

The sex tape of joost van der westhuizen



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Joost van der Westhuizen, the former Springbok rugby captain, was secretly taped in a bare-looking room with a blonde stripper while snorting a white substance with her. Heat Magazine, a South African celebrity gossip spot, can be seen as publishers constituting to invasion of Joost's privacy according to South African Media ethics and the after effects that has inevitably affected Joost's personal life and rugby reputation.

It was the scandal of the year in 2009 when Heat exclusively brought South Africa the sex and drugs videotape of Joost in the 250th issue, whereby the story further unfolded months after the first publication of the videotape. Joost denied being involved in such a sex tape to the extent that his team behind protecting him "took the original videotape from Heat's attorneys to the CSIR in Pretoria to have it analysed for authenticity." (www.heat.co.za : 09/05/2011) We are given the breakdown in the magazine and on the Heat Homepage, however, from an ethical perspective we can argue that such invasion of privacy shouldn't have constituted Heat winning an award for the scoop, but rather further legal actions should've arisen.

The word 'ethics' is based on the Greek word ethos, referring to character. Heat Magazine journalists, like all other print journalists, have to make ethical choices. The line of privacy is defined by the code of ethics, and deals with the philosophical foundations of decision making, or choosing among the good (ethical) and bad (unethical) options that one now has to face through such publications by journalists.

Ethical decisions in the media determine what the public will read, hear and see. Thus Heat Magazine chose for the public to read and see this invasion of

Joost's privacy. However, one needs to also take into consideration that ethics is such a broad and complex code, and poses a primary problem for the media public, students and journalists alike. What is ethical has to be moralising, and the argument then follows if publishing a sex and drug scandal with graphic images and unknowingly authentic information in the eye of the public.

Regarding teleological theories, one can see Hedonism as a feed off to the Heat Magazine theme and structure. The Hedonists believe that "pleasure is the sole purpose of life and thus means of information can be twisted to an extent as long as people are receiving pleasure from the information." (Froneman and De Beer, 1998: 296) However, one needs to consider the Utilitarianism effect which briefly explains the "difference between wrong and right, and that everything should inevitably bring the greatest amount of good." (Froneman and De Beer, 1998: 295) As Heat magazine twists information for pleasure, one must also consider the goodness that needs to come out of it, in order to not break the code of conduct.

Gossip, the general content of Heat, is poles apart to a formal academic publication and can be seen as idle-talk, exaggeration, broken telephone or a rumor. Gossip is ideally about personal or private affairs of others, and constitutes to a degree of the invasion of privacy. It is a way of sharing views/facts but also has known as a means of communication which has the tendency to produce and introduce errors and variations. "Gossip can be seen as personal or trivial nature, as opposed to formal means of information." (Niko Besnier, 2009) Thus, Heat is already risky with its

content, however has evidentially stepped over the line with this explicit videotape of the former Springbok.

Van der Westhuizen views the release of the video as “ a scandalous attempt to sell tabloid news, a means of entertainment for the public.” (www. iol. co. za/news: 08/05/2011) Inevitably exactly what Heat Magazine aims to do through gossip – Entertain. Not only is Joost a married man to Amor Vittone, but being a former captain of the Springboks, he is the hero in the eyes of many South Africans. Heat thus did take advantage of the publicity from the scoop as Joost is a well known celebrity in this country, however crossing ethical boundaries is a downfall on heats behalf.

The ten commandments of Ethical Journalism according to Johan Retief (2002: 44 – 45) in George Claasen’s (2005) article ‘ Why Ethics Matter’, follows the code of ethics that journalists need to take into consideration before publishing a story, despite the magazines publicity and reactions which might be increased. Firstly, the content of the publication needs to be accurate and secondly, truthful. The fact that Heat received the videotape from an unreliable source, or likewise a source that could easily be ‘ out to get’ Joost – the content was not one hundred percent accurate at that time and still had to undergo authenticity, thus unethical. Thirdly, the publication must be fair and present all relevant facts in a balanced way. The videotape was in no way fair to joost, and produced no balanced facts. It was merely what the media call a “ juicy” story to get people talking and buying heat at the time to find out the scoop.

Similarly, the content must also be duly impartial in reporting the news, and in no way biased. It is clear that heat was, like the majority of their articles which are structured and themed around “ what the public want to hear” is biased to the spiced up version of the story, rather than getting a fair ground balancing both parties sides and opinions. Joost had not seen the video or heard about it until the news was released in the 250th issue – which is unethical due to its explicit and personal content. Thus the ethical code states that the publication must protect confidential sources and be free from obligation to any interest group.

Above all, this publication unethically disrespected the privacy of individuals. Unless it is overridden by legitimate public interest, which is no way a matter of public interest but merely ‘ gossip.’ Nobody’s personal sex life, especially not approved to be viewed by the public and unaware of the tape itself should be of the public’s moral interest, and thus goes against ones rights. The publication can be seen as a level of intuition into privacy and despite refraining from stereotyping, is not socially responsible in referring to matters of indecency, sex and the usage of drugs. As the magazine is sold to all ages, the heat magazine is opening up unethical publication and explicit viewing to underage readers.

Media ethics is important because the media need to regain their credibility, where thus can be seen as morally incorrect for heat magazine winning an award for such a scoop. The woman on the tape, Marilize van Emmenis, told her story in heat further on as the story progressed. “ Her ex- boyfriend who requested to remain anonymous, told heat that the videotape was all his idea and that was further beaten up by men which he claims was organized

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by Joost in 2006, where the video was confiscated and thus not released.” (Heat homepage, www. heat. co. za: 08/05/2011) This again, constitutes for unreliable and biased sources which are not fully authentic and fair.

The first issue (250th) to release the story of this scandal included graphic images of the former Springbok captain snorting a white powder, which is believed to be CAT, while with a topless stripper. Additional information was and still is today available on the heat homepage website. One of the tabs names is “ Joostgate” and entails the full timeline of how the story progressed as well as a link to the unclear and unreliable video where we can see the stripper prepare the camera in her bag. The fact that the incident was staged without Joost’s knowledge and then given to Heat Magazine, heat could’ve either produced an article with far less and more fair information about their findings without graphic images and a link to the video, or approached Joost in person before as this evidentially goes against his privacy rights. However, heat undoubtedly took advantage for their own benefits.

On the 6th of March, as seen in the timeline on Heats homepage (www. heat. co. za, 09/05/2011), “ Mike Bolhuis tells the media that Joost will lay criminal and civil (human rights) charges against heat and the producers of the video and that proceedings will start on Monday.” The fact that Joost had a leg to stand on and that he was ready to take the case to the court, immediately justifies that this publication has undergone means of invasion of privacy, along with going against other ethical codes.

Joost van der Westhuizen announced at the end of March 2009, that he was not going to sue anyone for the video due to his reasoning being that South Africa has a weak legal system and would drag his court case out which would affect his personal life to a greater extent. Firstly, the fact that it has affected his personal life from content that was between him and a stripper and was not a means that effected anyone whatsoever is unethical for getting put out in the public eye, and secondly, the fact that he makes mention of the weak legal system it is distressing as a country due to the fact that such a 'scoop' from Heat went on to win an award and got rewarded rather than punished. It merely fades such boundary lines for further publications and other journalists and the media need to take note of the code of ethics to not invade such privacy of an individual to such an extent again.

The sexual conduct in the Code of the Broadcast Complaints Commission of South Africa (2003) states that sexual conduct is forbidden in the context of; "A person who is depicted as being under the age of 18 to view such or participate and engage in such publication; to be open to explicit sexual conduct and finally sexual conduct which degrades a person" in the sense that it advocates a particular form of hatred based on an individual which can cause harm to their personal reputation and emotional stability. Thus, this videotape and publication in the heat magazine goes against the Code of the Broadcast Complaints Commission of South Africa.

Within the Code of the Broadcast Complaints Commission of South Africa (2003) "where there is a reason to doubt the correctness of the news and it is practicable to verify the correctness thereof, it shall be verified before

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publication.” Heat Magazine released this news in issue 250 whereby they were unaware of the correctness of this video and took a huge risk with Joost further denying that it was not him in the video. Regarding privacy in the Code of the Broadcast Complaints Commission of South Africa (2003), as both news and comments are concerned, “ there should be extra care and consideration in matters involving the private lives and private concerns of individuals.”

Invasion of privacy is one of the most controversial ethical issues. Despite including the harassing of celebrities and releasing false information about their lives, this issue does also entail using camera’s to photograph an individual without them knowing. – As seen in this case. Journalist’s do have a job to do however, which means they are paid to tell the public what they want to hear which often blurs the boundaries of privacy and questions what privacy is and when has one crossed the line. Justifiably, however, as this content entail sexual content and drugs and clearly is a production produced without the victim being aware of the video, Heat magazine has crossed the line.

In conclusion, as Snyman (1994) argues that “ there is no absolute right of the public to know everything”, this explicit and graphic heat publication has broken the codes of ethics by invasion of privacy of Joost van der Westhuizen, as well published as unfair and initially unreliable content which entails sexual and drug content. The mere fact that Joost was believed to be unaware of the videotape until Heat released the scoop, and that it entailed his private life which caused harm to his personal reputation and emotional

stability – such a publication should result in legal ethical punishments, rather than rewards through awarding heat magazine for such ‘gossip.’