

WHAT IS WRONG WITH MEDIA FREEDOM AS A HUMAN RIGHT IN AFRICA TODAY?

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ABSTRACT

The Universal Declaration of Human Rights (UDHR) of 1949, in its article 19, effectively sets press freedom and media freedom as human rights. This raises two challenges. First, is the contest in the Global South on claims of universalism surrounding human rights. Second, is the question of access to the media in unequal countries like Zimbabwe and South Africa and what that means for the role of the media (representation) and media freedom. These challenges are articulated by the question of 'the human' as it arises in modernity and feeds into 'the human' in human rights, and the subject of media freedom. Located within the anti-colonial, that is an articulation of postcolonial and decolonial theoretical perspectives, and using the idea of media freedom in Zimbabwe and South Africa, I argue that both the concepts of human rights and media freedom must be indigenised.

KEYWORDS

Access; Decolonial; Human rights; Media freedom; Postcolonial; Representation; Universalism

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1. INTRODUCTION

The Universal Declaration of Human Rights (UDHR) of 1949 states in its article 19 that, “everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. Clothed in the language of natural rights, the idea that human rights are natural to the human being, the UDHR in this article effectively sets media freedom as a human right available to all people because they are human.¹ From the vantage point of most of the formerly colonised Global South, this is problematic. Specifically, for Zimbabwe and South Africa, as postcolonial and post-apartheid countries, claims of the universality of human rights ignores the huge levels of inequality characterising these societies because of their history. Ignoring inequality becomes even more problematic in the case of the media where the media are highly commercialised and large portions of the population cannot still access the media. The claims to the universality of human rights, in a largely postcolonial continent like Africa, are problematic because the question of the human, that have been historically debated and debatable, are still not settled.² The idea of media freedom as a human right is therefore problematic and raises a number of challenges.³

Located within the anti-colonial, that is, postcolonial and decolonial theoretical perspectives, and using the idea of media freedom in Zimbabwe and South Africa as an entry point, this paper argues that both the concepts of human rights and media freedom in Africa, must be decolonised. This is keeping in mind that, even though problematic, both the concept of media freedom and human rights are useful even in a postcolonial or decolonial era.⁴ In as far as they are important but inadequate, in the Global South, the concepts of human rights and press freedom must be considered ‘under erasure’.⁵ Imagined within a Western and modernist context, human rights

¹ Parekh Serena, Hannah Arendt and the Challenge of modernity: A phenomenology of human rights (Routledge 2008).

² Maldonado-Torres Nelson, “On the Coloniality of Human Rights” (2017) (114) *Revista Crítica de Ciências Sociais* 117.

³ Langford Malcolm, “Critiques of human rights” (2018) (14) *Annual Review of Law and Social Science* 69; Maldonado-Torres Nelson (n.2) at 117; Suarez-Krabble Julia, “Race, social struggles, and ‘human’ rights: Contributions from the Global South” (2013) (6) *Journal of Critical Globalisation Studies* 78.

⁴ *Ibid.* (n.2) at 114; Golder Ben, “Beyond redemption? Problematising the critique of human rights in contemporary international legal thought” (2014) 2 (1) *London Review of International Law* 77.

⁵ Watson Heather, Wood-Harper Trevor and Wood Bob “Interpreting methodology under erasure: Between theory and practice” (1995) 8 (4) *System Practice* 441.

are individualised yet for Africans, the communal is what is central to public life. This means that media freedom in Africa has become a privilege of the rich elites who can own or control media. The Western idea of human rights has always emphasised journalist as the central subjects of media freedom. In a continent where the communal comes before the individual, this conceptualisation raises challenges in that it excludes large numbers of people who make up the citizenry of Africa.⁶

In this paper, I seek to problematize the idea of media freedom as a human right⁷ by taking the debates around media freedom, some of which have been taking place for a long time now in media studies, on a postcolonial and decolonial rethinking. The paper is organised in such a way that I start by discussing the pitfalls of thinking of media freedom as a human right. Here, I focus on the universalising tendencies of human rights and the questions around (media) access and how this is problematic in thinking about media freedom as a human right. In the second section, I discuss a decolonial vision of media freedom. Here, I draw on the work of various postcolonial and decolonial theorists and scholars to articulate an anti-colonial vision of media freedom as a human right that starts with decolonising the idea of the human.⁸ In the last section, I discuss the trajectory and limits of thinking about media freedom as human rights in South Africa and Zimbabwe.

⁶ Jose Alhaji, "Press freedom in Africa" (1975) 74 (296) *African Affairs* 255; Bourgault Louise, "Press Freedom in Africa: A Cultural Analysis" (1993) 17 (2) *Journal of Communication Inquiry* 69.

⁷ Federation of African Journalists (FAJ), *Press Freedom 2010* (FAJ Headquarters 2010); Freedom House, *Press Freedom's Dark Horizon: Freedom of the press 2017* (Freedom House 2017).

⁸ Fanon Frantz, *The wretched of the earth* (Grove Press 1963); Wynter Sylvia, "Unsettling the Coloniality of Being/Power/Truth/Freedom: Towards the Human, after Man, Its Overrepresentation-An Argument" (2003) 3 (3) *The New Centennial Review* 257; Mignolo Walter, "Delinking: The rhetoric of modernity, the logic of coloniality and the grammar of de-coloniality" (2007) 21 (2 – 3) *Cultural Studies* 449; Mignolo Walter, "Who Speaks for the 'Human' in Human Rights?" (2009) 5(1) *Human Rights in Latin American and Iberian Cultures* 7.

2. PITFALLS: FREEDOM OF EXPRESSION AS A HUMAN RIGHT

In article 19 of the UDHR, freedom of expression, including media freedom, is thought of as a human right, is problematic at least at two levels. First, universalising press freedom as a human right ignores inequalities and the implications in terms of access to communication resources. This is in every sense of access, including the physical access to tools of communication and having skills and the cognitive capacity to use the accessed media.⁹ Second, thinking of media freedom as a human right means that it inherits all the challenges associated with human rights. So long as there are cost issues involved in people's access to the media, media freedom cannot be regarded as universal and a human right available to all people just because they are human. This is further complicated by postcolonial and decolonial thinkers who note that 'the human' in human rights as conceived in Western thought is not the same 'human' that the UDHR expects to be the subject of human rights in formerly colonised countries. These points shall be further argued in this section of the article.

2.1. ACCESS

In universalising press freedom as a human right, the UDHR overlooks issues of access. At a time when we are in the information age, access has come to be considered from a digital media perspective. It has been argued that, first, access refers to such varied experiences as accessing an e-mail or accessing a place, and in that same sense accessibility has come to border on the ease of access, affordability in terms of finance and the user-friendliness of media systems, among other issues.¹⁰ In reference to the increased accessibility of the internet, education, media production tools, and even academic work, access refers to "an expanded availability of a particular valued

⁹ Moyo Last, "The digital divide: Scarcity, inequality and conflict" (122) in Creeber Glen and Martin Royston *Digital cultures: Understanding new media* (McGraw Hill/Open University Press 2009); Ellcessor Elizabeth, *Restricted access: Media, disability and the politics of participation* (New York University Press 2016).

¹⁰ Moyo Last (n.9) at 122; Ellcessor Elizabeth (n.9); Robinson Laura, Cotton Shelia, Ono Hiroshi, Quan-Haase Anabel, Mesch Gustavo, Chen Wenhong, Schulz Jeremy, Hale Timothy, and Stern Michael, "Digital inequalities and why they matter" (2015) 18 (5) *Information, Communication & Society* 569.; Wei Lu and Hindman Douglas Blanks, "Does the Digital Divide Matter More? Comparing the Effects of New Media and Old Media Use on the Education-Based Knowledge Gap" (2011) 14 (2) *Mass Communication and Society* 216.; Goedhart Nicole, Broerse Jacqueline, Kattouw Rolinka, and Dedding Christine "Just having a computer doesn't make sense': The digital divide from the perspective of mothers with a low socio-economic position" (2019) 21(11-12) *New Media and Society* 2347.

resource".¹¹ However, Ellcessor warns that access in new media studies has remained largely unexamined allowing it to constrain civic, cultural, and technological possibilities.¹² Second, it is problematic that access is spoken about as "something that can be possessed or "had".¹³ It has been argued that thinking about new media in a positivist manner has led to the under-theorisation of access. As a result it has not been conceived as relational, unstable and entangled in the inequalities that define modern social systems, that could be both empowering and exploitative.¹⁴ The larger problem in this is the over optimism that creates the impression that access is always a good thing offering increased participation in the media: "This is a world in which, theoretically, anyone can potentially be heard, transform the status quo, and build upon the work of others outside of longstanding social and political hierarchies".¹⁵ This is the view synonymous, especially, with the new media enthusiasts: those who rushed to celebrate the power of the new media in the Arab Spring overlooking social conditions and the idea that the media are always tools embedded in society.

For those enthusiastic about digital media, media technologies are extending 'the means of production,' broadly defined to include means of social reproduction, to as many people as possible.¹⁶ However, it has been argued that the benefits of these technologies are "not flowing evenly and smoothly ... within countries or across the world".¹⁷ The idea of the digital divide refers to the unequal distribution of Internet access across the world and within countries.¹⁸ Moyo notes that the unequal ownership and access of media technologies affects the balance in terms of access to information.¹⁹ It is usually disadvantaged communities, within nations, and poor countries, within the context of the global economy, that are always marginalised in

¹¹ Ellcessor Elizabeth (n.9); See also van Deursen Alexander and van Dijk Jan, "The first-level digital divide shifts from inequalities in physical access to inequalities in material access" (2019) 21 (2) *New Media & Society* 354.

¹² Ibid at 7.

¹³ Ibid at 7.

¹⁴ Moyo Last (n.9) at 122; Ibid at 7.

¹⁵ Ibid at 7.

¹⁶ Atton Chris, "Reshaping Social Movement Media for a New Millennium" (2003) 2 (1) *Social Movement Studies* 3.; Boulianne Shelley "Social media use and participation: a meta-analysis of current research" (2015) 18 (5) *Information, Communication & Society* 524.

¹⁷ Hassan Robert, *Media, Politics and the Network Society* (Open University Press 2004).

¹⁸ Moyo Last (n.9) at 122.

¹⁹ Ibid at 123.

terms of this access.²⁰ Arguing that the issue of access goes beyond the ownership of digital gadgets, Norris proffers a typology of types of the digital divide that include the geographic divide, social divide and democratic divide.²¹ Moyo contends that these “provide a framework in which the intricate connections of access, literacy, content, language, gender, race and age in the digital age can be examined in detail”.²²

In his later work on the digital divide, Moyo expands the understanding of the digital divide beyond issues of access to the information technology equipment into a decolonial theoretical space.²³ Moyo argues that, “the digital divide must also be about the problems that are embedded in access and how that access reproduces, reconfigures, and perpetuates other social inequalities”.²⁴ He emphasises that this view resonates “profoundly with the social experiences of internet users and non-users from Africa and the Global South”.²⁵ Arguing for a decolonial reading of the internet, Moyo posits that, for the Global South, the challenges around access or lack of it are entangled in the long history of colonialism – including the colonial present – that has fostered inequalities between the South and the North.²⁶ This is a view in line with the decolonial approach that rejects the idea that “Africa can only be used as an experimental base for Eurocentric theories”.²⁷

2.2. THE COLONIALITY OF THE UNIVERSAL

Thinking of press freedom as a human right means that press freedom inherits all the challenges associated with human rights. The biggest challenge with human rights has been that, they are promoted as universal around the globe regardless of the differences in the cultures and the histories of countries around the world.²⁸ Langlois

²⁰ Ibid at 123.

²¹ Norris Pippa, *Digital Divide: Civic Engagement, Information Poverty, and the Internet Worldwide* (3 – 25) (Cambridge University Press 2001)

²² Moyo Last (n.9).

²³ Moyo Last, “Rethinking the information society: A decolonial and border gnosis of the digital divide in Africa and the Global South” (133) in Ragnedda Massimo and Muschert Glen *Theorizing the digital divides* (Routledge 2018).

²⁴ Ibid at 133.

²⁵ Ibid at 133.

²⁶ Ibid at 133.

²⁷ Mutsvairo Bruce, *The Palgrave handbook of media and communication research in Africa* (4) (Palgrave Macmillan 2018).

²⁸ Barreto Jose-Manuel, “Epistemologies of the South and human rights: Santos and the quest for global and cognitive justice” (2014) 21 (2) *Indiana Journal of Global Legal Studies* 395; Barreto Jose-Manuel, “Decolonial strategies and dialogue in the human rights field: A manifesto” (2012) 3 (1) *Transnational*

notes that, after the Second World War, “the Rights of Man, an idea unfashionable for some time, became Human Rights”.²⁹ It is their beginning as a preserve for white males that makes many people, especially in the Global South, suspicious of human rights as universal. Critics point to the silence around a grisly history of modernity, and its attendant racism; and the reality that human rights, in the contemporary world, are still racialized. It has been argued that the UDHR still bears the traces of the language of the rights of Man and Citizens of 1789, documents that did not consider black people as humans also entitled to human rights.³⁰ The French constituent assembly promulgated the Rights of Man and Citizens, at the height of the Haiti Revolution of between 1781 and 1804, but completely refused to consider the revolting black slaves as humans.³¹ The issue of ‘the human’ in human rights as universal is discussed in detail in the next paragraphs. According to de Man, the universalism claims are the most attacked aspect of human rights.³² He notes that, “this critique holds that human rights, as contained in the UDHR, dictates liberal, Western values, and no space is allowed for ‘multi-culturalism’, ‘relativism’, or ‘contextualism’”.³³

While de Man notes well that the idea of human rights has clashed with “traditional practices, beliefs and religions” across the world, he argues that they should still be considered as universal and accepted.³⁴ de Man’s argument is that just because values such as justice, also arise out of Enlightenment and seems to be accepted in the Global South, human rights should be accepted as well.³⁵ Here de man ignores the fact that the debate around human rights is equally a debate around justice

Legal Theory 1; Parekh Serena (n.1); Griffin James, *On human rights* (Oxford University Press 2008); Mutua Makau, *Human rights: A political and cultural critique* (University of Pennsylvania Press 2002).

²⁹ Langlois Anthony, “Human rights and modern liberalism: A critique” (2003) (51) *Political Studies* 509.

³⁰ Barreto Jose-Manuel (n.28); Griffin James (n.28); Parekh Serena (n.1).

³¹ Popkin Jeremy, *A conscience history of the Haitian revolution* (Blackwell Publishing 2012); Dubois Laurent *Avengers and the new world: The story of the Haitian revolution* (The Belknap Press 2004); James Cyril and Lionel Robert, *The black Jacobians: Toussaint L’Ouverture and the San Domingo revolution* (Vintage Books 1989).

³² de Man Annile, “Critiques of the human rights framework as the foundation of a human-rights-based approach to development” (2018) 43 (1) *Journal of Juridical Science* 84.

³³ *Ibid* at 89.

³⁴ *Ibid* at 90.

³⁵ *Ibid* at 90.

in the Global South. Importantly, de Man does not follow the decolonial debate on modernity to the dark place it leads to, especially where universalism is criticised for smoothing over the genocides around the colonial projects around the world.³⁶

The history of human rights is such that they arise after the Second World War, specifically after the Nazi holocaust against Jews.³⁷ Critical scholars locate the holocaust in the trajectory of modernity, capitalism and the colonial project around the world. In *Discourse on Colonialism*, Aime Cesaire notes that the holocaust and Nazi anti-Semitism was a “terrific boomerang effect” where colonial methods and concepts returned to European soil.³⁸ This is after they were tested in Africa. Ciccariello-Maher notes that in this critique, Cesaire aims, not necessarily on “Hitler and Hitlerism,” but more centrally to the humanistic, Christians, and other bourgeois.³⁹ For decolonial scholars, it is, therefore, important to face off this history, to “confront head-on the broadest parameters according to which that past is structured: the colonial enterprise”.⁴⁰ What is at issue here is “the “constitutive” role of colonialism and racism for the development of global capitalism”.⁴¹ In other words, what is at stake here is the role of race as a structuring logic in modernity, including the discourse of human rights. In that “the global modern, colonial, capitalist order [has] been constituted on the basis of non-recognition” of other races, it is imperative to address “the underlying coloniality of modernity itself, capitalism included”.⁴² Parekh notes that human rights, with their roots in the 17th and 18th centuries, emerge in the context of the rise of modernity.⁴³ In the Global South, human rights, as currently constituted, and arising out of the history of modernity, cannot be accepted without acknowledging how, in its history to date, the same modernity has regarded people in the Global South as not human. Even liberal Europeans looked away when the colonial project decimated Africans, Arabs and Asians, only to act “shocked by Nazism”.⁴⁴ For most in the Global South, Hitler is not “a new kind of barbarism” in

³⁶ Melber Henning, “Explorations into modernity, colonialism and genocide: Revisiting the past in the present” (2017) 49 (1) *Acta Academica* 39.

³⁷ Levy Daniel and Sznajder Natan, “The institutionalization of cosmopolitan morality: the Holocaust and human rights” (2004) 3 (2) *Journal of Human Rights* 143.

³⁸ Cesaire Aime, *Discourse on Colonialism*, (Monthly Review Press 1995).

³⁹ Ciccariello-Maher George, “Decolonising theory from within or without” (2016) 23 (1) *Constellation* 133.

⁴⁰ *Ibid* at 135.

⁴¹ *Ibid* at 135.

⁴² *Ibid* at 135.

⁴³ Parekh Serena (n.1).

⁴⁴ Ciccariello-Maher George (n.39) at 133 – 134.

the trajectory of modernity, because “at the end of capitalism . . . there is Hitler”.⁴⁵ Ciccariello-Maher posits that Césaire would argue that Hitler is “barbarism yes, new no”.⁴⁶ In South Africa, for example, where the colonial and apartheid racism is still visible in the inequalities that riddle the young democracy, speaking about media freedom as human rights, raises a huge responsibility to acknowledging the problems around human rights and that they cannot be universal in a one size fits all approach.

Located in the idea of the universalism of Europe’s historical experience, as built on the idea of progress, the discourse of human rights ignores “the intimate linkage between anti-Semitism and colonial brutality” and writes a large number of the world’s people out of history.⁴⁷ It is also telling that human rights emerges out of the debris of the Second World War and not the horrors of slavery and colonialism. In grounding its distinctive approach to normativity on the idea of historical progress, Western critical theory is seen as looking away from Europe’s colonial sins. The challenge here lies not only in the “developmentalist, progressive reading of history” that views the West as “more enlightened or more developed” than the rest of the world, but more so in the “so-called civilizing mission of the West”.⁴⁸ It is the ‘civilizing mission’ discourse that was used to justify colonialism and imperialism. Today this civilising mission by Western countries is seen in interventions in the Global South in the name of protecting human rights. Allen notes that this civilizing mission discourse informs “the informal imperialism or neocolonialism of the current world economic, legal, and political order”.⁴⁹ This is clear in how Western countries relate to their former colonies, and even in the way that politics is conducted in Africa, where Western democracy and other such sensibilities are hegemonic.⁵⁰

The concerns about the coloniality of human rights, therefore, is based on the fact that Western critical theory, even when it is critical of modernity and “in light of its practical-political emancipatory aim”, as in the case of the Frankfurt School, fails or

⁴⁵ Césaire Aimé (n.38) at 37.

⁴⁶ Ciccariello-Maher George (n.39) at 134.

⁴⁷ *Ibid* at 134.

⁴⁸ Allen Amy, *The end of progress: Decolonising the normative foundations of critical theory* (3) (Columbia University Press 2016).

⁴⁹ *Ibid* at 3.

⁵⁰ Crawford Gordon and Lynch Gabrielle *Democratisation in Africa: Challenges and prospects* (Routledge, 2012).; Smith Rose Joy “Revisiting liberal democratic universalism: a critical rhetoric of the liberal democratic world order” (2016) (2) *Glocalism: Journal of Culture, Politics and Innovation* 1.

refuses “to engage substantively” with non-Western critical theory in postcolonial and decolonial theory”.⁵¹ The problem is in how critical theorists “ground their conceptions of normativity” where “ideas of historical progress and sociocultural learning and development figure prominently”.⁵² For some postcolonial and decolonial critics, the silence on the ‘colonial wound’ is not a mere coincidence or an oversight but motivated silence and a false universalism.⁵³ Said calls this a “blithe universalism” that “assume[s] and incorporate[s] the inequality of races, the subordination of inferior cultures, the acquiescence of those who, in Marx’s words, cannot represent themselves and therefore must be represented by others,” connecting European culture to European imperialism as a political project.⁵⁴ The language of universalism, progress and development is the language of oppression and domination for the majority of the world’s population.⁵⁵

The language of progress and development, as grounded in Europe’s historical experience, is an obstacle to a new humanism that might ground human rights afresh allowing for their decolonial revision. Always in search of a new humanism, Fanon points out that his teacher, Aime Cesaire, once reminded him that “When you hear someone insulting the Jews, pay attention; he is talking about you”.⁵⁶ Ciccariello-Maher notes that, Fanon raises this not necessarily because an anti-Semite is a negrophobe but because “what unites the two is a denigration of the human”.⁵⁷ Dussel has pointed out how colonialism has a specific relationship to difference whereby the coloniser devoured the colonised (as the other) and constructed himself as rationale and sovereign such that in the long duree of the Enlightenment history, “the modern ego cogito was anticipated by more than a century by the practical, Spanish Portuguese ego conquiro (I conquer) that imposed its will (the first modern “will-to-power”) on the indigenous populations of the Americas”.⁵⁸ Here Descartes’ I think, therefore I am turns into ‘I conquer, therefore, I am’.⁵⁹ To argue for the

⁵¹ Allen Amy (n.48) at xiv.

⁵² Ibid at xiv – xv.

⁵³ Said Edward, *Culture and Imperialism* (Vintage 1993); Allen Amy (n.48).

⁵⁴ Said Edward (n.53) at 278.

⁵⁵ Allen Amy (n.48) at 3; Tully James, *Public Philosophy in a New Key*, vol. 2, *Imperialism and Civic Freedom* (Cambridge University Press 2008); Tully James, “Political Philosophy as a Critical Activity” (2002) 30 (4) *Political Theory* 533.

⁵⁶ Frantz Fanon, *Black Skin, White Masks* (Grove Press, 2008), 101.

⁵⁷ Ciccariello-Maher George (n.39) at 134.

⁵⁸ Dussel Enrique, “Europe, Modernity, and Eurocentrism” (2000) (1) *Nepantla: Views from the South* 471.

⁵⁹ Ndlovu-Gatsheni Sabelo, “Why decoloniality in the 21st century?” (2013) (48) *The Thinker* 10.

coloniality of the idea of human rights as currently constituted, and by extension the coloniality of press freedom as human rights, is therefore to “dig deeper and to press harder” with the search for human freedom and emancipation and an articulation of a new humanism.⁶⁰ This is the task we turn to in the next section.

3. TOWARDS A DECOLONIAL IDEA OF MEDIA FREEDOM

Following Wynter and Fanon, Maldonado-Torres notes that the limits to the hegemonic liberal and neoliberal visions of human freedom and liberation is that they are built on conceptions of subjectivity rooted in coloniality.⁶¹ Illustrating this thesis, in the context of the human rights discourse, he points out that the idea of the human, as a universal subject figure, is itself riddled with and limited by coloniality. In the West, the human appears as a figure separated from the divine through a secular-line and through racialized constructs where an “onto-Manichean colonial line” separates the human and the barbarian.⁶² After an engagement with the coloniality of the concept of human rights in the preceding section, it can be argued that, in postcolonial countries, like Zimbabwe and South Africa, to talk of press freedom as human right outside “a decolonization of the concept of the human” is to fall into a trap.⁶³ I should define postcolonial and decolonial theoretical concepts and justify their articulation in talking about a new human subject and a new idea of human rights.

Those who have been called decolonial theorists and have embraced the challenge of confronting the continued coloniality especially under the modern liberal order (neoliberalism), insist that decoloniality is not postcolonialism.⁶⁴ However, in the task of articulating a new idea of human rights, I locate my argument in the intersection and point of convergence between postcolonialism and decoloniality as

⁶⁰ Ciccariello-Maher George (n.39) at 135.

⁶¹ Wynter Sylvia (n.8) at 257; Fanon Frantz (n.8); Maldonado-Torres Nelson “On Coloniality of Being: Contributions to the Development of a Concept” (2007) 21 (2 – 3) *Cultural Studies* 240; Maldonado-Torres Nelson (n.2) at 117.

⁶² Maldonado-Torres Nelson (n.2) at 117.

⁶³ Maldonado-Torres Nelson (n.2) at 117; Ndlovu-Gatsheni Sabelo (n.59) at 10.

⁶⁴ Maldonado-Torres Nelson (n.2) at 117; Ndlovu-Gatsheni Sabelo (n.59) at 10.

anti-colonial theoretical postures.⁶⁵ Hall defines the postcolonial as the conjectural moment “in which both the crisis of the uncompleted struggle for ‘decolonisation’ and the crisis of the ‘post-independence’ state are deeply inscribed”.⁶⁶ While emphasising that coloniality is different from colonialism, Maldonado-Torres defines it as “long standing patterns of power that emerged as a result of colonialism, but that define culture, labour, intersubjective relations, and knowledge production well beyond the strict limits of colonial administrations”.⁶⁷ In another elaboration, coloniality is characterised as “a leitmotif of global imperial designs [...] the invisible vampirism of technologies of imperialism and colonial matrices of power that continue to exist in the minds, lives, languages, dreams, imaginations, and epistemologies of modern subjects in Africa and the entire Global South”.⁶⁸ It is clear that the way Hall thinks about the endurance of colonialism in the postcolonial moment is not different from the emphasis that Maldonado-Torres and Ndlovu-Gatsheni make about coloniality as born out of colonialism and modernity.⁶⁹

Press freedom in most of Africa, like in most postcolonial spaces, is still thought of in the liberal sense. White, firmly locates journalists at the centre of press freedom, referring to press freedom as “editorial and journalistic freedom” that allows the media to fulfil the normative expectation of setting “the agenda for debating the national development goals”.⁷⁰ Reference to ‘national development goals’ expose his liberal locus of enunciation. He notes that there should be assumption that the media have the editorial capacity and leadership to set the agenda, and that, as part of the civil society, they have “the vision,” “the will” and “the unity” to push for these developmental goals.⁷¹ This conceptualisation of the media and media freedom, and what it can do, is based on the liberal normative expectations of the media. The liberal normative expectations of the media include the watchdog role, the informational role, and the entertainment role, among others. What is assumed and taken for

⁶⁵ Asher Kiran, “Spivak and Rivera Cusicanqui on the Dilemmas of Representation in Postcolonial and Decolonial Feminisms” (2017) 43 (3) *Feminist Studies* 512; Bhambra Gurinder, “Postcolonial and decolonial dialogues” (2014) 17 (2) *Postcolonial Studies* 115.

⁶⁶ Hall Stuart, “When was ‘the Post-colonial’? Thinking at the Limit” (224) Chambers Ian and Curti Lidia *The Post-colonial Question* (Routledge 1996).

⁶⁷ Mignolo Walter (2007) (n.8) at 243.

⁶⁸ Ndlovu-Gatsheni Sabelo (n.59) at 11.

⁶⁹ Hall Stuart (n.66) at 242; Maldonado-Torres Nelson (n.61) at 240; Ndlovu-Gatsheni Sabelo (n.59) at 10.

⁷⁰ White Robert, “Editorial: Is there progress in media freedom in Africa?” (2011) 4 (2) *African Communication Research* 221.

⁷¹ *Ibid* at 221.

granted is that the media operate in a “free market” where there is no connection between it (the media) and politics, and there is minimal government intervention in the market, in general, and in the media, specifically. This conceptualisation of press freedom links to the false claim that human rights are apolitical. The liberal tradition in Africa has been characterised by an emphasis on the private ownership of media relying heavily on advertisements and sales.⁷² In Zimbabwe, even where the print media are owned by the government, they still operate and compete in the (free) market for sales and for advertising. In South Africa, the print media are mostly private and therefore firmly located in the market and the market logic.

According to Raejmaekers and Maesele, the liberal model, “conceives society as a complex of competing groups and interests, in which power is fragmented and widely diffused”.⁷³ In this imagined liberal democratic context, “the main goals of media are checking on the government and informing and representing the people”.⁷⁴ According to Curran and Seaton, in the liberal perspective, it is argued that the freedom to publish in the context of a free market allows for a diversity of viewpoints making the press a representative institution.⁷⁵ This view is limited in that it only focuses on the government as the only possible threat to press freedom and ignores two points. First, it ignores those times when the government becomes the enabler and supporter of the media for the benefit of the wide spectrum of society.⁷⁶ In South Africa, a few media conglomerates dominate the media space and those that dominate the print media space also have a huge footprint in the digital space. In Zimbabwe, the biggest media organisation in print media – the Zimbabwe Newspapers (Zimpapers) – which has seen to it that relatively poor people have access to information is 80 percent owned by the government. Second, this view ignores those times when the market – that is businesses and other commercial interests – become a

⁷² Heath Carla, “Negotiating Broadcasting Policy: Civil Society and Civic Discourse in Ghana” (1999) 61 (6) *International Communication Gazette* 511.

⁷³ Raejmaekers Danielle and Maesele Pieter, “Media, pluralism and democracy: What’s in a name?” (2015) 37 (7) *Media, Culture and Society* 1044.

⁷⁴ *Ibid* at 1044.

⁷⁵ Curran James and Seaton Jean, *Power without responsibility: The press and broadcasting in Britain* (Routledge 2009).

⁷⁶ Mlotshwa Khanyile, “In the Service of Press Freedom or the Imperial Agenda? Negotiating Repression and Coloniality in Zimbabwean Journalism” (2019) 14 (1) *Westminster Papers in Communication and Culture* 35 - 36.

threat to media freedom. As is discussed in the next section, there are a numerous such cases when the media conduct becomes questionable.⁷⁷

To imagine a decolonial press freedom is to think beyond the current liberal rooted conceptions of media freedom. Importantly, it is to displace the market and put people at the centre of the equation. This entails not thinking about the journalist, or media workers, as Leviathan figures but as Gramsci's organic intellectuals. To Gramsci, organic intellectuals, are located within the socio-economic structure of their society.⁷⁸ He argues that:

“Every social group, coming into existence on the original terrain of an essential function in the world of economic production, creates together with itself, organically, one or more strata of intellectuals which give it homogeneity and an awareness of its own function not only in the economic but also in the social and political fields”.⁷⁹

Nothing sets these intellectuals apart from their society or community. The journalist, as an organic intellectual, would be expected to be located within his community. A decolonial conceptualisation of press freedom, requires us to think in the indigenous sense of *umuntu ngumuntu ngabantu* (I am because of other people).⁸⁰ It is this realisation of interconnectedness and the acceptance by journalists and political leaders alike that their fate is tied to the fate of the broader society that should encourage a new, decolonial media politics.

Media scholars, mostly in Southern Africa, have argued for an *Ubuntu* based media ethics.⁸¹ Ubuntu is a communitarian ethical framework that can be linked to Nguni cultures of Southern Africa, but can be traced in many cultures in the continent of Africa, and offers “another view of truth, justice, and authority based on collective consciousness”⁸². As has been alluded to in the paragraph above, it is based on the idea that one's humanity is affirmed by another's humanity. This then means that, beyond raising the need for people to build each other's humanity and maintain it, the collective matters more than the individual. However, there are problematic ways in

⁷⁷ Mlotshwa Khanyile (n.76) at 35 – 36.

⁷⁸ Gramsci Antonio, *Selections from Prison Notebooks* (Lawrence and Wishart 1971).

⁷⁹ *Ibid* at 113.

⁸⁰ Worthington Nancy, “Gender discourse and Ubuntu media philosophy” (2011) 12 (5) *Journalism Studies* 608; Rao Shakuntala and Wasserman Herman, “Global media ethics revisited: A postcolonial critique” (2007) 3 (1) *Global Media and Communication* 29; Christians Clifford, “Ubuntu and communitarianism in media ethics” (2004) 25 (2) *Ecquid Novi: African Journalism Studies* 235.

⁸¹ Worthington Nancy (n.80) at 608; Rao Shakuntala and Wasserman Herman (n.80) at 29; Christians Clifford (n.80) at 235.

⁸² Rao Shakuntala and Wasserman Herman (n.80) at 40.

which this ethical framework is mobilised into social theory, in general, and media theory, in particular. First, for some scholars, Ubuntu is appropriated and made to fit into an already existing centuries old Western framework of ethical thinking.⁸³ For Christian, the question is on what Ubuntu can contribute to “global media ethics”.⁸⁴ In a sense, there already exists a universal ethical framework and there is no denying that it is based on the centuries long Western history. Ubuntu, therefore, should make itself ‘useful’ and contribute to this global media ethics. To his credit, Christian (2007) does grapple with the question of the universalism of ethics. The second problem with the way Ubuntu is being mobilised in media studies is the way that colonialism is completely ignored or is thought of in the context of Africa’s intellectual heritage. Thinking of Ubuntu as a possible postcolonial media ethical framework, depending on what definition of postcolonial is deployed, has the implication of wiping out a long history of the centuries old ethical value. If postcolonial is thought of in terms of the time that comes after colonisation has ended, the challenge is that the sudden appearance of Ubuntu at this time creates the impression that it is as young, less than four decades in both Zimbabwe and South Africa. Ubuntu is as old as the human race in Africa as it has been the guiding ethical framework or way of being human. While Ubuntu offers an important and possible decolonial ethical framework, care must be taken in how it is mobilised lest it ends up trapped in deeper coloniality than we seek to escape.

4. STRUGGLES OVER MEDIA FREEDOM IN ZIMBABWE AND SOUTH AFRICA

In this section, I discuss existing cases where questions of media freedom have arisen in South Africa and Zimbabwe. I discuss these cases focusing on what they mean for the broader debates on media freedom as a human right.

4.1. SOUTH AFRICA

In its history of the liberation struggle, led by the African National Congress (ANC), South Africa emerges as a constitutional democracy with socialist leanings. Even the

⁸³ Christians Clifford (n.80) at 235.

⁸⁴ Ibid at 62.

rhetoric of the country's rulers evoking the liberation history and how the ANC movement has fought for the complete liberation of all the people adds to that impression. However, in practise and reality, South Africa is a liberal, and even capitalist, country where the majority, mostly black people, live under unequal conditions characterised by high levels of poverty.⁸⁵

A 1999 inquiry into racism in the media by the South African Human Rights Commission (SAHRC) concluded that the media in the country, "reflect a persistent pattern of racist expressions, [...], persistent racist stereotypes, racial insensitivity" and that South African media "can be characterised as racist institutions".⁸⁶ This raised a lot of debate in academic circles with leading academics arguing that the research was flawed.⁸⁷ However, these academics also pointed out that the shortcomings of the SAHRC research did not mean that the media in South Africa are not racist. Some scholars go further to point out how the media in South Africa have actively deployed elaborate discursive strategies to deny its racism.⁸⁸ This racism can be traced back to findings of the Truth and Reconciliation Commission (TRC) that in the pre-1994 period, the media colluded with the apartheid system. It is this history and the current set up of the media industry, which like the whole economy favour white capital, that inform calls for media transformation in the country.⁸⁹

The question of media freedom gains a certain clarity and urgency where the media, located in a country that is still dealing with its racist (apartheid) past, have been seen to pick the colour of the political ecology around them. South Africa is a country where millions of black people live under the most ideal constitution, especially with its bill of rights, yet suffer under the tyranny of the market (and the political leadership) that enforces neoliberal policies that have increased the gap

⁸⁵ Seekings Jeremy and Nattrass Nicoli, *Class, Race and inequality in South Africa* (Yale University Press, 2005).; Ozler Berk, "Not Separate, Not Equal: Poverty and Inequality in Post-apartheid South Africa" (2007) 55 (3) *Economic Development and Cultural Change* 487.

⁸⁶ South African Human Rights Commission (SAHRC), *Faultlines: Inquiry into Racism in the Media* (89) (SAHRC 2000).

⁸⁷ Berger Guy, "Problematizing race for journalists: Critical reflections on South African Human Rights Commission inquiry into media racism" (2001) 15 (1 – 2) *Critical Arts* 69; Tomaselli Keyan, "Faulty Faultlines: Racism in the South African media" (2000) *Ecquid Novi: African Journalism Studies* 157.

⁸⁸ Durrheim Kevin, Quayle Michael, Whitehead Kevin and Kriel Anita, "Denying racism: Discursive strategies used by the South African media" (2005) 19 (1 – 2) *Critical Arts* 167; Wasserman Herman, "We are not like that': Denial of racism in the Afrikaans press in South Africa" (2010) 36 (1) *Communicatio: South African Journal for Communication Theory and Research* 20.

⁸⁹ Tomaselli Keyan (n.57) at 157; Berger Guy (n.57) at 69; Boloka Gibson and Krabill Ron. "Calling the glass half full: a response to Berger's 'Towards an analysis of the South African media and transformation, 1994- 1999'" (2000) (43) *Transformation* 75.

between the rich and the poor. Media freedom in such a scenario is thought of in terms of ownership, as something to have. The rich can speak of media freedom, but the poor cannot think of media freedom before they have a plate of food on their table. The South African courts are full of cases where rich people have sued each other for defamation and for the abuse against their freedom, around freedom of expression and the media. What becomes clear in those cases is that media freedom is a privilege of the few rich and powerful, those who, to use Habermas' metaphor, are in the public sphere.⁹⁰ Like in most African countries, the new media technologies have been seen as affording ordinary people a chance to enter into the "public sphere" and the media ecology. However, the cost of data bundles remains a barrier to entry for most people. Even the ruling party, ANC, has joined the third biggest opposition party, the Economic Freedom Front (EFF) to argue that data must fall. How this will contribute to the expansion and actual 'universalisation' of media freedom to the broader population remains to be seen because, as previously argued, access to communication infrastructures is not what access is solely about. In a country that is struggling with a lot of challenges, as a result of the apartheid policies, there are a lot of issues that impact on media access and resultantly, questions of media freedom.

The racism of the media in South Africa can be regarded as its birth mark. The first newspapers in South Africa, *Cape Town Gazette* and *African Advertiser*, were published on 16 August 1800 by George Yonge, Alexander Walker and John Robertson, described as "renowned for being corrupt slave dealers".⁹¹ Although newspapers in South Africa have developed as anti-status quo institutions that fought the governing powers relentlessly, two points have to be raised here. First, for a media whose founding moment is at the hands of not just slave dealers, but corrupt slave dealers, people for whom black bodies were *thingfied* objects⁹² to be bought and sold in a market, questions of representation as tied to media freedom, are important. We will return to this point shortly. Second, race as a structuring logic, world over and in South Africa, has meant that no matter how the media under apartheid saw themselves as fighting a good fight against authorities, they still remained blind to the

⁹⁰ Habermas Jurgen, "The Public Sphere: An Encyclopedia Article" (1964/1974) (3) *New German Critique* 55.

⁹¹ Wigston David, "A History of South African Media" (3) Fourie Pieter Media Studies: Media History, Media and Society (Juta and Company 2007).

⁹² Fanon Frantz (n.8).

suffering of the indigenous people. If they were practising freedom, of any kind, that freedom still remained freedom for a select few, who can claim it as a privilege of their skin.

Issues of representation are central to questions of media freedom. For the majority of the people, their relationship, and therefore access to the media, can be regarded in terms of how they see themselves as 'represented' in the media. I use the concept of 'representation' in Hall's constructivist sense where it is seen as the production of meaning that links thoughts with language to refer to the 'real' or imagined world of objects, people or events.⁹³ Further, in the constructionist approach to representation in the media, neither the things themselves nor the author can fix meaning, but it is argued, "we construct meaning, using representational systems – concepts and signs".⁹⁴ As a social space, the media are central to the construction of identities and belonging,⁹⁵ and in democratic discourse this is linked to issues of citizenship. Citizenship is the identity – and the rights and responsibilities linked to it – as a result of belonging to the community of the nation. Representation in the media is therefore implicated in the distribution of social power in that what people get (out of politics) is linked to how they are seen.⁹⁶ Thinking about this, brings us to the question of what media freedom does. In the context of representation, and what the media does, is a political question that links the media to the broader politics of society. The question of media freedom, then does not arise as a right, but an ethical responsibility.

4.2. ZIMBABWE

There have been numerous cases that illustrate the question of media freedom in Zimbabwe's postcolonial history. Zimbabwe's case could be materially different to that of South Africa, but the conceptualisation of media freedom is similarly constructed on liberal ideology. Similar to South Africa, this narrow conceptualisation of media freedom closes out a large number of people, however, here it is not on the basis of race. In Zimbabwe, it could be the case of class, where the media is available

⁹³ Hall Stuart, *Representation: Cultural representations and signifying practices* (3) (SAGE 1997).

⁹⁴ *Ibid* at 11.

⁹⁵ Cottle Simon, *Ethnic Minorities and the Media: Changing Cultural Boundaries* (2) (Open University Press/McGraw Hill Education 2000).

⁹⁶ Karppinen Kari, "Media and the Paradoxes of Pluralism" (27 - 28) in Hesmondhalgh David and Toynbee Jason *The Media and Social Theory* (Routledge 2008).

or accessible to the rich elites who include the ruling and the business class. Zimbabwe has a situation where the ruling elite are also the business class.

The process of and eventual effecting of the Access to Information and Protection of Privacy (AIPPA) law carved a discursive space that essentially became a battlefield over press freedom in Zimbabwe. AIPPA is a law that was promulgated in 2002 aimed at facilitating the media's access to information held by public bodies. It was meant to be a comprehensive law aimed at mostly the media. According to the Act, amended in 2003 and 2005, the piece of legislation is meant to:

*"To provide members of the public with a right of access to records and information held by public bodies; to make public bodies accountable by giving the public a right to request correction of misrepresented personal information; to prevent the unauthorised collection, use or disclosure of personal information by public bodies; to protect personal privacy; to provide for the regulation of the mass media; to establish a Media and Information Commission and to provide for matters connected therewith or incidental to the foregoing."*⁹⁷

The Act has, however raised a lot of debate in Zimbabwe with some people, especially in the civil society, arguing that it is part of Zimbabwe's draconian media laws. Due to this contest around the law, it is not surprising that a year after it was promulgated, the law was amended in respect of the definition of mass media services and the meaning of journalistic abuses. In 2005, the piece of media legislation was amended with regard to the imprisonment of journalists.

At the time of its promulgation in 2002, the then minister of information, Professor. Jonathan Moyo, as the promoter of the bill in parliament came under pressure. The chairperson of the parliamentary legal committee, Dr. Edison Zvobgo, excoriated the minister as desiring Zimbabweans to ask for permission from him to speak and described the bill as "the most calculated and determined assault on our (constitutional) liberties, in the 20 years I served as Cabinet Minister".⁹⁸ Considering that Dr. Zvobgo was part of the ruling elite, when he talks about "our (constitutional) liberties," it is ambiguous if at all he is referring to poor Zimbabweans as well or is talking about the ruling elite who have always had access to the media and therefore can speak of media freedom. Most people in the private press, have in hindsight,

⁹⁷ Access to Information and Protection of Privacy Act (AIPPA) as amended 2008, preamble.

⁹⁸ Article 19/Misa-Zimbabwe, The Access to Information and Protection of Privacy Act: Two Years On (3) (Article 19 and Misa-Zimbabwe 2004).

described Professor Moyo as responsible for AIPPA even though the minister has pointed out that there are people who draft these laws in the government bureaucracy. In that this charge against him is extended to the excesses of the Zanu PF government, as if he was prime minister, the principles around critiquing AIPPA, which should be rightly pegged on the question of media freedom, are sometimes lost.⁹⁹

To his credit, the former minister rightly points out that at that time the media was not regulated leaving it to be exposed to a raft of other laws that were indeed draconian like the then Law and Order maintenance Act (LOMA) (changed to the Public Order Security Act (POSA), and the Official Secrets Act (OSA).¹⁰⁰ The media was also doing nothing towards self-regulation. In a sense, the media, as an industry and a referring to a body of journalists, have always sat and waited to be given media freedom by the government on a platter. Here, media freedom is seen as a gift from the rulers. It is years after AIPPA that the media industry set up the Voluntary Media Council of Zimbabwe (VMCZ), an organisation whose media activism is centred on self-regulation.¹⁰¹ Importantly, there has always been questions around the funding of the VMCZ, whether it is funded by journalists by themselves making it a 'journalists' initiative' or it is donor funded raising questions around influence. If the press freedom agenda in Zimbabwe is donor funded, as asserted by its critics such as the government, it would be fair that the calls for a specifically liberal and western modelled media freedom in Zimbabwe are subjected to a decolonial and political economy scrutiny.¹⁰²

What is important to discuss here is how the AIPPA, although limited as well in that it is imagined in the context of the liberal ideology, sought to promote a certain kind of media freedom that is located in the entirety of the society and not narrowed down to journalists, media workers, media owners and their elite partners like the country's rulers. In that, the Act attempts a balancing act by seeking to protect members of the public from excesses of the media, on one hand, while facilitating easy access to information held by public bodies, on the other hand, is never appreciated. However, what is problematic here is that even AIPPA is thinking in individualist terms, which leaves such an important extension of media freedom still vulnerable to

⁹⁹ Mlotshwa Khanyile (n.76) at 33.

¹⁰⁰ Feltoe Geoff, *A guide to media law in Zimbabwe* (Legal Resource Foundation of Zimbabwe, 2002); Limpitlaw Justine, *Media law handbook for Southern Africa Volume 2* (Konrad-Adenauer-Stiftung Regional Media Programme, 2013), 603 - 689.

¹⁰¹ The Soulbeat Africa Network, "Voluntary Media Council of Zimbabwe (VMCZ)" (March 2011) (available in: <https://www.comminit.com/africa/content/voluntary-media-council-zimbabwe-vmcz-1>, Accessed 30 October 2019).

¹⁰² Mlotshwa Khanyile (n.76) at 33.

appropriation by the society's elites. However, to take media freedom out of the narrow idea that it belongs to those who own media gadgets or the printing press¹⁰³ is laudable.

Former Zimbabwean president, Robert Mugabe, has never hidden his hatred of the conduct of the civil society in the country – the Non-Governmental Organisations (NGOs), the Church, and importantly the media – whom he has accused of over-reliance on the West for not only funding but ideological content as well.¹⁰⁴ Mugabe has accused local journalists of publishing falsehoods and fabrications in the service of their Western masters.¹⁰⁵ More importantly, playing his politics on the global stage, where he has seen his role as fighting imperialism, Mugabe has focused his rhetoric on the Western media. In August 2007, while addressing a high-level conference on poverty reduction in Malaysia, Mugabe took a swipe at journalists for tarnishing the image of Zimbabwe:

“The press and journalists, are they driven by the sense of honesty and objectivity all the time? [...] Or are they swayed from objectivity and truth by certain notions arising from their own subjective views? [...] I say that in the light of reports quite often deliberately intended to tarnish and deceive. Should the journalists really indulge in what they know to be misleading stories, and therefore stories that go against objectivity and the truth?”¹⁰⁶

Although conceived in liberal terms that positions objectivity at the centre of normative expectations about media conduct, Mugabe offers a critique that speaks to the ethical conduct of the media in the coverage of their communities and ‘other’ communities in the case of international media. Mugabe’s reference to ‘objectivity’

¹⁰³ Liebling Abbott Joseph, *The wayward pressman* (Greenwood Press 1972).

¹⁰⁴ Mail & Guardian Staff Reporter, “Mugabe takes aim at Western media” (13 September 2007) (Available in <https://mg.co.za/article/2007-09-13-mugabe-takes-aim-at-western-media>, accessed 30 October 2019).

¹⁰⁵ Aljazeera, “Zimbabwe: Mugabe's Media Legacy” (3 September 2017) (Available in <https://www.aljazeera.com/programmes/listeningpost/2017/09/zimbabwe-mugabe-media-legacy-170903085037600.html>, accessed on 30 October 2019).

¹⁰⁶ Studio 7, “Mugabe criticizes the media for ‘tarnishing’ Zimbabwe’s image” (6 August 2007) (Available at: <https://www.voazimbabwe.com/a/a-13-56-74-2007-08-06-voa62-68993032/1456452.html>, accessed 23 March 2019).

and 'truth' is what Zelizer calls the god terms.¹⁰⁷ This is despite that objectivity and truthfulness have long been exposed to be part of the discursive myths of liberal journalism.¹⁰⁸ For Mugabe, as self-confessed enemy of liberalism and an anti-colonial fighter, evoking these god terms could be rhetorical and aimed at outfoxing the (international) media within their own arguments. In the same Studio 7 report, the Media Institute of Southern Africa (MISA) director, Rashweat Mukundu, does not respond to the questions around "truth" and "objectivity" that Mugabe raises but plays politics by being dismissive arguing that this was characteristic of the Zimbabwean president reflecting his "disregard for the important role played by the media".¹⁰⁹ The claims of the media to media freedom are always predicated on this important role that it plays. However, when subjected to thorough scrutiny the role that the media actually plays is obverse to its claims. It has been noted that the media no longer comforts those in pain, and pain those who are comfortable, as it has always claimed.¹¹⁰

5. CONCLUSION

The idea of human rights, and by extension media freedom, is a valid and useful idea even for postcolonial societies like Zimbabwe and South Africa. However, as has been argued in the two case studies, the idea of press freedom in these countries becomes problematic when it is imagined as universal. Although both South Africa and Zimbabwe are postcolonial countries, they have had different historical experiences from each other and with the West. South Africa as a country is a postapartheid country with a racist legacy institutionalised in the both the colonial and the apartheid periods. This racist legacy continues into the present period where poverty and inequalities divide people into black and white races. According to former president, Thabo Mbeki, postapartheid South Africa, is divided into two nations and:

"One of the nations is white, relatively prosperous regardless of gender or geographic dispersal – it has ready access to a developed economy, physical,

¹⁰⁷ Zelizer Barbie, "When facts, truth, and reality are God-terms: on journalism's uneasy place in cultural studies" (2004) 1 (1) Communication and Critical/Cultural Studies 100.

¹⁰⁸ Kaplan Richard, *Politics and the American Press: The Rise of Objectivity, 1865–1920* (Cambridge University Press 2002); Schudson Michael, "The Sociology of News Production" (7) Berkowitz Daniel *Social Meaning of News: A Text-Reader* (Sage 1997).

¹⁰⁹ Studio 7 (n.106).

¹¹⁰ Richardson John, *Newspapers: An Approach from Critical Discourse Analysis* (Palgrave Macmillan 2007).

What is Wrong with Media Freedom in Africa Today?

educational communication and other infrastructure [...] (The other is black) And this nation lives under conditions of a grossly underdeveloped economic, physical, educational, communication and other infrastructure – it has virtually no possibility to exercise what in reality amongst a theoretical right to equal opportunity, with that right being equal within this black nation only to the extent that it is equally incapable of realisation.”¹¹¹

As already alluded to in the Thabo Mbeki quote above, for the media, and for media freedom, the implications of the inequality that is the reality of South Africa's postapartheid moment is that for a long time black people hardly owned or controlled the media, as means of production, and a large number of people have no access to quality media products such as are offered by the satellite provider, Multichoice. Black people's access to the media as symbolic resources in postapartheid South Africa is greatly constrained by poverty and the resultant need to prioritise what they buy with the little money they can get. This can be understood through an appreciation of the history of the country and the history of the country's media.

Compared to South Africa, Zimbabwe is a former settler colony as well, but has a short history of attempting to confront the colonial arrangement of the media and the economy through a raft of, at times controversial, legal instruments. In the early years of independence in the 1980s, the new black government bought shares from the leading newspaper company, the Rhodesian Printing Press, to create the Zimbabwe Newspapers (Zimpapers). The new ruling elites argued that as the people's government they owned the shares of Zimpapers on behalf of the people and that their efforts were aimed at making the media accessible to the large majority of the nation. However, what remains problematic here is that the Zimpapers was run like a usual corporate, listed on the stock exchange, and that meant its products were accessible at a cost. How the government's ownership of Zimpapers facilitated the majority of the people's access to the media remained an ideal. The debate around the AIPPA law is another example of how, unlike their South African counterparts, the Zimbabwean government has tended to play a big role in the media circles. The

¹¹¹ Thabo Mbeki quoted in Jadoo Yadhana, "SA a country of two nations – Mbeki" (Citizen, 16 March 2016) < <https://citizen.co.za/news/south-africa/1036768/sa-the-country-of-two-nations-mbeki/>> Accessed 26 October 2019.

government said the law was meant to make information held by public bodies accessible to the media, and to facilitate the registration of journalists and media houses so that there is accountability in the media industry. In the final analysis, AIPPA can be best understood in the context of laws meant to indigenise the ownership of the economy. AIPPA was meant to 'indigenise', (by reigning in on it), the operations of the media industry, which the government characterised as an enemy of the people's revolution. For the government, the media in Zimbabwe could not behave like the media in the West all in the name of press freedom as there had to be a fine balance between freedom and responsibility.

The concept of Ubuntu, although there are challenges around how it is embraced bordering on appropriation, proffers an important window for rethinking human rights and press freedom in both Zimbabwe and South Africa, and other Global South spaces. In that its emphasis on the idea that 'I am because you are' it calls for the need to balance freedom to self-create one's humanity with the responsibility to create and preserve other people's humanity. In media practice, this is a balance between freedom and responsibility, freedom to gather and report news and responsibility to respect and protect other people's privacy, identities and cultures. To avoid the simplistic appropriation of Ubuntu, its adoption as an ethical bedrock of a new media practice, calls for a decolonial re-articulation of human rights and media freedom as historicised phenomenon. This is a re-imagining of human rights and press freedom as not universal and for all time, but as necessarily created by communities in the historical context, in this case, of the postcolonial moment.