principles of rhetorical criticism, will include some level of bias and interest. This is not entirely undesirable, as long as that particular reading is plausible and a justification is made clear.³³⁶ Rhetorical criticism is about reading the symbols that people use to communicate and ascertaining those with persuasion as the motivation for that communicative act. Unlike the physical sciences, it is not rooted in positivism, which claims an objective reality. The act of reading these symbols is interpretive, and thus it is taken for granted that a researcher’s perspective has a valuable role to play.

The final feature of this study to be considered is its transferability. This refers to the ability of this research’s findings to be transferred and applied in another context.³³⁷ As has been stated, the data collected in this study is unique to the South African context. The examination is particular to the criminal justice system in this context. Thus, in that respect, the findings are not transferable. They are transferable, though, concerning the theoretical and methodological contribution to the literature that they make. Theoretically, the study aims to expound on how theories around persuasion by mass media platforms, as texts of popular culture, have been understood, focusing on television. This finding is applicable irrespective of the context and is thus transferable in that respect. The study is also transferable from a methodological perspective because by clearly outlining the procedure employed, research in other contexts can be done using the same approach. The findings will be different because the context is different, but the process will be the same.

³³⁵ Guba, E. G. (1981). Criteria for assessing the trustworthiness of naturalistic inquiries. *Ectj*, 29(2), 75-91. Retrieved March 26, 2021, from <https://link.springer.com/content/pdf/10.1007/BF02766777.pdf>. p. 80

³³⁶ Foss, 2017

³³⁷ Lincoln & Guba, 1985

Thus, based on the approaches outlined above, it has been shown that this study can be deemed trustworthy and hence rigorous, based on Lincoln and Guba's framework of rigorous qualitative research.

4.6 Conclusion

This chapter has discussed the research design, methodology, and methods employed in conducting this interpretive qualitative case study on the persuasive communicative work performed by South African television news reports on crime and justice. The chapter further explained why particular approaches have been employed and how these approaches have strengthened the study's research rigour. Consideration has been given to credibility, confirmability, dependability, and transferability in data collection and analysis methods. Moreover, the issue of ethics, as dealt with in the data collection and analysis, highlights the need for careful consideration of how the people featured in these news reports are referenced in the study to balance prominence as a news value with ensuring dignity victims of crime. Finally, and perhaps most importantly, the chapter argued that in order to give due consideration to the content, medium, and format of television news reports, different forms of rhetorical criticism need to be employed, as there currently is no single means of analysing the persuasive features of these texts. In this respect, the study has highlighted its methodological novelty and contribution to this field. The chapters that follow analyse the data and discuss the key issues of the persuasive communicative work being performed by South African television news reports on crime and justice, how this frames, or re-presents crime, justice, and the criminal justice system in this context and the rhetorical strategies and devices employed in doing this

CHAPTER 5: The persuasive communicative work performed by South African television news reports on crime and justice

5.1 Introduction

Various theories within mass communication research deal with news reports on crime and justice. These theories allow one to consider the effect that texts have on audiences and the practices that give rise to their production. Frameworks such as agenda-setting and cultivation theory set out to map out how media influences public perceptions. As helpful as these theories are, however, they are limited to considering whether or not a particular effect has manifested in a context. One must look to rhetorical criticism to better understand the persuasive communicative work being done by news media texts.

This chapter considers the persuasive communicative work of South African television news reports on crime and justice. It does this by first discussing news reports on specific developments in the criminal justice system in the period concerned. Next, this section analyses the persuasive communicative work performed using words and visuals when reporting on crime and justice incidents such as farm attacks, crimes involving children, the 2019 Hong Kong protests, and religious figures implicated in a crime. This discussion employs the rhetorical criticism techniques discussed in the previous chapter to systematically analyse the persuasive communicative work performed in how these developments were reported. The argument here is that the persuasive communicative work of the news reports on the 2019 xenophobic attacks, for example, is different to that of the news reports on crimes involving children. Mark Fishman argues that news media reports are central to society's perspective on particular criminal developments.³³⁸ When considering the persuasive communicative work in these reports, the starting point is to analyse specific developments.

The second section looks at how these news reports deal with specific aspects of South Africa's criminal justice system. Here, consideration is given to, among others, how these news reports feature the public gallery in court and what that usually aims to communicate. Another aspect discussed is how these reports deal with the funerals of victims of crimes. These aspects cut across specific developments and are

³³⁸ Fishman, 1978

analysed to determine some generalisable communicative approaches that are not driven by a particular case but are instead indicative of prevalent approaches to dealing with certain aspects of the criminal justice system. In considering these elements, the questions seeking answers are: what is the persuasive communicative work these television news reports perform when they report on the funerals of crime victims, or the police minister's role within the system and other such aspects? Accordingly, whereas the first section focuses on the persuasive communicative work concerning specific cases, this section focuses on the persuasive communicative work in relation to certain aspects of the system.

The third section looks at specific elements of television in South African news reports on the criminal justice system. Consideration is given to three elements. The first is file footage, which is film footage that the broadcaster already has on file because it was captured in a previous development, not necessarily the one being reported on at a specific time. The second relates to news reports where the specific visuals being referenced are not allowed to be shown. An example of this is in reports that involve children as victims of crimes. The third element is the use of hashtags, a label typically used on social media to highlight the contents of a post. In this section, the question is: how do these elements shape the communicative work of South African television news reports on crime and justice issues.

A starting point in understanding the persuasive work being done by South African television news broadcasters is to highlight some of the most prominent news developments in the years under consideration. From there, specific incidents are expounded on to provide the exigency that gave rise to them being reported in the ways they were. The analysis begins with an overview of the crime and justice developments that received the most prominent media coverage in 2019 and 2020. As will be shown, the incidents that received the most coverage depended on topical developments in a particular year. This is because of the centrality of the news value, such as timeliness, prominence, power, and negativity in driving news coverage on crime and justice issues.³³⁹

³³⁹ Montgomery, 2007

5.2 The South African news context on crime and justice in 2019/2020

According to Bizcommunity, a website that tracks media trends in South Africa, gender-based violence and xenophobia were among the developments that received the most coverage in South African news media in 2019,³⁴⁰ and indeed, based on the number of news reports in the bulletins sampled in this study, and the prominence of those reports within the bulletins, the two biggest television broadcasters in South Africa gave these developments prolonged attention. The focused media attention on gender-based violence resulted from a high-profile case in which a 19-year-old University of Cape Town student, Uyinene Mrwetyana, was raped and murdered at a post office in Cape Town.³⁴¹ The incident drew attention when Mrwetyana's friends embarked on a social media campaign to raise awareness of her disappearance. When she was subsequently found, another social media campaign emerged under the hashtag #AmINext, as South African women took to social media to express their fears around the prevalence of gender-based violence, based on the fact that Mrwetyana's brutalisation had occurred while she was undertaking the mundane task of collecting a parcel at a post office.³⁴² The developments then grew into mass marches and protests against gender-based violence, including by South African public servants³⁴³ and the South African police³⁴⁴, included in the reports considered in this study.

Regarding the xenophobic attacks, the news coverage started after the killing of several foreign nationals in Johannesburg. Domestic, continental and even an international campaign by the South African Government sustained this coverage to assure the world that the safety of foreigners was a priority for the government.³⁴⁵ While the actual violence against foreigners was short-lived, the news reports on

³⁴⁰ Bizcommunity. (2019, December 13). SA media's top stories for 2019. Bizcommunity. Retrieved August 11, 2021, from <https://www.bizcommunity.com/InBrief/196/15/15337.html>

³⁴¹ Adebayo, B. (2019, November 15). A post office worker was given three life sentences for raping and murdering a student. Now South African women are saying enough. CNN. Retrieved August 12, 2021, from <https://edition.cnn.com/2019/11/15/africa/south-africa-student-murder-sentence/index.html>

³⁴² Thabela-Chimboza, T., Abrahams, A., & Chigona, W. (2020). ICIS 2020 India: Social media movements of #GBV in South Africa. AISWN International Research Workshop on Women, IS and Grand Challenges 2020 (pp. 1-14). Hyderabad: Association for information systems. Retrieved August 12, 2021, from <https://aisel.aisnet.org/cgi/viewcontent.cgi?article=1004&context=aiswn2020>

³⁴³ SABC 27 September 2019

³⁴⁴ eTV 14 October 2019

³⁴⁵ see eTV 15 September 2019, SABC 16 September 2019, SABC 2 October 2019

xenophobia continued for some time, driven by different leaders speaking out against the issue in different forums, including at a United Nations General Assembly sitting³⁴⁶.

In 2020, news reports on corruption related to the government's Covid-19 procurement processes were in sharp focus,³⁴⁷ as was the Judicial Commission of Inquiry into Allegations of State Capture (Zondo Commission). The Zondo Commission, or as it is also known, the State Capture Commission of Inquiry, is a public inquiry launched by the government of former President Jacob Zuma in January 2018 to "investigate allegations of state capture, corruption, fraud, and other allegations in the public sector including organs of state" in South Africa.³⁴⁸ The focus on the commission was driven by a refusal by former South African President, Jacob Zuma, to return as a witness, citing alleged bias on the part of the commission chair, Deputy Chief Justice Raymond Zondo, against him.³⁴⁹ Therefore, these reports were driven not only by timeliness and negativity but also by the fact that two powerful men, namely Zondo and Zuma, were at loggerheads.

Regarding the 2020 news reports on corruption, the scale and negativity associated with the developments were drivers behind the coverage, as developments highlighting millions of rands wrongfully taken from state coffers were brought into focus.³⁵⁰ There was also an element of unexpectedness and prominence in the reports. Several of them were about the arrests of high-profile people who faced charges of corruption.³⁵¹

Now that the context has been outlined, the following two chapters engage in an analysis that seeks to answer the two research questions, namely:

1. What is the persuasive communicative work being done by South African television news reports on crime and justice?
2. What are the rhetorical devices and strategies used when undertaking this persuasive work, and in doing this persuasive communicative work, how do

³⁴⁶ SABC 22 September 2019

³⁴⁷ Nkgweng, T. (2020, December 31). TOP 10 SA trending hashtags for 2020. SABC News Online. Retrieved August 12, 2021, from <https://www.sabcnews.com/sabcnews/top-10-trending-hashtags-for-2020/>

³⁴⁸ Parliamentary Monitoring Group. (2018, June 20). Judicial Commission of Inquiry Into Allegations of State Capture (Call for evidence/information). Retrieved August 12, 2021, from <https://pmg.org.za/call-for-comment/694/>

³⁴⁹ SABC 9 October 2020

³⁵⁰ eTV 9 October 2020

³⁵¹ see SABC 2 September 2020; eTV 6 October 2020; eTV 7 October 2020

these television news reports re-present or frame crime, justice and the criminal justice system?

In answering the first question, individual news reports were considered, and generic criticism was undertaken by employing the analysis techniques outlined in the methodology section, namely cluster criticism, pentadic criticism, film semiotics analysis, media criticism and media argumentation criticism where appropriate. Not every report has been analysed using cluster criticism; only those where the study wants to show how the structural relations and meaning between ideas in the text frame crime and justice issues. Similarly, when it comes to film semiotics analysis: not every element of the visuals is considered and discussed. This is primarily due to a need to keep within the length of the dissertation. The focus was on only those elements of the reports deemed the most significant when examining how television news persuades on crime and justice issues in this context. In how the discussion is presented, news reports that focus on a particular development, deal with a similar element across different reports, or exhibit a similar approach to reporting have been grouped under a single heading. The headings arrived at are as follows:

News reports on specific developments in the criminal justice system

- South African television news reports on the crime statistics
- South African television news reports on public protests against crime
- South African television news reports on xenophobia
- South African television news reports on the Hong Kong protests
- South African television news reports on racial abuse allegations against Eben Etzebeth
- South African television news reports on religious figures implicated in crime
- South African television news reports on farm attacks
- South African television news reports on crimes involving children
- South African television news reports on corruption
- South African television news reports on Zuma vs Zondo

News reports and how they deal with specific elements of South Africa's criminal justice system

- How South African television news reports simulate physical court activities
- How South African television news reports deal with the public gallery
- South African television news reports on the police minister's role in the criminal justice system
- South African television news reports on the South African President's role in issues related to crime and justice
- How South African television news reports report on court judgments and jail sentences
- How South African television news reports report on women as primary and secondary victims of crime
- How South African television news reports report on funerals of crime victims

5.3 South African television news reports on specific developments in the criminal justice system

5.3.1 *South African television news reports on the crime statistics*

The release of the annual South African crime statistics is a media event that often features the participation of the highest-ranking police officials, including the Minister of Police. The purpose of this media event is to use the media's quick and far-reaching dissemination capabilities to provide a high-level presentation of the figures and trends deemed by the police to be the most important. The event is conceptualised with an awareness that the media will be in attendance, so the mediatisation element is at play. The news reports from both broadcasters featured graphical representations of the upward and downward trends, interviews with prominent people in the criminal justice system, as well as pre-packaged news reports that profiled communities most affected by violent interpersonal crimes. When one examines the television news reports on the release of the 2019/2020 crime statistics, one observes how the news reports relied on the features of this medium to engage in persuasive reportage on these figures and trends. The medium's multimodal features mean that while a particular trend is referenced in the journalist's narration, an image that associates what is described with another development is shown. There is intertextuality also employed as the reports feature elements, such as visuals from another development. Televising these reports shows us which particular instances of crime journalists deem

to be exemplars of particular crimes. In 2019, the Uyinene case became the exemplar case of gender-based violence cases and thus featured in both the SABC's 12 September 2019 crime statistic report and the eTV one too filed on that day.

In the eTV report on the release of the crime statistics on 12 September 2019, a live interview between the anchor and an expert is featured. The person is speaking about crime statistics. The focus in this soundbite is on specific categories of crime. In the news briefing, it is not clear if other crimes were mentioned. In the choice of the soundbite, the reporter has also chosen a portion where the person speaking gives context to the statistics by noting that what they appear to say might not be what they actually say, and the figure could be an indicator of sampling procedures rather than the actual crime context. This contrasts with what the report says about what the figures reveal because it is emphatic that these figures are about the number of deaths in South Africa per day. It is also worth noting that in this report, no context is given. The story is told solely through the soundbite and the introduction given by the anchor.

A cluster criticism of the terms used in reference to the crimes deemed the most serious reveals that news reports focused on murder and rape.³⁵² The approach of giving a human face to the large numbers is employed, with journalists from both SABC and eTV using a description such as “on average 57 people are murdered, and 113 rapes are reported” per day.³⁵³ Uncharacteristic of television is the number and nature of figures used in these reports. Granular details such as “sexual offences are up 4.6%, up by over 2000 cases”³⁵⁴ are used. Television is not typically a medium where such detailed numbers are presented in a general news report. However, in a report such as this, such detailed figures are a rhetorical strategy that reporters use to portray their news story as credible. In this regard, Itzak Roeh and Saul Feldman argue that because

“[n]umbers are usually taken to be an unloaded, neutral, transparent sign for objects of reality, [n]ewspapers use them as agents of a rhetoric of objectivity; that is, they contribute to an impression of nothing-but-the-facts journalism.”³⁵⁵

³⁵² SABC 12 September 2019, line 30 – 31

³⁵³ SABC 12 September 2019, line 5

³⁵⁴ SABC 12 September 2019, line 36 – 37

³⁵⁵ Roeh, I., & Feldman, S. (1984). The rhetoric of numbers in front-page journalism: how numbers contribute to the melodramatic in the popular press. *Text-Interdisciplinary Journal for the Study of Discourse*, 4(4), 347-368. doi:10.1515/text.1.1984.4.4.347 p.347

In this story, the journalists use numbers as descriptors that cluster around references to particular categories of crimes similar to what one might do when using adjectives concerning a term.

The use of numbers in this way gives the impression of objectivity and accuracy. It is also effective in suggesting that the crime situation has gotten a lot worse. Take the phrase used by eTV in its report: “[t]his has spiked the murder rate by 3.4%”.³⁵⁶ To describe an increase of 3.4% as a spike is evaluative because we do not know in real terms how many more murders there were based on this percentage. However, having been told that the figure represents a spike, we are more inclined to read this to mean that there has been a considerable increase. The SABC report does a better job of using the figures more holistically by stating: “sexual offences are up 4.6%, up by over 2036 cases. Over 52-thousand cases were reported for the year under review”.³⁵⁷ The report gives the percentage increase, followed by what this increase is in absolute terms and then concludes with a figure on how many sexual offence cases were reported. However, the challenge with this communicative approach is that it is not suitable for television because of the number of figures given. For someone watching this transient report, there are just too many numbers to take in.

In considering the persuasive communicative work being done using language in these reports, the assessment is that the reports are meant to provide viewers with a high-level description of selected violent crimes. In doing this, they endeavour to present themselves as accurate and objective by relying on numbers as descriptors. However, numbers do not work particularly well for the media logic associated with this audio-visual and transient medium.

When we consider the use of visuals in these reports on the release of the crime statistics, we notice a reliance on graphs. The graphs used rely on colours and textual elements to make an emphasis. For example, the use of red arrows to depict an increase in certain crimes³⁵⁸ and the use of uppercase letters to write the crime category names.³⁵⁹ The use of the colour red in graphics is typically done to evoke a sense of alarm since “in daily life, red is commonly used to convey danger or danger-

³⁵⁶ eTV 13 September 2019, line 13 – 14

³⁵⁷ SABC 12 September 2019, line 36 – 37

³⁵⁸ SABC 12 September 2019 line 45

³⁵⁹ SABC 12 September line 46

relevant concepts”.³⁶⁰ The use of all caps when writing words is a visual strategy employed to emphasise the word.³⁶¹ Combined, these techniques amplify the elements and visually infer a situation where serious crimes are on the rise, reinforcing the communicative work of the words discussed in the cluster criticism.

Other relevant visuals used in these reports on crime statistics are wide shots from townships named as crime hotspots due to them having the highest incidents of violent contact crimes.³⁶² In addition, there is a profile on the township with the highest murder rate. This profile seems to be an attempt to contextualise the crime problem against the backdrop of the statistics announced. The journalist notes: “[e]stablished as a result of the migrant labour system, it is one of the poorest areas in the city but also one of the most dangerous”.³⁶³ The context is given, and the crime levels are stated, but there is no direct link made between the poverty of the area and the crime. In these reports, the vox pops from community members discuss the socio-economic issues behind the crime problems in their communities. Their vox pops are specific in their reference to issues such as drug abuse and unemployment.³⁶⁴ The reporter makes some reference to what the officials say is behind the crime issues in these areas, but the reference is extremely general and is given as “a result of good practices that were dropped by police over the years. That’s the assessment of the police minister.”³⁶⁵

Other visuals that are used are archive clips of crime scenes. The visuals used typically show law enforcement officers at work collecting evidence and include law enforcement vehicles and law enforcement officials. This depicts a law enforcement sector that is responsive.³⁶⁶ Police Minister Bheki Cele is also a strong presence in these reports when it comes to crime scenes or instances where there is a communicative event around crime. This depicts a criminal justice system that is led politically, with investigating officers at the centre.

³⁶⁰ Pravossoudovitch, K., Cury, F., Young, S. G., & Elliot, A. J. (2014). Is red the colour of danger? Testing an implicit red–danger association. *Ergonomics*, 57(4), 503-510. doi:10.1080/00140139.2014.889220

³⁶¹ McAteer, E. (1989). Typeface effects in written language: functions of typeface change for signalling meaning within text. Department of Psychology. Glasgow: University of Glasgow. Retrieved August 13, 2021, from <http://theses.gla.ac.uk/1105/1/1989mcateerphd.pdf>

³⁶² SABC 12 September 2019, line 7 – 8

³⁶³ SABC 12 September 2019, line 115 – 119

³⁶⁴ SABC 12 September 2019 line 122-124; 130-131

³⁶⁵ SABC 12 September 2019, line 34 – 38

³⁶⁶ SABC 12 September 2019, line 9 -11

Accordingly, the communicative work of these news reports on the crime statistics is to disseminate the information provided, thus creating a shared perspective on what the official crime situation in the country is. The reports define which crimes South Africans ought to view as serious. Their focus on figures related to the statistics on murders, rapes, and robberies skew the viewers' focus to these violent contact crimes as indicative of societal-wide crime patterns. Further, through the use of numbers and graphs that summarise the increase or decrease in reported incidents of specific crime categories, the reports declare whether the problem of crime is getting better or worse. In this regard, they rely on the persuasive appeal of statistics to suggest neutrality and the "nothing-but-the-facts" journalism described above. At the same time, because television news relies on and personalisation, there are elements of the reports that attempt to give a human face to these statistics by using file footage from previous news stories involving violent crime, as well as case studies from communities with the highest reported incidents of murder and rape. The persuasive communicative work is to take the broad and abstract figures and highlight one or two incidents that 'show' the very real people behind the percentage. This is in line with televisions' metonymic properties. In order to tell the story of the societal crime situation, the reports turn to specific cases which it uses to stand in for the phenomena it is depicting.

5.3.2 South African television news reports on public protests against crime

There were several reports of community and civil society demonstrations in protest against crime in the period considered. These include a march by a Johannesburg-based community to its local police station due to its dissatisfaction with policing in the area,³⁶⁷ clashes between police and a community in the Free State that had been protesting against service delivery issues,³⁶⁸ and allegations of a community torching of the homes of six ward councillors from the North-West province amid allegations of corruption.³⁶⁹ Given that South Africa has one of the highest rates of protest globally,³⁷⁰ the news media's decision of which demonstrations to report on can

³⁶⁷ SABC 24 October 2020

³⁶⁸ SABC 16 September 2019

³⁶⁹ eTV 18 September 2019

³⁷⁰ Lubinga, E. (2020). Protest as communication for development and social change in South Africa. In J. Servaes, *Handbook of Communication for Development and Social Change* (pp. 1381-1398). Gateway East: Springer. p. 1381

indicate the issues of focus in a given time and context. For example, in 2019, there were several reports about protests related to gender-based violence,³⁷¹ compared to only one in the 2020 period considered.³⁷² This discrepancy in reportage is not because there was necessarily a change in the actual reported incidents of gender-based violence, but rather because in the 2020 news reports considered, more coverage was devoted to reports on state capture and corruption than reports on incidents of gender-based violence.

With specific reference to the use of visuals in these news reports on crime and community protests, Borchers argues that “Images, because they are so powerful and because they can be readily created and reproduced, have had a profound impact on how we communicate.”³⁷³ News reports where the focus is on community outcries against an incident or incidents of crime are an excellent example of how visuals are often used to capture context and history in a single shot. For example, in several of the 2019 news reports on crimes against women and children, visuals of Uyinene Mrewtyana, a university student who was raped and killed while visiting a Post Office in Cape Town, were featured frequently. Even without verbally referring to her story in a news report, an association is made with that incident when her images are used. In this way, although the stories are presented as separate and fragmented incidents, visual cues create a link between incidents, especially where the reporter is setting out to show the prevalence of a particular kind of crime, such as gender-based violence.

Examples include a news report filed on eTV on 12 September 2019 on crime statistics that featured archive footage from Mrwetyana’s funeral. The story was about the police minister announcing the 2019 crime statistics, and this footage is featured in the context of the journalist saying: “Violent scenes playing out in the country have seen an outpouring of grief and anger. At times it feels like it’s all too much”.³⁷⁴

The visuals used are archive shots from Uyinene Mrwetyana’s funeral. In the frame is a big photo of her smiling and a big bouquet. In a similar story on SABC on the announcement of the 2019 crime statistics, a visual is featured of a person at a protest holding up a cross written “UYINENE MRWETYANE”.³⁷⁵ Similarly, on 15 September 2019, a story on the death of another university student, Jess Hess,

³⁷¹ eTV 25 September 2019; SABC 13 September 2019

³⁷² SABC 24 October 2020

³⁷³ Borchers, 2012, p. 14

³⁷⁴ eTV, 12 September 2019

³⁷⁵ SABC 3, 12 September 2019, Story 2

prompts a march in a Cape Town community. As part of the news report on this protest, visuals of people who took part in the march are featured. The marchers are holding up placards. One of the ones that the camera zooms in on is written: “PatriarchyMustFall”, “SAY HER NAME Uyinene Mrwetyana”, “SAY HER NAME Jesse Hess”. This is featured in the context where the journalist says, “[t]he gathering in front of the Parow police station follows the recent wave of femicide across the country”.³⁷⁶

One observes two kinds of protests in these reports. The first are grassroots protests that most likely originate from communities who want immediate action on a matter that affects them. These matters might include a corrupt government official whose actions have left them worse off or marches held in the aftermath of a violent crime in the area. These grassroots protests often feature handwritten placards suggesting the demonstration is not one that has been planned with the media in mind but rather one that arises in the spur of the moment. In these kinds of demonstrations, media presence is a secondary consideration. The interviewees in these types of reports are predominantly members of the community sharing their reflections and perspectives.

The second type of protests are those that have been organised with an awareness that journalists will be in attendance and are thus staged with the news media in mind. These demonstrations often include typed up placards, compared to handwritten ones and the inclusion of professionally printed images with colours for dramatic effect on television. These types of demonstrations are an example of how mediatization shapes the ways in which communities and civil societies structure their engagements on issues of crime and justice with the news media in mind. Recognising that the news media, particularly television, are an essential entity through which to add their perspective on matters of public deliberation, these protests are organised to make salient those features of the protest that the media will most likely be drawn to. The fact that media will be present during these demonstrations shapes how these demonstrations are staged, and we see from this the news media’s role in shaping how protests against crime are undertaken.

Further, by choosing these elements strategically, these protesters can, to a certain extent, guide how the media write their reports. By including certain slogans in their placards and displaying particular visuals, such as photos of victims, they draw

³⁷⁶ SABC 15 September 2019, Story 5

on the fact that journalists must write their narration to align with the visuals shown when scripting their news reports for television. For example, in the SABC report on the release of the 2019 crime statistics, the journalist states: “[t]his after the recent spate of rapes and murders of women and children, including 19-year old student, Uyinene Mrwetyana”.³⁷⁷ As the journalist says this scripted piece, the visuals depicted are from a planned protest that included a giant banner with Uyinene’s picture where she is wearing a beret and is dressed in black. The banner is written, “Remembering Nene” (Nene is a nickname for Uyinene). The organisers would have been aware that this was a topical case that received extensive media coverage, therefore including references to it was likely to get the attention of the reports and ensure inclusion of this banner and an accompanying reference to it in the televised news report.

The communicative work of these news reports on public protests against crime is two-fold. First, it depicts the public’s dissatisfaction with how officials are addressing crime and justice matters. Second, it performs the public’s rage and fear against crime. These reports are driven by the visuals filmed from the protest activity, such as shots of slogans on placards, banners carried by the protesters with certain images, and wide shots of the people to show the number of those in attendance. Aware of the importance of intertextuality in television, the protesters are versed in how to stage their demonstrations to align with the communicative work of broadcast media reports on the issues they wish to highlight. In the case described above, the reliance on references to Uyinene Mretyana, which was a topical case at the time, was a means to do this.

5.3.3 South African news reports on xenophobia

In September 2019, several people were killed in violent attacks in Gauteng that were labelled xenophobic.³⁷⁸ Even though the violence had ended in the period considered in this study, the issue was still a critical talking point if one considers the number of news reports included in the SABC and eTV bulletins on the issue. Most of the news reports were about meetings in which senior South African government leaders, such

³⁷⁷ SABC 12 September 2019, line 157-161

³⁷⁸ Somdyala, K. (2019, September 5). Gauteng xenophobia attacks akin to 2008 crisis - Institute of Race Relations. News24. Retrieved August 7, 2021, from <https://www.news24.com/SouthAfrica/News/gauteng-xenophobia-attacks-akin-to-2008-crisis-institute-of-race-relations-20190905>

as President Cyril Ramaphosa and Minister of International Relations and Cooperation, Naledi Pandor, participated.³⁷⁹ In addition, some reports included the AmaZulu King,³⁸⁰ government officials from Nigerian, and various South African political party leaders. These reports focus on the condemnation expressed by these leaders concerning the attacks and undertakings that this kind of violence against foreign nationals will not be tolerated.³⁸¹ An example of one such engagement is a meeting held on 3 October 2019 between the South African President and his Nigerian counterpart, President Muhammadu Buhari, who was in the country on a state visit. Part of deliberations between the two entailed a discussion on the 2019 attacks on foreign nationals. The reporter frames the engagements as follows: “[w]hile trade relations were the focus, attacks on foreign nationals living in South Africa, and the Nigerian reprisals also received attention.”³⁸²

The framing influences how the meeting is understood and the role it is assumed to play. If it is framed as being as a means of apologising for the attacks, then it becomes a significant way of performing the condemnation, repentance and remorse for the crimes committed, and an extension of forgiveness. If it is an issue that came up, then the performance, while still important, does not rest primarily on the focus being on the attacks. The media are being used to communicate policy plans around an issue of crime that affected diplomatic relations between two African countries. This channel is being used to publicly perform South Africa’s remorse, Nigeria’s acceptance of that repentance, and a public announcement of plans to ensure that such incidents are never repeated. What would be missing if this event had not been televised? The deliberations themselves would not be any less significant because nations have embarked on these types of visits for years, and not all aspects have been televised. However, the act of televising this for both the South African audience and the international audience is significant. Visuals and narratives around xenophobic violence were shared globally by televising them; accordingly, by condemning the violence, the acts needed to employ the same medium and be broadcast widely to condemn and repent for those acts due to their broader ramifications.

³⁷⁹ see eTV 15 September 2019, SABC 16 September 2019

³⁸⁰ eTV 24 September 2019

³⁸¹ see SABC 3 October 2019

³⁸² SABC 3 October 2019, line 21-23

In these reports, the agent is the dominant pentadic term, and the reports infer that the solution needed to deal with xenophobia lies in the pronouncements and denouncements made by these leaders. Thus, the communicative work of these reports on the 2019 xenophobic violence is to persuasively perform the South African government's condemnation, remorse and repentance for the attacks against foreigners. The reports also do the work of ascertaining what needs to happen to ensure that these attacks do not happen again. The focus is on senior officials speaking to other world leaders and denouncing what has happened in terms of the former. Pentadic criticism reveals that in how the reports are written, these leaders, as the agents, are the dominant aspect in the situation. As such, power is vested in their pronouncements to ensure that such attacks never happen again.

While most of the reports focus on the pronouncements of political leaders, there were two reports about the xenophobic attacks written from the perspective of foreign nationals. Both of these reports juxtapose the lack of safety foreign nationals say they feel in South Africa, with a lack of economic certainty awaiting them in their countries.³⁸³ A pentadic criticism of the anchor's introduction in these two reports conveys the scene as the dominant term. In the SABC report, the scene is described as "after the recent wave of attacks on foreign nationals and the looting of shops,"³⁸⁴ and in the eTV reports, it is "South Africa, a country they'd hoped would open doors of opportunity."³⁸⁵ By having the scene as the dominant pentadic term, the argument advanced is that a solution to xenophobia lies in changing the environment. The focus is on the views and experiences of foreign nationals. These reports consequently foreground the scene term of the pentad as the dominant term, suggesting that if xenophobia is to end in South Africa, the environment needs to change.

5.3.4 South African news reports on the 2019 Hong Kong protests

In the early part of 2019, protests broke out in Hong Kong against laws that would allow some suspects to be extradited to mainland China. Those against the laws were concerned that this would lead to unfair trials, and in the months that followed,

³⁸³ SABC 12 September 2019; eTV 21 October 2019

³⁸⁴ SABC 12 September 2019, line 171 – 172

³⁸⁵ eTV 21 October 2019, line 40 – 4

thousands took to the streets to voice their opposition to the pending law.³⁸⁶ While there were crime and justice developments from various parts of the world, including the United States of America,³⁸⁷ Germany,³⁸⁸ Britain³⁸⁹ and Nigeria³⁹⁰, the news reports on the Hong Protests are the only ones that focus on international developments that have been analysed in this study. The decision to only consider the reports on the 2019 Hong Kong protests is because, in most of the other developments, only a single news report was aired on the issue or incident, making it difficult to consider whether the communicative approaches employed were just once off or whether they were indicative of the news broadcasters' overall approach when covering the matter.

The news reports on clashes between the Hong Kong police and the protesters were the most reported on international development that involved actors in the criminal justice system in South Africa in the period considered by this study, particularly on eTV. The exigency that gave rise to the developments was a political issue. However, because there was a strong police presence in the coverage, the developments had aspects relevant to the criminal justice system because they were about a law that was about to be instituted and police involvement in the government's response. What is notable in the South African television news reports is that the SABC did not report on the developments. At the same time, eTV followed them closely, reporting on them for 13 days between 12 September 2019 and 20 October 2019. The news values that drove the sustained coverage given by eTV to these developments is not immediately apparent. However, at the face of it, the scale of the protests and the violence associated with them was seemingly the reason this was deemed a newsworthy international story. In this study, the developments are considered first because they received more coverage than any other development on crime and justice from another country. Second, they provide a window into how a South African television news broadcaster frames developments related to law and order in another country.

³⁸⁶ BBC news. (2019, November 28). The Hong Kong protests explained in 100 and 500 words. BBC news. Retrieved August 13, 2021, from <https://www.bbc.com/news/world-asia-china-49317695>

³⁸⁷ eTV 16 September 2020

³⁸⁸ eTV 26 September 2020

³⁸⁹ eTV 23 October 2019

³⁹⁰ eTV 1 October 2019

In these reports, the agent term of the pentad was largely the dominant term. What was telling was how in some reports, the agent was the police and in others, the agent was the protesters. When the agent is the police, their actions against the protesters are often described using fairly neutral terms such as “arrests”.³⁹¹ When the agent is the protesters, their actions employ evaluative terms such as “defied authorities”.³⁹² The actions of the protesters as agents are more likely to be contextualised to highlight violence. In contrast, the police’s actions are contextualised to suggest that they were being undertaken to maintain law and order.

An example of this is the report filed on eTV, which reads:

And violent demonstrations in Hong Kong are not letting up. Over the weekend, thousands of people marched through the city’s streets in an unsanctioned rally. They threw petrol bombs, broke windows and trashed subway stations near government buildings. Hong Kong police arrested more than 80 protesters and fired teargas to disperse them. The city has seen 100 days of pro-democracy protest against Beijing’s perceived political interference.³⁹³

The protesters’ actions are interpreted as violent, and the exact actions are described in the lines that follow. The police’s actions are also described, namely “fired teargas”, but over and above the description, there is the qualifier “to disperse [the protesters]”. Thus, the actions of the police are never elucidated in a way that infers violence, and conversely, the actions of the protesters are more often than not framed in this way.

However, the visuals used tell a different story as both the police and the protesters are observed engaged in violent behaviour. For example, in one shot, included as part of the report aired on eTV on 16 September 2019, a wide shot is filmed of law enforcement officials hitting citizens with batons while the protesters throw objects at them. When one views these visuals in light of what has been said, the inclination is to interpret the police’s act of hitting protesters as a means of maintaining law and order and not as engaging in violence against the protesters because the accompanying narration prompts one towards this outlook.

The communicative work of televising a protest as part of a news report introduces this dynamic where viewers make up their minds of what is going on, not primarily by what they see but based on what the narration says. In this particular

³⁹¹ eTV 12 September 2019, line 184; eTV 13 October 2019, line 76

³⁹² eTV 15 September, line 54

³⁹³ eTV 16 September 2019, line 231 – 235

development, most South Africans would have had minimal understanding of the developments unfolding in Hong Kong. For this reason, the contents of reports, such as those included in the eTV news bulletins, would have strongly shaped their outlook. Also, because this story only received sustained coverage from eTV, and SABC had no reports on these developments, the perspective one has available to consider is the one given by the eTV reports. Thus, the view advanced is that the protesters are engaged in prolonged, violent demonstrations over a political issue that has long been dealt with. In contrast, the police's actions are represented as a means of maintaining law and order. The visuals accordingly depict a situation where the clashes underway are on both the part of the police and the protesters, but the narration associates the violence with the protesters only.

5.3.5 South African news reports on Eben Etzebeth

Race-related crimes are still a very sensitive issue in South Africa. As such, when an alleged racial element fuels criminal incidents, they draw widespread political and civic interest. This was the case when South African rugby player, Eben Etzebeth, was accused of racially abusing four people.³⁹⁴ The prominence of the Etzebeth issue was exacerbated by the fact that the 2019 Rugby World Cup was underway, and he was part of the squad representing South Africa. The complainants in the matter asked the South African Human Rights Commission to represent them. As such, there are three actors in these developments: the South African Human Rights Commission, Etzebeth and the four complainants.

A pentadic criticism of the reports on this issue reveals that most of the news reports were driven by the agent, which at times was Etzebeth and other times the Human Rights Commission, with either party either laying charges against the other or making pronouncements on how they were going to respond to the latest developments. The coverage on 2 and 3 October 2019 was different because, in these instances, the scene was the dominant term because of a rugby match against Italy held on 3 October 2019. The report was the top story on eTV on 2 October 2019. It was headlined as follows: “[t]he Human Rights Commission takes Springbok enforcer,

³⁹⁴ Etheridge, J. (2020, August 3). Eben Etzebeth case: Community leader says the courts, not SA Rugby, will have final say. News24. Retrieved August 10, 2021, from <https://www.news24.com/news24/southafrica/news/eben-etzebeth-case-community-leader-says-the-courts-not-sa-rugby-will-have-final-say-20200803>

Eben Etzebeth, to court, just days before the clash against Italy.”³⁹⁵ There is no mention at all in this headline of why he is being taken to court. Instead, what is amplified by using the word “just” is the fact that this court action is happening “just days before the clash with Italy”. With South Africa being a rugby-loving nation, the Human Rights Commission’s decision is framed negatively by expressing this development in this way.

In the detailed report, the developments are explained as follows:

A race row is threatening to tarnish the Springboks’ world cup campaign. The Human Rights Commission says it’s taking action against Bok enforcer Eben Etzebeth. According to the commission, it’s heading to the equality court on Friday. That’s the same day the Springboks take on Italy in a make or break game.³⁹⁶

The dominant term here is the scene because this supposed race row is described as being a threat to the country’s world cup campaign. The context of what is at the core of this row is left out of these crucial first four lines of the report, and instead, the focus is on how the commission’s actions will take place on the day of this “make or break game”. In a report filed by the SABC on 3 October 2019 on these developments, the anchor states:

The South African National Rugby Team is up against Italy at the Rugby World Cup in Japan. Not only must they beat Italy tomorrow on track for the quarter-finals, but the controversy surrounding lock forward, Eben Etzebeth, is set to intensify³⁹⁷

The developments around Etzebeth are framed as something the ‘rugby’ team must overcome. A link is created between what was happening legally with Etzebeth in court with what was happening with the rugby team, and the quest of the four people is ignored in the process.

The visuals used in these reports are predominantly still images of Etzebeth playing rugby. A report filed by eTV on 4 October 2019 includes visuals of the complainants. However, it states: “[t]he four have been advised not to speak to the

³⁹⁵ eTV 3 October 2019, line 5 – 7

³⁹⁶ eTV 2 October 2019, line 17 – 21

³⁹⁷ SABC 3 October 2019, 178 – 181

media for fear of jeopardizing their case,” which would explain why they are not featured more extensively in the reports. The visuals of Etzebeth demonstrating his skill and enjoying success while playing rugby feed into the perspective that these legal developments are a distraction for a noteworthy player, who, at the time of the Rugby World Cup, should have been left alone to focus on the game at hand, not having to deal with allegations of racism. The veracity of the claims behind the case is not dealt with at all.

The story did not get much coverage in terms of quantity and was reported on in around six news bulletins in the period considered. However, it must be noted that even with only a few reports, when it was featured in the bulletin, it was located quite strategically and prominently to accord it importance. In the eTV bulletin, it was a headline story twice, and in the SABC bulletins, it was a top story in the sports bulletin. I argue that this importance was not because of the legal developments but rather because of the rugby.

Drawing on television’s metonymic character, the communicative work of the news reports on this issue is supposed to be to deliberate on hate speech and how it is alleged to manifest in post-apartheid South Africa. However, that is lost since we did not hear from these reports’ alleged victims or perpetrator. Instead, the journalists carried the narrative, focusing on the implications of this case on the Rugby World Cup that was underway, not what the case infers about race relations.

5.3.6 South African news reports on religious figures implicated in crime

In the period considered, there were four developments that were about religious figures or entities that were implicated in a crime. Three of them were developments unfolding in the courts, and one was a public hearing. The first was a court case where the Enlightened Christian Gathering Church leader, Shepherd Bushiri and his wife, Mary, appeared in court several times on fraud and money laundering charges worth several millions of rands. The second court case also involved Bushiri, but in this development, Bushiri was suing another religious leader, Incredible Happenings “Pastor Mboro”, whose full name is Paseka Frans Motsoeneng, for defamation. The third case was a rape and human-trafficking court case against Jesus Dominion International, senior pastor Timothy Omotoso. The final development was a series of public hearings into allegations of sexual abuse and negligence levelled against the

KwaSizabantu Christian Mission, held by the South African Commission for the Promotion and Protection of the Rights of Cultural, Religious Linguistic Communities. In this section, the legal developments involving Bushiri receive the greatest attention because they were comprehensive enough for one to undertake a rhetorical criticism on them. Unfortunately, the reports on Omotoso were primarily on postponements of court hearings, and the data on the KwaSizabantu Christian Mission church was relatively scant, being limited to three reports.

News coverage of Bushiri focused on two key developments. The first was a defamation case he instituted against another pastor, as discussed above. The second was the fraud and money laundering charges. A pentadic criticism of the reports show that in all of them, Bushiri was the agent, and the agent was the dominant term, even in instances where the developments were essentially about the court processes that were underway. This suggests that he is the focus of this story, not the legal proceedings unfolding. This approach conforms to the general approach of centring prominent people in news stories about them due to the news value of prominence.³⁹⁸ A cluster criticism of the terms used to describe him reveals an inclination to emphasise his vocation as a pastor or prophet and to do so using evaluative terms. Thus, he is frequently referred to as a “self-proclaimed prophet”. On one occasion, he is referred to as a Malawian preacher.

Indeed, Bushiri has declared himself to be a prophet. However, other more neutral descriptors could be used in reports about him, such as being a pastor or the Enlightened Christian Gathering Church leader. The descriptor “self-proclaimed prophet” is an *adianoeta*, a rhetorical device wherein there is an underlying and subtle meaning in what is being said despite the apparent meaning of a particular expression or phrase. The phrase suggests that Bushiri is someone who proclaims himself to have a supernatural calling. A self-proclaimed prophet is similar to a so-called prophet and is an adjective used to state that this person is not a prophet because *he* is the one claiming to be one. It is also a linguistic descriptor set to undermine Bushiri; after all, if he were a prophet, he would be a moral and holy man, not engaged in the kinds of criminal activities he is accused of.

Visually the reports often feature scores of his supporters demonstrating outside of court, holding up posters and placards while singing or in a posture of prayer in

³⁹⁸ Montgomery, 2007

support for Bushiri. The footage is often filmed using a panning shot to show the size of the crowd and capture the different people and their symbols of support. It also, at times, includes the natural sound of the supporters chanting in support. In the SABC report filed on 21 October 2020, for example, as the report by the journalist starts and a wide shot of Bushiri's supporters is shown, they can be heard chanting "Major one. Major one" as the journalist begins her narration by saying "[s]howing solidarity for their leaders."³⁹⁹ Major one is a name of endearment that Bushiri's supporters have given him. They play an important role as information providers in these reports. They are regularly featured, articulating their opinion on legal developments, and at times, the journalist does not contextualise or even challenge their perspectives by providing facts.

If one looks at the news reports on the defamation case involving Bushiri and another pastor, filed on 22 and 23 September 2020 on SABC and eTV, one notices an inclination to report on the development as a battle between the two: "the war of the prophets",⁴⁰⁰ "Pastor Mboro wins the first round adding salt to Bushiri's wounds".⁴⁰¹ These reports employ phrasing that suggests this is a legal battle with spiritual undertones: "[w]e lead tonight with this story: It's been called the war of the prophets. Two controversial pastors are facing off in court tomorrow."⁴⁰² The sense created in these reports is akin to the Biblical notions of good versus evil, right versus wrong, and the reporter even closes off his 23 September 2020 report by stating: "[w]hile the showdown continues publicly, Bushiri and Mboro will have to wait for the court to set down a date so a final determination on who's right and who's wrong in the legal sense at least can be made". This phrase "in the legal sense at least" suggests that there could be another sense at play in this court case, and reading the text that comes before this, that other sense is a spiritual one. The reporter suggests that while the court may be best placed to decide on the legal merits of this case, because it involves two "self-proclaimed prophets", determining who is right and who is wrong spiritually is a matter that lies outside of the courts.

A soundbite from Bushiri's lawyer supports this narrative of a spiritual dimension at play when he states: "I received a call from a prophet, who said to me you need to

³⁹⁹ SABC 21 October 2020, line 180–181

⁴⁰⁰ eTV 22 September 2020, line 5

⁴⁰¹ eTV 23 September 2020, line 7–8

⁴⁰² eTV 22 September 2020, line 15–17

appeal the judgement. I didn't understand him or what is he talking about but now I get the gist of what he was trying to say to me."⁴⁰³ The context is that the lawyer, Terrence Baloyi, suggests that Bushiri had called to tell him to appeal the judgment even before the court decision was announced. Given that the court had not yet announced the outcome, Baloyi says he was confused by this. After the court ruling against Bushiri, Baloyi says this was a call, which effectively is being interpreted as a prophecy from Bushiri letting him know that the outcome would not be in their favour. The inclusion of this soundbite adds to the tone of these reports that suggest that the parties see these as more than mere court cases, but as developments, or in the case of this report, battles, with a spiritual undertone. The framing of this news report both in terms of the anchor's phrasings when she says, "Pastor Mboro has won the first round against prophet Bushiri in the battle of the pastors"⁴⁰⁴ and in the super of the story, which is "BATTLE OF THE PROPHETS"⁴⁰⁵ appears to attempt to exceptionalise these developments, or at least suggest that those involved, namely the religious leaders and their legal teams, deem this to be more than just a mere court development. The reporter's narration also plays into this when he starts off the package by stating: "[f]or the spiritually inclined, it may appear as if Bushiri lived up to his status."⁴⁰⁶ However, then he adds a line to suggest that there could be another, more criminal explanation for the developments when he states: "[f]or the sceptic, one may wonder whether he had inside information."⁴⁰⁷

The visuals used at the start of the package feed into this narrative. When the reporter talks about Bushiri living up to his status of being a self-proclaimed prophet, the corresponding visual is a medium shot of a woman standing outside of court with her hands raised in a posture of prayer. When the reporter talks about the possible other explanation for Bushiri seeming to know ahead of time what would transpire in the case, the corresponding visual is a wide shot filmed inside the court while a legal professional addresses the court.

Considering the information-seeking argumentation scheme employed in these reports, the information providers are essential in how these reports endeavour to be persuasive. First, they make use of several soundbites from Bushiri's lawyers. These

⁴⁰³ eTV 23 September 2020, line 57–59

⁴⁰⁴ eTV 23 September 2020, line 51

⁴⁰⁵ eTV 23 September 2020, line 7

⁴⁰⁶ eTV 23 September 2021, line 61

⁴⁰⁷ eTV 23 September 2021, line 62 – 63

soundbites are usually used to provide information on the steps Bushiri plans to take in the ongoing legal matters he is facing or to speak on his behalf, giving an update on how he views what is going on. The other voices that act as a source of information in these reports are the people, all Bushiri's supporters, who are filmed protesting outside of court. There is no update from the court, and there is one update from a government official. Consequently, all the perspectives articulated, other than the journalists' narration in these matters, are in support of Bushiri.

When Bushiri's supporters' vox pops are included, the people are speaking about his numerous court appearances. In the reports, there is an emphasis on the protracted nature of these cases, with a suggestion that Bushiri is being prejudiced: "Pastor Bushiri and his wife have to spend two more nights in jail"⁴⁰⁸ "at least two more nights behind bars."⁴⁰⁹

They should just release them because they have been taking them in and out of prison for no reason ... They keep on opening another case.⁴¹⁰

The Bushiri's were arrested again⁴¹¹

They already appeared in court, and will appear again on the 30th for a formal bail application.⁴¹²

Self-proclaimed Prophet Bushiri will miss this Sunday's service."⁴¹³

Bushiri and his wife won't experience freedom just yet. They will spend at least another two nights sleeping on a prison bed after the state argued it's not yet obtained all the personal information needed from the pair.⁴¹⁴

So we know there is no case. We know there is no evidence. Where is the evidence now? So now they can't charge him because there is no evidence.⁴¹⁵

In how these reports are written, the journalists do not provide context as to why the court process is unfolding the way that it is. In some of the phrasing, as quoted above, the narration seems to support a perspective that the legal matters of the Bushiris had

⁴⁰⁸ eTV 21 October 2020, line 6

⁴⁰⁹ eTV 21 October 2020, line 18

⁴¹⁰ eTV 21 October 2020, line 30 -31, 34 – 35

⁴¹¹ SABC 21 October 2020, line 181

⁴¹² SABC 21 October 2020, line 200 – 201

⁴¹³ eTV 23 October 2020, line 24

⁴¹⁴ eTV 23 October 2020, line 29 – 31

⁴¹⁵ SABC 23 October 2020, line 37 – 38

been unfolding slowly. With the adage that justice delayed is justice denied, the implications of inferring undue or unreasonable delays in the court processes confirm a narrative of the court processes being manipulated to persecute the Bushiris.

The communicative work of these reports on a religious figure is to ventilate the irony of a man of God who finds himself facing several accusations of criminal conduct, and how in his mind, and the mind of his followers, by virtue of his status as a prophet, there is no possibility that he could be guilty of committing crimes. The work of these reports is not to articulate the deeper legal issues informing the case but rather to showcase the blind faith that the followers have in their leader. From this case, we see that to some sections of society, the court's pronouncements of guilt or innocence carry minimal sway because that particular group has already decided for itself what is true or not based on their religious convictions, not the letter of the law.

5.3.7 *South African news reports on farm attacks*⁴¹⁶

Farm attacks are defined as “acts aimed at the person of residents, workers and visitors to farms and smallholdings, whether with the intent to murder, rape, rob or inflict bodily harm.”⁴¹⁷ In the South African public discourse, the significance of this term is not vested as much in the word ‘attack’, as it is in the idea of the “farm”, which is a “particular post-colonial space, almost mythical in its representation of the political struggle for freedom in South African security imaginaries”.⁴¹⁸ In Adriaan Steyn’s conceptualisation, Afrikaners in South Africa view farms as independent microrepublics that are “the last bastion of Afrikaner values”.⁴¹⁹ News reports on farm attacks very rarely cover attacks on black farm workers or even black farmers. The victims in these cases are predominantly white.

The reports on farm attacks considered in this study were those pertaining to a case where a 21-year-old farm manager, Brendin Horner, was murdered on 1 October 2020. The murder itself did not receive coverage, and it was only from 6 October 2020, when two men accused of his murder appeared in court, that the media reporting

⁴¹⁶ Sections of this sub-section are part of a journal article, which, at the time of writing this thesis, is still under review

⁴¹⁷ South African Police Service. (2013). Report on Farm Attacks: Report of the Committee of Inquiry into farm Attacks. p. 417

⁴¹⁸ Pretorius, J. (2014). Dubula ibhunu"(shoot the boer): A psycho-political analysis of farm attacks in South Africa. *Psychology in Society*, 47, 21-40. Retrieved July 27, 2021, from <http://www.scielo.org.za/pdf/pins/n47/02.pdf> p. 24

⁴¹⁹ Steyn, 2019, p. 69

started. The news reports aired on SABC 3 and eTV's prime-time news bulletins during October. Between 6 October 2020, when the story broke, and 20 October 2020, when the last report was filed on related development, 28 news items were aired on the case, and it was included in the headlines five times. This indicates the priority that the developments received.

On the first day that the incident was reported, it was headline news on eTV, and the headline given was "Fed up Free State farmers go on the rampage", accompanied by a super that read: "FIGHTING FARM MURDERS".⁴²⁰ Furthermore, it is significant that on the day that this development became a news story, it was also a headlined story, and the phrasing above was used. The portrayal of farmers as people who have had enough and thus go on the rampage is expected, bearing in mind how the issue of farm attacks has been framed. In this headline, the destructive actions of the farmers are portrayed as their means of fighting against farm murders, and so in the reporting is assigned positive motives.

Violence on farms is a complex matter with several socio-historic factors undergirding it. Using aetiology, a figure of reasoning by which one attributes a cause for a statement or claim made⁴²¹, the farmers' violence is reported on as something that occurred *as a result* of the murder of the 21-year-old farm manager. This means that those complex and long-standing issues are collapsed, and an impression is given in the reporting that the violence engaged by the farmers can be explained against that backdrop.

The reports begin with a focus on the actions of the farmers. In the eTV report, the focus is on the violence they engaged in outside court, while in the SABC report, the focus is on their call for the return of the death penalty. Their acts and calls for violence are then contextualised in the following lines by talking about the developments that had happened prior. In the eTV report, the context provided is "two men appeared in connection with the murder of 22-year-old farm manager, Brendin Horner. Horner's tortured, lifeless body was discovered hanging from a pole."⁴²² The SABC report states: "[t]his follows the murder of a 21-year-old farm manager, Brandin Horner in Paul Roux last Friday. He was found with a rope around his neck and tied

⁴²⁰ eTV 6 October 2020

⁴²¹ Lanham, R. A. (1991). *A Handlist of Rhetorical Terms* (2nd ed.). Los Angeles: University of California Press. p. 3

⁴²² eTV 6 October 2020

to a pole.”⁴²³ The fact that the first report aired on this development is when the farmers torch the police vehicle ahead of the court appearance of the two accused, and the fact that aetiology is used to attribute the behaviour of the farmers to the death of the farm manager, supports a self-othering that depicts these farmers as a group that is aggrieved and violated and is merely acting in response to that.

From the onset, the farmers are portrayed as a group engaged in just action against murders of their own, even though they are pictured destroying state property and burning a police vehicle. The SABC also headlined the developments that day, stating that “[f]armers in the Free State are calling for the return of the death penalty following the murder of a 21-year-old farm manager.”⁴²⁴ Again here, the motive of the farmer’s calls is given – the murder of farmers warrants punishment of the severest kind – death. In the South African context, where the death penalty came to be associated with punishing black people for taking white life, Greg Wallance argues that these calls are not just a call for justice but a type of justice that meant something specific in the historical context.⁴²⁵ The use of the word “return” also signals a desire to go back; they are not just calling for the death penalty, but they want it to be returned and draw on the “good” memories that this type of justice evokes for a specific demographic of the population which was not subjected to its cruelty to the same degree.

A prominent and striking visual featured in the reports is of the farmers carrying white crosses during their demonstrations and visuals of several white crosses that have been planted in the ground in the shape of a more prominent white cross in the news reports aired on 16 October 2020 on eTV. These visuals are powerful because they are laden with meaning. On the one hand, the crosses symbolise the crucifixion of Jesus, someone who was innocent but had to die for the sins of others. Through it, they self-other by associating themselves with a religious figure killed wrongfully; in these reports about who killed this particular farm manager, the ‘black suspects’ take on the role of sinners who killed Jesus.

On the other hand, the crosses represent death. When held up in large numbers and framed using a wide shot, as they are in these reports, they provide a visual

⁴²³ SABC 6 October 2020

⁴²⁴ SABC 6 October 2020

⁴²⁵ Wallance, G. (1978). South Africa: racism and the death penalty. *Race & Class*, 19(4), 404-416. doi:10.1177/030639687801900406

depiction of the extent of the deaths, feeding into the notion that there is a genocide of farmers, even though statistics do not support this. Finally, the fact that the crosses used are painted white and deliberately named 'white crosses' in the report plays into notions of innocence and white as a race simultaneously.

Some of these crosses have names written on them, but many remain unmarked. When these crosses are featured in these news reports, those carrying them are usually in a posture of prayer, either kneeling with their hands raised or standing with their heads bowed. The visual is very powerful in how it references Afrikaner Christian nationalist ideals of themselves as a people set apart by God and reliant on God.⁴²⁶ While the background narrative against which these visuals are depicted is one of the violence being meted against farmers, the visuals of them in postures of prayer serves as a form of a profession that, as innocent faith-filled people, their hope for salvation is in the hands of God since the democratic state appears to be failing to protect them.

In another report, the journalist contextualises the actions of the farmers as follows:

Brendin Horner was killed on his first anniversary as a manager on this farm. Sekwetsha Mahlamba and Sigula Matlaletsa, who were arrested for his murder, appeared in the Senekal Magistrate's Court on Tuesday. On the day of their appearance, farmers across the country descended on Senekal to protest against farm murders."⁴²⁷

In this report, the journalist describes the farmers' actions as follows:

Then violence broke out. A female Warrant Officer was allegedly strangled and pushed aside before a mob stomped into the court building, demanding that the two murder suspects be handed over to them. A holding cell was racked, and the two accused were injured in the attack. A police vehicle was overturned and set alight. The police have been criticised for inaction.⁴²⁸

The use of the passive voice when talking about the actions of the farmers, and of including an accusation at the end, not against the farmers who engaged in the violent

⁴²⁶ Bosch, D. J. (1986). Afrikaner civil religion and the current South African crisis. *Transformation*, 3(2), 23-30. Retrieved August 1, 2021, from <https://www.jstor.org/stable/43052942>

⁴²⁷ SABC 11 October 2020

⁴²⁸ Ibid

actions, but against the police who were inactive and are thus to blame for the violence is an example of the media's commentary adopting the self-othering techniques used by the farmers.

The majority of people interviewed in these reports are white and are male. Where black people are featured, they are used to confirm the farmers terrified and self-othering posture. For example, in the report filed on 6 October 2020 by the SABC, the one black person featured in that report, who is a community member, states: “[t]his thing is a tragedy for the whole country not only black people or white people, but it’s for the whole country.”⁴²⁹ Another black person was featured in the SABC report filed on 7 October. This person was featured in their capacity as a representative of a political party. They said: “[w]e feel like white people really undermine democracy of South Africa we also feel that white people do not recognise the South African Government as their own government.”⁴³⁰

Steyn notes that “[i]n popular parlance, especially in the rhetoric of activists, the categories “farm attack” and “farm murder” are often racialised and only applied to cases where the victims are white.” In these reports, that rhetoric is not challenged, and in the imagery is confirmed. In the reports, the visual and verbal references to who is attacked point to white people. Most of the people interviewed in these reports are white. There is a reference to “our farmers”, which implies white farmers in the context of Steyn’s proposition. One person states: “[t]hese brutal murders of our farmers, we need them, they feed the country, and nobody stands up for them, nobody protects them.”⁴³¹

Steyn notes that “[t]hough English farmers also suffer from farm attacks and some white English-speakers are also disturbed by these crimes, they have tended to be a much more muted presence in the struggle against farm attacks”.⁴³² Meanwhile, attacks on black farmers and farm workers receive minimal coverage. Farm attacks do not refer to attacks on all farmers and their families. They primarily refer to those involving white Afrikaners or *Boers* and those occurring on the micro-republics known as Afrikanerdoms.

⁴²⁹ SABC 6 October 2021

⁴³⁰ SABC 7 October 2020

⁴³¹ SABC 10 October 2020

⁴³² Steyn, A. S. (2019). Story of a South African Farm Attack. *Africa Today*, 66(2), 55-81. Retrieved July 20, 2021, from

https://muse.jhu.edu/article/750573/pdf?casa_token=HGUEzUtmFywAAAAA:W35SrpKqyyO-kVpbDr4Vwi2Kpby9-jUfo66OuvNrhLkkUBJy-NtFzllgCDnFGejTKX41g4cYaVml. p. 60

Who speaks and in what capacity is critical in the communicative work being done by these reports? The white interviews are almost exclusively farmers or members of the farming community, and their call is for more to be done to protect farmers and action be taken against those who threaten their lives. The black interviews are featured in one of two capacities. First, and most frequently, they are featured in their official roles as spokespersons, heads of ministries, professionals in the criminal justice system. A handful is featured in their role as community members. When featured in this role, they are usually speaking about how the issue is broader than white farmers. News interviews are not coincidental. Journalists find people to play a particular role and speak to a specific aspect of their reports, so it is telling that the capacity in which the different race groups are featured is as described above. The officials are the only category that is a given. The community members are a deliberate choice, as is the choice of which kind of soundbite to include from which person.

In terms of strong images, those have been discussed above in the section on faith. The repetition element comes in that none of the people interviewed in these reports challenge the statements being made by farmers on the extent of these attacks. The journalistic practice of including countering views is absent in these reports, such that if someone were to watch only these reports as a representation of how prevalent farm murders are, they would most likely believe that a genocide was underway.

Finally, the interviewees eloquently reference the victimisation of farmers without ever using the term directly. Instead, there are subtle references to the failures of politicians and the state to 'do their job' of protecting farmers:

Various speakers accused government of ignoring farm attacks⁴³³

We need police that will do the job⁴³⁴

Farm murders are out of control⁴³⁵.

Other references are around the value of farmers and the need for them to be protected as a result:

⁴³³ SABC 10 October 2020

⁴³⁴ Ibid

⁴³⁵ Ibid

this what we do today is our passion because it's our food basket that is affected in South Africa⁴³⁶

[n]o farmers, no food. That is the bottom line⁴³⁷

The communicative work of these news reports on farm attacks is to aid the farmers in self-othering to amplify their message of alleged victimhood in the current democratic dispensation. These news reports draw on victim narratives and visuals of farmers, who claim that, despite working hard to ensure the nation is fed and people of faith, are under attack from black South Africans.

5.3.8 *South African television news reports on crimes involving children*

There were several reports on crime and justice development issues involving children either as victims or perpetrators of crime in the bulletins considered. As is typical of such reports globally, the focus was on violent contact crimes where the children were either killed or were themselves killers⁴³⁸ or were raped.⁴³⁹ In addition, several reports were filed about a particular case of a child kidnapped on her way to school, and one of the accused in the matter was her teacher.⁴⁴⁰

Violent crimes against children were the most frequently reported instances of violent interpersonal crimes. From the report on the child who was kidnapped at school, in a case that allegedly involved her teacher⁴⁴¹ to reports on parents killing their children following disputes between them and their partners,⁴⁴² to the story of the "The Dros rapist" who raped a girl while she was using a toilet in a public restaurant⁴⁴³ and several reports of children committing violent crimes against other children,⁴⁴⁴

⁴³⁶ SABC 10 October 2020

⁴³⁷ Ibid

⁴³⁸ e.g. eTV 19 September 2020; SABC 16 September 2019; SABC 10 October 2019

⁴³⁹ e.g. eTV 28 September 2020; SABC 15 September 2019

⁴⁴⁰ eTV 19 September 2019

⁴⁴¹ see eTV 11 October 2019

⁴⁴² see SABC 16 September 2019; eTV 20 September 2019

⁴⁴³ 27 October 2019

⁴⁴⁴ SABC 8 October 2019; SABC 21 September 2020

“[t]hese kinds of crimes tend to attract public interest, and the outcomes can be a litmus test on the community’s views concerning the justice system.”⁴⁴⁵

In introducing reports about children as victims of crime, the anchor would sometimes frame it as a tragic story.⁴⁴⁶ This primes the viewer to interpret the developments as such. As part of articulating the tragic nature of these crimes, the reports often go into graphic descriptions of the violence these children suffered, often through evaluative language employed to appeal to one’s emotions.⁴⁴⁷ I have written about this in a paper titled “Crimes Against Children: Evaluative Language and News Reports on Sentences”,⁴⁴⁸ where I use three court cases to analyse the tendency of these reports to use evaluative language and visuals in news reports on crime victims who are children. These reports align with an overview advanced by Thomas Hestermann that:

The media do not report on crimes, which occur especially often but on those which cause a great stir. The more drastic a crime, the more closely associated it is with sexual violence, the greater the chance of its being presented in detail. In order to reach a wide audience, the media stir up emotions, especially sympathy with the victim and fear of violence.⁴⁴⁹

A pentadic criticism of news reports on developments where children have perpetrated crime shows that the purpose term is the dominant term in these reports, and the newsworthiness of the report cannot be understood apart from it. Foss explains the meaning of the purpose term in the pentad as “the rhetor’s account of the protagonist’s intentions or reason for an action.”⁴⁵⁰ Based on the soundbites that are included in these reports, the journalist is telling us about these developments where children have murdered other children, not only to inform us of the crime, but to allow the adults in particular to pontificate on why the crimes occurred, and in each of these instances, the adults attribute developments to unruly young people.

⁴⁴⁵ Nkoala, S. (2020). Crimes Against Children: Evaluative Language and News Reports on Sentences. *Javnost-The Public*, 27(4), 420-432. doi:10.1080/13183222.2021.1844500 p. 420

⁴⁴⁶ see eTV 23 September 2019, line 24; eTV 18 September 2019, line 114; SABC 26 September 2019, line 151

⁴⁴⁷ Nkoala, 2020

⁴⁴⁸ Ibid

⁴⁴⁹ Hestermann, T. (2016). Violence Against Children Sells Very Well”. *Reporting Crime in the Media and Attitudes to Punishment*. In H. Kury, S. Redo, & E. Shea, *Women and Children as Victims and Offenders: Background, Prevention, Reintegration* (pp. 923-947). New York: Springer, Cham. doi:10.1007/978-3-319-08398-8_33 p. 923

⁴⁵⁰ Foss, 2017, p. 370

In these reports, the reason for these children's criminal activity is linked to ill-discipline, a society whose morals are in decline and communities where the youth are engaged in drug abuse and gangsterism. One example of this is in a report aired on eTV on 16 September 2019, following the shooting of a 15-year-old. In her introduction to the report, the anchor states: "[h]is family claims he'd been a victim of bullying for a long time."⁴⁵¹ Here, the cause of the development is attributed to bullying, and the person speaking in the soundbite attributes the children's actions as being behind the criminal development. The soundbite from an official from the department of education further emphasises this when he states, "[i]f we had responsible citizens in our communities, surely this matter would have been prevented because nobody would have been mobilised by a minor learner to then commit such a heinous crime."⁴⁵² In another report, aired on SABC on 8 October 2019 after three youths were arrested following two separate murders, the anchor states: "[t]he school principal believes both incidents are gang-related."⁴⁵³ A final example is in a report filed following the murder of a 17-year-old where the anchor states in the introduction: "[m]ourners condemned drug abuse among the youth."⁴⁵⁴

Unlike most of the reports on other developments, such as in corruption cases or cases of gender-based violence where the perpetrator is a stranger, where the purpose term is omitted from the introduction to the story read by the anchor, in these developments, the purpose term is important and is clearly articulated. Moreover, the soundbites featured are often edited so as to speak to it. In addition, it is a term that appears to be particularly important in cases involving children as perpetrators or cases where children are victims of crimes committed by people known to them, such as parents.⁴⁵⁵

Turning to the footage used in these reports, because most of the developments were based on children as perpetrators of crimes that occurred in a school context, the visuals were often blurred long wide shots of learners on school premises or signage from the particular school where the incident happened. For example, in one incident, there were medium and close-up shots of the venue in which a stabbing

⁴⁵¹ eTV 16 September 2019, line 129

⁴⁵² Ibid, line 136 – 138

⁴⁵³ SABC 8 October 2019, line 78 – 79

⁴⁵⁴ SABC 17 September 2020, line 74 – 75

⁴⁵⁵ see 16 September 2019; 17 September 2019

incident had occurred.⁴⁵⁶ In addition, some news reports include photographs of the child victims who had been murdered by their peers.

Due to strict editorial and legal guidelines, television news reporters have a tightrope to walk when using visuals in their reports on crimes involving children. If they are to tell a complete story, they need to have enough visual content to fill the two to three minutes it takes to do this. On the other hand, however, there are many restrictions on how to do this, including a requirement to leave out any footage that might identify any children without getting parental consent. This explains why the footage used is either long wide shots where the children's faces are too small for one to determine their identity, or if medium shots are used, they are blurred out. The long wide shot is typically used to establish the context in which a development unfolds, so when used in the way that it is in these reports, the message that it suggests is that the school grounds as a whole are not a safe space. Usually, the long wide shot is followed by a wide or medium shot of the subject of interest as part of a shot sequence that visually introduces us to the person, place or object that the story is about. That does not happen with these reports because the long wide shot is not being used to establish where the development is unfolding; it is mainly used because it is the most optimal shot for not identifying the children.

A cluster criticism of the terms used in these reports shows that the children – both the victims and perpetrators – are described using their ages and their status as pupils. It is also notable that the children are spoken about in the passive voice. The active agent in these reports is usually the police, who are doing the arresting, or the courts, who are communicating a decision related to the case.

Three learners have been arrested for allegedly stabbing to death a fellow learner at Hillcrest High School in Mossel Bay in the Southern Cape.⁴⁵⁷

A 16-year-old suspect from Pampierstad in the Northern Cape has been formally charged for the murder of 17-year-old Lucky Taole.⁴⁵⁸

The use of the passive voice renders these actors from the criminal justice system invisible in these reports, with the effect of downplaying their direct hand in these

⁴⁵⁶ eTV 7 October 2019

⁴⁵⁷ SABC 8 October 2019, line 75 – 76

⁴⁵⁸ SABC 21 September 2020, line 163 – 164

developments. Let us consider the first story as an example. Saying “[t]hree learners have been arrested”, compared to “Police have arrested three learners”, removes the police from this story, and the children are the focus.

In considering how the information-seeking media argumentation scheme is used for persuasive ends in these reports, one observes that the information providers in these cases are usually educators, who provide the facts around how a particular development unfolded, or members of the community, who speculate on why a particular development happened. It is interesting to note that it is not the educators who often attribute the children’s criminal activities to gangsterism, drugs and other social ills, but rather community members. If one considers a report filed by SABC on 7 October 2019, one sees these contrasting perspectives at play in a news report about a grade 9 pupil arrested after allegedly killing another learner with a pair of scissors. The principal states, “[t]he school is a performing school. It does not have a history of violence. It’s an unfortunate school, this one, which has come to be with us this day.”⁴⁵⁹ A community leader, meanwhile, says:

It’s not the first time that this thing happens. In the past two months, I called the police personally, and I asked them to assist where there were school kids from Budebotsipo high school who were fighting the kids here at Thuto-Tiro. Instead, the answer I got from the SAPS was that “Ke mang ya thlokafetseng” [Who has died?]. So they are expecting someone to be killed before they come to the scene, and they also asked a question why isn’t the school calling themselves? So it shows that the school does not report such incidents because they are afraid to lose the title of being the best performing school.⁴⁶⁰

The communicative work of news reports about crimes involving children is to create a sense of moral panic that because South Africa has moved away from certain conservative practices, such as prayers in schools or corporal punishment, children have lost their way and are turning to criminal activity.⁴⁶¹ The framing of these developments as tragedies, and the dominance of the purpose term of the pentad, steers one to think of these developments as being outside of the mechanism of the criminal justice to deal with and instead require divine intervention. The reliance on

⁴⁵⁹ SABC 7 October, line 43–45

⁴⁶⁰ SABV 7 October, line 50 – 57

⁴⁶¹ Altheide, D. L. (2009). Moral panic: From sociological concept to public discourse. *Crime, Media, Culture*, 5(1), 79-99. doi:10.1177/1741659008102063

educators as information providers, whose perspectives are informed by anecdotal evidence rather than facts, add to this.

5.3.9 South African news report on corruption

Corruption is a category of crime that receives considerable attention from South African news media. The number of news reports on the issue in the period considered for this study confirms this. In both 2019 and 2020, the developments at the Zondo Commission featured quite prominently,⁴⁶² as did court cases involving senior government officials implicated in corrupt activities.⁴⁶³ What is notable about these reports is that most of them are based on a court appearance by the accused person or when the implicated person is either mentioned at the Zondo Commission or is brought in as a witness at the commission. Unlike most of the other developments in the criminal justice system discussed in the study so far, these reports arise solely based on what has transpired in a legal context such as a courtroom or a sitting of the commission. They primarily rely on soundbites recorded during the actual sitting and seldom include interviews. Similarly, the visuals used are filmed within the context where the matter is being heard.

The effect of this kind of reporting is that it situates corrupt activities primarily within the realm of the legal context and, in so doing, almost removes this type of crime from the broader societal implications it has. There is an adage that corruption is a victimless crime, and this manner of reporting, where the approach is to rely only on what happens in the legal context, can feed into that view. For example, in a court case, it is not likely that evidence will be led to highlight how the millions of rands misappropriated by a municipal official have a trickle-down effect on the communities that are meant to receive services through these funds. Instead, the legal discussion will focus on establishing guilt, and for the viewer, it is primarily a matter of one person's word against another. Even though the reports mention the amount of money involved, these large figures, often in the millions and hundreds of millions, mainly achieve a shock-value rather than helping viewers understand what this means for them.

⁴⁶² eTV 19 September 2019; SABC 1 October 2019; 22 September 2020

⁴⁶³ eTV 2 October 2020; 28 SABC 28 October 2020

There was one report that employed an approach that centred on the victims of corruption. The report aired on SABC on 4 October 2020 begins as follows:

Residents of Dark City in Bloemfontein who live in houses with asbestos roofs say they are relieved about the latest developments around the asbestos controversy. Seven people have been arrested, including Government officials, in relation to the 255-million-rand asbestos housing project.⁴⁶⁴

The rest of the report then features interviews with community members and footage showing the dilapidated houses they live in due to the misappropriation of these funds. While this type of report is not feasible to produce every day, it brings in the voice of people affected by corruption, and in so doing, demonstrates that the ongoing deliberation on phenomena such as state capture is not merely a legal issue with no consequence for society.

Another notable aspect of South African news reports on corruption is that they focus on prominent individuals. Indeed, the dominant pentadic term was the agent in most of these reports. With the State Capture Commission of Inquiry, for example, the news value of each of the reports seems vested in whether a high-profile individual was testifying or whether they were mentioned in someone else's testimony. When a high-profile individual was testifying or due to give testimony, the reports framed their appearance as something that was "much anticipated". An example of this is the appearance of the former President, Jacob Zuma's son, Duduzane Zuma: "[a] much-anticipated witness. The former president's son is said to have facilitated meetings between the Gupta family and senior government officials."⁴⁶⁵ Duduzane Zuma's testimony was primarily focused on him refuting the allegations made by other witnesses. However, because of his prominence, particularly as the son of the former president, his participation in the commission as a witness was deemed by news media as a significant development.

The commission of inquiry provided a platform for South Africans to see prominent people, like Zuma, account or explain their role in various developments linked to state capture. It was not the first such commission, and its live television meant that there was a lot of content, so in terms of persuasion, news coverage was more about highlighting which witnesses and pieces of evidence the journalists

⁴⁶⁴ SABC 4 October 2020, line 26 – 29

⁴⁶⁵ SABC 6 October 2019, line 26 – 29

thought were important enough to highlight in the evening news, and what aspects of the commission were summarised.

TV's metonymic character comes through in events like the commission because the coverage chooses certain aspects to focus on as representative of the whole. The choices made are not primarily driven by the legal value as much as they are by the entertainment value because television is not a medium as suitable for ventilating legal issues as it is for keeping us entertained. For example, the notion that Duduzane Zuma was a much-anticipated witness is from an entertainment perspective: the president's son and the so-called fixer, and the opportunity that the public would have to see him questioned and held to account for his alleged role in the plundering of state funds.

Most of the people called to testify at the commission were not prominent. Often, they were bureaucrats and law enforcement officials, who the commission seems to have relied on to fill in the factual details on how certain developments transpired. However, when writing the reports on these developments, the journalists would still focus on the prominent individuals implicated in their testimony. Examples of this are included below:

The state capture commission has heard allegations of how Mosebenzi Zwane abused his power while in office in Free State agriculture MEC. Former head of human settlements in the province, Mpho Mokoena told the inquiry that Zwane forced him to approve and sign documents for a billion-rand housing project which was spent within five months.⁴⁶⁶

Minister Nathi Mthethwa once again named at the State Capture commission as having benefitted from funds meant for crime intelligence operations.⁴⁶⁷

In these reports, while the witness may have said many other things, the aspects deemed most newsworthy are those in which the testimony refers to prominent people.

Moreover, in 2020 there were several reports about the arrests of high-profile people implicated in corrupt activities or about them being dismissed from their government jobs.⁴⁶⁸ Particularly in the eTV reports, the tone of these reports was celebratory. It sounded as if the anchors were gloating, as they implied that the arrest

⁴⁶⁶ SABC 22 September 2020, line 97 – 101

⁴⁶⁷ SABC 1 October 2020, line 6–9

⁴⁶⁸ eTV/30 September 2020; SABC 9 October 2020; eTV 7 October 2020

indicated that the fight against corruption, whether it be state capture or corruption-related Covid-19 procurement processes, was being won.

Anchor: (Super: Jail time for Truter the looter, #VBS) Well, another good day in the fight against corruption, the NPA secured 63 its first conviction sentence in the VBS saga.⁴⁶⁹

Anchor: (Super: Sodi's Bentley, Ferrari and Porche seized, #EdwinSodi) We all know that billions are being lost to corruption, but now the state is starting its quest to recover from at least one allegedly corruption-laden project in the Free State. As the asset forfeiture unit began attaching assets belonging to businessman Edwin Sodi, director of Blackhead Consulting. We're not talking sturdy Toyotas here. Think Bentleys, Ferraris and Porches.⁴⁷⁰

The focus on the high-profile status of those arrested and the repeated use of their visuals and references to their titles, in a fall-from-grace narrative that severs to advance a view that so rigorous was the investigation that even the most senior of people would not be spared. Further, driven by the news values of timeliness, prominence and novelty, in 2020, most notably, reports on these types of developments were aired daily, so much so that the same types of visuals were used.

The persuasive communicative work of news reports on corruption is to amplify the role of prominent people in corrupt activities while mostly excluding the voices of ordinary people affected by corruption. This is driven by the inclination of broadcast news to personalise phenomena such that developments are best understood through the people involved. Johan Galtung and Mari Ruge explain it as follows: “[n]ews tends to present events as sentences where there is a subject, a named person or collectivity consisting of a few persons, and the event is then seen as a consequence of the actions of this person or these persons”.⁴⁷¹ Thus, the reports persuade viewers of a criminal justice system whose focus is on the perpetrators of corrupt activities and confirms the view that these criminal activities are without victims since their voice is largely excluded.

⁴⁶⁹ eTV 7 October 2020, line 62 – 64

⁴⁷⁰ eTV 6 October 2020, line 30 - 34

⁴⁷¹ Galtung & Ruge, 1965, p. 66

5.3.10 South African television news reports on Zuma vs Zondo

As part of the news reports about the Zondo Commission of Inquiry, several focused on a refusal by former South African President, Jacob Zuma, to return to the commission to respond to the testimony of more than 30 witnesses who had implicated him. Zuma did not appear on the scheduled date in September 2020, initially stating that he needed to be afforded more time to consider all the evidence.⁴⁷² Later, Zuma again refused to appear before the commission if the commission's chairperson, Zondo, did not recuse himself. In 2021, the matter eventually culminated in Zuma being criminally charged for refusing to give evidence at the commission and being sent to jail.⁴⁷³

The period considered in this study is when Zuma was requesting Zondo to recuse himself. The developments were newsworthy for several reasons, not least of which was the fact that it involved two powerful men, one a politician and former leader of the executive, and the other a judge and the deputy chief justice, at least according to how the news reports framed it as the "Zuma vs Zondo" standoff.⁴⁷⁴ However, the matter was more significant than Zondo because in his challenge, while Zondo was named as the point of contention, Zuma was challenging the authority of the commission and the legal powers it was afforded. The metonymic nature of television, which prefers to highlight issues at the level of the personalities rather than systemically, steered the reportage so that it seemed that the two men were at war with each other when it was rather Zuma at war against the commission.

What makes the Zuma vs Zondo news reports interesting is how they are crafted to persuade viewers that the development was about individuals. First, the use of Zondo as a metonym for the commission orientate the viewer towards interpreting the developments at the level of personalities, as opposed to at the level of an implicated person challenging the system. Framing these developments based on personalities could make viewers more inclined to take sides instead of providing them with

⁴⁷² Chabalala, J. (2020, September 3). Zuma will not appear at next state capture inquiry, needs time to prepare and is of 'advanced age'. News24. Retrieved September 7, 2021, from <https://www.news24.com/news24/southafrica/news/zuma-will-not-appear-at-next-state-capture-inquiry-needs-time-to-prepare-and-is-of-advanced-age-20200903>

⁴⁷³ Ndaba, B. (2020, November 23). Zondo commission to lay criminal charges against Jacob Zuma for walking out of inquiry. Independent Online. Retrieved September 7, 2021, from <https://www.iol.co.za/news/politics/zondo-commission-to-lay-criminal-charges-against-jacob-zuma-for-walking-out-of-inquiry-01296852-383c-4a71-8f3d-c43c4fb50569>

⁴⁷⁴ eTV 28 September 2020

information to understand how commissions of inquiries work and the legal authority afforded to them. Further, the use of metaphors of a fight, in phrasing such as “Zuma vs Zondo”, “the gloves have come off”, and “The Zuma Foundation slams the Zondo commission” will invariably lead to audiences considering who the winner is and who the loser is at the end of the process, with a minimum likelihood for considering what the outcome means for the justice system. Cheng-hsui Chiu and Wen-yu Chiang argue, “when one thinks of a ‘fight’, the concept of struggle and aggressiveness in relation to the issue of ‘vanquish’ or ‘control’ often comes to mind.”⁴⁷⁵ These types of metaphors are likely to portray legal developments as adversarial. Instead of evoking a sense of a blindfolded Lady Justice whose judgment is based on the objective merits of each side, the image of adversaries battling it out to see who has the strongest muscle is evoked. The persuasive end of this is that viewers’ perspectives of the character of the justice system are towards the former.

Second, at the level of aesthetics, the phrase Zuma vs Zondo employs alliteration, a literary device used to make a statement or phrase sound pleasing and, in so doing, draw the audience’s attention to the issue being reported on. In these reports, the “Zuma vs Zondo” phrase is used as a headline every time a report on this development is aired, therefore over and above, the effect of the alliteration, the repetition and headlining amplify this statement.

This creativity seems to have been reserved primarily for the headlines related to this development and the first line of the reports. The body of the reports was less evaluative, sticking to the facts of what had transpired. Three of the four reports filed on these developments did not feature any soundbite. The one report that did, included a soundbite of Justice Zondo talking to the evidence leader.⁴⁷⁶ This is because the perspective from Zuma’s legal team was usually taken from a media statement released by the team or the Jacob Zuma Foundation offering perspectives on what was happening at the commission. This meant that the journalists were not at liberty to interrogate the statement, and from how the reports are written, they seem to have opted to rely heavily on it when writing up the reports on 28 September 2020 and 8 October 2020:

⁴⁷⁵ Chiu, S.-h., & Chiang, W.-y. (2011). Fight metaphors in legal discourse: What is unsaid in the story? *Language and Linguistics*, 12(4), 877-915. Retrieved September 7, 2021, from http://www.ling.sinica.edu.tw/Files/LL/Documents/Journals/12.4/j2011_4_05_7769.pdf. p. 879

⁴⁷⁶ see 9 October 2020

Jacob Zuma's lawyers have requested Deputy Chief Justice, Raymond Zondo, to recuse himself as the chairperson of the State Capture Commission when the former President returns to the inquiry on the 16th of November. In a four-page letter, Zuma's lawyers accused Zondo of having a bias disposition towards their client. They indicated that the former president would no longer be taking part in the commission until the application to have Zondo recused from the commission was determined.⁴⁷⁷

The Zondo commission is nothing but a bastardisation of legal processes to achieve political ends. This attack from the Jacob Zuma Foundation on the state capture inquiry comes just a day before Raymond Zondo is meant to decide whether he will issue a subpoena for the former president to appear before him.⁴⁷⁸

Given that the information-seeking argumentation scheme is most aligned with how news reports persuade, it is notable that the information in these reports tends to be from one perspective, namely one that articulates Zuma's perspective. There is no countering voice to address the accusation of bias or to provide context at least. In these reports, supposedly about a 'fight' between Zuma and Zondo, one side is represented while the other is not. That is not to say the journalists do not provide context because they do. For example, in the report on 8 October 2020 quoted above, the journalist goes on to say:

Zuma's name has featured almost every day this week during hearings. He cut short his first appearance before the commission on October last year, claiming the evidence leaders were biased against him. He's dodged opportunities to return ever since. But last month, Zondo announced he'll decide by tomorrow whether to subpoena Zuma whether to appear before the commission in November. He invited Zuma's legal team to participate in the process, but Zuma's foundation has now dismissed the commission as a political pantomime parading as a legal process.⁴⁷⁹

Thus, it is not that we do not hear a countering perspective on these developments. However, we do not hear it from an external party, such as the commission or Justice Zondo himself. Instead, it is the journalist providing the information and fulfilling the role of information-provider.

⁴⁷⁷ SABC 28 September 2020, line 67 – 72

⁴⁷⁸ eTV 8 October 2020, line 24 – 27

⁴⁷⁹ Ibid, line 28 – 33

As argued above, the communicative work of these reports is to use personalisation to persuade viewers that the development is about individuals, not the legal context of the commission. This then polarises people according to those on Zuma's side and those on Zondo's side, rather than as people who desire to see a just outcome from the commission meant to address state capture.

The cases discussed above have been used to demonstrate these televised reports' persuasive communicative work on specific developments. In the following section, the study will discuss how these news reports communicate on aspects of the criminal justice system such as sentences, victims of crime, and political leaders in the criminal justice sector.

5.4 Television news reports and how they deal with specific elements of South Africa's criminal justice system

5.4.1 How South African television news reports simulate physical legal sittings

News reports, whether on television, radio or in print form, do not follow the traditional format of rhetorical argument because in how arguments are developed in the texts, they do not employ the approach of "relat[ing] concepts with each other explicitly".⁴⁸⁰ Instead, they are what William Brandt calls "reportorial texts" whose persuasive appeal lies in their abilities to "explicate a central term" and, in so doing, link what would otherwise appear to be unrelated details.⁴⁸¹ However, even with this reportorial form in terms of the discursive aspects of the reports, in television reports, there are elements of the visuals that attempt to mirror a narrative approach with a beginning, middle and end. An example is how the visuals used in the SABC and eTV news reports on rape accused Nicholas Ninow's court appearance on 12 September are arranged. The report begins with the accused walking into the courtroom, and the camera follows him as he takes a seat. This is used as an opening shot. The closing shot is of him being escorted out and the public leaving the courtroom. This shot sequence conforms to the conventions of visual narratives where a sequence has a clear beginning and a clear end. These opening and closing shots are inconsequential when it comes to the report's substance regarding what transpired in court and the

⁴⁸⁰ Brandt, W. J. (1970). *The Rhetoric of Argumentation*. Indianapolis: The Bobbs-Merrill company, Inc. p. 255

⁴⁸¹ *Ibid.* 256

latest developments in the case. However, since television is a visual medium, the reporter employs approaches usually found in film narratives to couch the report in filmic approaches. This is an example of the communicative work done in these reports to recreate the court experience for the viewer and a sense that they are witnessing the developments as they unfolded.

One observes something similar in how some of the State Capture Commission of Inquiry reports have been filmed and edited. They, too, usually begin with the commission chairperson, Justice Zondo, walking into the venue where the hearing is happening and taking a seat, marking the start of the proceedings.⁴⁸² The reports also tend to end with him adjourning the proceedings, getting up from his seat, and then walking out. As with the court case highlighted before, this creates the impression of a start and conclusion of the legal sitting.

Another communicative strategy employed to simulate a real-life legal setting, particularly observable in the reports on developments of the State Capture Commission of Inquiry, is how the footage has been filmed and edited to simulate a fast-paced and robust three-way conversation between the commission chairperson, Justice Zondo, the evidence leader, and the witness. In the report aired by SABC on 30 September 2019, the exchange starts with a visual of the witness testifying from a secret location. The narration states,

[the witness] corroborated the evidence of his handler. In his testimony, Hawks investigator, Kobus Roelofse, revealed how senior officials in the intelligence misused the secret service funds for their personal use.⁴⁸³

When the journalist talks about Roelofse's appearance, archive footage of Roelofse is included, followed by visuals of the commission chair listening. The visuals then cut between Justice Zondo and the witness.

The way that this exchange unfolds in the report is interesting. It is unusual that a conversation is captured in this way in a news bulletin. Usually, the preferred form is a soundbite summarising things or capturing the most dramatic aspects of what a person has to say. In this case, there is nothing particularly noteworthy in how the conversation unfolds in that Justice Zondo is clarifying something. It also does not link

⁴⁸² SABC 6 October 2020, line 152 – 153

⁴⁸³ SABC 30 September 2019, 40 – 43

to what was mentioned previously, so it is not immediately apparent to the viewer why this portion of the conversation has been chosen. Watching the conversation unfold, though, gives the viewer a mediated experience of what would have transpired in the actual hearing that day. The three parties would have been talking among themselves, and the people sitting in the public gallery would have followed the deliberations by giving their attention to whoever was speaking at the time, as happens in the televised report. This demonstrates the robustness of the exchange. It also demonstrates how this type of context would unfold where a witness is testifying in absentia.

Thus, in how the visuals are edited, the communicative work of these news reports is to attempt to recreate a mediated version of what sitting in a courtroom or at the Zondo Commission would be like for the viewer. The inclusion of visuals depicting the beginning and end of proceedings is immaterial for the verbal aspects of the report that are focused on highlighting the key developments of the day. However, these shots are significant for the visual narrative that the report seeks to present.

5.4.2 How South African television news reports feature the public gallery

In several of the court cases reported on, members of the public are featured either by including visuals of them seated in the public gallery in court or in interviews that happen on the court premises while the sitting is not in session. In these instances, over and above reporting on what transpired in court regarding what was said by the presiding officer, the prosecutor, the defence, the accused or witnesses, the reports will include references to what those in the public gallery had to say. This aspect of news reports brings in a public perspective on the developments in the case concerned. In discussing this aspect, a distinction is made between two kinds of 'publics' in the gallery. The first kind consists of relatively unknown individuals and communities or civil society organisations with a vested interest in the developments in the case. These include non-governmental organisations that work with victims of abuse or children, for example, when the court case is about these issues. The second is political publics made up of individuals that attend court cases to make a political statement aligned with their political party affiliations. These political publics are usually identifiable by the regalia they come to court dressed in, which feature their political party's colours and symbols. They can also be identified because the

description is usually linked to the political party they represent when they are named in an interview.

In the news reports on rape-accused Nicholas Ninow, the African National Congress's (ANC) Women's League was present on 12 September 2019, and included in the bulletin was a representative from the organisation who opined on what should unfold in the case, stating that "[h]e must be found guilty and sentenced. We are not expecting anything less than a life sentence and no parole."⁴⁸⁴ One hypothesis that can be made around why political party members attend court cases dressed in party regalia is linked to mediatisation: they are aware of the high-profile nature of a particular case, and in a bid to be seen as engaged in deliberations on crime, the news media's record of their presence performs the communicative work of signalling their engagement on issues of crime and justice to the broader public. This hypothesis is made because political parties are seen to be present in cases that align with their particular values. The ANC Women's League, for example, was a prominent figure in the news reports on the Nicholas Ninow cases where the crime was rape, and the victim was a young black girl. People in ANC Women's League regalia were also present at a march against gender-based violence.⁴⁸⁵ Meanwhile, the Economic Freedom Fighters (EFF), a party that has positioned itself as being at the forefront of issues related to land expropriation and aggressively confronting issues of race and racism,⁴⁸⁶ was present in cases where these elements were at play, such as the Brendin Horner murder case where racialised demonstrations broke out after two men were arrested and charged with murdering a farm manager from Senekal.⁴⁸⁷

Hence, one sees how mediatisation drives the presence of political parties in particular cases. They recognise the persuasive communicative work of news platforms, like SABC and eTV, in helping them publicly perform their engagement in specific developments that align with the social issues their parties claim to represent. The awareness that television news journalists will be present in these cases gives

⁴⁸⁴ SABC 12 September 2019 line 260-261

⁴⁸⁵ SABC 13 September 2019

⁴⁸⁶ Mbete, S. (2015). The Economic Freedom Fighters-South Africa's turn towards populism? *Journal of African elections*, 14(1), 35-59. Retrieved from https://repository.up.ac.za/bitstream/handle/2263/51821/Mbete_Economic_2015.pdf?sequence=1

⁴⁸⁷ Grobler, R. (2020, October 15). Farm murder protests: Is a second 'Battle of Senekal' looming? News24. Retrieved August 13, 2021, from <https://www.news24.com/news24/southafrica/news/farm-murder-protests-is-a-second-battle-of-senekal-looming-20201015>

these political publics a chance for visibility and a chance to position themselves in certain respects in the public deliberations on crime that reinforce their brand.

5.4.3 How South African television news reports report on the police minister's responses to crime

Political parties are not the only ones that rely on the communicative work of news reports to persuade viewers of their engagement with particular developments in the criminal justice system. Another actor that exemplifies mediatisation in relation to his activities around crime and justice matters is the South African Minister of Police, Bheki Cele. In these bulletins, the police minister emerged as a central character in a word search of the most frequently used terms in the news reports considered. He was regularly featured making pronouncements related to particular cases.⁴⁸⁸ However, when he was featured, it was in his capacity saying something, not necessarily doing something.

An example is in a foiled robbery where nine suspects were killed. The police minister was included in the report applauding the police's swift report and saying, "the police must be supported in the fight against dangerous and armed criminals."⁴⁸⁹ In another news report about the murder of a police officer, Charl Kinnear, Cele was featured stating that an investigation should be undertaken: "Cele reiterated that an investigation as to why Kinnear's 103 protection was withdrawn must be done thoroughly."⁴⁹⁰

The tone is one of deference to him as the political head of the police, such that when he says something, the act of speaking is deemed to be a form of meaningful action. What this points to is the centrality of his role in shaping the public discourse on crime and justice either by engaging in communicative acts that suggest that police can maintain law and order and have not lost the fight against criminal elements, or giving an update on a high-profile case such as the Kinnear murder case, or making declarations on how police will act on a matter.

These declarations as a form of action are explicable through the framework of mediatisation because it is only based on the belief that the news media will broadcast

⁴⁸⁸ SABC 21 October 2020, line 116 – 118; eTV 7 October 2020, line 107 – 108; eTV 19 September 2020, line 17 – 19

⁴⁸⁹ eTV 21 September 2019, line 31 – 32

⁴⁹⁰ SABC 3 October 2020, line 103 – 104

and disseminate his pronouncements, by virtue of him being the political head of the police department, that he has an assurance that what he is saying will prompt action. If he were to have made many of the statements without the presence of the news broadcasters there, particularly television reporters, they would not have the desired effect because their effectiveness is vested in them being shared as widely as possible.

This is important to note because other actors in the criminal justice system make pronouncements and do not rely on news media to give effect to them. An example of this is judges. Whether the news media is there or not, when judges hand down a sentence and denounce a particular crime, their words are adequate in and of themselves. This is not to say that all the police minister's statements require media presence to be effective. What is being argued here is that the pronouncements he was featured making in these reports are only effective because the media reported them. This points to the persuasive communicative work of these reports and how, through mediatisation, some important actors in the criminal justice system are prompted to operate in certain ways. The police minister can act using words primarily because those words are then disseminated widely by the news media and shape public discourse on particular developments related to crime and justice.

5.4.4 How South African news reports report on South African President Cyril Ramaphosa's responses to crime

South African President, Cyril Ramphosa, was also a notable agent in news reports from 2019 on gender-based violence and xenophobia. When featured, he was giving assurances of how seriously his government takes these issues. It is thus no surprise that a cluster criticism of the terms associated with him in these reports, particularly those from the SABC, portray someone active and in control or at least attempting to bring control to the crime situation. Examples that show this are:

President Cyril Ramaphosa is on *damage control mode*.⁴⁹¹

President Cyril Ramaphosa stays home to *tackle gender-based violence*.⁴⁹²

⁴⁹¹ SABC 15 September 2019, line 5 – 7

⁴⁹² SABC 16 September 2019, line 13 -14

The president *then rushed* to Pietermaritzburg to visit the Milaba family, in Kokosron. Their four children were hanged, 99, allegedly by their father earlier this month.⁴⁹³

President Cyril Ramaphosa *blasts corruption* in the public and private health care sectors.⁴⁹⁴

The phrases that have been italicised for emphasis demonstrate language that ascribes positive evaluations to a president who is simply doing his job. The SABC reports are often very complimentary of the president's pronouncements and couches these in language that suggests they are a form of decisive action. An example is a decision he made to deploy the minister of international relations and cooperation to attend a United Nations meeting while he stayed at home. The SABC report aired on this matter frames this in a complimentary tone, noting that he is staying at home to *tackle* gender-based violence. However, as the report expands on exactly how he is tackling gender-based violence, it emerges that he is doing this by making statements against the issue. Similarly, in the report that states that he has *blasted* corruption, a further reading of exactly how he has done this reveals that it has been through a statement made condemning the crime.

The eTV reports on the president's responses to gender-based violence and xenophobia are more measured, sticking only to neutral descriptions of his activities in this regard, and provide an example of how the journalists could report on Ramaphosa's responses to crime without being evaluative.

President Cyril Ramaphosa, as Commander in Chief of the defence force, has prolonged the army's stay in gang-ravaged areas of the Cape.⁴⁹⁵

President Cyril Ramaphosa praises law enforcement for the recent corruption busting arrests.⁴⁹⁶

The SABC reports use evaluative descriptions that exaggerate the president's responses to crime and make it seem like he is doing more than expected. Indeed, pronouncements that do not translate into action are not very meaningful, especially when they come from the president. So what is happening, for example, in the report

⁴⁹³ SABC 20 September 2019, line 98-100

⁴⁹⁴ SABC 1 October 2019, line 11 – 12

⁴⁹⁵ eTV 16 September 2019, line 95 – 97

⁴⁹⁶ eTV 5 October 2020, line 7 – 8

that tells us that he *rushed* to meet a family where a father had killed his children? For the viewer, it conveys urgency and depicts a president who is responsive to issues of violence against women and children, whether at a macro level or a micro level, as is the case with this instance. However, the details of this responsiveness suggest that his 'actions', like the police minister's, remain at the level of pronouncements rather than doing something.

5.4.5 How South African television news reports report on court judgments and jail sentences

In several of the court cases examined in this study, the development was the announcement of a verdict or a sentence.⁴⁹⁷ In how the reports on these announcements are structured, the reporter takes the liberty to arrange the elements for maximum dramatic effect, even though they do not unfold in this order in real life. For example, the report will often start with a medium shot of the judicial officer reading the outcomes, pronouncing guilt or innocence of the accused or announcing the sentence. In real life, this aspect of the proceedings usually occurs right at the end, read just before the judicial officers adjourns. In a previous paper, I discuss the fact that in choosing to focus the news report on the delivery of the outcome, instead of on the reasons given by the judicial officer for how they have arrived at a particular verdict or sentence, the reports adopt an approach that is more evaluative than it is factual because it means that the elaboration on how the judgment was arrived at is left up to the journalist, who often brings in his or her subjective interpretation, as opposed to including more extensive soundbites from the judicial officer doing precisely this.⁴⁹⁸ This evaluative approach plays into the drama that usually characterises television news reports on crime and justice issues and is driven by an approach that seeks to make the news reports on court processes appear to mimic the dramatic structure of television drama shows.

In the same paper, I also discuss the implications of the shots used when filming the accused compared to the judicial officer compared to people in the public gallery. When filming the accused, the tendency is to use close-up shots and even extreme

⁴⁹⁷ SABC 7 October 2020, eTV 20 September 2019

⁴⁹⁸ Nkoala, 2020

close-ups that amplify their faces and depict emotions vividly.⁴⁹⁹ On the other hand, when filming the judicial officers, the tendency is to use a medium shot. This type of shot is usually associated with objectivity. In it, the person is framed to approximate how close the viewer would be to them if they were engaged in a conversation. I argue that “the medium shots are used to establish a psychological distance between the viewer and the judicial officer, to infer a sense of objectivity in the decision being announced.”

In contrast, the public gallery is predominantly filmed using a wide shot. The intention is to show the scale of public interest in a matter and show who is there. In cases where there are people in political party apparel, these visuals communicate powerfully about their presence in court.

Court judgments and jail sentences often signal the culmination of legal proceedings for viewers when a case is not particularly high profile. Therefore, those watching use these outcomes to gauge whether or not they think justice has been served in a matter. These are also the developments when journalists are more prone to include vox pops with members of the public to reflect their perspectives on what they think of a particular judgment or sentence. For example, in the period considered, there were some reports in which a statement was made that suggested that a harsh jail sentence can be used as an instrument to communicate society’s condemnation of certain types of crimes, such as violence against children. In these instances, the media’s role lies in giving the case high-profile status through sustained coverage. It also lies in being there to report on the outcome so that the public can judge for themselves whether the decision made by the judge aligns with expectations.

One example is in the Bob Hewitt parole case, where the convicted rapist was set to be released on parole. However, before this could be finalised, one of his victims intervened in the court processes and was featured in media reports talking about why she was against such a decision. She states: “rape in South Africa has reached pandemic proportions. The rape of children should be condemned in the highest form.”⁵⁰⁰ Similarly, in a report filed ahead of the sentencing of Nicholas Ninow for raping a 7-year-old girl, an interviewee states: “I think it’s important for the judge to

⁴⁹⁹ see eTV 17 September 2019

⁵⁰⁰ SABC 15 September 2019, line 158 – 159

use this case to send a message to South Africa to everybody out there that we've had it with child abuse."⁵⁰¹

The communicative work done by the news reports that feature public perspectives on court judgments and sentences creates the impression that there is a shared perspective on what a particular outcome means regarding the societal problem of crime and the role of justice. It also sets out to advance a view that there is a shared perspective on what a just outcome in a matter is.

5.4.6 How South African television news reports report on funerals of crime victims

In the reports considered, one notices that funerals are often an opportunity for the news media to extend their reporting on an issue of crime and justice. There were several news reports of children's funerals who had been victims of crime in the period considered.⁵⁰² In these instances, the funerals serve as more than just an opportunity to provide a more detailed character sketch of the victim through the obituary, but also to pronounce broadly on what society ought to learn from the victim's killing. For example, in the case of a 14-year-old whom, a fellow learner at school stabbed, the journalist foregrounds the fact that teachers at the school used the funeral as an opportunity to "have appealed to government to find a way to allow 60 educators to discipline learners."⁵⁰³ In another report on preparations for the funeral of three children killed in gang violence, the journalist remarks that a community member is hopeful that the tragedy will bring change. She says after the killings, there has been visible policing, and it is something the community is not used to."⁵⁰⁴ While done predominantly when reporting on the funerals of children, this was not exclusive to them. It was done in any funeral where there was a broader lesson to be learnt on an issue related to crime and justice. At the funeral of Charl Kinnear, for example, a soundbite from his son was included in which he states:

We as a family believe the passing of my dad will be the birth of a new generation of police officers, not the lazy ones that's sitting in their office pretending to be officers.⁵⁰⁵

⁵⁰¹ SABC 15 September 2019, line 252 – 253

⁵⁰² eTV 13 October 2019; SABC 26 October 2020; SABC 12 October 2020

⁵⁰³ SABC 12 October 2019, line 60 – 61

⁵⁰⁴ SABC 20 October 2019, line 31 – 32

⁵⁰⁵ eTV 3 October 2020, line 86 – 88

This approach draws on the epideictic rhetoric that is characteristic of funerals and uses the broad reach of television to apportion blame to a particular societal issue that has allegedly led to the untimely death of the person being reported about. In the news, reports funerals are opportune occasions to distil what the reporters believe to be the underlying issues causing a particular crime phenomenon. In the case of the school learners, the issue is a lack of discipline. In the case of gang violence, the issue is the lack of policing in these communities. In the case of the murdered policeman, the issue is police officers who are not committed to their jobs.

Television influences the actual arrangements of these funerals because the cases have garnered media attention. The funeral service is a high-profile affair and sees political leaders, such as the Minister of Police⁵⁰⁶ and the Community Development Member of the Mayoral Committee in Johannesburg.⁵⁰⁷ The presence of these political actors and their standing in society means that they are afforded an opportunity at the funeral to address mourners. In all likelihood, had the case not received as much traction in news media as it did, they would not have been in attendance. Consequently, they would not have had the opportunity to participate in what is otherwise a very intimate occasion for bereaved loved ones. Thus, the high-profile nature of the crime changes the event because of the presence of news media there.

Some visuals, such as those of the funeral of Uyinene Mrwetyana and Palesa Madiga, both 19-year-old university students who were murdered, have become iconic because of the high-profile nature of their cases. As such, even with minimal contextualisation, when visuals from their respective funerals are used, the audience has a sense of what these mean and which cases they reference. Thus, for example, visuals of Uyinene's funeral are used in a news report on crime statistics when reference is being made to the grief expressed as a result of violent crimes against women.⁵⁰⁸

This section has analysed news reports on specific aspects of South Africa's criminal justice system. These aspects cut across specific developments and were considered to highlight some generalisable communicative approaches that are not

⁵⁰⁶ SABC 3 October 2020

⁵⁰⁷ SABC 26 September 2020

⁵⁰⁸ eTV 12 September 2019

driven by a particular case but are instead indicative of prevalent approaches to dealing with certain aspects of the criminal justice system. The final section in this chapter considers the communicative work on specific elements of television in South African news reports on the criminal justice system.

5.5 The use of specific elements of television in South African television news reports on the criminal justice system

5.5.1 *The use of file footage*

File footage, otherwise known as news archive footage, is news footage that is filmed while covering a particular development then being reused in subsequent news reports, even when the latter is about a completely different issue. It is archival material that media houses use for various reasons, including intertextuality and cost-cutting, and features quite frequently in news reports on crime and justice issues. In both of the years considered and by both of the broadcasters, file footage was an essential element in their reports on developments in particular cases. Examples of this included:

- news reports about Chief Justice Mogoeng Mogoeng's pronouncements that there is no evidence that the judiciary has been captured,⁵⁰⁹ after the deputy president of the Economic Freedom Fighters, Floyd Shivhambu, claimed that politicians were paying off some South African judges to rule in their favour when presiding over some instances,⁵¹⁰
- the hospitalisation of Angelo Agrizzi, chief operating officer of Bosasa implicated in State Capture,⁵¹¹ after being denied bail in an ongoing criminal case;⁵¹²

⁵⁰⁹ SABC 13 September 2019

⁵¹⁰ Chabalala, J. (2019, November 23). Mogoeng warns of capture of the judiciary: 'I have confidence in judges, but watch us carefully'. News24. Retrieved August 15, 2021, from <https://www.news24.com/news24/southafrica/news/mogoeng-warns-of-capture-of-the-judiciary-i-have-confidence-in-judges-but-watch-us-carefully-20191123>

⁵¹¹ eTV 15 October 2020

⁵¹² Chabalala, J. (2021, July 8). Bosasa corruption trial: Angelo Agrizzi, Vincent Smith to be tried separately. News24. Retrieved August 15, 2021, from <https://www.news24.com/news24/southafrica/news/bosasa-corruption-trial-angelo-agrizzi-vincent-smith-to-be-tried-separately-20210708>

- the court case of a man accused of murdering one of the Western Cape police's gang unit officers, Charl Kinnear.⁵¹³

In each of these high-profile cases, whenever a news report was aired about a development in the matter, the report would feature footage obtained from reports aired previously. For instance, in the case of Angelo Agrizzi's hospitalisation, there were no visuals of him in hospital at the time, so the report on the matter relied entirely on visuals of him filmed in a previous court appearance. The heavy reliance by television on visuals means that to ensure that the visual narrative supports the discursive narrative, footage that may have been used in a previous report related to a particular development must be included in an update on that development.

The use of file footage is not only about filling gaps that arise due to insufficient visuals of a particular development, although it does that too. It is also about creating links within a particular development and across other developments. In the case of Agrizzi's bail application and subsequent hospitalisation, the file footage was used to recap what had transpired in court during previous sittings and then link that to where he was, namely in a hospital. The visuals are used to carry the narrative of the development not only based on what transpires on a particular development but also how the development unfolds over time.

5.5.2 When visuals are not allowed to be shown

Despite television being a medium that thrives on the use of visuals, there are instances where visuals would jeopardise aspects of the case in real life, such as revealing the identity of a law enforcement official or a witness or exposing children who have been victims of crime. In these instances, journalists use discursive and visual elements to deal with what would otherwise be an anomaly. For example, in one of the reports filed, about a law enforcement officer giving evidence in a criminal case, the journalist states, "[h]e's not allowed to be filmed",⁵¹⁴ prompting the viewer to understand why, instead of the actual witness, the visual used at that time is a computer-generated graphic. In another instance, where a police officer in witness protection is giving evidence at the State Capture Commission of Inquiry, a specific

⁵¹³ SABC 24 September 2020

⁵¹⁴ eTV 19 September 2019, line 29

graphic was created by the broadcaster to be used as a visual representation. It was a visual on a PowerPoint presentation. On the left-hand side was a logo of the commission. There was a silhouette of a person in black on the right-hand side with a white question mark on the person's head. As he spoke, the words "Secret Witness" appeared on the screen. The journalist explains this as follows:

Meanwhile, Deputy Chief Justice, Raymond Zondo, has given the go-ahead for Colonel Naidoo to testify in camera. Naidoo is a senior crime intelligence official who is in a witness protection programme.⁵¹⁵

It bears noting that as important as what these people had to say from a criminal justice perspective, on television, their words can only be shared when there is an accompanying visual. This is because the visual element of television is sacrosanct for this medium, whereas not every element in the criminal justice system can be visualised. This means that there are disjunctures, and when these occur, reporters will either try and find a way of visualising an aspect, such as the creation of the graphic as described above or will have to forgo reporting on the development for television. As one watches television news reports on the criminal justice system, one is mindful of the fact that it is primarily those developments that can be televised that are reported on. This would explain why, for instance, news reports focus on the work of the police and the courts, and there is minimal reportage on the work of correctional services officials due to journalists' limited access to prisons. It would also explain why the police work reported on is such that police are usually filmed working on a crime scene or undertaking an operation where media have been tipped off. In this sense, the police have a considerable say in what news media depict them doing. Finally, it would also explain why the courts get as much focus as they do because the principle of open justice means that the *de facto* position of South African courts is to allow media access, except in particular circumstances.

⁵¹⁵ SABC 26 September 2019, line 50 – 53

5.5.3 *The use of hashtags*

The use of hashtags in news content is a phenomenon that has been primarily studied from the perspective of social media.⁵¹⁶ Susana Herrera and José Requejo define hashtags as tags preceded by the # symbol and are used to highlight keywords or topics in the messages so that their spread can be amplified and expanded beyond the own network. They are typically used on social media to aggregate content on a particular topic. Typically, traditional news broadcasters will identify a trending hashtag on social media and use that to indicate how their news coverage fits into the online discussions happening around a particular development. In the South Africans context, hashtags such as #FeesMustFall and #ZumaMustFall became movements that moved beyond social media to mobilise people to act and demand a particular outcome physically.

eTV uses hashtags in its reports while SABC does not. Further, instead of primarily using hashtags that have grown in prominence generically online, eTV at times creates its own hashtags, such as the #WarOnWomen. Their use of hashtags does not necessarily speak to an ongoing conversation on a development since their hashtags are often different from those used on social media. They arguably use these hashtags to drive their audiences to dialogue about the channel's specific reports on social media instead of ensuring their reports speak to what is already being discussed online.

5.5.3.1 *#WarOnWomen*

In how it was used, this hashtag also played a framing role because it took a general story on a woman who had been attacked, and framed it under the banner of the “War on Women” that eTV claimed was underway. Together with the terms often used in these stories, the channel used this hashtag to emphasise their perspective that gender-based violence is indicative of a war against women. An example from the first news report in which the hashtag was used is as follows:

⁵¹⁶ Bruns, A., & Burgess, J. (2011). New methodologies for researching news discussion on Twitter. Proceedings of the 3rd Future of Journalism Conference (pp. 1-11). Cardiff: Cardiff University. Retrieved August 10, 2021, from [https://eprints.qut.edu.au/46330/1/New_Methodologies_for_Researching_News_Discussion_on_Twitter_\(final\).pdf](https://eprints.qut.edu.au/46330/1/New_Methodologies_for_Researching_News_Discussion_on_Twitter_(final).pdf); Herrera, S., & Requejo, J. L. (2012). 10 good practices for news organizations using Twitter. *Journal of Applied Journalism & Media Studies*, 1(1), 79-95. doi:10.1386/ajms.1.1.79_1

President Cyril Ramaphosa has announced an emergency action plan to tackle gender-based violence. While addressing a joint sitting of parliament, the president said South Africa is one of the most dangerous places in the world for a woman to live, akin to a country at war. He announced the establishment of a war room to tackle violence against women and has made over a billion rands available to step up the fight against gender violence, as part of a five-part strategic plan.⁵¹⁷

This phrase “War on Women”, which went on to be used as a hashtag by eTV, first appeared in these bulletins following a parliamentary sitting where the president, “while addressing a joint sitting of parliament the president said South Africa is one of the most dangerous places in the world for a woman to live, akin to a country at war.”⁵¹⁸ That particular report and others like it about an incident where a woman has been attacked are then reported, accompanied by this hashtag. Terms like “tackle gender-based violence”, “fight against gender-based violence”, “establishment of a war room” speak back to the #WarOnWomen. In another report, one observes something similar:

“Public servants in the capital have added their voices to the fight against the war on women. They marched to the Union buildings today, calling for an end to gender-based violence. The government workers have recommitted themselves to the idea of Batho Pele, putting people first... Hundreds of government workers and ordinary citizens showed their support for the fight against gender-based violence. And stand firm against women and child abuse. They were joined by hundreds of men and women who say the state must act with urgency to tackle the issue of femicide cases in communities.”⁵¹⁹

Here the march by the public servants is framed as an activity that is part of the “fight against the war on women”, “fight against gender-based violence”, “tackle the issue of femicide.”

5.5.3.2 #Corruption Pandemic

Another notable hashtag used in the eTV news bulletins was the #CorruptionPandemic. This hashtag was used in 2020 as cases of government officials who have misappropriated funds earmarked to help South Africa deal with the

⁵¹⁷ eTV 18 September 2019, line 20-26

⁵¹⁸ Ibid, line 21 – 23

⁵¹⁹ eTV 27 September 2019, line 21 – 25; 29 – 30; 32 – 34

Covid-19 pandemic came to the fore. It is a play on the notion of the Covid-19 pandemic. In reference to stories under this hashtag, there were several instances in which the anchor would liberally evaluate the developments, opine on what they mean and employ language that seemed a little more conversational than typically happens in a formal news bulletin.

One of the most shameful acts of corruption is when you steal money meant for the poorest of the poor. And it looks like this is exactly what has happened in KwaZulu-Natal. The latest scandal involves a 25 million hunger relief scheme in the province.⁵²⁰

Well, the controversial 48 multi-million Rand scooter projects in the eastern cape has come to a screeching halt... Well, unfortunately, this next story is also about alleged tender corruption, but at least there is movement in the case.⁵²¹

Well, remember the shacks that the Limpopo government built that cost R65 000 each. Well, the rainy season has made living in them a whole lot worse. And if you were wondering how the investigation is going into this housing scandal, the final reports still aren't out.⁵²²

In this quote, the anchor is unequivocal in her evaluation of the acts of corruption being referenced, describing them as “shameful” and “steal[ing] money meant for the poorest of the poor].” In the second quote, there is a play on words using “screeching halt” to reference a scooter project that has been suspended. In the final quote, the use of phrases such as “Well, remember ... And if you’re wondering,” give this report’s introduction a very conversational tone and is an example of how this news presentation employs techniques of identification to create the sense that the anchor is talking to a friend, reminding them of something that happened and giving them an update on where it is now. The anchor fosters identification by using this conversational language and addressing the viewers using personal pronouns that suggest familiarity.

Sara Morasso argues that when presenting the news, “the journalist cannot choose overtly to advance and defend a standpoint.”⁵²³ Instead, they would rely on other linguistic strategies, such as the ones discussed thus far, to advance a viewpoint

⁵²⁰ eTV 16 September 2020, line 36 – 38

⁵²¹ Ibid, line 48 – 49, 55 – 57

⁵²² eTV 28 September 2020, line 119 – 122

⁵²³ Morasso, S. G. (2012). Contextual frames and their argumentative implications: A case study in media argumentation. *Discourse Studies*, 14(2), 197-216. doi:10.1177/1461445611433636 p. 201

in a way that mimics the news media value of objectivity without being blatant about their particular views on the events concerned. However, as shown above, the anchor advances their perspectives very strongly on these issues, breaking with the journalistic norm. I argue that this is because the persuasive device they are relying on is identification in this instance. The assumption is that viewers share their perspective that a war on women is underway, based on the rates of gender-based violence. Similarly, they assume that no one will disagree with the characterisation of the misappropriation of funds earmarked for dealing with a pandemic as shameful and indicative of a corruption pandemic. These assumptions are based on a view that there are some crimes that South Africans share a common outlook on, and violence against women and corruption are among those.

5.6 The influence of broadcasters on processes in the criminal justice system

So far, the study has focused on the persuasive work done by South African television news reports on crime and justice by considering specific developments that have prompted news media coverage of particular cases involving institutions and actors in the criminal justice system. This section considers an instance when news media coverage of an issue persuades actors and institutions within the criminal justice system to respond in particular ways.

In the first instance, a man arrested for strangling his wife was granted bail after being charged with attempted murder. The SABC then followed up on the matter. According to a news report the public broadcaster filed on 30 September 2019, “Gauteng prosecutors have made an abrupt about-turn, revoking the bail of a man who allegedly strangled his wife... After SABC enquiries, his bail was revoked.⁵²⁴ The reporter intentionally foregrounds the fact that the change in the prosecutors’ decisions came after the SABC contacted the National Prosecuting Authority to follow up. The rest of the news report details the incident and how it is that the accused may have ended up being granted bail. The next day, a follow-up news report is included, in which the introduction by the anchor states, “[b]oth the National Prosecuting Authority and the Gauteng Police have admitted that they mishandled a case of attempted

⁵²⁴ SABC 30 September 2019, line 175 – 176, 178 – 179

murder, in which a man allegedly strangled his wife.”⁵²⁵ This admission seems to have been made to the SABC following the previous day’s enquiries.

One of the normative roles attributed to news media is that of a watchdog that holds powerful people and institutions to account on behalf of the public. The development referred to above provides an example of how that can occur. In these reports, footage is included of the journalist talking to a representative from the National Prosecuting Authority and the South African Police Service. The shots employed are medium-wide shots that include both the journalist and the representative in the frame, suggesting that the two are engaged in a conversation. The visuals feature the journalist speaking, although the sound is muted. In the first report filed on the matter, on 30 September 2019, the use of the visuals and the narration, in this respect, was as follows: “[t]he National Prosecuting Authority has conceded that bail should never have been granted and holds the police responsible (Medium shot of the journalist standing inside a building speaking to the NPA spokesperson).”⁵²⁶ In the follow-up report filed the next day, the visuals and narrations were similarly used as follows: “Police now admit they should have done more to protect her. (close-up shot of the face of a police officer) Her husband was wrongfully granted bail just hours after he allegedly strangled her (A medium shot of the police officer in a frame with the reporter).”⁵²⁷ Thus, the corresponding visuals depict the journalist doing this when the narration talks about holding the entities to account.

This development shows that the news media wields enough power to persuade actors in the criminal justice to act in particular ways, and when such an incident occurs, the news entity concerned includes a verbal and visual account of this. The news reports are doing persuasive work. They persuade the criminal justice system actors to act justly by exposing instances where injustice can be deemed to have occurred. Furthermore, mindful of the reach of news media platforms, the actors are moved to admit their error and then correct it publicly. Second, they also persuade viewers that they command enough social clout to prompt powerful institutions to respond to their “enquiries”. They demonstrate that they play an essential role as platforms that disseminate information on crime and justice, and thus keep the public

⁵²⁵ SABC 1 October 2019, line 112 – 113

⁵²⁶ SABC 30 September 2019, line 125–126

⁵²⁷ SABC 1 October 2019, line 104–105

updated on developments, and as outsiders to the criminal justice system that can hold actors in this sector to account.

In this instance, the news media rely on their status as the court of public opinion, which is “an alternative system of justice ... very different from the traditional court system: This court is based on reputation, revenge, public shaming, and the whims of the crowd. Having a good story is more important than having the law on your side. Being a sympathetic underdog is more important than being fair.”⁵²⁸ The literature on the importance of news media as the court of public opinion concerning criminal justice matters has focused on accused individuals and entities⁵²⁹, but not on how criminal justice actors, entities, and processes are sometimes tried in the public arena in news media reports that expose their shortcomings. The news development above presents an occurrence worth exploring in future research, namely, to systematically examine how news media entities influence actors and entities in this sector to act because evidently, they do perform persuasive communicative work in this regard.

5.7 Conclusion

This chapter has sought to analyse the different ways in which South African television news reports on crime and justice matters engage in persuasive communicative work, beginning first by analysing specific developments that occurred in the period considered, then moving to a consideration of the communicative work performed when reporting on some aspects of the criminal justice system, and finally by analysing how the use of specific elements of television, the chapter has endeavoured to systematically analyse the persuasive communicative work being performed by South African television news reports on crime and justice? The answer is that there is not one kind of persuasive communicative work being performed across the news reports; instead, depending on the issue at hand, different types of persuasive communicative work are undertaken. The next chapter of the study picks up from this one and

⁵²⁸ Schneier, B. (2013, February 26). The Court of Public Opinion is about mob justice and reputation as revenge. WIRED Magazine. Retrieved September 9, 2021, from <https://www.wired.com/2013/02/court-of-public-opinion/>

⁵²⁹ Gower, K. K. (2007). Courting the Media: Public Relations for the Accused and the Accuser. *Journalism and Mass Communication Quarterly*, 84(2), 400-402. Retrieved September 9, 2021, from <https://www.proquest.com/docview/216938263/fulltext/43B91FA74D5C4E12PQ/1?accountid=26862>;
Watson, J. C. (2002). Litigation public relations: The lawyers' duty to balance news coverage of their clients. *Communication Law & Policy*, 7(1), 77-703. doi:10.1207/S15326926CLP0701_04

examines how South African television news reports persuasively frame or re-present crime, justice, and the criminal justice system when engaged in the communicative work discussed above.

CHAPTER 6: The rhetorical strategies and devices employed by South African television news reports in their re-presentation of crime, justice, and the criminal justice system

6.1 Introduction

Having examined the type of persuasive communicative work being performed in the selected South African news reports on crime and justice matters discussed in the preceding chapter, this chapter discusses the rhetorical strategies and devices used in their re-presentation of crime, just and the criminal justice system.

6.2 How South African television news reports persuasively frame or re-present crime, justice, and the criminal justice system

The notion of framing and its relevance to news is introduced in Chapter 3 when dealing with the conceptual framework. There it is argued that because of the centrality of language in framing and framing in language, to understand how news reports persuade, one must consider how, in the use of particular words and visuals concerning developments, problems are defined in particular ways, and moral evaluations are engaged in, even without undertaking these explicitly. Further in that section, it is shown that frames are closely associated with metaphors because the act of using metaphors is an act of highlighting specific value systems by likening aspects of one notion to another. Again, reference is made to Lakoff, who argues that when it comes to news, much of what we read is metaphorical common-sense reasoning.

It is thus no surprise that framing is used extensively when these reports engage in persuasive communicative work. Through framing techniques employed, viewers are prompted to understand today's developments in relation to what happened yesterday. The visuals and words used to evoke these frames rely on prototypes which shape the viewers' reading of reports on this issue based on the developments. Based on the persuasive communicative work that the television reports discussed in the preceding chapter were found to engage in, this chapter sets out to discuss how, in doing this work, these reports frame crime, justice and the criminal justice system, and what this persuades of.

6.2.1 Contextual framing

The notion of contextual framing as a rhetorical strategy used in news reports assumes that when audiences encounter a news report, there is a context that they are aware of that helps them to interpret the report in the manner envisaged by its producer. It is a strategy that brings together the Burkean notions of identification and terministic screens, and it is a persuasive strategy, employed by the journalist writing a news report, to ensure that viewers read the report informed by a specific contextual background that would then make it more likely for them to have a shared perspective. The discussion below explains how the reports use visuals and language as filters, or screens, through which to prompt their viewers to interpret reality within a particular context that supports the perspective there are advancing in a news story as a means of conceptual framing. It will also show how the manner people and phenomenon are named or depicted in the visuals, demonstrates an attempt by the journalist to ensure that the audience identifies with the perspective advanced in the news report

The first way these reports employ contextual framing is in the establishing shots they use at the start of each news story. The establishing shot is “usually an exterior long shot or panoramic view” used at the start of an audio-visual piece to orientate viewers on where a particular development unfolds.⁵³⁰ Gideon Burton describes it as an “important orienting device”.⁵³¹ Thus, the choice of visual used as an establishing shot is a powerful mechanism for framing the development of a news report.

In films, this would typically be a wide view of the area where the developments unfold.⁵³² In these news reports, the establishing shots are sometimes shots of the central characters in a legal development,⁵³³ or they are a wide shot filmed inside a legal space such as a court of commission of inquiry.⁵³⁴ Occasionally a crime scene is used as an establishing shot.⁵³⁵ Some of the establishing shots used do not adhere to cinematographic approaches typically used in film because they do not ‘establish’ anything in and of themselves. An example of this is the establishing shot used in a

⁵³⁰ Burton, G. O. (2007). Establishing shot: The scope of Mormon cinema. *BYU Studies Quarterly*, 46(2), 5-11. Retrieved August 11, 2021, from <https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=3841&context=byusq> p. 5

⁵³¹ Burton, G. O. (2007). Establishing shot: The scope of Mormon cinema. *BYU Studies Quarterly*, 46(2), 5-11. Retrieved August 11, 2021, from <https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=3841&context=byusq>

⁵³² Bordwell, D. (1997). *On the history of film style*. Cambridge: Harvard University Press.

⁵³³ eTV 17 September 31 – 33

⁵³⁴ SABC 4 October 2019, line 25 – 27

⁵³⁵ eTV 8 October 2020, line 156 – 157

report filed on SABC on 14 September 2019 on ongoing investigations into allegations of corruption related to funds set aside to deal with the Covid-19 pandemic. The shot used is a medium shot of law enforcement officials paging through documents. In and of itself, this could mean anything. However, the journalist frames this through narration that states: “[e]ven though its investigation related to alleged PPE procurement irregularities in the province are ongoing, investigators started their search and seizure operations here at the offices of the municipal manager”.⁵³⁶ The visual is hence read as law enforcement officials who were part of the search and seizure operations, examining documents at the office of the municipal officer.

The second way contextual framing occurs visually is through archive footage that prompts viewers to interpret current developments with previous ones as their frame of reference. For example, in news reports on gender-based violence, visual references are made to Uyinene Mrwetyana.⁵³⁷ In reports about Jacob Zuma’s requests for Justice Zondo to recuse himself as the Chair of the State Capture Commission of Inquiry, visuals are used of Zuma’s previous appearance at the commission on 16 July 2019.⁵³⁸ In reports about the appearance of a businessperson accused of corruption related to an asbestos project, footage of seizure operations at his business premises is used.⁵³⁹ In the case of the archive footage, these visuals are employed effectively as framing elements because the journalist producing the report relies on a shared collective memory of what these images mean. For someone who is not familiar with Uyinene Mrwetyana’s case, the repeated references to her and use of visuals that feature her will not evoke the same perspective as someone who followed the story from its genesis when she was first reported missing, and far-reaching social media campaign was created to try and find her.⁵⁴⁰

Contextual framing also occurs based on what is left out of news reports. This type of framing is a little harder to analyse because it is much easier to critique what is rather than what is not.⁵⁴¹ Nevertheless, in the reports related to the Senekal farm attack, the voice of black and coloured farmworkers, who are known to suffer abuses,

⁵³⁶ SABC 14 September 2020, line 29 – 31

⁵³⁷ see SABC 12 September 2019, line 88 – 91; eTV 12 September 2019, line 66–68

⁵³⁸ see SABC 28 September 2020 line 67 – 69

⁵³⁹ SABC 30 September 2020, line 29 – 36

⁵⁴⁰ IOL. (2019, August 30). Growing anxiety over whereabouts of missing UCT student Uyinene Mrwetyana. IOL. Retrieved August 11, 2021, from <https://www.iol.co.za/capetimes/news/growing-anxiety-over-whereabouts-of-missing-uct-student-uyinene-mrwetyana-31508389>

⁵⁴¹ Kuypers, 2009

is missing from the broader discussion on farm attacks, as the narrative focuses primarily on white farmworkers.⁵⁴² eTV does include a report from a black farm owner⁵⁴³, but it reinforces the perspective of a farm owner rather than a worker. Again, this frames the notion of farm attacks as an attack on farmers, not their workers.

“Broadcast news, especially in bulletin programmes, must run to schedule; and the discourse must work to fit this schedule”.⁵⁴⁴ Precisely for this reason, the practice of flagging specific stories in the headlines and prompting certain stories as the lead story of the evening is a means by which language is used in these news bulletins to do something. The headlines direct our attention to specific developments that viewers likely deem the most significant because the newscaster has flagged them as important. One observes instances of identification when the anchors start the news bulletins by greeting viewers and then using the phrase “[t]hese are your headlines”. In other instances, the phrasing in the greeting is “[g]ood evening and welcome to your eight o’clock edition of news”. Thus, there is an interchange between “we”, “your”, and “our” in the anchors’ greetings.

Accordingly, over and above the medium’s inherent intimacy, by virtue of where it is located in people’s lives and homes, the anchors employ discursive means to create identification with the audience through the use of these pronouns. For example, the audience is prompted to identify with their assessment of what is deemed to be a top story on crime and justice matters through phrasing such as “[w]e [together with you] lead with the story tonight” or “[o]ur [shared] top story tonight is”. It is crucial for the anchor to create this identification because there are many issues related to the criminal justice system on any given day. So as a means of framing a particular development as significant, the anchor uses personal pronouns to suggest the wide acceptance of particular developments as top news.

6.2.2 *Framing the discourse world*

There is a difference between the real world in which the developments occur and the discourse world that the news media re-presents in its reports on these developments. To examine how the discourse world is framed in these news reports, this analysis

⁵⁴² SABC 10 October 2020; eTV 10 October 2020

⁵⁴³ eTV 15 October 2020, line 112

⁵⁴⁴ Montgomery, 2007, p. 24

considers two elements: the discourse structure of the news bulletin as a whole and the audio-visual content of the individual news reports that make up the bulletin. Consideration of the bulletin as a whole, also referred to as the macro-level analysis, allows one to read the bulletin as a text produced to show and tell viewers what the day's most important news developments have been.⁵⁴⁵ At this level, the stories featured and the order in which they appear are supposed to depict the developments deemed to be the most pertinent in the order of their importance. On the other hand, the words and visuals used in individual news reports also referred to as the micro-level analysis, allow one to employ cluster criticism, pentadic criticism to analyse what is said about the discourse world, and film semiotics to analyse what is shown. To have a more holistic view of the discourse world that these reports endeavour to persuade viewers about, the elements at play at the macro level must be read alongside those at the micro-level.

At the macro level, the study considered three questions. First, what is happening in that discourse world concerning the criminal justice system and what developments are framed as being the most important based on how frequently they are featured and the priority they are given in the bulletin. Second, where is the discourse world that these reports focus on? Third, who are the central characters of that discourse world?

First, what is noticed is that the discourse world changes from year to year when it comes to the developments that are given priority but remain relatively unchanged when it comes to where these developments happen and the central characters featured. In September/October 2019, the focus was on violent interpersonal crimes, such as rape and murder, where women and children were the victims. In September/October 2020, the developments were focused on financial crimes, such as fraud and corruption, and the victim here was the state, and consequently, taxpayers. Meanwhile, the key developments were based in urban areas in both years, particularly in Gauteng-based cities such as Johannesburg and Pretoria. Similarly, the characters most frequently featured in reports from both years were politicians, senior government officials or business leaders. In 2019, the Minister of Police, Bheki Cele, the President of South African, Cyril Ramaphosa, and the former President, Jacob

⁵⁴⁵ Cushion, S., Lewis, R., & Roger, H. R. (2015). Adopting or resisting 24-hour news logic on evening bulletins? The mediatization of UK television news 1991– 2012. *Journalism*, 16(7), 866-883. doi:10.1177/1464884914550975

Zuma. In 2020 the Minister of Police continued to feature prominently. The other prominent people featured were included based on them being accused or implicated in a matter. These include Angelo Agrizzi, the former chief operating officer of Bosasa known for providing services to the government and Sheperd Bushiri, a controversial pastor. In both years, there were stories about relatively unknown people. However, most of these were perpetrators of violent crimes such as rape and murder or primary and secondary victims of these crimes. In these instances, the crimes were particularly heinous, such as parents killing their children by hanging or poisoning them, a university student murdering his roommate, or educators accused of raping their primary school-going students. There was virtually no news report of non-prominent people being accused of financial crimes unless they were accused alongside a prominent person.

The perspective advanced in the discourse world presented in these news reports is that the crimes that received the most coverage in a given period are the crimes that have the broadest implications on South African society. For example, the 2019 emphasis on violent crimes against women advanced a view that, as articulated by eTV, there was a #WarOnWomen. Of course, we know this is not the case because statistically speaking, the number of men that are victims of violent crimes is higher than that of women in this context. The news reports, though, suggest otherwise. The emphasis in 2020 on corruption-related crimes and arrests advances a perspective that corruption is being exposed and dealt with when this too is not the complete picture since much of these crimes are not reported on, and even when they are, often do not result in the kind of arrests and prosecutions featured in these bulletins.

Concerning the second question, the difference in the types of stories on crime from different geographic contexts suggests that certain types of crimes are more prevalent in some places than in others. For example, the focus on rapes and violence in stories about crimes in townships confirms an existing perspective supported by statistics that these violent crimes are more prevalent there. However, the minimal reports of these crimes in cities suggest they do not occur there, something we know is not valid. Finally, the focus on corruption in urban areas, particularly arrests or trials related to these crimes, advances a view that the criminal justice system is dealing with perpetrators of these crimes and that things are happening in this regard when we are aware that these arrests are few and far between.

The final question concerning the framing of the central characters of the discourse world is answered in two ways. First, the discussion on the extent to which the news reports featured the police minister shows that he is framed as a central figure in developments related to the criminal justice system. His engagement in the sector is through what he says rather than what he is doing. Another notable way characters are framed in these reports is observed in the differences between how women and men are framed. When one considers where and when women are framed in televised news reports on crime and justice matters, one notices that they are predominantly framed as primary or secondary victims of crime. In contrast, men are featured primarily as criminals or actors with solutions to crime. An example of women as primary victims of crime are those cases of gender-based violence where a woman has been raped or killed ⁵⁴⁶or when they are expressing how crimes against others, such as children, have affected them.⁵⁴⁷

It is extremely difficult and only God knows. Prayer is our source of survival and we're hoping that as time goes by, things will get better.⁵⁴⁸

I gave birth when I was just 15 years, I have so many problems. I don't have an ID. My child has no birth certificate and we are just living by ourselves with no parents.⁵⁴⁹

On the other hand, men are predominantly framed in their capacity as criminals or as those pronouncing solutions to crime, such as community leaders talking about what needs to be done to deal with a particular criminal development. Thus, the discourse world re-presented to viewers is one that is largely violent, urban and has men as the drivers of crime, while women are the primary and secondary victims.

The following section evaluates how amplification is used as a rhetorical device in South African television news reports on crime and justice. It is certainly not the only device, and elsewhere in the thesis has discussed instances where metaphors and metonyms are used. However, amplification is explicitly considered because it is the one rhetorical device that seems to cut across different developments.

⁵⁴⁶ SABC 15 September 2019

⁵⁴⁷ eTV 22 September 2019, line 64, 71; SABC 16 September 2019, 234

⁵⁴⁸ Ibid, line 76 – 78

⁵⁴⁹ SABC 22 September 2019, line 124 – 126

6.3 Amplification as a rhetorical device

Amplification is a rhetorical device that builds on a word, phrase or sentence, evoking a sense of urgency and intensity in the reader or listener. It emerged as an essential device used in these reports when it comes to framing because it makes some aspects of the developments more salient than others. In the case of these reports, amplification is used in several respects. First, through sustained and ongoing reporting on particular cases, the reports amplify the developments as somehow being legally, if not politically significant, when in reality, they are typical. For example, the cases of parents killing their children, male partners murdering their female partners and millions being stolen through fraud and corrupt activities are common in this context, based on crime stats. However, when one hears of specific reports on cases where this has occurred, the phrasing amplifies them as abnormal. Some of the incidents amplified by sustained reportage on developments surrounding them are the 2019 Hong Kong protests; the 2020 murder of Charl Kinnear; the 2019/2020 State Capture Commission of Inquiry; the 2020 crimes linked to the misappropriation of funds earmarked to manage the coronavirus pandemic.

In some cases, there are news reports of activities that are expected to happen, which is also a means of amplification because by forecasting what is to come and what is expected to happen, the reports are flagging the case as something for the public to look out for. News is supposed to be about developments that have happened. However, in some cases, such as when former South African President Jacob Zuma's son, Duduzane Zuma, was scheduled to appear before the Zondo Commission,⁵⁵⁰ reports were filed about what was still to come as a means of amplifying the developments. Another example was ahead of the sentencing of a man accused of raping a 7-year-old girl in a public toilet.

Well, Nicholas Ninouw, the man dubbed 107 the Dros rapist, will know his fate next Monday. That's when the North Gauteng High Court will hand down judgement.⁵⁵¹

Further amplification occurs in how these reports emphasise the act in their opening introduction, even when it is not an actual action but rather someone saying

⁵⁵⁰ SABC 6 October 2019

⁵⁵¹ eTV 12 September 2019, line 107 – 108

something. As discussed, the act and the agent were the most dominant terms in these reports. However, upon further analysis of what kinds of actions were being reported, it was clear that it was the 'actions' of people *saying* they would undertake a particular action. Examples are:

Mampyastad residents in the Northern Cape say they are traumatised committed by 74 young people.⁵⁵²

Old Mutual's Board Chairperson, Trevor Manuel, admits his comments about the judiciary may have been prejudicial. Manuel made a jibe about the judge who ruled against the insurer in its court case against CEO Peter Moyo.⁵⁵³

Former President Jacob Zuma intends using every legal avenue available to stop his prosecution. Zuma maintains that a corruption case against him is a political campaign by his opponents hell-bent on seeing him prosecuted. After losing his bid to seek a permanent stay of prosecution on Friday, Zuma announced today that he would be appealing the judgement.⁵⁵⁴

More so than SABC, eTV reports were prone to hold up the cases reported as examples of a particular social issue or a socially prevalent development. The use of hashtags by eTV plays an amplifying role because, first, it feeds into conversations that are happening online around these hashtags. It also has a metonymic function by taking a particular development and distilling it down to two or three brief words and ideas that become the lens through which an audience is supposed to understand an issue. Take, for instance, the #WarOnWomen hashtag about gender-based violence. It frames the incidents of rape, murder, and attempted murder of women by men, usually known to them, as a war. This is metaphoric, employed to frame the development so that the audience sees women as targets and casualties of a war against an implied but unnamed aggressor. The targeted women become the focus, not the people or systems that are targeting them. It also begs the question, what course of action should audiences be prompted to take based on this posit of an ongoing war on women?

In the news reports on farm killings, prompted by the murder of Brendin Horner, amplification is at play in two respects. First, by defining this killing as a farm attack or

⁵⁵² SABC 20 September 2020, line 74 -75

⁵⁵³ eTV 18 September 2019, line 266 – 269

⁵⁵⁴ SABC 15 October, line 16 – 20

farm murder, a category of crime that is no longer officially recognised in the country but which carries deep historical meaning, the reports amplify the significance of the criminal act. This amplification mirrors a view advanced by right-wing Afrikaner nationalist groups, such as Afriforum of “Afrikanerdom as being under threat and their Afrikaner identities as a source of shared victimhood”.⁵⁵⁵ In his work that looks at Afrikaner films on farm attacks, Steyn provides a valuable framework for understanding the terror expressed by Afrikaners on farm attacks. He states: “[f]arm attacks are ostensibly an attack on Afrikaner identity, on the Afrikaans language, on Christianity, on Afrikaner nationalist history, and on Afrikanerdom as such; it is an attack on the *boereplaas* [direct translation: Afrikaner farm], the genesis of an Afrikaner way of life and the romance it represents.”⁵⁵⁶ The combined fear of losing political power, as the democratic dispensation set in in the 1990s, and threats of land expropriation that continue to arise in the South African public discourse, has led to the construction farm attacks as “volksmoord [genocide; literally: murder of a nation]”⁵⁵⁷ driven by a political and racial agenda against farmers. Because of how central land is in Afrikanerdom, Steyn argues that farm attacks and murder have become symbolically loaded as being more than a mere criminal act, which the current statistics find them to be, and are a violent affront of the Afrikaner way of life that “many Afrikaners have come to understand, imagine, and talk about their so-called marginalization, alienation, and victimization”.⁵⁵⁸

Another dimension of this amplification is that the implied victim of farm attacks is white, and the implied criminal in these attacks is black, even though that is seldom explicitly stated in the news reports. This notion has its roots to a few years before the democratic dispensation when the notion of *swart gevaar* [direct translation: black danger] was prevalent in the public discourse, based on a perceived threat posed by black South Africans on whites. “[T]he state mechanisms of law enforcement and order were designed to victimize Blacks as threats to White society.”⁵⁵⁹ Yves Vanderhaeghen notes that Afrikaners draw on this victim narrative to “embrace an

⁵⁵⁵ Steyn, A. S. (2019). Story of a South African Farm Attack. *Africa Today*, 66(2), 55-81. Retrieved July 20, 2021, from https://muse.jhu.edu/article/750573/pdf?casa_token=HGUEzUtmFywAAAAA:W35SrpKqyyO-kVpbDr4Vwi2Kpby9-jUfo66OuvNrhLkkUBJy-NtFzIlgCDnFGejTKX41g4cYaVml p. 63

⁵⁵⁶ *Ibid.* p. 76

⁵⁵⁷ *Ibid.* p. 68

⁵⁵⁸ *Ibid.*

⁵⁵⁹ Frueh, J. (2003). *Political identity and social change: The remaking of the South African social order*. New York: SUNY Press. p. 135

identity as the new ‘others’, victimised and put upon by those they have ‘othered’ – and continue to ‘other’ – by largely ignoring them.”⁵⁶⁰ In doing this, they not only try to do away with the stigma of having formerly been the victimisers in their role as oppressors under apartheid, but they remove the focus from the lingering ways that they continue to derive benefit and preferential treatment in the new dispensation, including in how the news media prioritises issues of crime that affect white South Africans, such as farm attacks. As Steyn and Foster posit, “by exaggerating white victimhood and stoking, even reactivating, constructions of the inimical nature of Africa and Africans to whiteness, resistant elements in white South Africa are able to underplay the dominance of their whiteness in the larger scheme of past and present global arrangements”.⁵⁶¹

Concerning the argumentation technique employed, namely the information-seeking schema posited by Walton, wherein in how the text is constructed, there is an appeal to expert opinion; this is evident in the strong discursive and visual presence of people such as the Minister of Police, the President of South Africa and judicial officers. The Minister of Police, for example, is featured often, not necessarily saying something significant about a particular development or providing new information but making commentary on a case. Moreover, his repeated presence in the bulletin amplifies what he has to say, strengthening the information-seeking schema at play.

Cohortatio is a type of amplification “that moves the hearer’s indignation, as when the horrors of an enemy’s barbarities are dwelt upon to promote patriotism”.⁵⁶² This type of amplification is particularly noticeable in instances where crimes have been committed against the vulnerable, such as a murder of a child or in a report about corruption that involves stealing from the poor. The device is typically used to amplify the negative, and thus one can tell which side the report frames favourably and which one it judges negatively. In most of the crime reports, this would be related to the criminal. It can also be said to characterise aspects of the reports on farm killings, where there is an emphasis placed on describing the brutal manner in which a victim of a farm killing, as conceptualised in these reports, is murdered.

⁵⁶⁰ Vanderhaeghen, Y. (2018). *Afrikaner Identity: Dysfunction and Grief*. Scottsville: University of KwaZulu-Natal Press. p. 19

⁵⁶¹ Steyn, M., & Foster, D. (2008). Repertoires for talking white: Resistant whiteness in post-apartheid South Africa. *Ethnic and Racial Studies*, 31(1), 25-51. doi:10.1080/01419870701538851

⁵⁶² Lanham, 1991, p. 36

6.4 Conclusion

As a rhetorical device, amplification brings the importance of an issue to the fore and prompts the audience to focus on a particular aspect of it. This chapter has discussed why it is an important device for South African television news reports to persuasively frame or re-present crime, justice, and the criminal justice system. Among others, the reports have been shown to use certain visuals repeatedly and to use certain terms to amplify particular features of actors and events in the criminal justice system to achieve this. They employ various types of amplification to re-present or frame the perspective they are advancing on criminal justice matters. They also employ amplification at the level of the words, visuals and argumentation scheme that is used.

The chapter has also discussed contextual framing as a rhetorical strategy that inclines viewers to interpret the report in the manner envisaged by its producer. The chapter showed that this strategy brings together the Burkean notions of identification and terministic screens, and it is a persuasive strategy, employed by the journalist writing a news report, to ensure that viewers read the report informed by a specific contextual background that would then make it more likely for them to have a shared perspective.

The final chapter is the conclusion, and it follows next. It will outline how the research questions have been explored and highlight this study's contribution to the existing scholarship.

CHAPTER 7: Conclusion

7.1 Introduction

This final chapter of this thesis first summarises and discusses each of the rhetorical criticism techniques. It then shows how the study has responded to the two questions at the heart of this study, namely:

- What is the persuasive communicative work being performed by South African television news reports on crime and justice?
- How do South African television news reports re-present crime, justice, and the criminal justice system in this persuasive communication work, and what rhetorical strategies and devices do they employ?

It outlines the contributions to knowledge that the study has made before concluding with recommendations on areas of possible future research

7.2 How each of the rhetorical criticism techniques was used to consider the persuasive communicative work of South African television news reports on crime and justice

Each of the analysis techniques employed, namely cluster criticism, pentadic criticism, film semiotic analysis and media argumentation criticism, facilitated an engagement in generative criticism that considered the communicative work of these news bulletins holistically.

Cluster criticism in this study is considered in two respects. First, it is considered from the perspective of the broader news bulletin to ascertain the key stories featured when it comes to news reports on crime and justice. While Burke's notion of a cluster referred to key terms in a text, it can be extrapolated to consider key stories in the broader context of the bulletin. For example, across news bulletins, we see certain developments being featured more frequently than others. These are often the stories most associated with being newsworthy at the time, whether because a prominent person is involved or because the story has currency. As such, the story itself can be taken to fit Burke's idea of a key term.

Further, there are also stories dealing with certain types of crimes featured more frequently and consistently than others. An example of this is that stories that deal with murder and violent crime are reported on disproportionately if one considers the statistical likelihood of them occurring compared to other types of crimes. This, too, is

often rooted in news values such as novelty and violence. Therefore, at the first level of the cluster criticism, the study considered the types of news reports on crime that are likely to be featured in these bulletins.

The second level of the cluster criticism relates to the actual key terms used in news reports on crime. The first thing we see is that stories on violent crimes are the most prevalent. Stories where people are killed, raped or violently assaulted were the most prevalently reported stories in these reports. In addition, there was a notable focus on stories related to violence against women and children in reports from 2019, with eTV even using the hashtag #WarOnWomen in several news reports where this was the focus. In 2020, while there were still a number of reports on this issue, most of the reports on crime focused on corruption, mainly as it related to the misuse of public funds either related to the COVID-19 pandemic or related to officials who were being arrested as a result of fraud and corruption linked to state capture. Violent crime is framed as an ever-increasing problem that affects people living in townships. Farm attacks are framed as a problem that disproportionately affects white South Africans. Corruption is framed as a crime typically committed by politically connected people, with very little that alludes to corporate crimes.

The second thing we see in these stories relates to who speaks and in what context. In most of these reports, when women are featured, they are featured in their capacity as victims of crime or as secondary victims by virtue of being the loved ones of victims of crime. On the other hand, men are often featured as perpetrators of crime or as people who have solutions for how crimes should be dealt with. This frames men as actors with agency within the criminal justice system and women as subjects who are acted upon.

The third thing we see is a divide in urban crime between townships and city centres, with news reports out of the former contexts around rape and murder and those in the latter context being about corruption. The consequence of this framing might explain why, in the 2019 reports on crime statistics, the police minister is attributed to having said that the crime problems resulted from “good practices that were dropped” by the police over the years. In the framing, the socio-economic conditions that drive crime are largely absent from the narrative, reinforcing a view that the solution lies in better policing and harsher sentences for criminals.

In terms of the pentadic criticism, one of the strengths of this Burkean framework as an approach to rhetorical criticism is that it allows the critic to discover the rhetors

motive for producing a particular text. Thus, for example, the motive of news reports on crime and justice is to outline what the journalists believe is behind particular developments while simultaneously positing where the solution to these lies.

A pentadic criticism was undertaken on two aspects of the news bulletin. First, it was done on the headlines. Furthermore, it was done on the introduction given by the anchors in the studio. These aspects of the bulletin were chosen because of their importance in signalling the essential aspects of the different developments. The headline flags the essence of the story and gives viewers an idea of why they should watch the bulletin to find out more. The headline also summarises the development, highlighting the most salient aspects even more so than the introduction given by the anchor in the studio. The introduction given by the anchor is there to articulate the essence of a particular development. Moreover, it should contain all the essential aspects of the story. By undertaking the pentadic criticism on these aspects, the study sought first to analyse the degree to which each of the elements in the pentad was present in the different stories, and then look at the pentadic arrangements to see which element was the dominant term in the story.

In terms of the headlines, what emerged was a dominance of the act and the agent terms. Occasionally there would be a reference to the scene, usually as it relates to where a particular development happened. Less so there would be a reference to the agency term, and the purpose term was evident in a few instances. Compared to the purpose and agency terms, the dominance of the act and the agent terms speaks to the fact that in these reports, the people and what they were doing is more important for the reporters writing the story than why a particular development was happening. Thus, in the case of court appearances, it was more important to know who had appeared in court on what charge or issue. This frames the South African criminal justice system as one that is focused on activity and dealing with the actions and individuals rather than the causes behind contraventions. So, the persuasive work being done here is both in terms of what is emphasised and what is left out. This is because the two aspects emphasised, namely the act and the agent, receive much of the attention. In contrast, the two aspects that are not emphasised or left out, namely the purpose and the agency, are omitted in many cases. Regarding the work being done when emphasising the act and the agent, that work is to frame the individuals and their actions as central to what drives the criminal justice system.

In the complete news reports, the act and the agent terms emerged as the most dominant. When the story is about a prominent person, such as a political leader or an accused in a high-profile case, the agent is the driving term in the report. The act is the dominant term when the story is about other aspects of crime and justice. Burke notes that the dominance of a term reveals the rhetors philosophical orientation and where the rhetor believes the solution to an issue lies.⁵⁶³ When the agent is dominant, it implies an idealistic orientation, focusing on what could be. It makes sense that this idealistic orientation is more often articulated when a prominent person, like the police minister, is the focus of the news report because his presence in the report is usually to chart a way forward on a particular development. It has already been shown above that when prominent people, notably politicians, are featured in these reports, they are usually speaking about a development, not necessarily doing anything about it. Thus, in their speaking, they are using news media to disseminate an idealistic view of crime and justice issues that suggests that it is within their power to deal with these matters, and further that in making pronouncements about them, they are, in fact, “doing something”.

On the other hand, when the act is the dominant term, the report’s orientation is realism, where the focus is on developments as they are, and the orientation is towards cantering the individuals, usually criminals, as being responsible for crime.⁵⁶⁴ This orientation is closely linked with the moral panic that scholars have attributed to the fear narrative in news reports on crime on crime has been found to advance.⁵⁶⁵ The implied course of action in these reports is that the criminals whose actions are being reported on must be punished⁵⁶⁶, usually with a hefty jail term as in the case of Nicholas Ninos⁵⁶⁷ or even death, as is the case in news reports on farm attacks.⁵⁶⁸

In a given criminal development, such as the Senekal case⁵⁶⁹ or the inexplicable killings in KwaZulu-Natal,⁵⁷⁰ the initial reports will have the act as the dominant term. However, the development will become a high-profile case over time as different individuals voice their perspectives on the developments. As the story gains traction,

⁵⁶³ Burke, 1969b

⁵⁶⁴ Foss, 2017

⁵⁶⁵ Altheide, 2009

⁵⁶⁶ Lea, J., & Young, J. (1984). *What is to be Done about Law and Order?* New York: Penguin Books.

⁵⁶⁷ eTV 17 October 2019

⁵⁶⁸ SABC 10 October 2020

⁵⁶⁹ eTV 6 October 2020

⁵⁷⁰ eTV 28 September 2020

the focus shifts from the act to the agent, as political actors join the furore. Their entry point is to usually make a pronouncement, such as condemning the crime or undertaking a course of action to intervene. At this point of discursive intervention, the political actor attempts to address the moral panic and act to bring it to an end. And indeed, sometimes, the issue does die down after this as a new development evokes a renewed sense of moral panic. The older development may even re-emerge again should a similar incident happen in future. In this context, it would seem that the news reports of the discursive intervention of the political actors are not mere talk; it has an effect in that it plays a role in quelling moral panic, albeit momentarily, or at best shifting it from one case to another. Of course, the statements made by the political actors may not be the sole or even primary reason for this; however, based on what one observes in the reports, namely what happens before the political pronouncement and what happens after, these pronouncements would appear to have some effect.

When it comes to news reports on criminal activities that involve children as perpetrators of crime, the pentadic criticism showed that the purpose term was most dominant, indicating that when writing these reports, the reasons for these crimes was a central factor in why they were being reported on. Burke posits that when the purpose term is dominant, the rhetors philosophical orientation is mysticism.⁵⁷¹ This philosophical orientation achieves identification by attributing developments to a cosmic being or forces outside the natural realm. Indeed, in these reports, while the anchor names drug abuse and gangsterism as the cause behind the criminal activities of these children, there is also an inference that these social ills are because of a moral decay caused by the removal of religious and moral training of children. Therefore, the solution to these crimes does not reside in the justice system's intervention. Instead, in how these developments are reported, it is inferred that the solution is in a certain kind of discipline, namely corporal punishment and the reinstatement of religious practices such as prayer in schools. For example, in one news report on a school learner who had killed another learner by stabbing him with a pair of scissors, one of the interviews laments the fact that "[t]here are some things which were happening previously during our time. It must come back. For example, religion. We used to pray every morning before classes start."⁵⁷² These reports draw on the well-researched

⁵⁷¹ Burke, 1969b, p. 128

⁵⁷² SABC 12 October 2019, line 86–87

news media frame that advances a view that things are becoming progressively more dangerous in society⁵⁷³, and through the dominance of the purpose term in how they are written, posit that the solution to this development lies outside of interventions through the criminal justice system, and instead needs to be addressed by appealing to a cosmic being.

The criminal justice system itself does not come to the fore unless a particular individual's situation brings it to the fore or a particular act that has occurred shines the spotlight on it. The consequence of this is that our perspective of the criminal justice system is through individuals and instances. We do not understand its working like we do the operations of other systems such as our political, education or even economic systems, which are often reported on based on how they function systematically. For crime and justice matters, the individuals are framed as the drivers. This supports the view that the problems of crime and issues around justice are not because of systemic issues within the criminal justice system but instead because of individuals who perform criminal acts or isolated incidents of the misplacement of justice. If we look closely at the reports on corruption as an example, the reporting is focused on individuals in their capacity as giving evidence or in their capacity as being accused in the matter. It is very little by way of a discussion on how it is that the corruption which ran into millions of rands occurred and what drove it.

The novelty comes in that this perspective of approaching it from the pentadic criticism allows one to delve a little deeper to consider what aspect of the story makes it such that the reports themselves do not really deal with underlying causes of crime and justice. Here we see that if, as Burke's pentad suggests, we are to have a complete idea of a development, we need the five elements of 'act' 'agency' 'agent' 'purpose' and 'scene'. We see for these news reports that aspects are disproportionately focused on while others are disproportionately left out. Arguably, if journalists included aspects of the purpose and aspects of the agency in the introductions given by the anchors, this would already cause a shift in this practice of making crime issues individual issues driven by particular cases.

The elements of the analysis that employed film semiotic analysis allowed the one to consider how different types of shots are used and critical aspects of the story sequencing, namely the opening and closing shots. Particularly concerning the use of

⁵⁷³ Hall, Clarke, Critcher, Jefferson, & Roberts, 1978

visuals to simulate real-life legal settings, such as court cases or hearings at the commission of inquiry, the visuals employed film narrative approaches that would create the impression of the news report as having a beginning, middle and end. This was deemed important because even though the visuals included of the beginning and end of a sitting did not add anything material to the substance of the report, they create an impression for the viewer that they are experiencing the sitting in a chronology that mirrors real life. This approach is vital for television because its logic depends on its inclination to mimic real life.

In terms of the media argumentation criticism, the study found that the reports did indeed employ the information-seeking argumentation scheme, as posited by Walton. As Walton argues, the persuasive communicative work of information-seeking argumentation schemes is to “construct a particular point of view that encourages the facts of a given situation to be viewed in a particular manner, with some facts made more or less noticeable (even ignored) than others.”⁵⁷⁴ This is linked to framing. In the news reports on religious figures implicated in criminal activities, for instance, the study found that by using a lot of vox pops from the supporters of the religious figure, the legal developments received minimal consideration. Instead, the focus was on how the criminal charges against the leader were indicative of a spiritual war being waged against him. In terms of the farm attacks, the reliance on vox pops from people who are of the view that attacks on white farmers are widespread leads to framing farms as victims of a coordinated attack, even though the statistical evidence is to the contrary,

Undergirding all of this is the notion of television, which “places the media at the centre of all kinds of important cultural, political and social developments”,⁵⁷⁵ including how the criminal justice system operates.

Concerning the TV news reports, this study considered realism as one of the features of this medium that cultivates viewers’ perspectives of the world. Because of its audio-visual character, television gives viewers a sense of watching reality unfold, almost as though they were looking through a “magic window”⁵⁷⁶. This sense of realism is further amplified for television news because viewers know that what they are watching is based on real-life developments, a trait Rick Busselle and Bradley

⁵⁷⁴ Kuypers, 2009, p. 182

⁵⁷⁵ Deacon & Staneyer, 2014, p. 1032

⁵⁷⁶ Potter, 1986

Greenberg term social realism.⁵⁷⁷ Viewers do not consider that what they are seeing is a version of reality, compressed by time, space, and the resources the producers of these reports had access to. When the media-centred criticism is undertaken in this study, it considers how the notion of social realism and the sense of television as a magic window influences the persuasive performance and replication of the criminal justice system in these texts.

The other feature relates to television as an intimate medium. Here the study drew on the intimate nature of television as a medium. This intimacy is vested in the fact that television is usually consumed in a domestic context. Further, in how stories are told on television, the medium appears to prefer personal stories, a trait that leads one to deem it a metonymic text. Brummet expounds on this, noting that television's audio-visual nature enables it to reduce ideas and events into "simpler, smaller, more manageable [aspects] that leaves out certain details of the larger whole".⁵⁷⁸ This was alluded to across the board, more particularly in the analysis of the Zuma vs Zondo news reports where it was argued that the tendency of television news to personalise development, so that it centres characters, rather than systems, lead to an interpretation of these news reports as a personal standoff between the two, rather than a challenge against the commission of inquiry as a legally constituted body.

Further, it has been shown that crimes that are deemed pervasive, such as gender-based violence and corruption, are reduced to one or two incidents that are given disproportionate media coverage, and court outcomes are used as examples of justice on display. Again, this metonymic nature is most evident in television because through the use of audio and moving visuals, viewers believe they have '*seen*' for themselves what unfolded, as opposed to having read or heard about it, as would be the case with newspapers and radio. Thus, in this study, consideration was given to how these news reports focus on individuals and smaller aspects of the criminal justice system instead of the larger and more structural phenomenon that characterise the system.

⁵⁷⁷ Busselle & Greenber, 2000

⁵⁷⁸ Brummett, 2017, p. 73

7.3 How the study has responded to the research questions

In response to the first question, namely, what persuasive communicative work is being performed by South African television news reports on crime and justice, The answer is that study has arrived at is there is not one type of persuasive communicative work being performed across the news reports. Instead, depending on the issue at hand, different types of persuasive communicative work are performed.

When engaged in reporting that attempts to sketch out the extent of the crime problem in South Africa, as is the case in the news reports on crime statistics, the reports persuasive communicative work includes defining what crimes are considered serious. In reports on the public's views on court judgments, the persuasive communicative work is to create the impression of a shared perspective on how the crime problem should be dealt with. Through vox pops, the reports engage in public deliberations on what a particular sentence means and whether a given judgment is indicative of a just system. In reports that feature children as perpetrators of crime, the persuasive communicative work of the reports is to create a sense of moral panic and then suggest that the solution to the problem lies in a divine source.

When it comes to political actors, the communicative work of these news reports is to channels through which these actors perform their responses to crime and justice developments. Whether it is the South African President, the police minister or political party representatives, these political actors are more often than not featured due to having said something rather than having done something to address a particular development. With the government's response to the 2019 xenophobic attempts, news media played a role in communicating the country's remorse and condemnation to South African and international audiences.

Some news reports were found to engage in the communicative work of deliberating on racial conflicts, such as the Eben Etzebeth case and the reports on farm attacks. Others were a means of publicly performing the criminal justice system's successes in arresting and prosecuting people guilty of corruption so as to restore hope in the system. Due to scope, there are many other aspects that the analysis could have considered but did not. Further within the topics discussed, the analysis had to consider the elements as they were relevant to the rhetorical criticism approaches used in this study and could be delved in further through other techniques such as genre and narrative criticism.

In answering the second question, namely how South African television news reports re-present crime, justice, and the criminal justice system in doing this persuasive communicative work and what rhetorical strategies and devices they employ, the study discussed contextual framing as the key strategy employed, and amplification as the most notable rhetorical device. It also highlighted that the criminal justice system is virtually ignored in these reports. Instead, the focus is on elements of the system, such as the people, the procedures, and the places. In considering these elements, what emerged is a system whose focus changes from year to year depending on what is topical; a system where women are the primary and secondary victims of crime, and men are active agents both in terms of how they are depicted as criminals and how they are featured as the ones with the solutions to the crime problem; a system that operates in urban areas; and a system whose most important player is the police minister.

7.4 Contributions to knowledge and areas of possible future research

In examining the persuasive communicative work being done in the South African television news reports on crime and justice issues, the study endeavoured to build on the existing theory of rhetoric culture by considering the persuasive communicative work performed through the mediatisation of a system. By considering South African news reports on issues of crime and justice, the study has theorised on how the mass news media's re-presentation, or framing, shapes the persuasive performance of the components that make up that system and the communicative devices and approaches that are used to enact this work of re-presentation. While rhetoric culture theory has aided in understanding cultures and their representations as rhetorical constructs, they have not considered how the mediatisation of a culture shapes that culture's rhetoricality. It is this gap that the study has sought to address.

The study has found that the television of a system employs framing as a strategy of ensuring that the viewer is inclined to interpret the developments being reported on from the perspective of the journalist. It also relies on amplification as a rhetorical device that makes salient those aspects that the reporter deems significant to make them stand out to the audience. In the present age where most people's exposure to the justice system is through the mediated experience of watching something about, through the analysis undertaken, the study has theorised that to

understand a televised cultural system, we must consider how television frames that system and the aspects of the system that it amplifies as a medium. The study has been very specific in its consideration of popular legal culture as depicted in television news reports on crime and justice and expressed in the notion of media-in-law discussed. Future research could consider other forms of popular culture, such as popular religious culture or popular political culture, to consider if framing is as central a rhetorical strategy and amplification as important a rhetorical device. A comparative study can also be undertaken to determine if this is an approach that is unique to the South African television news context.

Methodologically, the scholarly contribution that the study has is in undertaking a rhetorical analysis of a corpus of news texts that spans 90 days over two years. As shown by the literature discussed below, most rhetorical analyses of audio-visual media have either considered a single news report or have considered a single news bulletin. There do not appear to have been many rhetorical criticism studies that have looked at a large body of media texts to observe patterns of persuasion. The approach of also considering analysis techniques that consider different aspects of the news reports as texts, namely cluster criticism for the descriptors, pentadic criticism for the way the news report is written, film semiotic analysis for the visual elements, and information-seeking argumentation scheme to consider the way an argument is advanced, has provided a novel model of how future research can examine the persuasive effect of news reports more holistically. As demonstrated in the literature review, most of the scholarship that analyses the content of news media texts considers one or two aspects, either focusing on visuals and words, the structure of the texts, or the argumentation schemes employed. Undergirded by Burke's notion of language as symbolic action, this study has employed different but complementary analysis techniques based on the same conceptual foundation, namely the view that language is a tool with which people do things. Having now provided this model in relation to television with its particular characteristics as a medium, future research could consider whether it applies to other media formats, such as radio and print, to perhaps develop an approach that can be applied irrespective of the medium.

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Appendices

This is the doi where the transcripts of the texts of the bulletin are available:

<https://doi.org/10.6084/m9.figshare.16860475>

This is the doi where the transcripts with texts and the descriptions of the visuals of the bulletin are available: <https://doi.org/10.6084/m9.figshare.16860496>