A complaint was received in regard to the use of the phrase “buffalo bitch” by a presenter on 5fm, Mark Gillman, in referring to a female co-presenter during the course of an amicable chat with her on air. 5fm is one of the radio stations that falls under the umbrella of the South African Broadcasting Corporation, the public broadcaster.

Section 9 of the Constitution of the Republic guarantees equality to all persons, and specifically rejects discrimination based on gender. Whilst a term such as “bitch”
with reference to a woman might, in certain circumstances, have gained a secondary meaning, and would probably be acceptable in the context of a bona fide drama or bona fide literary work, or even in the lyrics of certain songs, e.g. rap songs, it nevertheless amounts to the stereotyping of females as lewd (see Shorter Oxford Dictionary). Whilst we are convinced that it was not Mark Gillman’s intention to use the word in order to negatively stereotype females, it is necessary to put an end to this kind of derogatory language on the airwaves, even if the intention behind the use of such language is not to discriminate against a group. This kind of language denigrates women, and in this particular instance it dehumanises women, relegating them to an inferior status. The use of such language treats women - as previously disadvantaged persons in terms of section 9 of the Constitution - unfairly. It is a matter of public importance that an end should be put to the use of such language in everyday verbal exchanges between people on the air. Broadcasters should contribute towards setting this standard. Freedom of speech is no excuse in such a case: the achievement of equal status between the sexes is more important than freedom of expression within this context.

Our finding that the Code has been transgressed should be regarded as a guideline for future conduct on the airwaves and, accordingly, we do not on this occasion impose a sanction on the SABC for the transgression. The apology by the presenter to his co-presenter is regarded as a corrective for what would seem to have been a slip of the tongue.

JUDGMENT

VAN ROOYEN (Chairperson)

[1] A complaint was received in regard to the use of the phrase “buffalo bitch” by a presenter on 5fm, Mark Gillman, in referring to his co-presenter during the course of an amicable chat with her on air. 5fm is one of the radio stations that falls under the umbrella of the South African Broadcasting Corporation, the public broadcaster.

[2] The complaint reads as follows:

“Without prejudice - To whom it may concern

I would hereby like to formally lodge several complaints against 5fm in particular their morning DJ Mark Gillman. Copies of this letter will be sent to the following institutions: Broadcasting Complaints Commission; ICASA; Volksblad Newspaper, Radio Oranje; Beeld Newspaper.
Approximately 2 weeks ago Mr Gillman used the word “kaffer” on air to describe the indigenous people of the Free State. This is not only unconstitutional but also disgusting. Today he referred to a lady as a “buffalo bitch”. My wife felt that this was even for a person like him completely uncalled for and loathsome.

It seems as if 5fm are trying to push the disgusting Mr Gillman, his sexual innuendoes and extremely explicit sexual discussions onto the youth of South Africa. Please act now, and discipline this person he has a responsibility and is not above the law.”

The broadcaster’s response was:

“The comment in question was used by Mark Gillman when addressing/referring to co-host Catherine Strydom, who was on-the-line from East London during the morning in question. Catherine was in the “Buffalo” city (an affectionate term for East London) as part of a charity drive by the Mark Gillman Show to collect blankets and jerseys for underprivileged communities around South Africa. Mark’s reference to Catherine as the “Buffalo Bitch” was intended as an off-the-cuff, humorous remark that played off the fact that she was in East London.

Mark regularly refers to Catherine as his “bitch”, which is a common and contemporary use of a word in reference to her as his sidekick. Regular listeners to the Mark Gillman Breakfast Show would immediately recognize this reference.

Mark’s use of the word’s “Buffalo Bitch” was unplanned and appeared to be a genuine slip-of-the-tongue. He immediately recognized that it may be somewhat inappropriate and withdrew the remark and apologized to Catherine.

Catherine, a progressive; opinionated woman, has no personal objection to Mark regularly referring to her as his “bitch”, and her role in the show over the years has provided her with more than sufficient opportunity to object to this reference and/or similar references. On the day in question however, she clearly exercised her rights in this regard and immediately objected to Mark’s reference to her as the “Buffalo Bitch”. She humorously rejected his apology.

Mark Gillman has built a reputation on irreverence, some cheeky content, and an appeal to the station’s target audience of 20-30 year-old upper income listeners. Whilst the fact that no other complaints have been received about this broadcast is not necessarily an argument toward its acceptability, it does demonstrate that Mark Gillman, while controversial from time-time, is not offensive to people who listen regularly, and/or those who fall within the station’s target market. This particular reference was not out of character for Mark or his radio show. The reference itself was not intended to be graphic or obscene, particularly when considered as an element of a high profile social responsibility campaign.
For the above reasons, we do not believe there was any transgression of the provisions of the Code.”

The clause which might be applicable to this phrase is clause 35 of the Broadcasting Code.

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

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

Section 9 of the Constitution of the Republic guarantees equality to all persons and expressly rejects discrimination based on gender. Whilst a term such as “bitch” for a woman might under certain circumstances have gained a secondary meaning and would probably be appropriate in the context of mature bona fide drama or a bona fide literary work, or even in the lyrics of a contemporary rap song, it amounts to the stereotyping of females as lewd (see Shorter Oxford Dictionary). Whilst we are convinced that Mark Gillman did not intend to use the word in this sense, it is necessary to stop this kind of derogatory language on the airwaves, even if its use is not intended to insult or offend. Such language dehumanises women and relegates them to an inferior status – they are stereotyped as being lewd creatures. By using such language, women, as previously disadvantaged persons in terms of section 9 of the Constitution, are treated unfairly in terms of clause 35 of the Broadcasting Code. It is a matter of public importance that an end be put to this kind of reference to women: the airwaves are public property and should not be misused to further verbal abuse of this nature. Freedom of speech is no excuse in such a case: the attaining of equality between the sexes is a more important consideration than freedom of expression within this context.

Our finding that the Code has been transgressed should be regarded as a guideline for future conduct on the airwaves and we will not, accordingly, impose a
sanction on the SABC for its transgression on this occasion. The apology by the presenter to his co-presenter is regarded as a corrective for what would seem to have been a slip of the tongue.

The complaint is upheld.

JCW VAN ROOYEN SC
CHAIRPERSON

Commissioners: Viljoen and Venter concurred.