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**FACULTY OF SOCIAL SCIENCES
DEPARTMENT OF MEDIA AND SOCIETY STUDIES**

**NEW MEDIA AND THE INTERROGATION OF THE SOUTH AFRICAN JUSTICE
AND EQUALITY PROJECT: A CASE STUDY OF FACEBOOK AND TWITTER USE
DURING AND AFTER THE OSCAR PISTORIUS TRIAL**

BY

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Declaration

I Kudzaiishe Peter Vanyoro (R122308Z) do hereby sincerely declare that this dissertation is my own original work that has not been previously submitted to any other university. In writing this dissertation, I duly complied with ethical issues and laws governing intellectual property.

Dissertation title: New Media and the Interrogation of the South African Justice and Equality Project: A Case Study of Facebook and Twitter Use During and After the Oscar Pistorius Trial

Signed.....

Kudzaiishe Peter Vanyoro

Date.....

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Dedication

I affectionately dedicate this artefact to my grandmother. You are the one who taught me to be a hard worker, and indeed I have become that.

Abstract

The loud bangs emitted by Oscar Pistorius' gun in his apartment on the night of 13 February 2014, set ablaze a social media adoption by numerous South Africans. This unfortunate incident in which Reeva Steenkamp was murdered set a research in motion. Thousands of South Africans and those beyond flocked on *Facebook and Twitter* to monitor the progress of the hand of justice, as well as to discuss their thoughts on what they thought would be a just outcome. It was a repetition of the 1995 OJ Simpson case, with more aid from social media. *Oscar Pistorius' Trial* was for some the trial of the century. The study grounded in cultural studies theoretical approach, employs the qualitative research methodology to explore the discourse. Virtual ethnography is deployed to examine the use of social media, particularly Facebook and Twitter by South African publics during the Oscar Pistorius Trial. In the study, the idea of social media as public spheres is also problematised by examinations of their political economies as well as their inaccessibility to some segments of the population. Findings suggest that...

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CHAPTER ONE

1.1. Introduction

South Africa, known as the rainbow nation in Desmond Tutu nomenclature, is a country packed with vast racial, gender and class inequalities. “Post-apartheid South Africa has often been described as a multicultural society that is reflected through the hybridity of the ‘Rainbow Nation’” (Ellapen, 2006: 1). In the midst of all this it has devastating gender based violence (GBV) and murder statistics, a trend usually blamed on black male South Africans. The events of 14 February 2013, in which Oscar Pistorius, a male, white famous South African Athlete, murdered his girlfriend in cold blood were from this researcher’s point of view, a spark to the interrogation of South Africa’s equality and social justice project by South Africans from all walks of life, through statements of public outrage as well as critical analysis discussions on the trial on *Facebook and Twitter*.

This research examines the emergence of cyber-vigilantism, cyber-activism and citizen journalism on *Facebook and Twitter* during the *Oscar Pistorius Trial* and how these individuals came into liaison with the South African justice system as the trial progressed. The research is not to at all a legal opinion but simply a cultural studies perspective whose main focus is the perceptions and content which were exhibited online during and after the trial under study.

I examine three types of groups that emerged on *Facebook and Twitter* during the *Oscar Pistorius Trial*, namely, cyber-vigilants, cyber-activists and cyber-journalists. According to Fox and Rose (2014) social media interactions with criminal trials create a desire for vengeance and an encouragement of vigilante attitudes; a phenomenon known as cyber-vigilantism. The second approach is ‘the act of using the internet to advance a political cause that is difficult to advance offline,’ and ‘the goal of such activism is often to create intellectually and emotionally compelling digital artifacts that tell stories of injustice...and advocate for particular political outcomes’ (Howard,2011:145). This is known as cyber-activism. Lastly, because of social media, a portion of the public shift from news consumers to news participators who post or repost headline links and their opinions concerning the related political or social issue at hand (Purcell et al, 2010; Surette, 2011; Pew Research Centre, 2013; Fox and Rose, 2014) in a practice termed cyber-journalism. Therefore, this

dissertation examines the interrogation of the South African justice and equality project by such groups of people during the *Oscar Pistorius Trial* and how *Facebook and Twitter* played a crucial role in facilitating this social process.

Background to the Study

The St. Valentine's night of 2013 brought with it an event which was to pave way for a revolutionary social media utilization season for vast South Africans. Famous Paralympic champion Oscar Pistorius shot his girlfriend Reeva Steenkamp in his apartment. The essence of the explanation of plea according to the court was Oscar mistook Reeva for an intruder who had entered the toilet while they were sleeping, thus he fired shots in self-defense (Criminal Justice Review, 2014). He was as a result found not guilty of premeditated murder, but of culpable homicide. According to Criminal Justice Review "The accused was convicted of culpable homicide, a decision that (was) not met with unanimous approval among legal commentators (2014:3). Pistorius was supposed to be released on parole on the 21st of August, 2014 but his release was blocked by the Progressive Women's Movement of South Africa through social media petitions (Davis, 2015).

Uniquely, the intensity of the degree to which social media was used during and after the trial, by both the public, and the legal circle, has not aroused much intellectual attention from South African academics. Research has been conducted on the nature of the public's news consumption habits but "little research examines the growing role of social media in relation to news coverage of criminal trials and investigations" (Fox and Rose, 2014:774). Again, studies focusing on virtual communities and their contribution during litigation have been few and, although there has been interest on social media studies in the past decade, most research findings have questionable depth with findings being based more on opinion rather than analysis (Wellman and Gulia, 1999; Beckers, 1998; Smith and Kollock, 1999:6). The *Oscar Pistorius Trial* came with mass belittling of the South African justice system via statements by individuals on *Twitter and Facebook*, some vulgar in nature. Unlike a few years ago, where you could have gone to prison for contempt of court for airing opinions about an on-going trial (Asray, 2014), there is (now) no form of regulation as to who says what and when concerning an on-going case. Therefore, Pistorius' trial took place both in a court of law as well as that of public opinion through social media (EWN, 2014).

While exploring the nature of online activity adopted during this case, this researcher

maintains that the use of pseudonyms and fake accounts to comment on this case during these processes seems to tag along with the assertion that subjects in the post colony should have a noticeable ability to manage not just one identity but multiple, with an ability to negotiate these whenever necessary (Mbembe, 2001).

South Africa is ridden with unequal opportunities to various infrastructure, including the courts for the blacks, poor and females. In the year 1998 Thabo Mbeki called the country a two-nation society: ‘One of these nations is white, relatively prosperous, regardless of gender or geographic dispersal. ...The second and larger nation ... is black and poor, with the worst-affected being women in the rural areas, the black rural population in general, and the disabled.’ These two ‘nations’ are distinguished by unequal access to infrastructure of all kinds, and unequal access to opportunities (Mbeki, 1998:378, cited in Seekings 2007:9). The media are social actors which play an active role in the reinforcement of the marginalization of subalterns by constructing negative images of them, leaving them with perhaps no option but to deconstruct these stereotypes online.

It becomes clear that social media which particularly *Facebook and Twitter* now dominate South Africa as elsewhere in the world. They now compete with traditional media as channels for the definition of reality. In a country infested with noticeable classical inequalities, *Facebook and Twitter* became alternative platforms for the ‘construction of truth’ through the interrogation of the justice and equality project during the *Oscar Pistorius Trial*.

1.2. Significance of the study

Social media possess a high potential of bringing about political and social change in Africa (Bohler-Muller and De Merwe, 2011). The traditional public spheres have expanded to include a virtual space, where anyone can enter without many hindrances. Although the courts can equally use these technologies to maintain effective communication, which may be at times be framed, citizens can also use them to challenge commodified court related news. It is therefore a field which calls for further ‘dot connecting’ oriented literature since we cannot continue praising social media for their democratization of communication spaces without examining how they have impacted citizenry inclusion in the legal discourse. It is against this background that a study such as this is necessary to conduct.

My decision to focus this study on *Facebook and Twitter* is due to their popularity in the developing world. Stats show that 6.1 million South Africans use *Facebook*, 1.1 Million use *Twitter*, and *Facebook* remains South Africa's fastest expanding social network with over 100,000 new members registering each month (Meier, 2013). These are therefore significant sites where free speech in postcolonial Africa ought to prevail. The inequalities and injustices which South Africans face on their day to day are most likely to be poured out on these two sites of study, where there is little or no form of regulation.

In this study, I investigate the wide use of social media by South African publics paying particular attention to *Facebook and Twitter* use during and after *The Oscar Pistorius Trial* and how this buzz challenged existing power structures of monopolised opinion whose shaping once lay in the hands of traditional media. Social media have contributed in promoting the inclusion of the general publics in legal discourse, which at one point in history was seen as elitist in nature, especially in postcolonial Africa where a large margin of the population remains ignorant of judicial processes. I also examine how South Africans have found a platform to protest against structurally embedded justice inequalities through this new space.

Selection of *Facebook and Twitter* for study is largely influenced by their archival facilities, which are efficient and can allow for effective information acquisition during research. The contrast which exists between audiences of these sites is also important, with *Twitter* seen as elitist and *Facebook* as layman by some. However, both sites drive the most traffic, especially in South Africa.

1.3. Problem statement

Social media are new virtual communication sites where content is generated by users. Their virtuality does not necessarily divorce the user from their societal experiences, but it caters for their free expression of the evils happening around them. The *Oscar Pistorius Trial* was a display of the effectiveness of social media in facilitating the interrogation of the often unspoken discourse of law in South Africa on *Facebook and Twitter*. This talk did not only end in discussions of the legal, but gathered all state problems in order to find their meanings within the discourse under scrutiny. Such was the nature of online talk which went on during the case under study.

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This study explores how the South African justice and equality project came under public scrutiny on the two sites *Facebook and Twitter* during the 2014 *Oscar Pistorius Trial*.

1.4. Research objectives

- i. To explain how *Facebook and Twitter* constituted an alternative digital public sphere for South Africans to engage in law discourse during and after the 2014 *Oscar Pistorius Trial*.
- ii. To trace whether the flow of news updates related to the *Oscar Pistorius Trial* on *Twitter* was in any sense similar to the traditional media means of court related news flow.
- iii. To explain the role of cyber-journalists, cyber-vigilants and cyber-activists in the interrogation of justice and equality on *Facebook and Twitter* during and after the *Oscar Pistorius Trial*.
- iv. To explain the seizure of reactionary power by subalterns that is; women, blacks and the poor in South Africa through cyber-activism, cyber-vigilantism and cyber-journalism on *Facebook and Twitter* during and after the *Oscar Pistorius Trial*.

1.5. Research questions

1.5.1. Main Research Question

- v. How did *Facebook and Twitter* offer the publics a platform to participate and comment on judicial processes during and after the 2014 *Oscar Pistorius Trial*?

1.5.2. Sub Research Questions

- vi. How did *Facebook and Twitter* use by the South African publics during the *Oscar Pistorius Trial* challenge existing power structures of monopolised opinion whose shaping once lay in the hands of traditional media?
- vii. How did the debates on the *Oscar Pistorius Trial* among *Twitter and Facebook* users online reveal citizen dissatisfaction with the status quo of the South African justice and equality project?
- viii. How did *Facebook and Twitter* support cyber-vigilantism, cyber activism and cyber-journalism during the *Oscar Pistorius Trial*?

1.6. Scope of the Study

This study examines the various content which was generated on *Facebook and Twitter* within the #OscarPistoriusTrial hashtag. The research identifies users who held positions of

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organic opinion leadership during these interactions and seeks to assess the prevailing opinions and attitudes which they displayed through posts or tweets. This allows for quicker information gathering and will be cost effective since the analysis is virtual.

This study is limited to an active audience study of social media users who were active during the trial. This study will mostly depend on virtual analysis and face to face interviews to generate findings. It may however have been necessary to conduct traditional media research to examine their political economy and news-making processes and how these affect their coverage of court related matters. This would have aided in tracing the deeper, yet controversial reasons behind the nature of the South African publics' different attitudes during the course of the trial under study.

Again, the researcher is a media scholar, with no formal training or education in matters of the law. The discipline of the study is strictly a Media Studies one, not a legal one. It would have been important to have a legal perspective in each discourse analysis in order to point to the notions of 'guilty or not guilty'. Considerable research in the basics of the law discipline was however tackled in order to aid understanding. Thus this study will be an audience/user study, accompanied with theoretical explanation of phenomenon.

I developed interest in this particular topic during my internship at the Steve Biko Foundation, where I worked intimately with both *Facebook and Twitter*. Observations were made on the nature of attitudes our fellow blacks and whites as well had on various topical issues although the level of interaction which took place during the *Oscar Pistorius Trial* whilst I was still interning there caught my eye. Academic opinions expressed in this study where mostly gained during this period which was between June 2013 and December 2014. The actual research was conducted from January 2015 to November 2015.

Geographically and contextually, the study locates itself in anti-apartheid South Africa. It uses findings from the period 2013 to 2015 as primary data, gathered through interviews, informal conversations and ethnography. However, I also made use of South African historical documents in order to have a context of what was and what is with regards to the state of justice and equality in the Republic.

1.7. Limitations of the Study

Academic literature on social media and the judiciary in Africa is somehow nascent, as most research on such matters has been carried out in Europe and America. This meant going the extra mile in linking already existing academic material from across the world with the research. The weakness of this approach is its limited ability to provide situational germane theories in examining trends.

Again, due to the broadness of the law, its vast contradictions enshrined in numerous constitutional clauses, I was constantly faced with feasibility challenges. My ability to execute this research effectively was based in my ability to use the material I heard and read, but again, I had to be legally correct. This limitation was however countered by consultations which were made with legal professionals during the course of the study.

I should also mention that my affiliations with the Black Consciousness Movement (BCM) doctrine, assisted me in raising some important gaps in the South African justice and equality project and this may be seen as a hurdle to objectivity. However, this limitation was overcome by adopting scholarly ethics of objectivity in the study.

The research also aims to trace the subalterns and their interactions with the judiciary from colonial times, in order to produce a historically relevant research. The lack of time to dwell on this was a limitation and one can only hope to produce such in future research. However, I will strive to be as thorough as possible in accumulating the required data in the given time frame.

1.8. Structure of the Study

This research is divided into six distinct chapters. Chapter one offers a brief introduction to the research, with citations on what necessitated the study. In this chapter I briefly explain the Oscar Pistorius quandary, and how *Facebook and Twitter* played a key role in facilitating debates during the course of his trial. I also outline my research objectives and questions which shape the manner through which I conduct the research.

The second chapter is divided into two distinct sections. Firstly I provide a dense body of literature which informed the study in the Literature Review section. The second phase in

chapter two provides the theoretical framework. The theoretical framework seeks to shape the study within a specific body of media communication theories.

Chapter five is conveniently linked with the preceding chapters. It is strictly concerned with the methodology. Chapter four looks at the political economy of *Facebook and Twitter*. In Chapter five, I present the findings of the research followed by the conclusion and recommendations which constitute chapter six.

1.9. Summary of the Chapter

The chapter presents the background of the *Oscar Pistorius Trial* and the real time use of *Facebook and Twitter* by South Africans in participating in the trial. It presents thought provoking ideas to the cultural studies tradition by problematizing virtuality as the newer version of reality. As aforementioned, it introduces three influential groups which emerged during the Oscar Pistorius Trial, namely cyber-journalist, cyber-vigilants and cyber-activists, which will be explored further in the approaching chapters.

Theoretically speaking, the issue of discourse and power ought to be emphasized, particularly the fact that social media have aided power seizure through facilitating participation in nationally crucial discourse.

In the next chapter I present the body of literature which informed this research. This chapter will also provide the theoretical framework which shaped the study.

CHAPTER 2

2.0. LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1. Introduction

This chapter examines the existing body of literature which is relevant to this research. The reviewing of literature is important as it enables one to unpack the contesting academic ideas in existence; a task which also reveals ideas which are yet to be propounded. The other part of this chapter is concerned with the theoretical framework. In this section, I present media-centric theories which speak to the study.

2.2. Literature Review

2.2.2. Social Media for Social Movements and Counterpower

Social media facilitate social movement engagements which present a counter to both state and traditional media power. A lot has been written on social media, power and counterpower (Foucault, 1976; Castells, 2007, 2009; Peterson, 2014). This section examines how social media have contributed to the seizure of power by South African publics who at one point in history had little knowledge of legal proceedings and information on ongoing trials.

In all societies, counter-power is found in different forms. In all societies, counterpower can be located in different forms because wherever there is any form of political, cultural or economic domination there is resistance (Castells, 2007). I use Castells is suggesting that social media in South Africa is being used as a medium for resistance to both political and economic domination by marginalised publics. That is the essence of counter-power. For some, the murder of Reeva Steenkamp at the hands of Pistorius is a scar which reminds them of the brutality and violence inflicted upon women in South Africa (Davis, 2014) and this accelerates the rise of social movements which can also be mobilized online. This study will link these different literary perspectives in concretizing counterpower within the social media formations which were necessitated by social media during the *Oscar Pistorius trial*.

Social media which have otherwise been known as virtual societies are defined by Rheingold cited in Proulx and Latzko-Toth (2014:5) as social aggregations that materialize from the Net upon long discussions, long enough to create webs of personal relationships online. These

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social networks are being used by publics for counterpower purposes (Castells, 2009) as will be shown in this study. Courts like all institutions are agents of power and counterpower is the ability of one social actor to challenge institutionalized power relations (Castells, 2007, Fuchs, 2011). Any images which mock or disregard of the decision made by state power agents are acts of counterpower. Power does not only refer to the control of the physical aspects of the state, but that of the ideological facets and judiciary processes have remained for time immemorial, demonstrations of state power. "Power relies on the control of communication, as counterpower depends on breaking such control" (Castells, 2009: 3). Since social media help break the traditional media's monopolised construction of reality regarding court news, a literature gap exists in explaining how the embracement of social media by the public to participate in legal discourse is critically a threat to the state's legitimacy, a gap which this study tries to fill.

Rosenberg (1996) is of the view that the public will get information from the courts only through the media; perhaps because he wrote before the social media age. However, it is worth noting that Rosenberg assumed that court related information will trickle in a top down fashion (Peterson, 2014). However due to new media information flow is not hierarchical but is instead; user generated as people are both consumers and producers of news (Peterson, 2014). Users are able to forward links to others as well as scoop news stories before professional journalists are even able to. This is a form of counterpower for the publics since communication and information have been vital sources of power, counter power and social change throughout the ages (Castells, 2007). In this study, I will agree with both Peterson and Castells in their assertions, as I challenge Rosenberg's traditionalist view of court processes as inaccessible to the public through presentation of empirical evidence.

Foucault (1976) asserts that, power is not allocated to an individual like wealth is, but it operates in a net-like format as individuals are consistently in a position of undergoing or exercising it. In this study I adopt a neo-Foucauldian view of power as the ability to be enlightened on certain issues which one was previously not well versed with. Individuals who attain knowledge of how the legal system in South Africa functions or dysfunctions can then practice power through communication, in what I term a 'knowledge is power' manifestation.

Power is both a productive and constraining force responsible for molding the social world, determining the ways in which the world is talked about and in eliminating alternative forms

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of talking (Phillips and Jorgensen, 2002). This study uniquely reveals that in as much as social media users employ power as the lambast the justice system online, they are also subjects of the power passively exercised by the social media corporations. This power is embodied in the User Interface as well as the software limitations ascribed to the social media site. It suppresses some ways of communication such as physical contact and in some instances, even real-time visual communication. Phillip and Jorgensen's views on power encourage the lense of this study since the political economy examination of social media in this research will show that indeed, the power of social media corporation eliminates alternative means of talking online.

Oscar Pistorius experienced his trial not only inside the walls of the Pretoria courtroom but also outside, in the 'court' of social media. (World News Publishing Focus, 2014:1). New media facilitate the emergence of online 'courtrooms', journalists and judges who possess the power to opine or pass their judgements towards offenders. The point here is not that the publics decide for the judge but as Anderson (2014) points out; for the court to have an ultimate say- or no say at all, requires the attention to court decisions by the public and the elected leaders. Social counters the power of the judge by facilitating the flow of comments which may disregard the court's legitimacy in an arena that the whole world can access. The counterpower ability of Social media will be employed in this study, viewing them as perhaps power snatching devices.

Social media enhance the power of social movements. The internet has become the most potent weapon for most new social movements (Castells, 2007). Due to social networking, we are now witnessing the rise of a new species of some sort of social movements which are a fixed feature of every society; taking up norms and values relevant to the problems in the societies in which they are based (Castells 2012). Social movements adopt a local thought, global act and counterpower where the power holders are, in the global power and communication networks (Juris, 2004; Couldry and Curran, eds., 2003). In this research, I will not overplay social media in relation to social media as Castells has done. This research will show that social movements do not necessarily sprout due to social media, but social media empowers already existing movements to operate more visibly and effectively.

However, some scholars (Gladwell, 2010) argue that social media has resulted in the advent of 'slacktivists' who are more of armchair commentators than activists. There are various

critics which challenge the over-emphasis placed on social media's deterministic power. They argue that social media has in fact resulted in the creation of armchair activists and citizens who say much on issues but do little to act on it. Indeed, the etymology of the adjective "virtual" brings up more ambivalence than clarification, which partly explains the wide variations in its meaning and the confusion it engenders (Wood, 1998, p. 4). Levy (1995:13) points out that the term 'virtual' is derived from the latin word virtualis which is itself derived from the word virtus which means 'force' or 'potential' and 'unreal', thus the virtual has little impact in matters of the real. This study will however dismiss the claims by Levy, and show that the virtual world of social media has actually become an efficient platform to address issues affecting the authentic world.

Unlike real activism which places one in the scene where events are happening, "The kind of activism associated with social media isn't like this at all. The platforms of social media are built around weak ties" (Gladwell 2010, 45). Social media make it easier for one to express themselves and make it even harder for that expression to exert impact (Gladwell, 2010). According to Gladwell (2010), social media are not organic enemies of the status quo. This study will acknowledge these notions by assuming that when Gladwell was discussing these notions was not taking into consideration the fact that social media are follow up platforms for real social ties and issues.

Another assertion which has been used by scholars (Gladwell, 2010) to dismiss the impact of social media is the fact that people fake their identities online, thus they will not attend to the important issue of the day. However, in dismissing Gladwell and problematising the post colony, I employ Mbembe's (2001) assertion that subjects in the post colony should have a noticeable ability to manage not just one identity but multiple, with an ability to negotiate these whenever necessary. According to Castells (2007) people do not fake their identities on the internet but simply assimilate the technology into their lives in order to link up the virtual reality and real virtuality. Thus this research also shows that in this networked society virtuality has become the underpinning of reality through the new forms of socialized interaction (Castells, 2007).

In summation, social media are not power bearers but simply facilitate where power is decided (Castells, 2007) and the intervention by social media in court proceedings adds a new twist to these power formation processes. Not only do social media facilitate legal discourse

engagements and counterpower, but social media also allow advocacy groups and social movements to push their feminist or racial equality agendas to a much broader audience than traditional media in a very cost effective manner.

2.2.3. The Internet and Convergence Culture and Democracy

Scholars such as Willems (2010, 2012), DeSola Pool (1983), Jenkins (2002), Allan and Thorsen (2009) and Gilmore (2004) have written voluminously on the internet, convergence culture and democracy. “As a result of the internet and mobile phones, citizens, it is argued, are now able to take part in the creation of their own media content, hereby shifting the balance of power between producers and consumers of media.” (Willems, 2012:2). However, they have also given traditional media houses the opportunity to shift from top-down information providers to participatory institutions whose audience can interact with them via social media (Willems, 2012). This review will acknowledge both polars of Willems’ citations as best in explaining how traditional media have survived in the era of new media and also converged to aid deeper citizen participation.

A relationship exists between traditional media and social media in a phenomenon known as convergence culture. Bearing in mind the fact that the *Oscar Pistorius Trial* was given a 24/7 television coverage channel on DSTV (ANN7) and that professional journalists played an important role in updating the public via live tweets, the relevance of this theme in the study is appalling. Convergence culture is defined by Jenkins as that space where old and new media collide, where the grassroots and mainstream media collide, and where the power of both the media producer and consumer interact in unimaginable fashions (Jenkins, 2006: 2). Users can now generate slogans or acronyms online from stories or news viewed on formal media platforms (Spitulnik, 2002). This research points to the fact that social media are not isolated devices but work hand in hand with traditional media in facilitating participatory cultures.

While old media have always played a crucial role in enabling participatory media cultures in Africa, new media are also increasingly being used to comment upon state media discourse (Willems, 2010). This is not to say audiences or citizens were passive before the advent of new media for Morley cited by Fiske (1987) makes it clear that the meaning of a text will be constructed differently in variance to the discourse brought to bear on the text by the reader.

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Thus, even before the advent of social media, audiences have always viewed the news, be it, television, radio or print, with a critical eye. Social media only provides a more suitable platform to hear these prejudices and knowledge on the reader's part and perhaps before it was accessible to a wide range of people in South Africa a lot of figures have always had something to say about the law but failed to get the suitable platforms to do so.

Convergence brings traditional and new media onto one access platform. Furthermore, in cases of those who watch television for news, social media now allow them to tap into a domain of television program analysis online (Livingstone, 2004). I appreciate the fact that the internet on its own, without collision with the old forms of media does not necessarily accommodate democracy, and that the two are perhaps, inseparable. The fact that the case study under scrutiny had a dedicated DSTV channel (ANN7) which provided 24/7 coverage of the court proceedings makes this study an interesting one, for we saw television images being discussed on *Facebook and Twitter*.

While traditional forms of media have attempted to incorporate audience in their programming, new media have been significantly glorified as freedom bearing technologies whose contribution to participatory citizenship is immense (De Sola Pool, 1983). According to Jenkins (1992 and Willems, 2010) new media have made participatory media culture more diverse. Citizen journalism, grassroots journalism and blogging have emerged as a result of new media, and scholars are called upon to reconceptualise their various understandings of the audiences (Rodriguez, 2001; Gilmor, 2004; Tremagne, 2007; Allan and Thorsen, 2009; Willems, 2012). I concur with these varying assertions, yet stress the fact that the combination of traditional and new media usage creates yet a more efficient breed of participatory culture.

According to Williams (2010) media play a key role in the creation of harmonious states especially in developing countries which have just gained independence. Being scarce or at times not usable on a 24/7 basis in Africa, social media usage can be combined with traditional news outlets consumption in order to enhance participation in nationally critical discourse. On *Twitter and Facebook*, the existence of video feeds from state broadcasters and news articles from print corporations solidifies informed participation and assists citizens adopt to these news technologies for it is my belief that in Africa, those not constituting youth are very much used to visual news and newspapers.

2.2.1. Judiciary in the Post-Apartheid South African State and Inequalities of Access

In order for one to informatively account for the nature of attitudes and sentiments which were displayed by varying actors on *Facebook and Twitter* during the course of the *Oscar Pistorius Trial* by various actors, the background of the South African state and its judiciary ought to be explored. This review critically examines the state of the Post-Apartheid South African criminal justice system. I cite scholars who have identified loopholes in the justice system. A significant number of publications have been circulated in the past analyzing the judiciary in post-apartheid South Africa and its unavailability to some sections of the population (see Wesson and Du Plessis , 2006; Hlope ,1995; De Vos, 2014; De Vries , 2006; Mnyongani, ND; Hoexter and Olivier , 2014).

The state, from a Gramscian point of view, is that "...entire complex of practical and theoretical activities with which the ruling class not only justifies and maintains its dominance, but manages to win the active consent of those over whom it rules" (Gramsci 1971, 244). The state has three main organs which are the legislature, executive and judiciary. The South African Constitution (1994), states that there shall be a separation of powers amongst the legislature, executive and judiciary, with necessary checks and balances to ensure accountability, responsiveness and openness. Although there is emphasis on the separation of powers, there does not exist a complete separation of powers in South Africa since there practically cannot be a pure separation (Mojapelo, 2013). This is one weakness of the South African judiciary and it is quite necessary for this study to reveal instances where the South African publics pointed to these complex factors in their online participation during the *Oscar Pistorius Trial*.

The state maintains its rule by repressive and ideological apparatus. The judiciary are classified under repressive state apparatus (Gramsci, 1978). The judiciary have their own authority which lies in their power to determine what the law is and how it should be applied to particular disputes (Mojapelo, 2013). This however raises the question of who exactly watches the watchers since the South African judiciary is the weakest of all the other organs of the state (Diescho cited by Mnyongani, NA; De Vries (2006). This research examines to what degree the citizens became watchdogs of the law through consistent update reception and production during the Oscar Pistorius Trial. This will fill the academic gap in media and society studies, for there is little which speaks to the 'un-privatization' of court proceedings

due to social media invasive use during scenarios like the *Oscar Pistorius Trial*.

In Pierre De Vos' (2014) quotation of South Africa's highest judge, Judge Mlambo, he points to the fact that in South Africa, perceptions of the judiciary as unfair towards the poor and again, inaccessible to them; are dominant. The justice system treats the "rich and famous with kid gloves whilst being harsh on the poor and vulnerable...black criminal defendants and black victims are treated with less concern than white defendants and white victims of crime" (2014:1). Mnyongani (NA) concurs with De Vos (2014) by pointing out that in a country like South Africa the struggle to stay in power on the part of the rulers and the elite is waged in courts where laws are interpreted and applied. The role of the courts is the maintenance of the status quo (Mnyongani, NA: 1). the fact of the matter is, Mnyongani and De Vos are correct in their assertions, although their claims are not informed by audience studies, a gap which this research seeks to fill.

There are also claims that in this system if you can afford exceptional lawyers, you can walk free, and while this is seen as just in the legal framework it is unjust if one applies the philosophies of natural justice (Jonker, 2014). In fact, the *Oscar Pistorius Trial* saw "South Africans beat themselves wanting to see 'justice' in court...(but)... an adversarial system is not the best platform for truth and justice" (Jonker, 2014: 1). This is the nature of the justice system. Even the former Deputy Minister of Correctional Services, Mr Ngoako Ramathlodi mentioned that in South Africa there exists forces which exercise dominion against change in the economy, judiciary, public opinion and civil society and according to him in the courts of law, "...forces against change still hold relative hegemony" (Davis, 2014:1) . There are a lot of factors to blame for this and among these is the fact that although there was political metamorphosis during the early 90s, the South African Judiciary remained almost the same as the country entered a democratic era with an almost all white and male panel of judges (Mnyongani, ND ;Wesson and Du Plessis, 2006) . I acknowledge these factors as key in informing this research.

In accounting for varying degrees of gender based inconsistencies in judgments and rulings, the gender-al composition of the judiciary has been identified as crucial. Gender seems to be another factor in accounting for the unfair composition of the judiciary and although there have been considerable attempts to diversify the judiciary, little has been done on gender transformation" (Mnyongani, ND). Bonthuys (2008) postulates that the reason for the low

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number of women is the unwelcoming nature of the legal world and courts to women. It is this factor which has a bearing on the negative impression that female South Africans have of the judiciary; that it is not sensitive to gender in terms of fairness, accessibility and constitution. Thus, this study will fill the gap by linking all this factor as critical to the nature of attitudes which were reflected on *Facebook and Twitter* by users who followed the *Oscar Pistorius Trial*.

In recent years, there has been increasing interest in the role of the judiciary in South African democracy (Report of the International Bar Association; 2009). Section 174 (2) of the South African Constitution (1994); calls for the guarantee of racial and gender equality through the constitutional court (Davis, 2014). However, in South Africa, the role of the judiciary is considered politically driven as was seen in the Zuma rape case (Mnyongani, NA). During the pre-Polokwane chapter, ANC was alleged of employing the judiciary to advance its interests (Mnyongani, 4). In January 2005; the ANC issued out a statement relating to the courts. The ANC highlighted that it is still faced with the challenge of transforming the judiciary as well as transforming the collective”...mindset of the judiciary to bring it into consonance with the vision and aspirations of the millions who engaged in struggle to liberate (the) country from white minority domination. (Gordon and Bruce, cited by Mnyongane, ND: 10). Furthermore, a majority in the judiciary do not view themselves as non-related to the masses ,worse still inspired by their visions and belief system.(Gordon and Bruce, cited by Mnyongane, ND; 10). This literature best explains the reason why South Africans are very critical of the judiciary and could best be employed to explain why thousands thought that the Judge accepted a bribe from Pistorius. This study is unique in that it historicizes the judiciary and its relationship with the public in order to account for the content which was gathered during the research.

In the year 1998 Thabo Mbeki called the country a two-nation society: ‘One of these nations is white, relatively prosperous, regardless of gender or geographic dispersal. ...The second and larger nation ... is black and poor, with the worst-affected being women in the rural areas, the black rural population in general, and the disabled.’ These two ‘nations’ were distinguished by unequal access to infrastructure of all kinds, and unequal access to opportunities (Hansard, House of Assembly, 29th May, 1998, col.3,378 cited in Seekings 2007:9). In this study, I critically reflect on these issues: of race, gender and class interests, manifesting themselves on social media during the interrogation of justice by South Africans.

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Indeed, through the *Oscar Pistorius trial* South Africans were angered and given an opportunity to lambast the (justice) system and its stewards (Jonker, 2014). Jonker (2014) called the South African justice system within which Oscar was vindicated for murder, the same system which injures the already injured, a further destructor of the already disempowered and a poor attempt to cure. In the midst of all this, scholars are silent on the impact media have in reinforcing this system. What makes this research more than necessary is its identification of these factors and its tendency to suggest that new media will perhaps bring about a change to the South African justice system through these legally related online interactions.

The notion that apartheid still continues to manifest itself in cases of high precedence seems to be alive in South Africa. Pilger (2006) boldly claims that apartheid did not die. Extreme pro-black fundamentalists seem to suggest that there is a dynamic link between the court decisions and the economy. The world has always been exposed to images of South African police brutality and dishonesty but to a flattering picture of the judicial system. It has seen how much has changed since the ‘end of apartheid’ and how much the system has stayed the same (De Vos, 2014; Smith, 2014). I am in concurrence with these two scholars. The South African traditional media re-enforce this by providing blurred facts in cases where the Police and Judiciary are in error. It is thus the role of *Facebook and Twitter* to enable citizens to bear the power to represent and create reality as this study reveals.

The provided literature reveals that the South African Justice system has numerous flaws. Gender, race and class are seen as major issues when it comes to the accessibility or inaccessibility of courts and justice for the ordinary South Africans. However, scholarship which explains the role of social media as some sort of adjustment platform which speaks truth to the South African’s flawed judiciary’s power is somehow scarce. This justifies the necessity of this study. Again, this study will employ this thick body of literature in explaining the negativity embodied in the texts the researcher engaged with during the research.

2.3. Theoretical framework

I seek to understand the online coverage of the South African justice system on social media using Foucault's theory of discourse, power and knowledge. Foucault's assertions on power and knowledge can be used to explain the banal nature of power relations due to social media's intervention. The Oscar Pistorius Trial saw most South Africans adhere to a self-delegated search for the truth, and as Foucault rightly asserts, in order for society to function, we are forced to present and discover the truth.

The study will examine the role of *Facebook and Twitter* in facilitating platforms for textual interrogations of existing inconsistencies within the South African judiciary.

2.3.1. Discourse, Power and Knowledge

Power is everywhere. Foucault (1976:98) rightly places this assertion by arguing that, "Power must be analyzed as something which circulates, or rather as something which only functions in the form of a chain. It ... is employed and exercised through a net-like organization. And not only do individuals circulate between its threads; they are always in the position of simultaneously undergoing and exercising this power."

Power can be seen as also the ability to be enlightened on certain issues which one was previously not well versed with. It is responsible for molding the social world, determines the ways in which the world is talked about and it eliminates alternative forms of talking and "Power is both a productive and constraining force" (Phillips and Jorgensen (2002: 14).

Public opinion can be itself a form of power. The Oscar Pistorius trial demonstrated to a larger degree, how social media can be used to discuss issues which were once reserved for experts alone. "Pistorius, who was last week found not guilty of premeditated murder of girlfriend, Reeva Steenkamp, but guilty of culpable homicide, has experienced his trial not just inside the Pretoria courtroom but outside too, in the vast public 'court' of social media" (World News Publishing Focus, 2014:1)

I use the notion of power to explain the existence of what one would term online violence, or war against the existing South African justice system or the state itself. Foucault (1976) cites Clausewitz's hypothesis that power is war continued by other means. Hence, this theoretical

backing will be used to investigate the existence or lack thereof of wars through information that manifested themselves on either *Facebook* or *Twitter* during the *Oscar Pistorius Trial*. “Power relies on the control of communication, as counter power depends on breaking such control” (Castells, 2009: p. 3). Therefore, Foucault’s notions of power and Castells’ Network Society ideas work in tandem in the theory of power.

This research analyses the publics’ texts as a form of agency, largely reliant on Foucault’s concept of discourse which states that knowledge only has meaning within a certain discourse. (Hall, 1997). Hall on Foucault (1997: 72) defines discourse as “a group of statements which provide a language for talking about- a way of representing the knowledge about- a particular topic at a particular historical moment”. The manner in which active social media users talked about the Oscar Pistorius Trial inevitably provided a language of discussion on that particular time of events.

2.3.2. Theorizing New Media as Alternative Public Sphere

It is common knowledge that the media play a key role in democratic societies, as public spheres (Dahlberg, 2000; Gimmler, 2001; Habermas, 1962 and 1989; McKee, 2005; Moyo 2007; Papacharissi, 2002; Sassi, 2001 and Sikka, 2006). This chapter provides theoretical debates of the new media and its role as a public sphere during times of either local or global court cases. I adapt the Habermasian concept of the public sphere to cyber studies (Mpofu, 2014). The concept of the public sphere was developed by Habermas. Habermas (1992) defines the public sphere as a network for communication information and points of view in which streams of communication are filtered and synthesized in such a way that they convert to bundles of topically specified public opinions. Here he speaks of a public sphere as being the platform where the publics can openly engage in political, economic and social discourse without any constraints.

According to Kellner (ND: 2) “Habermas defended the earlier "radical sense of democracy" in which the people themselves would be sovereign in both the political and the economic realms against current forms of parliamentary democracy”. This concept relates to social media as they are seen as the most suitable public sphere platforms. *Facebook and Twitter* can be considered the ideal 21st century public sphere facilities since they constitute of free, unregulated entry for all citizens of the state. Hence, a Habermasian approach is adopted in trying to account for the liberalized nature of communication on *Facebook and Twitter* as witnessed during the Oscar Trial.

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Hagermas' public sphere can be elasticated for use on internet studies. His concept summarizes the media's normative role in democracy..." (Chuma, 2007: 10) as a communication space which fosters public dialogue and debate. Social media users have the power to divert and produce issues of their own, which then turn into topical discussions (Benkler, 2006). Social media are "long-term tools that can strengthen civil society and the public sphere"(Shirky 2011, 32). The more movements are able to communicate their message across local and global terrains through communication networks the more the public sphere of communication becomes a contested terrain (Castells, 2012). This research however locates Twitter pages which were a site of discussion facilitation during this trial.

According to McKee, the public sphere is:

...where each of us finds out what's happening in our community, and what social, cultural and political issues are facing us. It's where we engage with these issues and add our voices to discussions about them, playing our part in the process of a society reaching a consensus or compromise about what we think about issues, and what should be done about them." (2005: 4)

Social media do a great task of accommodating all voices and providing an equal opportunity for any outrage or appreciation towards social norms and structures. What was in fact important during the Oscar Trial was the manner through which social media participation was able to alter legal views even after the judgment, leading to the ongoing conclusion by legal experts that Judge Masipa erred in judgment. The public sphere ought to have structured deliberations, freedom of communication, universal access and a certain type of talk (Tanner 2001; Mpofu, 2014), all of which concur with social media's attributes.

Habermas focused on political participation as the major link to democracy and self-development (Kellner,ND). In his book, *Structural Transformation of the Public Sphere* published in 1962 Habermas presents what is a Bourgeois public sphere, mostly dominated by elites. This study investigates how these ownership patterns still play out as I examine the political economy of the two sites of study.

Considerations should also be taken of how the marginalized are further marginalized from the public sphere by these technologies due to their inaccessibility. According to Eijaz (2011:10) "in developing countries, this technology is facilitating dialogue for particular segments of population who are literate, financially sound and familiar with the communication and information technology."

As previously suggested, I will examine how this public sphere platform also became a civil

society during the Oscar Pistorius Trial. Taylor (1991:95) asserts that at times, it is unclear if civil society refers political society or public sphere. The social media platform is not only a public sphere but some sort of freedom of assembly (Shirky: 2008). Hence social media has revolutionized the traditional conceptions of the public sphere from a tangible site of participation to a virtual one.

It is important to acknowledge the factors that this researcher views as critiques to traditional media's public spheres roles, those which were also rapidly terminated through the intervention of social media. Adorno and Horkheimer critiqued mass culture and cultures which were mediated through the media as 'ideological dominations' (Butsch, 2007) due to their state and commercial based influences. Thus they were not aligned to the people's needs. This process often termed commercialization was coupled with the view that audiences are mass consumers of commodified media messages. This refeudalisation of the public sphere (Habermas, 2007) was perhaps an opportunity for social media which provided freedom of message production for the former consumers. It is therefore important to note that this study erupts from the view of traditional media as interested actors when reporting on court cases, thus it pays particular attention to the social activity although there was television, radio and newspaper activity on the trial. However, this is not to say these platforms are flawed since readers do not necessarily read media texts passively but either actively or defiantly too (Hall, 1980). Again, the new media are still commercialized as shall be seen in Chapter four of this study.

Social media can also be considered alternative or subaltern public spheres which are "those that stand opposite or as responses to the exclusive nature of the dominant public spheres." (Mpofu, 2014: 100). *Facebook and Twitter* provided even the disgruntled radio listener, or newspaper reader with an alternative platform to journalize their thoughts on the Pistorius trial, mainly expressing those views which these media shunned. Subaltern public spheres constitute of dialogues and debates on "issues, identities, positions, etc., which have been excluded from, and thus stand in opposition to" dominant public spheres (Dahlberg, 2007: 837; Mpofu, 2014).

2.3.3. The Commandment and the Aesthetics of Vulgarly

This research will explore Mbembe's theoretical postulations on the post colony. South

African, which is still in democratic infancy, still suffers from the hangover of apartheid, thus Mbembe might be useful in explaining some of the phenomena manifesting themselves in the 'rainbow nation'. According to Mbembe (2001:17) "In the post colony, the *commandment* seeks to institutionalize itself, to achieve legitimation and hegemony (*recherche hégémonique*), in the form of a *fetish*. The signs, vocabulary, and narratives that the *commandment* produces are meant not merely to be symbols; they are officially invested with a surplus of meanings that are not negotiable and that one is officially forbidden to depart from or challenge." The institution of hegemony which is the court is an institution of national commandments in South Africa. Therefore this theoretical backbone will help in assessing how social media challenged this domination during the trial via mass ridiculing online.

Mbembeism will also be used in explaining the vast kinds of inequality which exist in South Africa and why the Oscar Trial became the outright moment for individuals to question the justice system. The issue of 'commandment' remains the sole embodiment of the state's power (Mbembe, 2001). However social media presents vast challenges to this commandment. The courts of law were a reflection of the state's power to dispose in the colony (Mbembe, 2001), and such could still exist in the post-colony theorize the South African court of law as some sort of commandment adding that due to social media use in the country, the commandment is now constantly under a state of negotiation and questioning.

2.3.4. Locating Cyber-Vigilantism, Cyber-Activism and Cyber-Journalism during Court Cases

Fox and Rose (2014) present the three groups which are likely to emerge online during court proceedings. These are namely, cyber-vigilantes, cyber-activists and cyber-journalists.

Social media interactions with criminal trials create a desire for vengeance and an encouragement of vigilante attitudes; a phenomenon known as cyber-vigilantism (Fox and Rose, 2014). These cyber-vigilantes are vengeful and have a desire to take the law into their own hands. Exposure to crime news stories provokes some virtual vigilantism, in a process within which an audience is created which celebrates this vengeance against the perpetrators (Fox and Rose, 2014). This research examines cyber-vigilant attitudes in several tweets and Facebook posts during the *Oscar Pistorius Trial* which contained traits of retributive justice desire (Fox and Rose, 2014).

Exposure to crime news also results in the creation of cyber-journalists. Due to social media, a portion of the public can shift from news consumers to news participators who post or repost their views concerning the case at hand (Purcell et al, 2010; Suret, 2011; Pew Research Centre, 2013; Fox and Rose; 2014). This phenomenon lies in the facilitation of ‘reality’ construction which social media affords to publics.

Lastly, social media lead to the act of using the internet to pursue political agendas which are hard to push offline, and the aim of such activism is to appeal for certain political outcomes through creation of emotionally convincing digital artefacts (Howard, 2014). This is referred to as cyber-activism. I use the theoretical lenses of cyber activism in qualifying some actors which posted facts and images to appeal for public mobilization for Reeva’s justice online.

2.4. Conclusion

This chapter reviewed literature and also examined the theoretical framework of the study. The next chapter will focus on the methodology and research methods which the researched used in the study.

CHAPTER 3

3.0. RESEARCH METHODS AND METHODOLOGY

3.1. Introduction

The overarching attempt in this research is to find out how social media particularly Facebook and Twitter constituted a space for national dialogue on the South African justice and equality project during the Oscar Pistorius trial. In seeking to answer the research questions, this research analyzed texts from various publics on *Facebook and Twitter*. It followed the hashtag #OscarPistorius and #OscarPistoriusTrial and texts which appeared upon the search of those respective tags.

3.2. Research approach

This research is qualitative in nature based on a case study of one social media and one microblogging site which are *Facebook and Twitter* respectively. The qualitative approach is based on creation of meaning through interpretation of occurrences (Stokes, 2008). The research relied on the collection of archival data on *Facebook and Twitter* from the period between 14 February 2013 and October 2014. The researcher was a dormant participant observer who did not engage in any activity which altered the behaviors of the participants. This means that Facebook and Twitter users who engage in any dialogue on the Oscar Pistorius Trial and its consequences for equality and justice were not be aware that they were under observation. As Mpofu (2014:119) advises, “Meaningful actions are studied in their natural settings without researcher influence as is the case in some ethnographic or non-participant observer researches.”

The research also made use of the case study approach. The case study method is increasingly being used in vast bodies of literature (Duff, 2008; Flyvbjerg, 2006; Gerring, 2007; Gillham, 2000). Daymon and Holloway (2002) define case study as an intensive investigation of one entity which is subject to space and time, be it an organization, a group, event or process. “Case studies are therefore quintessential in that they seek to holistically understand cultural

systems of action in situ, that is, the interrelated activities engaged in by social actors in a social situation.” (Mpofu, 2014: 120). The case study in this research is the Oscar Pistorius Trial. Historical background and relative contexts will be used in order to come up with satisfactory information. The three most important aspects of qualitative research which are describing, understanding and explaining were fused (Tellis, 1997).

Intertextuality was also key in the research approach for Tellis (1997) warns us that Case studies are multi-perspectival analyses. This means that the researcher considers not just the voice and perspective of the actors, but also of the relevant groups of actors and the interaction between them. This one aspect is a salient point in the characteristic that case studies possess. They give a voice to the powerless and voiceless for when sociological studies present many studies of the homeless and powerless, they do so from the viewpoint of the "elite". (Tellis, 1997: online)

According to Vygotsky (1962 cited by Mpofu, 2014) a researcher’s situatedness is shaped by the researchers’ situation and background. Being a Zimbabwean, Karanga academic, my views are somewhat shaped by a principle belief in the need for blacks to be full holders of land rights in any African economic set up. My knowledge of these pro-black sentiments was further enlightened by my year and a half long engagement with the Steve Biko Foundation in South Africa. It is therefore possible that when I look at the South African nation, I am concerned with the state of equality and justice especially for the black populace. This was however overcome through the adoption of an objective stance, which on its own is an academic ethic.

3.3. Unit of analysis

The research universe is two online platforms which are *Facebook and Twitter*. This due to the fact that they are perhaps the two most popular social media sites which were abuzz with the #OscarPistoriusTrial hashtag. Therefore, this research did not theorize or conclude in the context of all social media sites except these two. I did not limit myself to investigating the role of social media in the interrogation of equality and social justice alone but, I extended my scope to other South African institutions that speak to the same ‘discursive formation’ of crime, guilt and innocence in relation to structure.

3.4. Sampling

There are two types of sampling techniques, namely probability and non- probability sampling. This researcher adopts the non-probability sampling technique for according to Daymon and Holloway (2002) the aim still remains that of gaining rich and deep information.

3.4.1. Judgmental sampling

Sampling is a technique in which not all groups are investigated, but knowledge on a specific sample group is used to create inferences for the whole population. In the case of both sites the research adopted a non-probability sampling technique.

Purposive sampling was carried out to identify and select possible interviewees and key informants. Qualitative researches are mostly “purposeful based on the purpose of the investigation” (2002: 157). Thus, this technique is effective enough to yield standard findings. In this research, the researcher was an avid follower of the Oscar Pistorius Trial, from its very start. A search on these respective sites for #OscarPistoriusTrial or #OscarPistorius would lead to a page with the related tweets or posts. The researcher would then select posts which were of thematic relevance to the research. This search also allowed for the delimitation of the dates in which these respective posts were done. Also, popularity of accounts and posts was a great factor in determining the sample. For example, accounts which represent the state, or the police, were more likely to facilitate dialogues on their satisfaction or dissatisfaction with the South African justice and equality project. Again, Pistorius’ account itself had many reactions, some even racist attacks posted against in.

3.5. Methods of data collection

3.5.1. Archival research and databases

I made use both the Twitter and Facebook archives from the period 2013 to 2015. These were readily available on both the sites under study by mere search of the hashtags. I also made use of online newspaper articles which were published during the time of the trial. These helped increase information efficacy since the Trial saw great convergence between social media sites and news sites. Social media feeds by online general individuals, opinion leaders, advocacy groups and social movements were be screened for further data analysis. Attitudes and sentiments towards the trial were assessed to help determine the greater politicking which took place during the trial. This helped in coming up with accurate findings on the role of

social media in facilitating dialogue on the state of the South African justice and equality project. The research also relied on secondary data obtained from previous researches.

3.5.2. In-depth interviews

“Interviewing is one of the methods that guarantee adequate information at the lowest possible cost” (Mpofu, 2014:125). It involves a question and answer relation with the interviewees. I made use of email in interviewing organic voices which were out of the country during the time of research. These included University senior students, lecturers and law experts. This type of interviewing is termed ‘asynchronous’ because it does not occur in real time (O’Connor et al., 2008). One advantage of this method is that participants may respond at their own convenience (Ibid).

Interviews were also carried via social media direct messages. These were conducted with the aid of informants who are well versed with the Oscar Pistorius Trial, including civil society, academics and law experts. Besides these aforementioned, the study also interviewed key social media voices whose accounts were used to discuss the trial. Other interviews were done either by telephone, Skype, email or face to face depending on the availability of sources.

3.5.3. Virtual Ethnography

Hine (2005) asserts that the advent of the internet has caused problems to the preexisting research methods. My research used traditional research methods and catapults them to suite new media platforms. Ethnography includes “...practices of dwelling in physical locations, mapping and understanding practices within these locations and retreating to other spaces to write research reports” (Leander and McKim, 2003: 213). It can be either overt or covert (Hammersley and Atkinson, 1995). The manner of ethnography was non-participant observation on the *Facebook and Twitter* sites respectively. This called for the collection of archival material which was online, from the period 2013 to 2015.

On the other hand Mpofu (2014) states that online ethnography has been critiqued for its lack of human interaction. Therefore, there is a need to adopt a triangulation of methods in order

to make up for these weaknesses. The use of face to face interviews helped one earn more clarifications on the cultures under research.

The strength of being a non-participant observer is that being a passive observer in a digital ethnographic research is uniquely unobtrusive. Hence, I did not find myself having to influence behaviors in order to get the assumptive findings.

3.5.4. Document Analysis

Document analysis played a crucial part in this research. Important documents such as the official Oscar Pistorius Trial courtroom report compiled by the court and national addresses by the ANC led government Ministers of Justice were taken from the South African government website and analyzed. In analysis of documents, “documents do not stand alone. They do not construct ... reality as individual, separate activities. Documents...refer to other documents...” (Atkinson, *et al.*, 2004: 66-67). Thus, provision of contexts to each document under analysis was always vital.

3.6. Methods of data analysis

3.7. Critical discourse analysis

Critical discourse analysis “is a type of discourse analytical research that primarily studies the way social power abuse, dominance and inequality are enacted, reproduced, and resisted by text and talk in the social and political context (Van Dijk: 2007:108, cited in Mazid, 2008) This analysis “stems from a critical theory of language which sees the use of language as a form of social practice.” (Janks, 1997: 329). After the archival data collection was achieved, it was analyzed through critical discourse analysis. The analysis sought to view content published online by users as discursive and a resistance/ acceptance to the state of South Africa’s justice and equality project. The distinctions between texts of resistance and those of acceptance will allow for a balanced critical discourse analysis since the researcher who uses CDA “sides with the oppressed and unprivileged by investigating and analyzing the discourse of the powerful and making the ideological aspects of these discourses transparent” (Sheyholislami, 2008: 137).

According to Parker (2014) during the practice of analysis, one has to note that texts are always born in relationship to other texts, a phenomenon he calls intertextuality. Critical discourse analysis will thus be handy in this context because “It sets out to show that the semiotic and linguistic features of the interaction are systematically connected with what is going on socially...” (Chouliaraki and Fairclough, 199:113 cited in Mazid, 2008:434). Theo van Leeuwen avers that “Critical discourse analysis is, or should be, concerned ... with discourse as an instrument of power and control as well as with discourse as the instrument of the social construction of reality” (1993: 193). The research is very much compatible with this approach to analysis.

CDA “takes the view that discourse is a social practice... simultaneously constitutive of and constituted by social structures, relations and identities, and it is ideological” (Sheyholislami, 2008: 133). In this study, it easily explains how structure relates to the texts directed towards the South African state of justice and equality. “New media...have thrown into disarray the controlled broadcasting of messages from the dominant groups of society to the rest.” (Mpofu, 2014: 128). Thus there was a need to examine how they express their marginalization and analyses this discourse.

Criticality desires a shift from the descriptive stance (Mpofu, 2014). Thus it is a very effective data analysis method.

Semiotic Analysis

Semiotics is defined as the science of signs. The research examined images and texts which were posted on Twitter and Facebook and employed semiotic analysis to deduce meaning.

3.8. Ethical considerations

The research design seeks to conduct all interviews with written consent from the interviewees. Authorization on whether or not expose interviewee identities was sought. Where anonymity and confidentiality were demanded by participants pseudonyms were put in their names' stead.

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Since some of these interviews were carried out through either *Facebook* or *Twitter* direct messaging, the researcher ensured adherence to courteous framing of questions since these were unknown actors.

The researcher also ensured sensitivity to timing and respondents' convenience during this process. In situations where interviewees were required asked potentially sensitive questions, respondents were awarded with the full liberty to pause the interview or withdraw completely at any time, when they felt uncomfortable.

Where respondents had concerns about the nature and purpose of any particular question and/or what use would be made of the information they provided, the interviewers addressed their concerns and explained the research in an open and honest manner.

3.9. Conclusion

I have outlined the various methods which I used for data collection throughout this study. In the next chapter, I will look at the political economy of *Facebook* and *Twitter* respectively.

CHAPTER 4

4.0. POLITICAL ECONOMY OF FACEBOOK AND TWITTER

4.1. Introduction

This chapter examines the political economy of *Facebook and Twitter* and how it exerts impact on the manner through which interactions occur on these two sites. Political economy of the media is concerned with how ownership and control patterns of the media influence social relations, particularly those related to power. In the context of this study, I examine how, firstly, the capital ownership itself directs the market based generation of ideas on *Facebook and Twitter*, for there is a typology of idea marketing prioritization which happens on these respective sites which still remains market oriented. Secondly, the software design on its own has got (un)limited User Interface (UI) designs which can only allow certain possibilities as far as freedom of expression is concerned.

In looking at the political economy of social media, one is particularly concerned with how issues of ownership and control subject the users to the desired functions intended by the social media corporations. This is to say, users can only go as far in practicing their various online freedoms, as these are limited by the features the creator implements through the back-end of the site for the User Interface.

Castells (2009) postulates that individuals in the network society act as ‘nodes’ which can influence but are simultaneously influenced by power relationships that are formed by networks. This means that every social actor once they employ social media are subject to the design and structure set by the platform creator. The social media corporations themselves also possess network-making power (Stumpel, 2010) which is the ability to construct features as the desire. However, the role of this chapter is not to disregard *Facebook and Twitter* neither is it to render them futile media for democratised communication, but to critically examine the constraints which online users may face as a result of the market forces which dominate the industry.

I also took the liberty of acknowledging various scholarly content which problematizes software ownership as some means of control and ownership. This terrain is known as code politics study (Fuller, 2003). Finally, I look at how the social media corporations benefit from the content produced by users online and how this is perhaps a weakness on the overemphasized power of new media for democracy.

4.1. Software Ownership and Control (Code Politics Study)

Authors such as Fuller (2003) and Galloway (2004) have examined and studied the issue of control in software studies. They discuss the concept of ‘protocol’ as the major influence in all online communications. Protocol involves “...all the techno scientific rules and standards that govern relationships within networks” (Galloway and Thacker, 2007: p. 28). These include terms and conditions of entry which are further backed by certain restrictions and limitations within the social media’s software aspects. This protocol is a double edged sword. Firstly, it is a tool that facilitates the use of networks and regulates how things are done within that very tool (Galloway and Thacker, 2007).

Social media also possess a User Interface (UI) which is seen as ‘user friendly’ as it allows for a convenient and comprehensible platform use. This again is a matter subject to popular debate as it can still be argued that the User Interface subjects the user to the desired routines set by the software holder. For example, the activist, during his or her engagements with the *Oscar Pistorius Trial* proceedings cannot communicate directly with Oscar Pistorius on *Twitter*’s ‘Direct Message’ (DM) platform because the UI commands that in order for that to happen Pistorius should himself be a follower of that particular activist. Facebook’s UI on the other hand allows one to send a personal message to anyone, even one who has not requested you as a friend. These facets differ from site to site since they serve certain economic interests which shall be explored later in this chapter.

Buttons, tabs and scrollbars enable the user to engage with other users at that UI level (Fuller, 2008). On both *Facebook* and *Twitter* interfaces, there is always a back-end whose management is market determined and influenced. “Most often the internal face is kept invisible to the user, but it is nonetheless always moving crossways within the medium itself, influencing the user’s experience through the user interface” (Stumpel, 2010:13). This UI is thus a control apparatus. For example, it is through the back end that social media

corporations advertise stories and products. The newsworthiness of even the hashtag itself is a priority which is set through the back end. Thus, commercial interests on social media may suppress other topics and events due to market based interests. I should also mention that for assigned hashtags to trend, others players may pay Twitter. This reenacts the bourgeoisies of the so called online public sphere.

In the preferences and settings panel users can here and there alter aesthetics and access .It is however worth acknowledging that, other scholars argue that in this ability to enhance these settings, one can only change that which the social media corporations facilitate and accommodate. “Control is exercised through predefined options, preferences, and possible actions which are imposed onto the user.” (Stumpel, 2010:14). Because of software, the user becomes a pawn, bearing rights and privileges that remain controlled by that particular software’s design. Ownership patterns still remain vital in social media use. Users must still stick to the principles and limitations of the software in order to use it.

“Software is a place where many energies and formations meet. At the same time, it constantly slaps up against its limitations, but these are limitations of its own making, formulated by its own terms of composition” (Fuller, 2003: 15). This is termed ‘code-politics’. Code is the only language that is executable, meaning that it is the first discourse that is materially effective. (Galloway, 2004:244). Here Galloway presents the coding process as a discourse, one which is not visible but occurs in the background during the manufacturing of sites. Code politics seek to understand how the issue of code and software are intricately linked to capital, power, ownership and control. The argument here is that what one sees as possibilities in these social media platforms are only but ‘limited possibilities’ in a phenomenon termed protocological control (Stumpel, 2010). This study thus, acknowledges these factors in its assessment of *Facebook and Twitter* as platforms for justice interrogation in South Africa during the Oscar Pistorius trial.

4.2. Resistance to Code Politics (Counterprotocological Control)

There are various mechanisms and approaches which have been utilised in countering the limitations which software exerts on the user. In this section, I critically examine the issue of resistance to these aforementioned dynamics in a process termed counterprotocological

control/resistance. Counterprotocological control has much to do with "... holes in existent technologies through which potential change can be projected (Galloway and Thacker, 2007:81). For example, Facebook has a way of tracking the location of a user through a third party software. To resist this, innovators can create location blocking software which disable this feature. Therefore, cyber-vigilantes who want to remain untraced may use computer experts to disable this location tracing feature.

Another approach which undermines the political economy of Facebook and Twitter is manifested through the concept of 'tactical media' (Garcia and Lovink, 1997; Richardson, 2002; Lovink and Schneider, 2003). Tactical media are hit and run media to criticize the political, go beyond solid dichotomies and promote some manner of activism (Ibid). Tactical media does not "...destroy technology, but... sculpts protocol and make(s) it better suited for people's real desires" (Galloway, 2004:176). Tactical media involves the use of hack and creation of viruses to penetrate regular online functions. Through "...experimenting with open-source software and hacks, the users of social media can potentially expand their freedom to make certain changes that originally are not allowed... by the original software programmers." (Stumpel, 2010:17). The researcher acknowledges the existence and usage of tactical media during the Oscar Pistorius trial and will employ findings presentation in the next chapter to validate this assertion.

4.3. General User Exploitation on Social Media

There are various exploitations that take place on social media. The most worry-some is economic exploitation. The control of the network-power by social media corporations is a mechanism to control the content generated by users. "The business models and strategies of social network sites can be thought of as ways to exploit users." (Stumpel, 2010:18). Terranova (2004) argues that 'free labor' is a key characteristic of the digital economy. Here, the point is that the reason for the free circulation of ideas online is vastly beneficial to exploitative forces which own the means of production. Unlike the traditional political economy context where exploitation occurs through cheap labor, we are now witnessing the generation of freely accessible ideas by social media users for corporations' profits. For example, the reason why the #PistoriusTrial hashtag was pushed was market oriented, in order to continue attracting wide range of users on this 'market of ideas' called Twitter.

“From this perspective, certain social media networks can be considered to exploit the free immaterial labor of users who produce digital content” (Stumpel, 2014:18).

Social media companies extract ‘rent’ from the content generated by users and profit from the value of their media ideas and products. The profits made by both Facebook and Twitter on an anonymous note are not shared with the authors of this content (Pasquinelli, 2008).”Rent is the other side of the commons — once it was over the common land, today over the network commons.”(Pasquinelli, 2009: 8). Reservation of rights of over content on these two sites is greatly emphasized over the allocation of freedoms.

Raphael (2010) points out that in 2009 Facebook contentiously demanded unlimited eternal ownership of user-generated content through its terms and agreements. This sparked mass dissatisfaction resulting in the amendment of these terms by Facebook. These instances expose what could be considered the dark side of social media. Also in that same track, it is important to note that the assigned hashtags on Twitter are some form of agenda setting meant to produce ideas which are valuable for the social media corporations. According to Lovink and Rossiter (2010) social media are gold mines in which user data sale and advertising space are used for profits accorded to site owners.

The design of social media coupled with capitalism may thus produce a non-progressive sphere for, it is when the technological infrastructure and design of social media sites is combined with capitalism that the architecture begins to oscillate between exploitation and participation. (Petersen, 2008). Although my study is an appraisal of both *Facebook and Twitter* as platforms of democracy exercise, this chapter reveals the tensions that still exist between exploitation and participation, a colossal feature of our societies. There are however several means of compromising these factors in order to use these technologies progressively.

4.4. Resisting Exploitation

Since we have examined the issue of exploitation, it is also important to examine the issue of resistance to exploitation as well. “This implies that counterprotocological control and counterpower should also be examined as resistance to exploitation.”(Stumpel, 2010:20). Social media sites are platforms of knowledge production, in which organisation can help

evade a great deal of exploitation. According to Lovink and Rossiter (2010), organised networks share a culture of openness and project based activity, This means that in as much as social media are controlled from a software point of view, they facilitate organisation which could not traditionally been done.

Social media are also cost effective technologies and it is my belief that the cost of ideas generated by a user is nothing compared to the distance, speed of these technologies coupled with the time elimination made possible by these technologies. For example, if one were to go to the court and witness the *Oscar Pistorius Trial* themselves, the costs and time incurred would be worth far more than the supposed value of opinions shared online.

The user also benefits significantly from what has become a new free library of knowledge. The expert views and images viewed may otherwise be attained for free as opposed to meeting these law experts in person or paying up one's DSTV bouquet to get access to these images.

Below I discuss the political economies of both Facebook and Twitter respectively, exploring features and properties these sites bear which speak to the notion of political economy.

4.5.1. Facebook

Facebook was founded by Mark Zuckerberg in the year 2004 (Stumpels, 2004). It started off as a petit student network at Harvard University. It has grown vastly with time and has become the biggest social media service in the world (Wauters, 2010). Stork (2011:11) provides statistic which points to Facebook as having been, "Launched in 2004 as a social networking website exclusively for Harvard students... (And)...now has roughly 800 million active users, as of November, 2011". However, more recent statistics by Bloom and Podolny (2014) reveal that Facebook now has over 1.1 billion users as of July 2014.

Facebook users are able to engage with others by updating 'statuses', posting on other peoples' 'walls' and in some cases sending them direct messages. Users can equally create groups and join other groups as well. These groups are referred to as interest groups and are usually topically homogenous in constitution. Storck (2011) avers that on average, a Facebook user is linked to 80 community pages, groups and events.

Facebook has become very common even outside the United States of America from which it was developed. More than 75% of Facebook users are outside of the United States of America although it has an American flavor and origin (Stork, 2011). Of the total Facebook users, at least 45% access it from their phones and this phenomenon has encouraged democratic participation via the site (Facebook Statistics, 2015). However, the fact that this site was meant for the American society exerts negative bearings in the African context. Firstly, the access to the technologies in Africa is limited. Secondly, the relevance of some features would perhaps not apply in Africa where wireless connections are not as fast and efficient as in the USA. To exemplify this, I will point to the fact that if one were to try using the 'Facebook Call' feature in Johannesburg as some form of online meeting, it would be less convenient and fast as in the Western world where there are fast and up to date internet connections. Africans may therefore not be able to access the full features of new media due to infrastructural imperfections.

Facebook is rated number two on the list of most accessed websites in the world (www.alexa.com, accessed on May 28, 2015). This means that despite its American origin, it is one of the most favored and most adaptable among social network sites.

4.5.2. Political Economy of Facebook

I examine the political economy of Facebook's privacy and surveillance which reveals how these features are linked to surplus value, exploitation, and class (Dussel 2008,; Negri 1991). What is important here is to examine the market and profit oriented-ness that exists in the features we consider as guarantees to freedom on Facebook.

It is important to note that as previously asserted, there are various economic interests in the democratization of communication by social media corporations. There is a difference between sharing your thoughts on any issues with your family and friends and with your boss for example. Thus, as Fuchs (2011) puts it, meanwhile the former context is based on intimacy, the latter relationship is based on 'economic power relationships'. Thus Facebook generates its advertising recommendations from various groups identified online. Hence, in reviewing Facebook's political economy, one should always be aware of the fact that

Facebook commodifies data generated through online interactions for commercial use. “In relation to Facebook, this means that the main privacy issue is not how much information users make available to the public, but rather: which user-data are used by Facebook for advertising purposes; in which sense users are exploited in this process...(of)...economic surveillance “(Fuchs, 2011:141). Facebook makes interest and based users surveillances anonymously in order to offer the ‘relevant’ advertisements to users on their right hand side pop ups.

4.5.3. How Does It Earn Profits?

This section is a brief summary on how Facebook makes profits from user-generated content. Initially, it is Facebook which invests its capital in purchasing all the technologies either hardware or software needed to set up efficient service for users. The product Facebook attains from this investment is not a tangible good but that of content generated by users, which are termed ‘prosumers’ by Fuchs (2011) due to their dual production/consumption function. Facebook’s products then include “user-generated data, personal data, and transaction data about browsing and communication behaviors on Facebook” (Fuchs, 2011:143). However, in all their posts, users invest their labor and are unpaid for. These users are therefore infinitely exploited.

In the case of the *Oscar Pistorius trial*, a very simple example is of how the information obtained from Facebook posts and tweets was used to write comic books and novels on the murder, which were advertised through pop ups one would see whenever they followed an Oscar related page or hashtag. Thus in as much as Facebook was a public sphere for the discussion of the South African justice system, the reason why it was prioritized by the social media companies was perhaps due to its potential to generate profits. It was clear to see that the trial was second to OJ Simpson’s and termed the trial of the century, thus it would generate a lot of ideas and audiences for online advertisers.

In assessing the political economy of web 2.0 or virtual spaces, it thus becomes important to adopt a Marxian perspective of analysis. Since the users are also part of the productive forces, they join Facebook’s software developers, programmers and updaters: as laboring prosumers whose main function is the manufacturing of user-generated content (Fuchs, 2011). To make matters even worse, the users are sold as goods to advertisers, who target their interests and

sell them products relevant to them. The pop-ups on the right hand side of one's Facebook page always relate to our interests, intentions and beliefs. The reason for all this being Facebook closely monitors all of our contacts, communication and data and sells this information to targeted advertisements on our behalf (Fuchs, 2011).

In conclusion in as much as Facebook founder and CEO Mark Zuckerberg said that Facebook based on the "concept that the world will be better if you share more" (*Wired*, August 2010), this would have been ideally believable if the profits were shared equally among content producers. Facebook allows for the free communication by users, and this is greatly commendable in the media and studies tradition. However, economic implications of this online participation is one weakness which should not be ignored.

4.6. Twitter

Twitter is a microblogging site which was launched in 2006. It is owned by Twitter Inc. which is a company founded by Jack Dorsey and is based in San Francisco (Fuchs, 2013). According to the About Twitter platform (2015), Twitter, is a "real-time information network that connects you to the latest information about what you find interesting." Users on Twitter communicate via Tweets. These are short posts allowing only 140 characters per post. Users have the option to 'follow' or subscribe for updates posted by other users or mainstream news houses e.g. Mail and Guardian and SABC (Stork, 2011).

Twitter has 595 Million users worldwide (Heyink, 2010). What is particularly interesting about Twitter is its 'retweet' function which allows one to repost what another user has posted. However, retweets have multiple embedded meanings for they can either be an endorsement of the post or a simple disapproval/ mockery. The categorization of tweets is carried out through 'hashtags' whose function is that of group posting on a type or topic basis (Chebib & Sohail 2011, cited in Stork, 2011). For example, during the Oscar Pistorius Trial, the tag which was much popular was the #PistoriusTrial one, as such it was an easier way to carry out this research through.

4.6.1. Political Economy of Twitter

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Twitter just like any other public sphere constitutes of two aspects, political communication and political economy (Gladwell, 2010; Fuchs, 2013). Fuchs (2013) also opines that when examining political economy of mediated communication one should look at the five factors, namely: ownership, censorship, exclusion and varying prioritizations given to different political content production. I will examine the political economy of Twitter paying particular attention to its demography of users and how this may influence participation.

According to alexa.com (2013) by 2013, the average Twitter user was between 18-34 years old, held a university degree and had no dependents. This means that the youth have an affinity for Twitter unlike all other age groups. USA had the majority of users which stood at 28, 9% (Fuchs, 2013). “In the United States, the typical Twitter user was, in 2013, part of a younger age group of up to 34 years (62%), white (67%) and earned more than US\$100 000 per year (58%).” (Alexa.com, 2013).

According to Fuchs (2013), microblogs such as Twitter have a tendency of stratifying by age, ethnicity and class. I will also add to say that, even gender is a distinct shaper of Twitter use, especially in South Africa, where women are tremendously faced with unequal access to infrastructure. Again in South Africa, whites dominate Twitter for it is seen as elitist in nature. “The digital divide - which means that many people are excluded from the internet - exacerbates our country’s deep social and economic inequalities. Those who live on the margins of our society are now pushed even further out beyond the margins, as they do not have access to the digital tools of the modern economy...’ (Harber, 2014, Interview with World Editors Forum cited by World News Publishing Focus: 17 September, 2014:1).

The rich and famous attract more followers than ordinary people evidenced by them having more retweets than common people. The issue of followers as key to attention on Twitter is a remanifestation of capitalisms emphasis on the concept of ‘the more, the powerful’. However, in its structure, Twitter also has significant advantages for it circulates retweets thus an individual’s voice can also be amplified and be heard.

“This potential does not, however, mean that Twitter is a democratic medium because the power of amplification is also stratified: highly visible users determine what gets amplified and what does not. “ (Fuchs, 2013:192).

4.6.2. How Does It Earn Profits?

Twitter uses three mechanisms to attain profits and these are: *promoted tweets*, *promoted trends*, *promoted accounts*. Promoted tweets are prioritized in the order of appearance after a topically related search by a user. Concerning promoted trends, the Twitter advertising page (accessed 12 October, 2015) has the following instruction: “Use Promoted Trends to drive conversations and interest around your brand or product by capturing a user’s attention on Twitter”. For example, the #PistoriusTrial was a trend and DSTV which was providing 24/7 coverage of the trial promoted the trend through Twitter.

A *promoted account* on the other hand is an account which is recommended to new users to follow, such as Oscar Pistorius’ fan Twitter page. This is the basic and simplified account of how Twitter sells its spaces for profit. Thus those users whose accounts are promoted, may not have the same type of online visibility and impact as the financially backed ones. One should note that, in the political economy of Twitter, “When one searches on Twitter for content or a hashtag, current tweets, people results/accounts and worldwide Twitter trends are displayed. Twitter’s advertising strategy manipulates the selection of Twitter search results, displayed accounts and trends. Not those tweets, accounts and trends that attain most attention are displayed, but preference is given to tweets, accounts and trends defined by Twitter’s advertising clients” (Fuchs, 2013:198).

It becomes clear that in its pursuit of profits, Twitter prioritizes the economically efficient over the ordinary day to day users. Just like in the case of Facebook, those who tweet are just part of a product sold to advertisers for profit making. The *Twitter* user is just but a content producer or as Fuchs (2013) has rightly pointed out ‘prosumer’ whose role is of producing content for the social media corporations who then use it to attract advertisers. “Twitter users work for free, without payment; they generate surplus value by creating tweets and log data that are sold as commodity to advertisers that then target their ads to specific user groups” (Fuchs, 2013: 198). The political economy of Twitter is thus capitalist oriented.

4.7. Conclusion

Social media platforms play a very important role in the democratization of communication. They however continue to narrow the public sphere. However this would be in economic

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terms, for in the media a society terms, the common people now at least have an opportunity to lambast existing inequalities through unimaginable fashions and channels that were unavailable before. Political economy of social media remains critical however.

The next chapter presents and analyses data obtained during the research.

CHAPTER 5

5.1. DATA PRESENTATION AND ANALYSIS

5.2. Introduction

This chapter is concerned with the presentation of findings obtained from the research. The overarching argument in this chapter is that social media played a crucial role during the Oscar Pistorius saga which started on 13 February 2013 and ended with his verdict on 21 October 2014. However, this chapter's content will not only be limited to this period, seeing that the case is yet to be concluded, with the state currently considering an appeal for retrial. Data provided in this chapter was collected via virtual ethnography, interviews, document analysis and archival research.

Social media played a key role in the South African society since they appeal to the youth who consist a large portion of the population. The rainbow nation is characterized of a new generation who seek to learn from the mistakes of apartheid, and they use these technologies to involve themselves in the democratic process. Therefore, since the Oscar Pistorius trial provoked many racial connotations from both South Africans and externals, it is important to present these findings whilst providing the historical context of this nation.

This chapter presents findings such as the emergence of cyber-vigilantes, cyber-activist and citizen journalists on both *Facebook and Twitter* during the *Oscar Pistorius Trial*. I also contextualize the sentiments which were revealed on Facebook and Twitter which sought to either protest or celebrate Judge Masipa's decision that Oscar was not guilty of premeditated murder but of culpable homicide.

5.3. Justice Gone Amiss

From the findings, it can be deduced that most *Facebook and Twitter* posts during the trial of Oscar Pistorius suggest that justice has gone amiss in the post independent South Africa society. It is plausible to submit that most of these posts insinuated that the South African judiciary system lacked morality and at worst could not execute justice.

Some of these emotional and negative posts on the discourse appeared as follows:

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Moral of the day - if you are ever going to shoot a lover the best place to do it is South Africa.

#dear#PistoriusTrial— westendproducer (@westendproducer) October 21, 2014.

The below tweets also reflect on the nature of attitudes some had towards the verdict on Twitter.

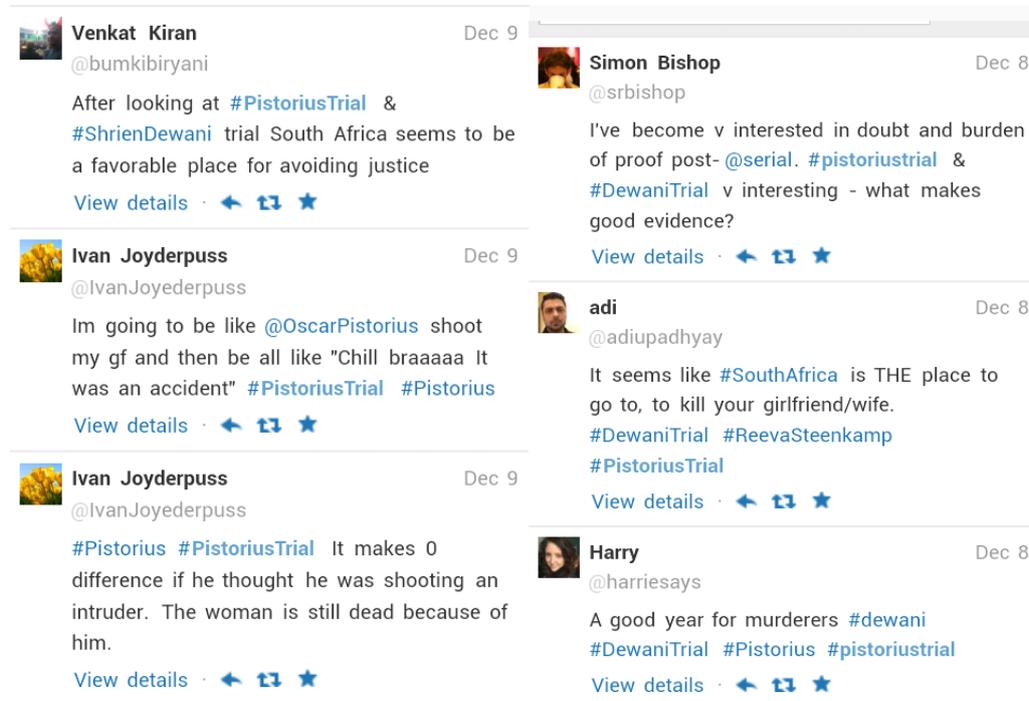


Figure 1: *Some of the Tweets posted in December after Oscar Pistorious was found not guilty of premeditated murder. A simple search for #PistoriusTrial produced an almost all justice resenting tweet section.*

The tweets reveal suspicion and discontent in the state of justice execution in South Africa. @adiupadhyay's December 8th, 2014 post calls South Africa, 'the place to kill your girlfriend/wife'. This is not only a citizen viewpoint, but is supported by the situation of rampant violence and crime which haunts the society. @bumkibiryani shares the same sentiments with @adiupadhyay. After looking at the Pistorius trial, his conclusion is that South Africa seems to be the best place to avoid justice. From a Mbembe point of view, these posts challenge the centers in which justice ought to be delivered, leading one to believe that social media is perhaps one of the most significant sites where the commandment is brought into question



Fig.2. An edited image expressing the irony in that Oscar gets 5 years for culpable homicide whilst others get 10 years for growing 4.4 kegs of Dagga.

A Facebook post from 22 October, 2014 titled ‘Awesome Job Masipa’ (sic) also illuminated distrust towards the manner of justice execution. This was a sarcastic post, which problematized not only the Pistorius ruling, but also the South African constitution. The post compared previous sentences which were passed to Dagga related cases. The images were accompanied with texts which protest the fact that Oscar Pistorius only got five years for culpable homicide yet Dagga offenders gotten years apiece. The three who are shown at the bottom of the poster, are presented as victims of an unfair hand of justice. This post is evidence enough to suggest that social media users construct their own reality by adopting editing software, inserting texts of their choice and publishing on their various pages.

The Twitter account for @isawfireworks spoke to some form of cyber-vigilantism in approach and tone. This was backed by his user name ‘Hounds of Justice’, a name which describes a watch dog of the law. The researcher took note of the tweet below:

People get 77 years for poaching rhinos; you get 5 years for murdering your girlfriend.#PistoriusTrial— Hounds of Justice (@isawfireworks) October 21, 2014.

The tweet was a criticism of the South African justice system. The concern reflected in this instance is on how the life of a Rhino could be rendered more important than that of Reeva Steenkamp, a white female, whose life had been taken under unfortunate circumstances. Using Foucault, I qualified the discourse of animality versus humanity as used critically in reflecting on how the justice system continues to other the women of South Africa. His view

is that in South Africa, women are treated far worse than animals.

Justice was mishandled during the trial. Criminal profiler and pathologist James-Pieters, noted with concern that Oscar should stay in prison for a while until the tensions vanished. In an informal conversation I had with him at the 15th edition of the Steve Biko Foundation's FrankTalk Radio Dialogue, he had this to say, "There are also a lot of people who feel angry about the case so it's not clear how safe he would be on the outside.... it would be better for him to remain inside until the hype dies down," (Pieter: 2013). In this conversation, I deduced that he thought that there were various protest groups, some of violent vigilant attitudes that could possibly mobilize against Oscar as he had observed such sentiments on both *Facebook* and *Twitter*.

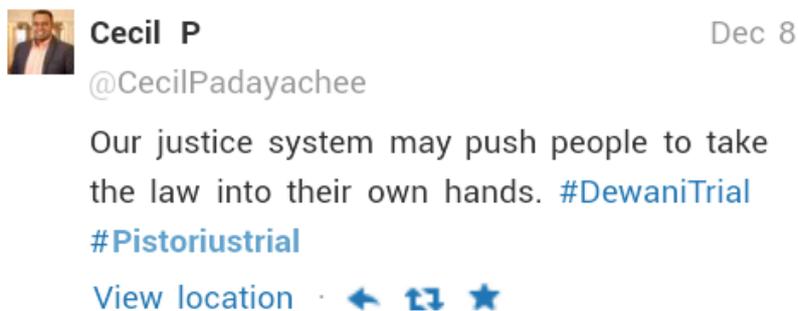


Fig 3: @CecilPadayachee may take his tweet lightly but if anything were to happen to Pistorius e.g. Murder, after his release, he could be rendered a suspect by law.

The post is a hateful and suggestive one. With effective physical follow up, such statements could actually result in the effective mobilization of 'Anti-Pistorius' fanatics who could even make his life a living hell upon release. Such statements, if made in the real world would constitute a threat. This is why I qualified them under cyber-vigilantism.

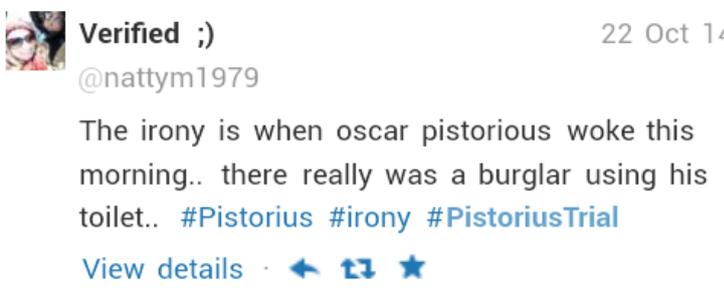


Fig 4: Shows pseudonym use on Twitter

The above user employed a pseudonym, not necessarily to hide their identity but, as a means of using the social media technology to suite their style and image. Although the post (Fig %) was not vulgar in nature, it mocked Oscar Pistorius, suggesting that since he mistook Reeva

for a burglar, he was going to encounter a real burglar this time around in prison. There are debates as to whether or not pseudonym accounts are relevant forces for the discussion of real issues. A pseudonym is an alternative name used to either hide an identity or stand in for one's real name. I maintain that the use of pseudonyms to comment on this case tags along with the assertion that subjects in the post colony should have a noticeable ability to manage not just one identity but multiple, with an ability to negotiate these whenever necessary (Mbembe, 2001).

Race and Class: A Passport to Criminal Activities

Findings reveal that South Africans questioned race and class, raising them as passports to criminal activities. From tweets and posts, I noticed that the public think". The justice system treats the "rich and famous with kid gloves whilst being harsh on the poor and vulnerable...black criminal defendants and black victims are treated with less concern than white defendants and white victims of crime", (De Vos, 2014: Online). Below are the posts to support this,

Oscar Pistorius - Follow The Trial

Sep 13, 2014 · 🌐

So many say, but is it possible? She can only judge on the evidence presented for and against correct?



👍 643 · Like · 468 Comments · Share



Thapi

@LionessCalypso

Dec 8

If you're going to murder someone in South Africa please make sure that you're rich first!

[#DewaniTrial](#) [#PistoriusTrial](#)

[View details](#) · 🔄 📌 ⭐



Jay

@JanksTheMan

22 Oct 1

@MFrancoisCerrah A very sad story indeed.

Still think money was able to buy justice

when a guilty verdict looked inevitable

[#PistoriusTrial](#)

[View conversation](#) · 🔄 📌 ⭐

Figure 6: (Top Left) An edited image of the residing Judge Masipa confronted with a pile of money and looking drastically confused juxtaposed with Tweets which suggests that money played a crucial role in Oscar's case.

Portions of *Facebook and Twitter* users, through manipulation of photo editing technologies constructed images of ‘money versus justice. In the top left *Facebook* post on one Oscar Pistorius Trial focus page, the female Judge is seated on her chair with a pile of money in her midst. Using semiotic analysis, I observed that she appears confused due to the money. The picture painted here is that Judge Masipa had to choose between giving Pistorius the murder charge or accept the money.

@LionelCalypso advises that “if you’re going to murder someone in South Africa please make sure you are rich first”. The charge expressed here is that the only crime in South Africa is being poor. I also noted that @LionelCalypso constituted part of #BlackTwitter. Black Twitter is that section of Twitter which is an alternative platform for the expression of African and the African Diaspora sentiments.

The tweet by @LionesCalypso hashtagged the #DewaniTrial alongside the #Oscar Trial. Dewani is an Indian South African who also murdered his female partner during their honeymoon in Capetown and only got rehabilitation instead of imprisonment. @JacksTheMan opined that money bought justice even when the verdict looked inevitable. The sentiments of negativity towards the justice system in South Africa therefore, seemed to be un-isolated phenomena but accumulations of vast dissatisfactions from the publics. Both these tweets concur with the image of Judge Masipa confronted with bribery money.

Interviews conducted particularly among the youth also reinforce the belief that Oscar murdered Reeva Steenkamp and bribed the judge to hand him a lighter sentence. This was a general feeling, and it was in some cases an uninformed one. I carried out some interviews at the University of the Witwatersrand. I interacted with students on campus since the youth culture there involves massive use of social media. 59.8% of respondents admitted to posting that Pistorius was guilty of premeditated murder on Twitter and they personally believed money played a role in the reduction of Oscar’s sentence.

One 4th year law student by the name of Yolanda Mlonzi said,

Black South Africans were angry with the ruling (for) somehow it felt like there was an element of power, money and racism to some extent...Somehow the South African justice system is broken, we will always refer to the jub case, a black man is rotting away in prison

while a white man walked away after serving a sixth of his sentence”. (Mlonzi, 2015). Her response exposed the belief that being black means stricter sentencing. Jub jub is a black South African rapper who was involved in a drug related car racing incident which killed 4 children. He was slapped with life in prison thus Mlonzi wondered why Oscar had to receive a light sentence on October 21st 2014 for committing equally the same crime.

5.4. Cursing the Judiciary

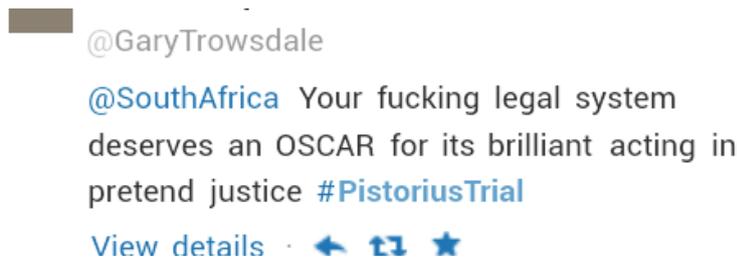


Figure 7: A tweet posted to the official page of the South African Republic with the ‘fuck’ word after the judgment was passed to Oscar by Judge Masipa.

The tweet by @GaryTrowsdale curses the South African state judiciary. It is a heated and rage concentrated tweet, literally telling the ‘Rainbow Nation’ establishment to ‘fuck off’.

I qualified the tweet into what Mikhail Bakhtin (cited in Mbembe, 2001) refers to as the obscene and grotesque. The obscene and grotesque were found to be existent in ‘non official’ cultures but according to Mbembe, (2001), they are intrinsic to all forms of exploitation and a means through which those systems are deconstructed. Both Bakhtin and Mbembe are right and it can be asserted that *Facebook and Twitter* use result in the creation of non-official cultures which employ vulgarity to achieve satisfaction in any form of protest.



In an instance of obscenity, the prefix hash tagged #ThingsLongerThanOscarsSentence shows a very tiny male organ.

The tweet above had a prefix hash tagged #ThingsLongerThanOscarsSentence. It contains an image of a tiny male penis. @DVTmx's tweet suggests that the even the tiniest of male organs is longer than Pistorius' sentence. Using semiotic analysis, I deduced that the image undermines the potency of the judiciary and its judgments. Vulgarity speaks truth to power, thus the post contains an embedded meaning of regime delegitimization. The state was thus ridiculed for its inability to execute justice through such tweets.

5.5. The Official and Unofficial Movements Online and Offline: The Cyber Activists

I was a keen follower of students although here and there I would talk to ordinary citizens from downtown areas of Johannesburg. What was interesting was the creation of informal civic oriented circles of students on campus, who would tweet or post activist related material whilst they discussed the trial. This phenomenon had in it some element of cyber-activism, for some would also go around distributing flyers to attend certain gender oriented campus workshops while tweeting about it at the same time, under the #PistoriusTrial hashtag. These were the unorganized ones, not attached to any civic movement and I referred to them as the unofficial movements. The following tweet was hard to miss,

Twimboz, join today's @SonkeGender #AffirmativeAction roundtable 2pm Wits Main Hall #JusticeforReeva #PistoriusTrial --No Female Homicides @Iamanactivist, 15 October, 2014

The assigned hashtags on the tweet show tactical exploitation of the Pistorius trial to market an otherwise unrelated workshop. As Fox and Rose (2014) opine, the internet can be used to advance a political cause that is difficult to advance offline the goal of which is to create emotionally compelling artefacts which advocate for certain political outcomes. This phenomenon is called cyber-activism. Some of these cyber-activists are not formalized, neither are they civilized like the mainstream activist. They exist as ordinary individuals or groups who are opinionated in reality yet push their activism in virtuality.

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Oscar Pistorius - Follow The Trial

Sep 12, 2014 · 🌐

Reabetsoe Ramothamo writes

Sep 12th, 10:44am

" I knew he will walk free.not guilty,not guilty.4 bullets pumped into Reeva's body n u call this culpable homicide?Judge Masipa has let down the women of this country who continue to die in the

Fig 6: Tweets and Facebook posts which speak to anti-GBV cyber-activism

The tweets I identified which spoke to cyber-activism were also in some cases informative tweets. Castells (2012) asserts that networked social movements of the virtual era are a new species as compared to the traditional ones. Individual actors engaged with civil society during their interactions, picked up some few facts and used these to inform their followers on the status of South Africa's gender issues. The post by Reabetsoe Ramothamo, was to some degree an activist stance towards the interpretation of the status quo of South Africa's justice and equality project.



Fig 8: Shows a critique to both online activism, advocacy and participation by one Twitter user

However, as the tweet in Fig. 7 suggests such type of activism has been criticized by both

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scholars (Fuchs; Gladwell, 2010) and other social actors. Instead of being called cyber-activists, one could refer to them as ‘slacktivists’. Social media have resulted in the creation of slacktivists who do so much in virtuality but achieve nothing in reality (See Gladwell, 2010). They perhaps, do not always end up achieving their goals although one should mention that they do speak truth to power. Not all cyber-activists thought Pistorius was guilty. Some, especially during his parole complications, in which the state froze his release were sympathetic towards Oscar. This strata of people believed Judge Masipa’s ruling was perfect and it was Oscar who was a victim of public invasion into his privacy on Twitter. They also called for his immediate parole release.

The other cyber-activists belonged to organised, registered and official movements. I noted with distinction the Steve Biko Foundation (@bikofoundation) and Sonke Gender Justice (@sonketogether).

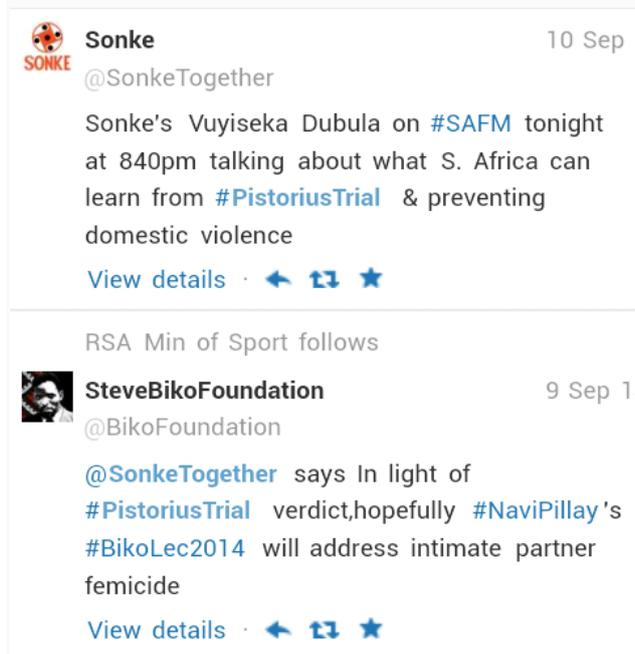


Fig 9. Tweets on the Feeds of both Steve Biko Foundation and Sonke Gender’s walls relating their content to the gender based inequalities that Oscar’s case demonstrated/

Sonke demonstrated exquisite utilization of new media platforms to market their activist message online. The internet has become the most potent weapon for most new social movements (Castells, 2007). Due to social networking, we are now witnessing the rise of a new species of some sort of social movements which are a fixed feature of every society; taking up norms and values relevant to the problems in the societies in which they are based (Castells 2012). Social movements adopt a local thought, global act and counterpower where the power holders are, in the global power and communication networks (Juris, 2004; Couldry and

Curran, eds., 2003). The Steve Biko Foundation was also referring followers to its content in order to come up with an educative way of relating to the trial. In the above tweet, it acknowledges Sonke's citation of the 2014 Steve Biko Memorial lecture which was on gender.

Some were concerned with the bad example which the ten months Oscar received from the judge would set. Cyber-activists at times had conflicting agendas.

Getting 10 months for gunning someone down doesn't exactly set a good example #PistoriusTrial" Dom|Billings (@dombillings) October 21, 2014

One interviewee by the name of Thandi Mashaba responded, "Somehow being black is a disability in this country. Nelson Mandela would be hurt. There is no equality". (Anonymous, 2015). She indicated that she was in her late forties, and also had a Twitter account with which she had expressed all these sentiments. She constitutes those South Africans who have totally lost faith in the entire South African justice and equality project. As foretold by Nagan back in (1989), the black South African society, especially those that experienced apartheid were expected to be suspicious of the law even in the democratic dispensation. *Twitter and Facebook* can therefore be seen as platforms for the expression of all historic processes for the sake of change.

5.7. Where the News Updates Came From? The Notion of Cyber-Journalists

What was interesting about the use of social media during the case is the adoption of social media journalism otherwise known as cyber-journalism (Purcell et al, 2010; Surrete, 2010; Pew Research Centre, 2013; Fox and Rose, 2014). It was however something to be proven, if these were newly emergent journalists or just organic journalists manifesting their professions online. This section will concisely describe the processes which took place. Examination of the news circulation patterns was also a key aspect in this research. It was a point to be proven on whether or not journalists and legal practitioners were opinion leaders in these processes. An article by the World News Publishing Focus published during the courses of the trial pointed to the fact that in order to remain relevant in conversations, South African journalists and media houses had to move into the new media space, live tweeting the trial all the way

(World News Publishing Focus: 17 September, 2014:1)

Their role was of presenting information to their followers who would then determine the level of facts involved since in some cases trust was mainly more towards well known journalists.

There is a tendency among social media users to trust official pages and well known journalists for accurate information. An interview with one Donovan Pentz a novice lawyer yielded the following sentiments,

In as much as it is clear that when I am on Twitter I love hearing the views and opinions of the ordinary person's account, I make it a point that I confirm with Official Twitter Pages for various media companies. 'Facts' are not always true when you are online (Pentz, 2014).

Therefore, social media use during the trial did not eliminate the notions of opinion leadership and authenticity reverence. Although the views of the ordinary citizens were retweeted and endorsed by some experts, somehow the ideal of a stratified public sphere remained apparent. The political economy of these various sites influenced leadership, since journalists usually have promoted accounts. Barry Bateman a senior reporter for Eyewitness News received much following during the trial. He went "...from around 10,000 followers the week before the shooting, to over 160,000 after Pistorius 'after Pistorius' bail application and 228,000 following the verdict" (World News Publishing Focus: 17 September, 2014:1). One can therefore deduce that the online public spheres that were created during this phases remained bourgeoisie in formation. I say so because those who hold positions of organic leadership and intellectuality in their actual societies assumed these very positions in virtuality. This was not a bad thing, for it maintained a balance and resulted in rational conversations.

Deeply, as some analysts have further suggested, the 'social mediazation' of cases such as these further marginalizes the subalterns from engagements due to their inaccessibility to all. Caxton Professor of Journalism at the University of the Witwatersrand, Anton Harber mentioned these advantages and disadvantages

The digital divide - which means that many people are excluded from the internet - exacerbates our country's deep social and economic inequalities. Those who live on the margins of our society are now pushed even further out beyond the margins, as they do not have access to the digital tools of the modern economy... (Harber, 2014, Interview with World Editors Forum cited by World News Publishing Focus: 17 September, 2014:1))

However, there is a current evolution underway in the South African landscape "primary

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conveyer of breaking news, commentary and discussion, with traditional media scrabbling to catch up” was hastened by the Pistorius trial" (Ibid).

The researcher also found out that social media could perhaps end up being dominated by these news houses as they continue to learn lessons from recurring cases. Daily newspapers for example, were greatly overwhelmed with the pace of news updates and competition from social media outlets. Some journalists provided extensive coverage of the trial although some weekly newspapers remained stiff.

Convergence culture also presents vast complexities to discussions such as these. Convergence culture is defined by Jenkins as that space where old and new media collide, where the grassroots and mainstream media collide, and where the power of both the media producer and consumer interact in unimaginable fashions (Jenkins, 2006: 2). Users can now generate slogans or acronyms online from stories or news viewed on formal media platforms (Spitulnik, 2002). The transparency of the Pistorius case allowed for online convergence of not only reportage and citizen participation but also for expert legal opinion by active legal commentators (World Editors Forum cited by World News Publishing Focus: 17 September, 2014). Examples of such individuals include legal specialists David Dadic and James Grant. The point here is that, experts did not cease to be experts due to virtuality.

The researcher was also able to engage in an informal engagement with Dr. Thabisani Ndlovu, a former senior lecturer in the department of English and Linguistic Studies who followed the trial with much enthusiasm. “Many South Africans learnt a great deal about the complex and intricate workings of our justice system - which is enormously valuable - and it has demonstrated that this trial at least has been fair. At least journalists were present online to help out” (Interview with Dr. Thabisani Ndlovu, 19 November, 2014). Journalism on Twitter, as Hermida (2010) observes is now “ambient”, ubiquitous, often a disjointed, and a collective effort involving the audience and journalists alike. Professional journalists played a concrete role during the Trial. I identified 5 South African journalists who played the roles of informants during the trial. They provided consistent updates on the trial as it progressed. These journalists included the likes of Rebecca Davis, Charl Du Plessis and Barrey Bateman. According to Scott (2014: 7) “The journalists further took on their role of informant in their clarification and correction of facts and details concerning the trial. Many users approached the journalists with questions about the proceedings.” Du Plesis provided insightful, action packed tweets such as,

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#OscarPistorius again with his head in his hands at this wound reconstruction, appears to be blocking his ears with his thumbs – Charl du Plessis

Gary Nel who was in legal defense for the case of the state was a cunning figure. When evidence surfaced that Oscar Pistorius had posted a clip of himself on Youtube shooting a watermelon, suggesting that he had intentions of shooting Reeva, Davis captured this on her Twitter feed.

Nel: “You saw how the bullet made the watermelon explode. You know that the same thing happened to Reeva’s head.” RS’s mom June bows head – Rebecca Davis

These descriptions were great substitutions for the television especially for those who did not have access to ANN7 which was airing the live television broadcast. Thus it can be argued that *Facebook and Twitter*, in as much as they facilitate convergence culture, are also divergent in that they usurp the role of the television through provision of arousing typed texts which creates great images of the phenomenon under description. Journalists did provide updates, but their role as was not so absolute, for in some instances the public would also correct them. They also accepted these corrections. One incident was between @CharlDuPlessc and @DavidDadic. The tweets flowed as follows,

“And then, and then, and then” Nel’s channeling the chick at the Chinese take away place in Road Trip – Charl du Plessis

@CharlDuPlessc “Dude, where’s my car?” – David Dadic

@DavidDadic I stand corrected. It was “Dude, where’s my car” not “Road Trip”. #mortified – Charl du Plessis

Here the journalist Du Plessis what Garry Nel was doing in court and a follower noted his error with great concern Unlike in traditional journalism where journalists have to wait for the next publication in order to retract or correct their stories, social media such as Twitter facilitate immediate flak and editions, and this is advantageous to both the journalists and the general public.

On Twitter one can employ the Retweet character through placing ‘RT’ before someone’s tweet to them .One user asked the journalist Rebecca Davis, if she was tweeting the facts of the trial or her own opinions.

Both, actually! Thanks for the interest RT @andreapolis: @becsplanb Are you giving your opinion or reporting on the Oscar trial... – Rebecca Davis

It became clear that social media removes that veil of who is professional and who is not. In as much as there are professionals online, the lack of physical contact creates a homogeneity

in terms of opinions. I would argue that perhaps all social media users are confident about their opinions on Twitter due to its virtuality and lack of credentials for entry. We saw the emergence of even ‘high- school’ lawyers and journalists who felt equally as equipped as the qualified. It is critical to note that this factor exerts vast impacts on our societies. Firstly, the notion of authenticity of the contributions of these various actors becomes questionable. However if one were to follow Castells (2007), it becomes clear that such engagements are useful because people fold these technologies into their lives, connect reality and real virtuality, and articulate themselves as they see fit. A clear example of this can be seen in Fig 8.

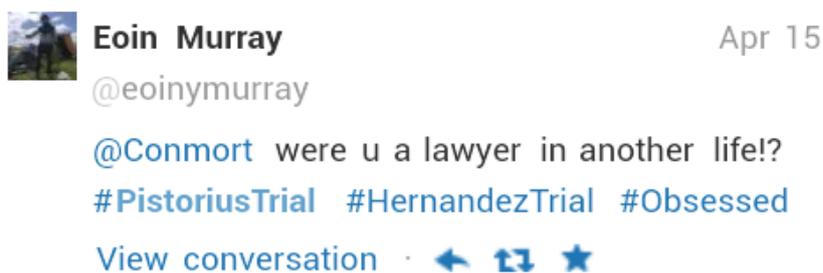


Fig 8: A tweet to @Conmort from @eoinmurray asking why he seems so efficient in interpreting the law as well as articulating himself.

Some cyber-journalists cannot express their own views for they adhere to the brands of their employers online. Some journalists are known to commit to the brand of their organizations online (Hayes, 2007; Artwick, 2013). In as much as journalists are adjusting to social media and adjusting their journalistic conducts, Larosa et al (2012) avers that journalists who work for national newspapers or broadcasting corporations are only changing their practice to a lesser degree. An example of such a journalist is Maughan. Such journalists adhere to the traditionalist notions of journalists as gatekeepers (Hayes, 2007). While journalists like Maughan are not opening space for non-professionals to engage with them in their tweets, the likes of Davis and Du Plessis are an exception (Scott, 2015).

Simple retweets maintain the hierarchy of news circulation. However through engagement, journalists create a horizontal line of communication. By relaxing their hold over news and facilitating dialogue, journalists such as Davis and Du Plessis became participators rather than just news informants (Scott, 2015:6). Davis, did not treat her followers as consumers but as friends. She tweeted once,

Shit Pistorius has a terrible memory. I mean I do too, but that’s because I drink to excess. He claims he barely touches the stuff – Rebecca Davis

Her tweet was making reference to Pistorius' inconsistent accounts of what had occurred the night he shot Reeva. Although journalists are traditionally and ethically required to be objective and not include their own opinions, the trial showed that in South Africa journalism has also become flexible and more of a societal process due to social media. Through live tweeting, this becomes inevitable. Davis opined on her Twitter feed,

Pistorius: "I did not intend to kill Reeva or anyone else". But sadly that's what happens when you fire into an enclosed space – Rebecca Davis

Clearly, she places her own judgment in her news feed. Such is the nature of this cyber-journalism which is emerging. Thus, "it is evident that South African journalists are navigating and negotiating their roles as both reporters and contributors to the conversation." (Scott, 2014:9)

5.6. The Creation of a Public Sphere on Twitter

Habermas (1992) defines the public sphere as a network for communication information and points of view in which streams of communication are filtered and synthesized in such a way that they convert to bundles of topically specified public opinions. The researcher denoted that, there were varying public spheres which were created on *Twitter and Facebook* during the trial, with alternating views. This section will thus present findings which reflect on the creation of an online public sphere which dealt specifically with the *Oscar Pistorius Trial*. The below hashtag #ThingsLongerThanOscarsSentence, created a casual and sarcastic platform for the discussion of the serious.

5.6.1. #ThingsLongerThanOscarsSentence

When Oscar Pistorius' ruling was made public, the hashtag #ThingsLongerThanOscarsSentence trended, provoking some really interesting reactions. The idea behind the tag was to scorn the sentence by posting anything one would think was longer than the Oscar sentence. It was from this researcher's point of view a mockery to the justice system on this assigned sphere. Here the banality of power was reflected, that in as much as the ruling had been made public, the public could also speak back to the judiciary power and authority. Power must be viewed as circulatory, it is never fixed here or there thus individuals are always in the position of undergoing or exercising power (Foucault, 1976). These social networks users employ power and the resultant force is counterpower (Castells, 2009). While power relies on the control of communication, counterpower is practiced once there is seizure of this ability by citizens. Below were some of the tweets which

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this researcher took note of:

#thingslongerthanoscarssentence a Kardashian marriage— Sarah Jones (@sarah_louiji) October 21, 2014
#ThingsLongerThanOscarsSentence Mondays— SC2339™ (@SC2339) October 21, 2014
TaylorSwift'srelationships#ThingsLongerThanOscarsSentence@DJFreshSA@MTVbaseAfrica
a Aaah...hours of fun to be had— Desiree et Michelle (@D10SN) October 21, 2014

In the first tweet, @sarah_louiji alludes to the fact that even the short marriages of the famous Kardashians, are long if compared to Oscar's sentence. In the second tweet, @SC2339's supposes that one of the few things longer than the sentence is Mondays. This is in fact a sarcastic tweet in which the judgment is being taken as a joke and what Oscar got as a sentence cannot even compare with the length of hangover Mondays. @D10SN uses just about the same allusion with @sarah_louiji ,reducing Oscar's sentence to something way less intense and longer than the famous Taylor Swift's relationships.

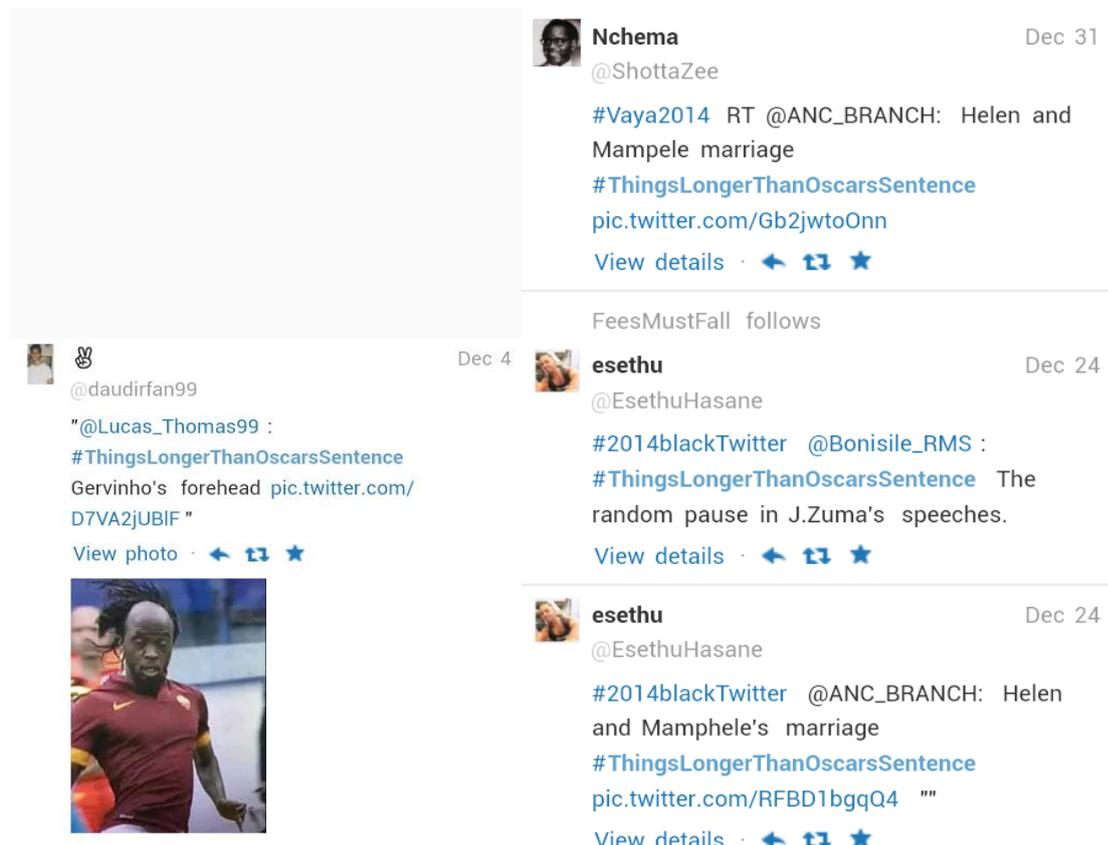


Fig 9. Shows other tweets that came out during the hashtag

Opinion leaders and celebrities also engaged in this talk. In the above given hashtag, @DJFreshSA, the famous house music dj also took part, a phenomenon which made the engagements more than interesting. It is within this hashtag that I observed that there were

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various layers of public spheres which were on Twitter. The one associated with this particular hashtag seemed to be elitist, for it did not seem to speak to the real issues of the ordinary citizen who was concerned with their day to day rights. Eijaz (2011) postulates that in the developing countries, new media facilitate dialogue for the literate, the rich and those familiar with new communication technologies. This stream perhaps accommodated communication for such individuals, who merely surf for leisure purposes.

There were however some pages which attracted the marginalized and bothered few Twitter. During my administration of @bikofoundation Twitter and Facebook pages, the researcher observed that blacks would tweet complaints on the injustice Oscar had done to both the Steenkamp family and South Africa at large to this page. One @Iamanafrican posted:

@bikofoundation :#SteveBiko is rolling in his grave. Is this the justice he fought for #MasipaRuling #PistoriusTrial #JusticeForReeva

Such individuals, added historical context to the trial and were emotionally moved by how a black female judge would do so much injustice for a fellow woman. South Africa has exorbitant GBV statistics. Even the ANC made it clear on Twitter on where they stood. It denounced “former Olympic champion as a “murderer” despite the judge’s ruling that Pistorius was guilty only of unintentionally killing Steenkamp.” (Davis, 2015: Online). This below tweet was also posted to the @ANC official page feed:

“Murder of Reeva Steenkamp at hands of Oscar Pistorius is a sore reminder of brutality meted out to and vulnerability of many women,” (cited in Davis, 2015: Online).

What made these engagements emotionally compelling is the violent nature of the South African community. On average 45 people are murdered per day whilst burglaries shot up to 70% within the last decade (Beukes, 2014). Journalist Joan Smith said Oscar’s light sentence and early release “speaks volumes” about attitudes towards male violence in South Africa. “In a nation where there is a deep entrenchment of gender based inequality it is worry-some to note the manner though which Oscar usurped the role of victim (Smith, 2015). This article was shared on her Twitter feed with the redirection link.

5.8. How Frequent Was The Buzz?

During the first two days of the verdict reading, the #PistoriusTrial had +600 000 mentions on Facebook and Twitter combined, mostly on Twitter and the social chatter on Oscar himself was on average 15 422 posts per hour and 257 per minute (25AM, 2014). Also, Twtrland an online social media analyzing engine showed that the DSTV Oscar Pistorius online page @OscarTrial99 ranked in the top 0,5% of all social media users. This statistical background shows that the trial did not only receive overwhelming attention from the South African community only but the world at large.

5.9. Conclusion

The chapter presented findings which were gathered through all techniques which were outlined in methodology. The researcher's objectives and questions were points of reference in compiling this chapter.

CHAPTER 6: CONCLUSION AND RECCOMENDATIONS

6.0 Introduction

The final chapter of this dissertation lays a conclusive carpet to the research and the associated research findings. In this chapter I also summarize the interrogation of the South African justice and equality project through Facebook and Twitter by South Africans during the Oscar Pistorius Trial. On this same note, recommendations are also provided on how social media can better be used for the enhancement of democracy in South Africa.

6.1 Conclusions

My study sought to determine the level of engagement which was facilitated by Facebook and Twitter in what I term the interrogation of the South African justice and equality project. I did not look at this project as solely the judiciary, but I considered it a social process which is crucial to the creation of the Rainbow Nation. The research used youth, academics and secondary citations to provide an idea of the context in which this interrogation took place.

Facebook was not as aggressively utilised as much as Twitter was. As on respondent indicated, “Facebook is used way less unless if you follow political pages such as Political Forum. Twitter has the ability to prosecute someone and tip the social media scale “(Selowa, 2015). Twitter on the other hand is attractive for a vast number of demographics. The fact that it is mainly used by the youth than other age groups makes it exert more impact on growing African democracies. The researcher thus observed that the majority of youth who were on Twitter during this trial thought Oscar was guilty.

The researcher also deduced that in as much as blacks felt more wronged by Judge Masipa’s judgement, even whites were also dissatisfied with the decision. I thus concluded that sentiments were not as racial as one would have assumed, although there were a few exceptions in which respondents and Twitter users displayed racist sentiments.

This study also presented a thought provoking political economy analysis which was suggestive to the intricate links which exist between new media and traditional media approaches. The hype behind the Oscar Pistorius Trial can otherwise be seen as more market that political based. I say so because the political economy of both Facebook and Twitter depend on the attractiveness or the ability to sell henceforth embodied in any social event. The researcher thus encourages a critical eye when one is examining the interests at play in

the accommodation of democratised communication on social media for as highlighted earlier, social media create unpaid producers of content whose ideas are forwarded to advertisers for demographic analysis and income.

The *Oscar Pistorius Trial* was not a unique incident but simply a case study used to present the operations of Facebook and Twitter in a concise manner. The issue of cyber-vigilant, cyber-activists and cyber-journalists was one which the research dealt with. This is not to say such individuals have not existed before this research, but, it was worth noting their contribution in the public spheres which emerged. I also paid critical attention to the notion of news circulation. All of these groups on social media consumed news which came from somewhere. Although each participant was a publisher in his or her own right. Primary news institutions and journalists remained important. Some became friends to fellow users whereas some remained untouchable professionals, posting the views of their media houses.

Finally, the issue of power relations was one of the main assumptions of this study. Power was contextualised from a Foucauldian point of view, as circulatory. No one news house maintained dominance, for each player could satisfy their desire to publish by posting or tweeting to their friends and followers. The social media interactions which occurred during the trial were a challenge to the commandment of the state, and led to confessions by the ruling ANC for the need to adjust the justice and equality project to suite the plight of the majority.

6.2 Recommendations to Twitter and Facebook

- *Twitter* and Facebook should revise their terms and conditions to facilitate a more democratised level of online interactions
- *Twitter and Facebook* should include African languages in their UI so that the local or less educated can also adopt these technologies
- *Twitter and Facebook* should merge with African governments in coming up with programs to aid the rural folk with smart phones to enhance participation to include the rural areas.

6.3. Recommendations to the South African Government

- The South African government should start using content generated from Facebook and Twitter as crucial to the information of policy.

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- The South African judiciary should be sensitive to the vast inequalities which were set by apartheid in the application of law and policy
- The government should encourage continuation of online interactions by using its government branch social media pages as a means of noting areas of concern for the publics.

6.4 Conclusion

The study was able to meet the main research question which was to explain how *Facebook and Twitter* constituted a public sphere for South Africans to engage in law discourse during and after the 2014 *Oscar Pistorius Trial*. It is clear that social media are vital media for democratic participation. They also help simplify the complexities of the law through their constitution of professionals online. Thus they are potentially revolutionary alternative media. Like all technologies, they have their weaknesses. Their weakness lies mostly in their political economy. Besides that, *Facebook and Twitter* were vital platforms which facilitated the interrogation of the South African justice and equality project by the publics during and after the *Oscar Pistorius Trial*.

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