

Political Advertising in South Africa: Promise and Pitfall

Brian Pottinger

A CHANGING political culture in South Africa has seen in recent years a massive expansion in the use of political advertising — both by extra-parliamentary pressure groups and establishment mainstream parties.

Standards of commercial advertising in South Africa are controlled by the Trade Practices Act and editorial copy by the terms of the Media Council's Code of Conduct. Remarkably, political advertising is subject to neither.

This article examines the impact of political advertising in three aspects: effects on the political debate itself, the *audi alteram partem* rule of journalistic balance and the over-all impact on the culture of the newspapers in which the advertisement appears.

A brief survey of the role of political advertising in other countries is included as well as some observations on the way in which major foreign newspapers approach political advertising.

The author argues against further statutory controls on the content of political advertising but suggests that the newspaper industry itself has a responsibility to counter patently false or tendentious political advertising in its columns.

South Africa's civil upheavals and the May 6 elections — quite apart from the normal pressures of reporting and commentating — have confronted the country's newspapers with a new professional and ethical issue: that of political advertising.

This is not, of course, an entirely new phenomenon.



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The referendum campaign of 1983, precisely because it was a campaign waged on a single issue, drew intensive advertising campaigns; some of it very imaginative.

Again, the elections for the Houses of Representatives and Delegates in August 1984 led to some lively political advertising in regional editions; some of it robustly personal.

But it has really been the current phase of civil instability and the May elections which showed that a new genre of political reportage was upon the South African newspaper industry; and revealed how unprepared

much of the media was to handle this lucrative but sometimes problematic spin-off from the political process.

The central importance of this form of communication can be deduced from a number of factors: the money involved (advertising by the establishment parties in the 12 month period up until the end of April totalled R1,485 million and, together with the last leg of the elections exceeded R2 million; the Government has in the last two years spent nearly R600 000 in personal statements from the President to the country alone); the lawyers' time involved in advising newspapers on the legality of advertisements (one prominent Johannesburg media lawyer claims political advertising has caused more headaches to his clients in the last 18 months than any other issue) and, finally, the Government's haste to ban advertising sympathetic to its extra-parliamentary opponents (Notice 102 of January 8 1987, and Proclamations R873 of April 10 1987 and R96 of 1987).

First it is necessary to look at the phenomenon itself and then its implications for editorial standards.

South African political advertising

It is the nature of our divided society that one has to consider political advertising as two distinct genres: extra-parliamentary political advertising and parliamentary/electoral.

A survey of extra-parliamentary political advertising over the last two years suggests certain common characteristics which set them aside from electoral advertising.

The central difference is that the advertisements are geared largely at mobilising communities not merely to support a particular lobby but to participate in, or support, a specific action (thus although some have been focused on gaining support for the release of detainees and the unbanning of unlawful organisations, many try for community participation in specific acts of protest such as the Christmas vigil or the withdrawal of coloured and Indian parliamentarians from the Tricameral Parliament).

Secondly, the style of these advertisements tend to be more personality orientated, which is of course not to say that mainstream political advertising might not become more personality orientated the minute the participating parties find leaders whose personality are worth projecting.

The prominence of this form of advertising is largely a function of the fact that the extra-parliamentary groups do not have access to large circulation alternative or "underground" media. To propagate specific campaigns, then, they have to rely on the independent and mainstream media – who are not editorially supportive of civil disobedience actions. Thus the use of bought editorial space, i.e. political advertising. This creates its own dilemmas for newspapers, a subject I shall return to later.

Advertising during the May 6 election, meanwhile, underwent several broad metamorphoses and makes some interesting comparisons with studies done during American (1), Israeli (2) and Canadian (3) elections and the recent British election.

The following is not intended to be a comprehensive analysis (much work still has to be done and it might be a profitable area of research to look at how much of the National Party's victory was related to the successful ad campaign they ran) but rather a sketch of the broad drift of political advertising during the South African May campaign. It focuses, also, only on the three main spenders: the National Party, the Progressive Federal Party, and the Independents.

Chaim Eyal (4), writing on the Israeli 1984 elections, which makes the most interesting comparison to the South African experience, discerns three stages: preliminary surveillance, a dialogue phase marked by intensification of the campaign, mud-slinging, defamation and verbal brutality and then, finally, a stage of sobriety with calls from within and without the race to return to the issues. Political advertising reflected this pattern in the wider campaign.

The South African elections, however, revealed the same two initial stages but not the third. Mud-slinging and "verbal brutality" continued to the last moment in the elections. It required the strong National

Party majority to return political advertising to the issues when on May 23 President Botha published a full-page advertisement calling on blacks to participate in seeking a political settlement.

The PFP began with a heavy issue-orientated campaign to which the National Party replied with a masterful strategy focusing on white concerns over security and linking the PFP with the African National Congress. Whatever the long-term political damage of this campaign, which defined compromise as capitulation, it worked extremely well.

The PFP initially sought to remain focused on broader issues but eventually were drawn into replying on the law and order issue. By the end of the campaign, then, security dominated the political advertising. By comparison, the Israeli election of 1984, held under an equally tense security situation, saw political advertising focusing on security (here we can lump law and order, the Lebanese War, the PLO, Arab terrorism and security/defence into one) account for only one third of the political advertising column space that was devoted to the economy. (5).

The Independents remained rigorously free of the security debate and concentrated instead on a vaguely worded statement of intent. The focus of the electoral advertising campaign was thus security and, given the illegality of advancing the ends of unlawful organisations, the recurrent NP theme suggesting the PFP were frontrunners of a communist victory sometimes sailed close to the legal winds.

This of course raises the second important question. What sort of controls are there on political advertising? And, a broader question, should there be any at all?

Existing codes

Ordinary commercial advertising is controlled by law and a set of in-house rules drawn up by advertising and media interests.

Statutory control vests in the Trade Practices Act of 1976, Section 9, which determines that: "No person shall publish or display any advertisement which is false or misleading in material respects or cause

such advertisement to be published or displayed."

The code of the Advertising Standards Authority puts a little flesh on the bones. It insists, amongst other things, that all advertisements should be "legal, honest and truthful" (Section 1:1); should not be so framed as to abuse the trust of the consumer or exploit his lack of experience or knowledge or his credulity (Section 2:1) and should not without justifiable reason play on fear (Section 3:1).

It is worth bearing in mind these provisions, intended for purveyors of toothpaste, soap powders and cosmetics, when we consider the May election campaign.

General news reportage, meanwhile, is covered by a host of statutes, a very strict libel law and a code of conduct drawn up by the newspaper industry and entrenched in the Media Council Code of Conduct.

Section 2:2 of the Code says: "News shall be presented in the correct context and in a balanced manner, without intentional or negligent departure from the facts whether by:

- + distortion, exaggeration or misrepresentation;
- + material omissions; or
- + summarisation."

Provision is also made for the immediate correction of a false report (2:5) and where the story is based on "opinion, allegation, rumour or supposition" it has to be clearly indicated. (2:4).

In limbo

Where does this leave political advertising? The answer, remarkably, is nowhere.

Although political advertisers and publishers obviously have to obey the law and pay due regard to onerous libel laws, there is no in-house agency which is prepared to take responsibility for this hot potato.

The Advertising Standards Association changed its code in 1983 after a complaint regarding an advertisement about the referendum. The ASA executive felt then, and still does, that it is impossible to test political claims or the same basis as one

would trade claims, More about this later.

Section 2:3 of their amended code reads: "The provisions of the above paragraphs shall not be interpreted to bring political advertisements into the sphere of the ASA's function. As in the case of any advertisement the individual medium shall determine whether any political advertisement presented to it is acceptable".

In this instance they are not alone. The British advertising authorities have similarly distanced themselves from political advertising although before the June 11 elections they publicly warned that recipients would be subjected to subjective advertisements. The only action they could take was technical: investigation of an agency that did not place its name at the foot of the advertisements.

The South African Media Council, meanwhile, has expressed reservations about taking responsibility for adjudicating political advertisements and the current situation is that the Newspaper Press Union has undertaken to investigate possible foreign models which could be of use.

The lack of codes, some would argue, is not necessarily a bad thing if we accept that the industry is over-regulated as it is and another set of prescriptions are the last thing needed by working editors, who have in the main shown themselves highly sensitive to the social and political tensions of our society.

The point, entirely valid, does not quite answer the problem. Wickham Steed, former Editor of the Times of London, observed as far back as 1938 that: "The Press remains something more than a device for selling publicity to tradesmen or manufacturers. It is a sort of co-operative society in which the public is a partner." (6)

The central question confronted by South African newspapers today is precisely what responsibility they have towards its partner, the public, in the case of irresponsible political advertising.

The pros

Lets take a quick check-list of the possible advantages of political advertising.

First, it represents the truest form of freedom of expression in that political lobbies have the opportunity to say exactly what they want — and how.

Indeed, there is a school of thought which argues that it is precisely the failure of the mainstream media to adequately reflect the views of all pressure groups that has led to such an explosion of political advertising — this being as true for the establishment parties as for the extra-parliamentary left.

The argument, frankly, is disingenuous. The evolution of political advertising, as far as the mainstream parties are concerned, can more realistically be ascribed to the changing nature of our electoral culture: the expansion of the electronic media and the greater literacy of voters have, in common with other modernising societies, created a more passive, less activist electorate. Mass, targeted advertising better suits the needs of the voters and the interests of the parties.

It is an even more doubtful a proposition in regard to the extra-parliamentary left. Political advertising is no less — and in some cases far more — stringently monitored in terms of the press curbs contained in the emergency regulations. In other words, the extra-parliamentary left has a better chance of getting their message through via normal editorial channels than in stark advertisements.

These qualifications apart, the main thesis remains valid: political advertising is a true expression of opinion.

The second advantage of political advertising is that it allows the parties themselves to select the issues and debate them without what could be called editorial interlocution. But while this might introduce clarity on the issues, it does not necessarily produce perspective.

The Israeli experience (6), for example, showed that the various parties offered different menus but only rarely debated between party blocks. To the extent that security was an issue in the South African elections, one could argue it was debated forcefully, if often distortedly, between the NP and PFP.

It is tempting to suggest that the Conservative's impressive triumph in the British

elections on June 11 was related to the fact that they spent R12 on advertising to every R3 spent by the Labour Party in a series of very effective presentations.

The cons

What then is the problem?

Probably threefold: the first two being more dilemmas than a problem. The third clearly a problem.

The evolution of expensive and highly imaginative political advertisements undoubtedly gives the edge to the wealthier parties — in itself a challenge to more utopian ideals that, in theory at least, participating parties should have an equal opportunity to be heard.

The dilemma thus posed is simple: did the penury of the Herstigte Nasionale Party and the New Republic Party, their inability to afford the multi-million rand advertising budgets of the other parties, assist in their annihilation at the polls?

It most probably did. But an effective counter-argument can also be raised; the Conservative Party spent less than a tenth of that spent by the National Party in advertising and yet they managed to take down a sizeable 26 per cent of the vote.

Besides, cash has in all modern Western democracies been at least as important as policies and personalities in winning votes. If the HNP and NRP suffered because of deprivation of advertising column space they are equally likely to have suffered in distribution of pamphlets and flyers at constituency level. Its tough — but that's politics.

All this is true but still does not answer the question: in an unequal struggle between political parties, does not the advent of political advertising make that struggle even more unmatched?

If we are honest, it probably does.

The second, lesser dilemma involves the old tried and tested question of **audi alteram partem**. While responsible newspapers would continue to struggle within the context of individual news reports to present both sides of the case, this is clearly not the intent nor conceivable desire of political advertisers any more than it would be in

Volkswagen's interest to extol Nissan's good points.

In the case of direct Government intervention the dilemma is somewhat eased. Where the State has banned outright the carrying of advertisements extolling the viewpoints of certain political lobbies it has been reasonably easy to refuse to carry advertisements by rival, Government-favoured lobbies, attacking those silenced bodies, again on the basis of the *audi alteram partem* rule.

But what if both parties are unconstrained?

Political copywriters make bald statements which can then only be challenged by a response advertisement or via editorial channels in other newspapers. If the aggrieved party has neither the money nor the ear of other newspapers the charge, as serious as it may be, simply goes unanswered.

At the very least, this is in conflict with the Newspaper Press Unions' tenet that every service they offer must have a corresponding avenue of redress for aggrieved parties.

The problem

But it is the third issue that is the real problem.

The massive intrusion of political advertising into newspapers can profoundly impact on the culture of that newspaper. It is paid editorial and to an extent, apart from the purely legal tests which must be applied to the copy, could well be alien to the standards of accuracy, balance and propriety which those newspapers themselves struggle to maintain.

In the last week of May election, for example, the national Sunday newspapers carried seven dramatic, full page advertisements from the political parties which vied with the regular political news and comment pages for readers attention.

The confusion in reader's minds between the advertiser's standpoint and the newspaper's (despite the fact that advertising copy is marked) was apparent from some readers' responses. The newspapers themselves were called upon to justify the

allegations and claims of the advertisers or, at the very least, the probity of placing the advertisements.

Neither could the so-called alternative media escape a similar dilemma. Weekly Mail, for example, has opened a lively debate among its readers over whether it should have accepted an advertisement from the South African Transport Service justifying their actions during the railwaymen's strike.

The main problem for newspapers in dealing with political advertising is twofold: the style of the advertising and the content. It is here we must refer back to the standards set by the ASA and the Media Council.

The style of political exchange set, for example, by the extra-parliamentary groups and those who participate in the Tricameral Parliament has been revealed during the 1984 elections to be highly emotive and often personal.

Also, with the successive denials by the Government of lawful avenues of assembly and protest, political advertising has naturally tended to become crucial to extra-parliamentary groups and it is not surprising their tone should be often provocative, emotional and heated — even if not inflammatory as legally defined.

Question: does this mean newspapers should temper this advertising copy to conform with the editorial style of the newspaper?

A second point concerns content. In the May election campaign both the National Party and Progressive Federal Party political copywriters made errors of fact that would, had it been ordinary copy, have given the aggrieved parties the right of redress through the Media Council.

The National Party incorrectly ascribed a quotation to a PFP MP and, although they changed the advertisement when it was pointed out to them, it was only a court order that stopped them from continuing to distribute the incorrect quote in party literature handed out at constituency level.

Similarly, a PFP advertisement attributed to President Botha an incorrect quote. The use made of this mistake by the NP and its supportive organs like the SABC (who quite ignored the Supreme Court decision against

the NP advertisement) merely underlined the point that political advertising is powerful — and powerfully dangerous when irresponsibly used.

Question: does a newspaper thus take responsibility for the accuracy of fact as opposed to merely political opinion in the same way it would copy from the political staff?

The answer in both cases, I would argue, is yes, precisely because the only other two options, more regulation or outright bans on political advertisements, are so unattractive.

Options

Let us look at those options.

The first is the outright prohibition of political advertising. Apart from being a gross intrusion on freedom of expression, it cuts off yet another safety valve in the already seething South African cauldron.

The Government, for one, has no qualms in this regard. On January 8 by Notice 101, the Commissioner of Police banned the placing of any advertisement or report which, loosely defined, improved the image of an unlawful organisation. The measure was subsequently overturned by the Supreme Court but reinstated in an amended form by the Government Proclamation R96 of 1987. Further such steps against opposition groups in the future cannot be ruled out.

Not only would this raise again the dilemma of *audi alteram partem* but it is unlikely to resolve the problem of parliamentary party political advertising which would probably be excluded from such a ban.

The second option is the creation of a binding code of conduct for political advertisements.

Measuring the advertisements in the May 6 elections (particularly the highly effective National Party advertisements linking the ANC and the PFP) against the tests set by the ASA and the Media Council and one could fairly argue they contravene at least one of the prescriptions.

But as attractive as it is to argue that politicians should be bound by the same constraints of honesty and truthfulness as commercial advertisers, it just does not work that way.

Commercial advertisers generally market on the proven qualities of their products while politicians, by and large, trade either on promises of future success or selective presentations of past achievements.

As politicians are professional optimists and statistics can be made to lie, it becomes readily apparent how difficult it would be to set, let alone adjudicate, objective standards of honesty in the claims made in political advertising. Parliament, after all, is kept busy six months of the year debating precisely those claims — and nobody ever comes out wholly right or wholly wrong.

Lessons from abroad?

Do foreigners have a model for us?

Political advertising in the United States is as firmly guaranteed by the First Amendment as political comment — recently even the Soviet Union was able to place double-page advertisements spelling out Gorbachev's arms control policies — but a number of newspapers have instituted their own set of controls.

Major newspapers refuse to accept advertisements that would be incitory of murder, crime or racial violence (advertisements by the Ku Klux Klan for example).

The Washington Post and Los Angeles Times are among newspapers that make efforts to check the veracity of claims in political advertisements and turn them down if they are unacceptable.

The Post, in common with the New York Times, has an advertising acceptance committee. These committees set themselves three standards: is the advertisement illegal or libelous; does it contain false statements; is it of acceptable taste?

The Washington Times, it is interesting to note, does not accept last-minute advertising by candidates so as to ensure the opportunity for right of reply, thereby honouring the *audi alteram partem* rule.

An interesting debate on the ethics of advertising was recently raised in the New York Times when it defended a charge that it was "aiding and abetting" racially discriminatory advertising by taking appointments advertisements for South African Airways. At the time the paper insisted its advertising columns should be open to all

points of view no matter how much it disapproved of them.

This determination to keep the columns open is not, however, uniformly observed in South Africa (some Government-supporting newspapers refuse to take advertisements from opposition parties) or indeed in Britain where Robert Maxwell was reported to have turned down a contract worth R1,2 million because he would not publish Tory propaganda.

Political advertising, however, proved extremely important in the June election: the Conservative Party's agency, Saatchi and Saatchi, went to the extent of issuing writ against the BBC for daring to suggest during the course of the campaign that the Tories were about to move their account.

British newspapers, however, appear to be in a similar bind to South Africa. The London Sunday Times and Sunday Telegraph, for example, screen advertisements for obscenity and taste but nothing further: rather quixotically they leave "guidelines" to the British Advertising Standards Authority even though, as already mentioned, the British ASA is unable to mediate on questions of bias.

A convention of decency?

A third option between outright bans and complete *laissez faire* thus seems the most attractive. The onus must rest on newspapers themselves to extend the same standards of moderation and accuracy as would be demanded from their own editorial staff.

This is easier said than done. Political advertisers spend money precisely to make forceful, unqualified points. Interference with either the style or the content (outside concerns for the legality of the advertisement) is unlikely to be lightly brooked.

But increasingly newspapers will have to accept that the emergence of political advertising — lucrative as it may be — imposes responsibilities upon newspapers which extend beyond the strict legality of the advertisement and deal with the over-all responsibility for the newspaper as a package.

This cannot, of course, be done in isola-

tion. Noble intents by only a few newspapers would simply serve to deprive them of advertising revenue which would rapidly flee to less scrupulous competitors.

What is basically required is an agreement, possibly at the Conference of Editors level, to consciously monitor and if necessary temper political advertising, whether from the extra-parliamentary left, the establishment parties or the State.

While not resolving the dilemmas created by the emergence of political advertising, the mere recognition of the challenge would be a first step towards getting debate on the issue underway.

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