

Freedom of the Press

NST - 9 JUL 1981

— Fact and Fallacy

ONE of the most vaunted institutions of democracy is the free press. So important is a free press in a Western democracy that it is regarded as the fourth power after The Lords Spiritual, The Lords Temporal and The Commons.

It was once referred to as the Fourth Estate. In recent years, its power has increased to the point where the other centres of power have become almost subservient to it.

The reason for the power of the press in a modern democracy is obvious. The press is the most effective agency for determining public opinion, and public opinion determines not only the policies and values of a nation, but also the fate of the leaders of a democratic society at all levels. Consequently the press can and does make or break policies and leaders.

By and large the role of the press in ensuring good democratic practices and hence sustaining democracy itself is not only right but also truly indispensable. It is indeed a means of communication between a democratic government and the people.

Through it not only will the people be kept informed of all that the government and its leaders are doing, but the leaders, too, will learn of the attitudes, needs and problems of the people.

There would then be the kind of responses from both sides which would lessen conflict between and within them if not actually promote rapport and mutual efforts to overcome problems. A responsible democratic government must accord-

ingly regard a free press as an asset which facilitates good government.

But in actual fact, the press does not usually play this role. The press is not an inanimate institution that mechanically follows the ideals of democracy. The press is made up of and is run by people who are moved best not just by high ideals but also by base needs and feelings.

For this reason, it is subject to the weaknesses and failings that these people have. Even if they are not partisan, their objectivity must still be influenced by their personal values and interpretations. There is nothing to ensure that these values are superior to others.

Besides, journalists are journalists not because of a special selection based on their ability to judge correctly and dispassionately. They are journalists because of their need for jobs and their ability to write and interest readers. Their righteousness is usually a gimmick they employ for the sake of their jobs — not for democracy.

To appreciate this, it is

necessary firstly to understand the limitations or constraints inherent in the media itself. The press cannot possibly report everything that goes on or that is said by everyone that is relevant to the democratic life of the society.

The handicap is essentially physical. With the best will in the world it is still impossible to print everything that needs to be printed. It must therefore be selective.

Capacity

This confers on pressmen at all levels from managing directors and editors to sub-editors and reporters, certain powers of manipulating the news. Merely by reporting the doings or sayings of chosen individuals, the pressmen can shape the thinking of the masses in a manner that affects the working of democracy itself as well as the fate of those individuals and others.

Of course, beyond this there is the capacity to manipulate news to achieve whatever effect the press wishes. News may be played up or watered down, excluded or

included, slanted or coloured, misquoted and a thousand and one things done to it to achieve whatever effect, the particular newspaper or journalist wishes.

If, for example, a particular group of pressmen or even a single individual working on a newspaper believes that there should be a more socialistic course in the affairs of the nation, he would be able to influence the achievement of the cause he has chosen by merely presenting the news that favours socialism, and cutting out news that exposes the faults of socialism.

Ability

The ability of this individual alone to influence the course of events is out of all proportion to his individual right as a member of a democratic society. Yet he is neither specially chosen for some superior democratic qualities nor elected to his post as are the leaders of a democratic nation.

Perhaps it may be argued that as a pressman he should have this right. How else is the press going to act as a communication system if a pressman cannot use the media in this manner? But in reporting only what he favours the pressman is discriminating against some individual or some groups in the society.

For these people who are discriminated against, freedom of the press does not exist. They are denied the same right of expression as is denied by a government-controlled press. The question then is, what right has this pressman to deny a democratic right to some people while enhancing the rights of others.

If democracy means equal rights, what is the attitude of democracy towards people who are not even elected yet deliberately render the rights of other citizens unequal. All the while it has to be remembered that a pressman is no more capable than anyone else to judge correctly. He is just another citizen who, by accident

or design, has found himself in a position of power.

The current role played by the press and the publishing industries in the United States is most illuminating. Because the press is big business, its financial capacity is not less than other big businesses in the US. With vast sums of money at its disposal the press is able to literally buy information. The secrets of governments, big and small business and individuals cannot be safeguarded from the press. They will pay large sums of money to individuals to get information.

They can with impunity disregard secrecy and refuse to accept the norms of society. With their money they can employ the best lawyers to defend all their actions in court. And the trend is for the courts to favour the press, because the courts, too, fear the press.

socialists reading socialist news is no different from the effect of the whole nation being allowed to read only government news handouts. The essence of democracy is access to all kinds of information on which to base a citizen's judgment.

Perhaps the free availability of so many partisan newspapers would enable people to have access to all the views and so form their opinion impartially. But this is impossible for the majority of the people. Not only is it impossible to buy all the newspapers but the masses of information that come off the press are beyond the capacity of everyone to absorb, much less analyse and arrive at a set of opinions.

To overcome this, magazines are published which digest the news and spew them out in condensed form. But again these magazines can and do have a special bias. The effect is still a one-sided piece of a particular cause espoused by the editors and reporters of the magazines.

Impossible

It is obviously physically impossible for the media to be impartial or to let the citizens make their own judgment. The media necessarily interferes with the citizens' rights to think and choose anything. Basically the press is an advertising medium and the effect of advertising on the minds of people is well known.

The financial strength of the press does not come from the support of the readers. Indeed, no matter how large the readership, it can only support a small fraction

porters work in sleazy bars drinking huge quantities of alcohol and talk to people of their own choice.

But the amount of "news" they spew out is phenomenal. A one-day visit to a nation of millions can result in a powerful earth-shaking report. The effect of that report on the well-being of that nation varies from a slight reduction in the number of tourists to the reversal of investment decisions worth millions of dollars or a shift in trade patterns and balances.

Politically, it can not only create discontentment among the people of the nation concerned, but may even result in a break in diplomatic relations and war.

The reporters of these international magazines and newspapers are privileged people. They rub shoulders with the most powerful people everywhere. In many instances, they are feared. Kings and Presidents as well as leaders of the opposition and dissident groups solicit their support. They have access to all sorts of information and rumours or they can make up news where none exists.

Blatant

The press is truly a power that can hold its own against other sources of power in national or international life.

Now power is said to corrupt. The press is no exception. It can corrupt, as is shown when it pays huge sums of money for information that is sensational and exclusive. It can be corrupted as when it receives money for promoting a particular

reference with the oil companies. Knowing that Malaysia depends on foreign investments to create job opportunities and stimulate economic growth, the press allowed itself to be used by the oil companies to obstruct Malaysia's efforts to industrialise.

Conflicts

The oil companies were then able to apply pressure on the Malaysian Government to change the conditions of the oil production contracts. Only after the oil companies had secured terms agreeable to them was the press campaign against Malaysia stopped.

Of course, it is not only the oil companies that use the press. Other organisations, some of whom have conflicting interests, also make use of the press.

At any time there will be conflicts of interest between the East and the West or between the developed and the developing countries. As the world press is largely dominated by the West, the under-developed countries are invariably used by the press to justify and enhance the stand of the developed countries. Nothing the developing countries do is pictured as right.

The slightest crisis faced by the developing countries is blown up to create a picture of instability. Any dissatisfaction in a developing country is also espoused and supported by the Western press in order that the dissatisfaction will increase and render the country unstable.

Encouraged and fed by the Western press, even the slightest opposition to

immediately follows the press' reply to the criticisms.

Or when the press is threatened with libel action unless it corrects a wrong report, it will do so. In some obscure corner of the paper which, while absolving it legally, does not entirely negate the original report. The last say on anything is always with the press.

The press as an instrument of democracy, ensuring fair reporting which enables the leaders to know the wishes of the people, and the people to know the doings of their leaders, is thus not the great institution that some interpreters of democracy make it out to be. It is just as prone to manipulation and corruption as are the other institutions of democracy. In the hands of the unscrupulous it can in fact disrupt and destroy democracy.

And so the press in itself is no more a guarantee of the proper functioning of democracy than any other institution of democracy. Indeed it is more likely to undermine democracy than to strengthen it. Certainly many countries which were fairly democratic have now become anarchic or authoritarian because the press contributed its share in bringing down the tolerably democratic government that was in power originally.

That the press then attacks the undemocratic governments that took over is of no consequence. The more authoritarian government will ignore the world press and control its own press. In the process, of course, the people have to pay a high price.

Because the law does not prevent discussions of matters that are sub judice in the US, the opinions of all sorts of people connected with trials can be influenced. Even if the jury is isolated, the lawyers, prosecutors, witnesses, judges and a host of other court officials can be subjected to a barrage of press propaganda as to affect their thinking and opinions.

Thus, if a case is brought against the press in the courts of law, the press would have the means of influencing the course of justice by its reporting and the articles that it publishes.

It may be argued that any group can have its own press to promote its cause. Thus the communists can have their own paper, the socialists theirs and everyone else a paper of his own choice. But the cost of running a newspaper is now so high that it is not a right that can be exercised effectively by all. Only the very rich groups can have this freedom. The poor, even if they manage to have one, would not be able to reach and influence a significant number of people.

There is yet another problem here if every group has its own newspaper and presumably reads only its own news. Then the capacity to judge and evaluate things would be faulty. Indeed, the effect of the

of the cost of running a modern newspaper. The success of newspapers depends largely on their use as an advertising medium. The more advertising space they sell the more viable they are. The more income they get, the stronger is their financial strength. And, of course, the stronger they are financially, the more power they wield.

The newspapers are, therefore, commercial enterprises with the

same capacity to gather wealth and power as other commercial enterprises. The multinational industrial corporations which the press claims are able to influence and even corrupt the world are actually less powerful than the newspapers. The multinationals cannot directly affect mass world opinion but newspaper and magazines can.

In a world that is so conscious of individual, national and international opinions: the power of the press as a commercial organisation is truly frightening. It can affect not only the material wealth of individuals, groups and nations but it can even provoke and sustain a war.

In fact, a large section of the world press thrives on war and tragedy. The technique of reporting is such that the readers' or viewers' interest can be sustained indefinitely. Most, of the time re-

cause or denigrating a particular group.

The second role became blatant when oil became the focus of international politics. The Western world and the oil companies, in particular, have a vested interest in projecting a picture of the oil industry in a way that will perpetuate their domination of the industry. For a long while, the fact that the West and the oil companies were exploiting the oil-producing countries was never reported by the international Western-controlled press.

It took an almost superhuman effort on the part of the Arabs to make out a case for getting a fair share of the oil extracting industry in their own countries.

The fate of Mossadegh and the Iran of the 1950s could very well have fallen on the Arabs if the world press had continued to succeed in their campaign to depict the Arabs as brigands

without principle. But for the October 1973 War which brought the Arabs together, the oil nations would have continued to be impoverished nations to this day.

Even then the press campaign to vilify the Arabs and as a corollary, their religion, Islam, has been continued by the international press and their backers.

Malaysia, too, had its share of hostile press coverage when it had dif-

the government soon gets fanned up and inflamed into a violent movement for the overthrow of the government. Should the opposition succeed in gaining power in one way or another, the Western press would then find fault with it. Soon a new opposition group is encouraged to overthrow the government. Instability would then be continuous and the Western press would thrive and prosper.

It is true that there are individuals in the newspapers who would appear to maintain a rigid honesty. But it is not possible for a newspaper with its numerous reporters, sub-editors, editors, managing directors and proprietors to ensure that every report appearing in its columns is accurate and not biased.

Partisan.

Somewhere in the process of getting the news into print, the subjective feelings and beliefs of some individual creep in. The result is biased and partisan news which prevents the readers from making their own judgments.

Like the authoritarian governments, the press has the power to protect itself against attacks by other institutions of democracy or by its victims. News that put the press in a bad light can be suppressed. If at all the press permits criticism of itself to appear there

A system or an institution does not serve the purpose for which it is designed merely because it is so designed. In a democracy the fact that the systems and institutions are designed to serve democratic ideals do not mean they will all serve these high ideals.

The systems and institutions depend very much on the people who work or service them for their proper functioning. If the people working here are dedicated to the ideals they are supposed to serve add know how to apply these ideals in their work, then the systems and the institutions would indeed fulfil the purpose for which they are created.

But if these people choose to manipulate the systems and institutions for other purposes, the structure of the systems and the institutions by themselves will not prevent such misuse.

The free press in a democracy is designed to act as one of the checks and balances that will ensure a true democracy prevails. In the hands of honest and genuine democrats the press will perform this function. But usually the press is run by people with the same weaknesses as other ordinary people.

They are not chosen by popular votes, nor are they subjected to periodical threats of losing their position if they do

to serve the needs of the people as happen to the elected leaders of a democracy. There is, therefore, no need for them to render to the wishes of the majority, which is the basis of a democracy.

Instead the press people are chosen for their ability to make the press prosper. The achievement of this objective does not depend on the promotion of democracy. Indeed, the objective requires styles and techniques that are at variance with those which promote democracy.

For example, to attract the interest of readers, the news should be sensational. Ordinary events which indicate the healthy working of democracy are not sensational or newsworthy. If the press is to serve the purpose of democracy it must report the dull news. But of its own volition, it is not willing to do this.

The conflict of interest is seemingly insoluble. The only way to resolve this is to evaluate once again the role and rights of the press. While a responsible press must be regarded as an asset to a democracy, an irresponsible, sensation-seeking and biased press must be declared anti-democratic. A government of popularly elected representatives must have the right to control such an irresponsible press to preserve democracy.

This is not as un-

democratic as it sounds. A government of elected representatives does not get that much of a free hand to misuse its authority over an irresponsible press. This is because the representatives are not permanent but have to face elections by the people periodically to obtain the mandate to rule. If the people do not like the way the government handles the press they can always refuse to re-elect them. The harshness of the government in the control of the press can itself be an election issue.

This way the people will determine the level of freedom accorded the press. This is the only way because the alternative would be for the people themselves to elect the owners and editors of every newspaper and magazine in and outside the country. It is obvious the latter method is impossible.

The suggestion that an elected government should control the press in a democracy may sound undemocratic unless the early arguments that a mischievous free press can destroy democracy is remembered.

An irresponsible press is a negation of the right of the people in a democratic society.

If the press fails to understand this then it should be made to do so by the people through their elected representatives.

The situation is analogous to the exercise of free speech in a democracy. The fact that libel and incitement to riots against law and order do not constitute a right does not make democracy less meaningful. There are obvious limitations to all the freedoms in a democracy. Freedom of the press should also have reason-

able enforceable limitations.

The voluntary censorship practised by some countries worked for a time but in the face of multiple challenges has obviously broken down. Today there is no voluntary censorship to speak of anywhere. The only workable alternative is government censorship as defined by law.

The problem of course, is to determine the parameters of the law. No hard and fast rules nor universally applicable standards can be found. A country at war must need very strong censorship. What the level of that censorship is must be arbitrary to a certain extent. But a country that is not at war is in a more difficult situation where censorship level is concerned.

Some countries could be very liberal. Even then differing situations require differing levels of liberalism. Other countries, weaker perhaps and faced with problems of internal conflicts or economic retardation or upheavals, will require a less liberal attitude.

Again, as no distinct levels can be defined, the determination of the levels of press freedom must be arbitrary. Again it is obvious that only Parliament can determine what that level is and how the law is to be formulated. Everyone can have his say prior to the passage of the law. The journalists, the opposition parties, students, lawyers and others can all give their views. But Parliament will have the final say.

And once the law is passed, its interpretation must be left largely to the government and the courts if a dispute arises.

If the law is truly op-

pressive, the only way to change it is to elect a new government. But it must always be remembered that although the opposition may support revision of the law, their attitude would change the moment they become the government. This is unfortunate but it is a fact of life.

The press quite clearly has a role to play in a democracy but that role is not as absolutely critical as the press makes it out to be. In the wrong hands it can even be a weapon to destroy democracy. Of late, this has been the rule rather than the exception.

In upholding a free press this potential role must always be remembered. So long as the press is conscious of itself being a potential threat to democracy and conscientiously limits the exercise of its rights, it should be allowed to function without government interference. But when the press obviously abuses its rights by unnecessarily agitating the people, then democratic governments should have a right to control it.

Should this control be abused by the government itself then judgement and action must be left to the people through their exercise of the right to vote. If the government is dictatorial and will manipulate or negate the right of the people to vote, then a free press is no longer relevant as there would be no democracy. We are concerned only with the free press in a democracy and how it should play its role.

The freedom of the press, as with the other freedoms normally associated with democracy, is a freedom that carries a burden of responsibility. Failure to appreciate this means a failure to understand what democracy is all about.