CASE NUMBER: 27/2006

DATE OF HEARING: 30 JUNE 2006

MR JAKOBUS FAASEN COMPLAINANT

vs

SABC 2 RESPONDENT
RADIO SONDER GRENSE RESPONDENT

TRIBUNAL: Prof Kobus van Rooyen SC (Chairperson)
Dr Lynda Gilfillan (Co-opted)
Ms Zenobia Africa (Co-Opted)
Adv I van der Merwe (Co-Opted)

Complainant: The complainant attended the Tribunal

For the Respondent: Mr Fakir Hassen, Manager: Broadcast Compliance, SABC

Four related complaints – use of term “Bushman” on SABC 2 50/50 – said term deemed to be dehumanisation of the Khoisan people – insensitive regarding nomenclature of Khoisan people – etymology of term deemed to be half-human – no contextualisation/explanation given – viewers not informed of unacceptability of term – amounts to negative stereotyping – second complaint – Radio Sonder Grense reading of Andre Brink novel, Bidsprinkaan – the term “Boesman” used without being contextualised – complainant requests written apology from the head of the SABC, Dali Mpofu – two further complaints regarding use of “Bushman” – against Full Frame Productions on 25/05/06 and Radio Sonder Grense on 26/05/06 – relate to the use of the term “Bushman” and the depiction of the Khoisan people – Tribunal finding that Clause 38 not infringed – no legislation currently prohibits use of term “Bushman” – word used in historical context – cultural historical aspect – not necessarily the domain of the law –
The Complainant presented four related cases. The first concerned the screening on the SABC 2 programme, 50/50, on 19/03/06 of “The Price of Growth”, where the Khoisan people are referred to as “Bushmen”. He argued that the Khoisan people are perceived as “nature’s people”, equated with nature, and are not presented as fully human. They are negatively stereotyped, in a manner that amounts to an affront to their dignity as human beings. Moreover, the term “Bushman” was in 2002 singled out by President Mbeki as “derogatory”. The use of the term “Bushman” and the portrayal of the Khoisan people by the presenter of the programme “The Price of Growth” amounts to an assault on Khoisan dignity. The second complaint relates to the “uncontextualised” use of the term “Boesman” in the broadcast of Andre Brink’s novel, Bidsprinkaan, on Radio Sonder Grense. The Respondent argued that 50/50 does not focus exclusively on nature, and does not set out to label any group of people in a negative manner. In any event, the Bushmen are presented as an example of people who live in harmony with nature. There is, moreover, a worldwide interest in the survival of threatened traditional lifestyles and civilisations. The Bushmen are but one group that 50/50 has focused on in dealing with the subject of retaining identity in an increasingly urbanised world. The broadcaster cannot be held responsible for using a word that is in current usage, and it is not the broadcaster’s responsibility to decide on correct naming. Controversy continues to dog the use of the words Khoisan and Bushman, as is evident in the scientific and historical domains. The Tribunal decided that no infringement of Clause 38, which relates to dignity, occurred in either case. The same is true for two other cases brought before the Tribunal, though not dealt with directly by the Respondent (SABC2 25/05/06 “The Hunt for the Kalahari Truffle”, where the term “Bushman” was used; and Radio Sonder Grense, Monitor, 26/05/06, where a presenter asked a question relating to the San people). No contravention of the Code was found, and the complaint was not upheld.

JUDGMENT

Dr Lynda Gilfillan

[1] This matter concerns various related complaints lodged with the BCCSA by Mr Jacobus Faasen. Firstly, he was aggrieved by a broadcast in March on the programme 50/50, which is screened on SABC 2, and subsequently by a reading of the Andre Brink novel, Bidsprinkaan, on Radio Sonder Grense. Two further related complaints were made against an SABC 2 Full Frame Productions
screening on 25/05/06 and a Radio Sonder Grense broadcast on 26/05/06. All relate to the use of the term “Bushman” and the allegedly negative depiction of the Khoisan people.

[2] The 50/50 producers, Belinda Shaw and Danie van der Walt, presented a programme “The Price of Growth”/“Die Prys van Groei” which allegedly stereotypes in a negative manner the Khoisan people who live in the Kalahari. The programme starts by focusing on a newspaper article where the headline reads: “Dawid Kruiper, drunk, stoned, or both?”. The alleged focus is on the exotic aspect of the San as a “timid, almost extinct group of nature’s people, the ‘natuurvolkie’ always so close to nature, always aware of conservation, always struggling to survive.” The complainant describes this inter alia, as “imperialist, ethno-antropological [sic] journalism” that stereotypes people as not belonging to “the civilised world”.

[3] The Complainant based his complaint on clause 38 of the Code of Conduct. This clause deals specifically with the dignity of individuals. Clause 38 reads:

Insofar as both news and comment are concerned, broadcasting licensees shall exercise exceptional care and consideration in matters involving the private lives, private concerns and dignity of individuals, bearing in mind that the rights to privacy and dignity may be overridden by a legitimate public interest.

[4] The Complainant’s argument, as far as clause 38 is concerned, is that the broadcast was an affront to the dignity of individuals belonging to the Khoisan group. The programme’s content amounts to negative stereotyping of a certain group of people who are deserving of dignity and respect.

[5] The Respondent argued that 50/50 does not focus exclusively on nature, and does not set out to label any group of people in a negative manner. In any event, the Bushmen are presented as an example of people who live in harmony with nature. There is, moreover, a worldwide interest in the survival of threatened traditional lifestyles and civilisations. The Bushmen are but one group that 50/50 has focused
on over the years in dealing with the subject of retaining identity in an increasingly urbanised world. The broadcaster cannot be held responsible for using a word that is in current usage, and it is not the broadcaster’s responsibility to decide on correct naming or nomenclature. Controversy continues to dog the use of the words Khoisan and Bushman, as is evident in the scientific and historical domains.

[6] The Respondent went on to argue that “large international broadcasters still refer to the Khoisan as Bushman [sic] in documentaries – which other broadcasters like SABC buys for local schedules. On top of that there are divided opinions within this community about their new name – Khoisan – which they claim was decided by adacemics.” The Respondent asserted that “traditional communities will always be treated with the necessary respect by programmes such as 50/50”.

[7] The Tribunal disagrees that any of the programmes amounted to a serious affront of Khoisan dignity.

In the result we find that while the cultural historical aspect of the complaint is an interesting one, there is doubt as to whether the law can be applied in such a case. The Tribunal decided that there was no contravention of clause 38 of the Code and the complaint is therefore not upheld.

Dr Lynda Gilfillan

Chairperson van Rooyen and co-opted members Africa and van der Merwe concurred.