JUDGMENT

On the 20th August 1996 the Respondent broadcast a discussion on an art object - an ashtray in the form of female genitalia. This object had become the subject of controversy and debate after a Member of Parliament had criticized the *Weekly Mail & Guardian* for printing a photograph of it. The discussion took place during the regular *Focus* discussion programme, chaired by Mr Max du Preez.
Mr McGuinness formulated his complaint as follows:

"With reference to the abovementioned subject I wish to record in writing, in the strongest possible terms, my total and utter objection to the contents of the programme screened on channel one last night. The topic of discussion was artists’ right to freedom of expression through their artwork. The host as usual was that grinning idiot 'Max du Preez', and with him was a lady from a feminist movement who had taken exception to a particular item that had been produced by a 'so-called' artist. Also in the studio was another 'so-called' artist who was defending Freedom of Expression. The item in question was a ceramic ashtray made to resemble in every detail a woman's vagina in a stretched and fully open position with a cigarette resting in the middle of it. Charming!!The discussion raged back and forth and the lady was becoming more and more embarrassed as it continued and I am sure she regretted having entered the debate with two perverted males who were obviously enjoying her discomfort. I don't think Max du Preez has ever enjoyed a programme as much as he enjoyed this one. Then, to my absolute disbelief the SABC, in their unquestionable wisdom, proceeded to screen an image of the ceramic vagina. The camera zoomed in on it until the entire TV screen became one enormous vagina - and that is where the camera stayed for an inordinate amount of time, just to ensure that we could have a good look.It has become obvious of late that standards at the SABC have gone to hell as it is almost impossible nowadays to watch a programme that is not riddled with 'Gutter Language', and scenes of and/or constant references to sex. However, last night's programme was nothing other than hard-core pornography that has without doubt offended millions of viewers. Whether the SABC believes it or not, there are still some people in South Africa who have a modicum of decency left, despite the constant bombardment of our sensibilities by undesirable material of this type. What are they trying to do to us? Is this some form of brainwashing to destroy whatever is decent and acceptable to a decent society?

It is strange that with all the emphasis being placed on women's rights at the present time, that the SABC through their broadcasting of pornography should be party to the objectification of women as nothing more than life support systems for a vagina. Not only is this type of irresponsible broadcasting harmful to society, it is also an affront to every woman in the country to have a woman's most intimate and private part beamed into the homes of everyone who has a T.V. set. This is not just a lack of respect for women, it is the complete degradation of the female gender. A woman cannot be insulted more than what the SABC managed to do last night. This is the ultimate insult to have one's reproductive organs splashed all over a TV screen. How can a woman ever expect to be afforded respect when the SABC continues to portray women as nothing more than sex objects, objects of pleasure, and objects of derision. Furthermore, I 'demand' (a popular word lately) the SABC as well as Max du Preez broadcast a public apology to every woman in this country as well as to all decent viewers they have offended. I rest my case!"

Mrs Street formulated her complaint as follows:

"The Focus" programme had started when I switched on my T.V. on Tuesday 20/8/96 so I did not hear the subject of the discussion. I was therefore horrified and disgusted when a close-up was shown, said to be the vagina of a black woman being used as an ash-tray with a cigarette in it. It was repugnant, pornographic, obscene, nauseating and humiliating to all women, whatever their skin colour. The male interviewee, in his suave way called this art, but I believe that only a very sick mind could call it so. Art used to be beauty, hence the centuries old masters hanging in our museums. The interviewer asked the lady if it made any difference to her whether the vagina was of a black or white woman. It was a vile
pollution of every woman’s body. I felt visibly raped, abused and deeply humiliated by this violent attack on me. The SABC T.V. should not be encouraging such obscene and pornographic material, which boosts the ego of these evil minds.

It is in contradiction of the BCCSA code of conduct under paragraph 7. Thus, the electronic media shall not present material which is indecent or obscene etc. I think an apology (public) is in order to all women before someone sues! Perhaps we should also have a ‘Keep our screens clean’ campaign and exclude the filthy language and sex scenes’.

At the hearing the respondent argued that the ashtray had, during the preceding weeks, become a subject of discussion and controversy and that it was entitled and, in fact, under a duty to inform the public about this controversy. The programme was broadcast at 20:30 and drew viewers who were interested in news discussion programmes - accordingly a more limited audience thank would watch the news itself, for example.

Mr Du Preez objected strongly to the insulting language used by Mr Mcguinness. Mr Mcguinness apologised. The BCCSA will, in future, not tolerate this kind of language in complaints and, unless retracted and re-formulated, we will be loathe to entertain such a complaint.

The Commission of the opinion that the ”Ashtray” was indeed a legitimate subject for discussion. In fact, judgments of our Supreme Court indicate that no subject is forbidden. The question is how, where and when it is treated of. See Publications Control Board v William Heinemann Ltd 1965(4) SA 137 (A). The time of broadcast created no problem in terms of the Code. The only question is whether the three times the camera focused on the object amounted to an indecent or obscene portrayal relating to female genitals. We are convinced that the discussion would have been senseless without the shots showing the "ashtray". Although two of the three shots were at medium to close range, a medium or distant shot would have been meaningless. The cigarette on the ashtray which, formed an integral part of the discussion on degradation, simply had to be shown at closer range, otherwise the issue would have been lost on viewers. The shots were also not lengthy.

The complaints are dismissed.

PROF JCW VAN ROOYEN S.C.
CHAIRPERSON