
World Press Freedom Day

Press freedom, social media and the citizen

COMMENTARY

On 3 May, 2013, AUT University's Pacific Media Centre marked the 20th anniversary of the UNESCO World Press Freedom Day with the inaugural event in New Zealand. The event was initiated by UNESCO's Programme for Freedom of Expression, Democracy and Peace with the first seminar on 'Promoting an Independent and Pluralistic African Media' in Windhoek, Namibia, on 3 May, 1993. The journalists participating in that event drew up the Windhoek Declaration which highlighted that press freedom should be understood as a media system that is free, pluralistic and independent. They insisted that that this dispensation was essential for democracy and development. The Declaration became a landmark document in the fight for press freedom around the world. This address argues that new ethical codes of practice are now needed that are inclusive of serious bloggers and citizen journalists. The author of this address states: 'The printing press spawned free expression's offspring—the right of "press freedom"—as pamphleteers fought censorship by governments in the ensuing centuries. Events are unfolding much more quickly now. It would be an historic irony and a monumental shame if press freedom met its demise through the sheer pace of irresponsible truth-seeking and truth-telling today'.

Keywords: Article 19, Bill of Rights, blogging, citizen journalists, dissidents, free expression, media freedom, media law, peace journalism, press freedom, sedition, storytelling, truth-seeking, watchdogs

MARK PEARSON
Griffith University

FIRSTLY, I wish to acknowledge the tangata whenua of Tamaki Makaurau and to thank my hosts here at AUT's Pacific Media Centre and the School of Communication Studies for your hospitality this week.

The Pacific region can lay claim to several 'press freedom warriors' over recent decades. It would be a mistake to try to name such individuals in a forum like this because you inevitably leave someone off the list—and they are usually sitting in the very room where you are giving your address!

A 'press freedom warrior' is someone who has made a substantial sacrifice in the name of free expression and a free media.

For some, that sacrifice has taken the form of physical injury or danger—perhaps even death. According to the Committee to Protect Journalists, more than 100 journalists died in the course of their work internationally last year, and more than 20 have been killed already in 2013 (CPJ, 2013). Some were relatively close to home in the Asia-Pacific region, with at least 72 Philippine journalists killed over the past decade.

Throughout the Pacific islands, many others have suffered physical violence or have been imprisoned in recent years because of what they have reported.

I also include in my definition of a 'press freedom warrior' those who have suffered in other ways because of their commitment to truth-seeking and truth-telling. Some have been the victims of lawsuits and have had to pay damages to those who have set out to gag them. Others have forsaken lucrative positions in government or public relations so they can continue as Fourth Estate watchdogs in preference to becoming political or corporate lapdogs.

We are honoured to be in the company of press freedom warriors in this room today or watching via webcast and I ask you to join with me in a round of applause to salute them.

I am not a press freedom warrior. I have made none of these sacrifices. I prefer to describe myself as a 'press freedom worrier'—because much of my work has centred upon my public expressions of worry about a continuing array of regulatory, technological, economic, corporate and ethical threats to free expression and a free media.

I shall try to address some of these here tonight and I look forward to some robust discussion afterwards.

Before we proceed too far, however, we need to position the concept of free expression—and its offspring, 'press freedom'—in the modern world.

The free expression of certain facts and views has always been a dangerous practice in most societies.

There have been countless millions put to death for their attempted expression of their so-called 'dissident' religious or political views throughout history. Many more have been imprisoned, tortured or punished in other ways for such expression.

A classical free expression martyr was Socrates, who in 399 BC was forced to drink hemlock poison by the government of the day because he refused to recant his philosophical questioning of the official deities of the time (Brasch & Ulloth, 1986, p. 9).

It was the invention of the printing press and the burgeoning of the publishing industry over the 16th and 17th centuries in the form of newsbooks and the 'pamphleteers' that first prompted repressive laws and then the movement for press freedom (Feather, 1988, p. 46). It is interesting that these individuals were the forerunners of the citizen journalists and bloggers we know today—often highly opinionated and quick to publish speculation and rumour.

But the pamphleteers took umbrage at government attempts at imposing a licensing system for printers from the mid-16th century (Overbeck, 2001, p.34). Political philosopher and poet John Milton very publicly took aim at this in 1644 with his missive *Areopagitica*, a speech to the Parliament appealing for freedom of the presses. He went on to utter the famous free speech quote (Patrides, 1985, p. 241): 'Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties.'

Milton was an early free press warrior because he boldly inscribed his name on the title page of his unlicensed work, in defiance of the very law he was criticising. So with this series of events the notion of free expression spawned its offspring—press freedom—which we celebrate today.

Of course, the definitive example of that development was the enactment of the First Amendment to the US Constitution as part of the Bill of Rights in 1791. The relevant 14 words would fit comfortably within a modern day 140 character tweet: 'Congress shall make no law ... abridging the freedom of speech, or of the press.' The US Supreme Court has applied a broad interpretation of those words to an array of writing and publishing scenarios. It has been held to cover the gamut of traditional and online expression, by ordinary citizens, journalists and bloggers—particularly if they are addressing a matter of genuine public concern. But even in the US the First Amendment

cannot guard against government erosion of media freedoms, and that nation languishes at number 32 behind Ghana and Suriname on the Reporters Without Borders World Press Freedom Index (RSF, 2013).

In fact, nowhere in the world has there ever been unshackled free speech or a free media. We operate on an international and historical continuum of press freedom or censorship, from whichever perspective you wish to view it.

It is only over the past half century that the notion of free expression and a free media has gained traction on a broader scale internationally.

The key international document is the United Nations Universal Declaration of Human Rights, which in 1948 enshrined free expression at Article 19: 'Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.'

At face value, this statement seems to give all the world's citizens a right to free expression. But it was only ever meant to be a declaration of a lofty goal and has many limitations.

Stronger protections came internationally in 1966 when the UN adopted the International Covenant on Civil and Political Rights, prompting a series of binding treaties. The covenant introduces a right to free expression for the world's citizens, again at Article 19: 'Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.'

It sounds like it was almost written for bloggers and citizen journalists. However, the right is limited because the covenant imposes special duties for the respect of the rights and reputations of others and for the protection of national security, public order, public health or morals. Add to this the fact that many countries have not ratified the covenant and you are left without much real protection at this level. Complaints about individual countries' breaches can be brought to the Office for the High Commissioner for Human Rights, but the processes can take several years and are often not resolved, as their annual reports demonstrate.

A positive of the UN right was that it fed through into regional conventions and in turn into the laws of their nations. Rights charters exist in Africa, the Americas and Europe and free expression or a free press is guaranteed by the constitutions of many countries internationally.

In the Pacific region we have no such rights charter, although many nations including Papua New Guinea and New Zealand have either constitutional or legislative rights protections for free expression. Pacific Media Centre director David Robie (2004) has critiqued the ease with which governments in Fiji and Tonga have changed such provisions when this has suited their political ends.

Theorists have attempted to group different functions of the press within government systems. Most notable was Frederick Siebert's *Four Theories of the Press* (Siebert, et al. 1963), which categorised press systems into 'authoritarian', 'libertarian', 'Soviet-Communist' or 'social responsibility'. Others have criticised the Siebert approach for its simplicity and outdatedness, with Denis McQuail (1987) adding two further categories: the development model and the democratic-participant model.

Some countries justify their stricter regulation of the press, and limitations of media freedom, on religious, cultural or economic grounds. There has been an ongoing debate about the lack of press freedom in the Asia-Pacific region. Malaysia, Singapore, Brunei and Fiji have state licensing systems in place for their newspapers. Malaysia also has its Internal Security Act 1960, restricting publications on such topics as the position of rulers, the position of Malays and natives, the status of Malay as the national language and citizenship (Syed, 1998, p. 124).

As Rejinal Dutt noted in 2010, 'Singaporeans have been led to believe that their model of news media suits the interests of their wider society and that the media's role is to support the government in its quest to promote harmony, solidarity, tolerance and prosperity, rather than to question the existing social, political and economic structures' (p. 90). He showed how the Fijian regime had modelled its own approach to media regulation on the Singapore structure in its *Media Industry Development Decree*.

As a 'press freedom worrier', my concerns are not limited to Singapore and Fiji.

My major worry is the ever-increasing government regulation of media and social media everywhere. My observation has been that governments are quick to enact laws to control emerging social and technological situations but are loathe to wind them back when they prove unjust or the reasons for their existence have long gone. Examples of such laws that are an anachronism in the modern era—and still exist in many Pacific nations—are laws of sedition, criminal libel and blasphemy.

Add to these the spate of anti-terror laws introduced since 9/11 and you start to get a potential armory of tools available to governments and their security agencies for surveillance or intimidation of the media.

Even laws endowing journalists with special privileges are worrying because they require a definition of who or what constitutes a ‘journalist’. Shield laws are a good example. At their best they offer journalists sanctuary when being pressed to reveal their confidential sources in court. However, the downside is that a shield law for journalists requires a court to deem who is, or is not, a ‘journalist’—a process which, when taken to its extreme, can constitute a licensing system.

It is even more problematic now that citizen journalists and bloggers are covering stories of public importance when they might not meet a government’s definition of ‘journalist’.

As a press freedom worrier I am also concerned by the technological intrusions into free expression and a free media. As an avid blogger and social media user I can attest to the utility and reach of these media and we have seen via the Twitter revolutions in North Africa how social media can be a useful tool for dissident mobilisation in autocratic regimes.

Web 2.0 communication has further empowered ordinary citizens who can now publish at their whim in the form of blogs, tweets, podcasts, Facebook postings and Instagram and Flickr images. Citizen journalists can crowd-source funding for important stories and not-for-profits can operate their own news platforms to compete with the legacy media.

Yet at the same time the internet has given audiences and advertisers so many new choices that the financial model of those traditional media is under chronic stress. The important Fourth Estate journalism once funded by the ‘rivers of gold’ in the form of classified advertising to newspapers has all but lost its funding base.

Investigative reporting calling governments to account does not come cheaply. It involves weeks of groundwork by senior journalists, photojournalists and videojournalists and funding of their salaries, travel expenses and equipment. It typically requires further investment in the time of expert editors and production staff.

But the former multinational newspaper companies that once funded this investigative enterprise have been shedding staff, rationalising operations and slashing budgets. There is a ripple effect throughout the Pacific of the impact

of such measures in major Australian, New Zealand and North American newsrooms.

It is not just their domestic investigative reportage that suffers—but also their international reportage and foreign correspondence. This means the policies of governments in Pacific Island nations are exposed to less international scrutiny and that breaking news is more likely to be covered ‘on the cheap’ by so-called ‘parachute journalists’ who fly in and out to report in a superficial way.

An unfortunate byproduct of the financial demise of big media is that they no longer have the deep pockets to fund the lobbying for media freedom they have conducted over recent decades. Tighter budgets mean less funding for submissions to government opposing media threats, appeals to higher courts on points of law and free press principle, and a greater tendency to settle out of court to reduce court costs and potential exposure to higher damages. Bloggers and citizen journalists are left stranded without the resources to defend legal threats unless they can garner the support of a union or an international NGO.

Another downside to the technological revolution is the level of surveillance of the journalistic enterprise available to governments and their agencies. Anti-terror laws introduced internationally—modeled on the US Patriot Act—typically give intelligence agencies unprecedented powers to monitor the communications of all citizens.

There is also an inordinate level of surveillance, logging and tracking technologies in use in the private sector—often held in computer clouds or multinational corporate servers in jurisdictions subject to search and seizure powers of foreign governments.

This has disturbing implications for journalists’ protection of their confidential sources—typically government or corporate ‘whistleblowers’ who risk their reputations, jobs and even lives if they reveal information to reporters. I blogged recently asking whether the Watergate investigation could even happen in this modern surveillance era because it was premised upon the absolute confidentiality of the White House source known as ‘Deep Throat’ (recently revealed as FBI executive Mark Felt) (Pearson, 2013). Today the *Washington Post* reporters Carl Bernstein and Bob Woodward and their secret source would have to contend with geo-locational tracking of their phones and vehicles, tollpoint capture of their motorway entry and exit, easily accessible phone, email and social media records, CCTV in private and public places, and facial

recognition in other people's images, perhaps posted to Facebook. The use of new technologies like drones and Google Glass will equip journalists with significant newsgathering capabilities but will at the same time risk further compromising the identities of their confidential sources.

All this might sound terribly pessimistic, but despite my 'press freedom worrier' status I am actually an inherent optimist, although probably not quite as hopeful as the stated theme for today's UNESCO World Press Freedom Day— 'Safe to speak: Securing freedom of expression in all media'. While we might aim to secure the ideal of freedom of expression in all media it can only ever be an aspiration—there is always a looming threat of censorship in even the most liberal societies.

Perhaps it is time for a new approach to media ethics and regulation. While I do not approve of the Malaysian, Singaporean and Fijian application of the 'development model', I am not sure the libertarian model strongly identified with British and US media in the 20th century is the only workable approach.

Winston Churchill once described democracy as the 'least worst' option (House of Commons, 11 November, 1947). Is the libertarian model of press freedom also the 'least worst option'? Or can we have press freedom within some other system of regulation, implying a different ethical framework for truth seeking and truth telling?

There is no doubt that press freedom is entrenched in the libertarian traditions of western democracies and it is sometimes seen as another feature of colonialism that has been imposed upon societies—including those here in the Pacific—as a compulsory add-on to democracy.

But that implies that truth-seeking and truth-telling can only be part of Western culture, and that is clearly not the case.

My very first academic article in 1987 took up the issue of information sharing in indigenous Australian societies and questioned whether the techniques of modern journalism were well suited to interviewing and reporting upon indigenous issues. Information exchange in indigenous societies had cultural implications related to the status of the parties involved and the period of time allowed for the communication process (Pearson, 1987).

Veteran New Zealand journalism educator Murray Masterton (1985) had already noted codes of practice within Samoan society, where in some situations it was even a taboo to ask a question of an individual with a higher social status (p. 114). Countering that, Samoa also had the tradition of the revered

‘*tusitala*’ or ‘story teller’—the name conferred on the great author Robert Louis Stevenson when he lived there for the four years before his death in 1894 (Spencer, 1994, p. 7-A).

Papuan tribal societies also valued communication highly and can in some ways be seen as the consummate news reporters through their use of the *garamut* and the smaller *kundu* drum to send clear and simple messages across hilltops and through dense jungle. However, journalists in Papua New Guinea face challenges through their own cultural practices of wantok and payback which imply both an obligation to members of their own social network and retribution against others for wrongs done to their kin (Trompf, p. 392). It renders the roles of whistleblower and investigative reporter even more isolating and socially reprehensible despite a clear constitutional guarantee of a free media in that nation’s constitution.

When used to describe approaches of governments to media regulation, the libertarian model has been most commonly associated with the private ownership of newspapers and their active watchdog role as the Fourth Estate in a Western democratic society. Even liberal democratic societies have adopted a ‘social responsibility’ approach to the regulation of broadcast media, given the public or collective interest in control of a scarce resource, given the traditionally limited number of radio and television frequencies available for allocation (Feintuck & Varney, 2006, p. 57).

Recent inquiries into media regulation in the UK (Leveson, 2012), Australia (Finkelstein, 2012) and New Zealand (Law Commission, 2013) have proposed extending that social responsibility model to print and new media regulation, despite the fact that the scarcity of resource argument is diminishing. Rather than taking a libertarian approach and reducing the government regulation of the broadcasters because the frequency scarcity and media concentration arguments are diminishing, the reform bodies have recommended mechanisms to bring newspaper companies within the ambit of stronger government control.

Their motivation for doing so stems from public angst—and subsequent political pressure—over a litany of unethical breaches of citizens’ privacy over several years culminating in the *News of the World* scandal in the UK with an undoubted ripple effect in the former colonies. I am at grave risk of over-simplifying this important issue because many other factors are at play, including some less serious ethical breaches by the media in both Australia

and New Zealand, evidence of mainstream media owners using their powerful interests for political and commercial expediency, and the important public policy challenge facing regulators in an era of multi-platform convergence and citizen-generated content.

So press systems and ethical frameworks are on the agenda in all societies, and we are challenged to accommodate free expression and its close relative press freedom within new technological and cultural contexts.

If we are to stick with the libertarian model and continue with ‘light touch’ media regulation by governments, we clearly need more meaningful ethical guidelines than the ones that do not always seem to work in mainstream journalism.

Professor David Robie (2011) has been among those exploring how a ‘peace journalism’ model could be applied to the reporting of conflict in the South Pacific and to the education of journalists in this region (p. 237). It requires a deeper understanding of the context and causes of a conflict, a commitment to ensuring the views of all sides are reported, comments from those condemning any violence, reducing emphasis on blame or ethnicity, and offering suggestions for solutions.

This kind of approach has great merit—and I am currently examining ways it might be extended to a new framework for reporting more generally by implementing some of the key principles of the world’s great religions in a secular context. When you look closely at Christianity, Islam, Hinduism, Confucianism and Buddhism you find common moral and ethical principles that we might reasonably expect journalists to follow in their work, including all of those attributes of peace journalism identified by Robie. The Dalai Lama’s recent book—*Beyond Religion*—explores how core ethical values can offer a sound moral framework for modern society while accommodating diverse religious views and cultural traditions.

I believe this sits well with a modern trend to apply basic principles of mindfulness and compassion to a range of human endeavours and I will be exploring and applying this to journalism in a conference paper I will be presenting in Dublin next month where I call it ‘mindful journalism’. It suggests we should educate journalists, serious bloggers and citizen journalists to adopt a mindful approach to their news and commentary which requires a reflection upon the implications of their truth-seeking and truth-telling as a routine part of the process.

They would be prompted to pause and think carefully about the consequences of their reportage and commentary for the stakeholders involved, including their audiences. Truth-seeking and truth-telling would still be the primary goal, but only after gauging the social good that might come from doing so.

The recent inquiries into poor journalism ethics have demonstrated that journalism within the libertarian model appears to have lost its moral compass and we need to recapture this.

Even today, young people choose journalism as a career with a view to ‘make a difference’ in society. Like teaching and nursing, the choice of the occupation of truth-seeking and truth-telling in our societies has an element of a ‘mission’ or a ‘calling’ about it. I see this in a secular rather than a religious way—a deep sense of social responsibility to expose wrongdoing and injustice and to facilitate the exchange of ideas on important social issues.

All societies need their ‘*tusitalas*’— their storytellers—in whatever form they might take.

With the advent of citizen journalism and the widespread use of social media we can no longer claim this as the exclusive preserve of journalism and journalists.

Social media and blogging seem to have spawned an era of the new super-pamphleteer—the ordinary citizen with the power to disseminate news and commentary internationally in an instant.

We are quickly losing the distinction between journalists and other communicators, accelerated by the fact that their traditional employers are forcing journalists into the blogosphere as the old model suffers under the strain. Journalists’ codes of ethics have long been associated with the traditional mainstream media and have usually been documented and administered by unions or professional associations. But we now have many ordinary citizens producing the reportage and commentary that was once the preserve of those who called themselves ‘journalists’. We need new ethical codes of practice that are inclusive of these new serious bloggers and citizen journalists.

The printing press spawned free expression’s offspring—the right of ‘press freedom’—as pamphleteers fought censorship by governments in the ensuing centuries.

Events are unfolding much more quickly now. It would be an historic irony and a monumental shame if press freedom met its demise through the sheer pace of irresponsible truth-seeking and truth-telling today.

Our challenge is to educate our fellow citizens on the mindful use of this fragile freedom before their elected representatives take further steps to erode it.

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Dr Mark Pearson is professor of journalism and social media, Griffith University, and the Australian correspondent for Reporters Without Borders. He is on the editorial board of Pacific Journalism Review and was engaged by AUT University's Pacific Media Centre with support from the New Zealand National Commission of UNESCO to deliver the inaugural UNESCO World Press Freedom Day lecture in this country on 3 May 2013.

The digital version of this speech with related coverage is at: www.pmc.aut.ac.nz/articles/press-freedom-social-media-and-citizen m.pearson@griffith.edu.au