

Review

Media censorship: Freedom versus responsibility

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Media censorship is a global phenomenon that has foreshadowed information outlets for centuries. A common ground for censorship is maintenance of an orderly state, whereas, the underlying motive is to keep public ignorant of the information that can potentially threaten authorities. The worldwide Internet connectivity in the contemporary era allows information to pass through within and beyond borders in minimal time; therefore, increasing number of media consumers depend on the Internet for a wide variety of information. Historically, the access to news has not been this easy; the press in most of Europe in the 18th century was under the draconian reins of censorship, which gradually abated by the 19th century due to public demand. However, autocratic and heavily centralized governments still openly or subtly employ censorship as a tool to silence government opposition. To combat information coup, tech savvy journalists and independent reporters channel information through social media, blogs, and news websites. The governments survive by using stringent Internet surveillance apparatus that effectively block websites and subtly filter information; hence only selective news is allowed to penetrate the firewall. The governments also hunt down citizens and journalists accessing disallowed websites to create a ubiquitous atmosphere of fear, harassment, and persecution. The role of media in a society is not limited to bringing information to public; therefore, it is crucial that media does not capitalize on selling meaningless sensation that can potentially harm people, sects, races, and religions. This paper will focus on information coup through media censorship and the responsibility media is laden with to cultivate tolerance and responsibility in the public at large.

Key words: First amendment, free media, internet surveillance, self-censorship.

INTRODUCTION

Censorship is used to officially control and suppress any expression that can potentially jeopardize the order of the state. Historically, censorship has been used to monitor public morals, to control public awareness, and to silence opposition. Socrates was one of the first victims of

censorship who was sentenced to drink poison for his acknowledgment of unorthodox divinities in 399 BC. The origin of official censorship may be traced back to Rome where, in 443 BC, the office of censor was first established. In 300 AD, China introduced its first

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ensorship law (Newth, 2010). Traditionally, government censors examine newspapers, magazines, books, news broadcasts, and movies – usually before release – to redact questionable content (Bennett and Naim, 2015). Anti-censorship advocates chant slogans against the curtailment of freedom of expression, freedom of speech, and contamination of information. Dictatorships and struggling democracies disguise media censorship as a tool for maintaining law and order; their real motive however, is to maintain public ignorance. Thomas Jefferson, third president of the United States, rallied in favor of an independent and free press.

In 1807 in a letter to Thomas Seymour, Jefferson stated: I have lent myself willingly as the subject of a great experiment which was to prove that an administration, conducting itself with integrity and common understanding cannot be battered down, even by the falsehood of a licentious press, and consequently still less by the press, as restrained within the legal and wholesome limits of truth. This experiment was wanting for the world to demonstrate the falsehood of the pretext that freedom of the press is incompatible with orderly government. (p. 368).

Konvitz (2003) also endorses the importance of the free press and notes that freedom of press is vital to a " free government and to a society that values differences of points of view, intellectual and artistic ferment, originality, the cultivation of a critical faculty, and an open mind on the part of its citizens" (p. 145).

Dictatorships use brute force to shut down uncooperative media outlets and exile, imprison, or execute the journalists. Under the pretext of maintaining law and order, autocratic governments ransack news and enforce censorship. Resultantly, only a minority of people living in mature democracies can access diverse and independent sources of information. Press plays an important part in democratization and transparency of a society and also plays a vital role in the elimination of illiteracy internationally (Newth, 2010). The most serious attacks on freedom of expression are perpetrated by countries, which are struggling democracies, new democracies, or non-democracies. Although, half of the world's population lacks an independent press (Newth, 2010); the top 10 countries where the press is most restricted include Eritrea, North Korea, Saudi Arabia, Ethiopia, Azerbaijan, Vietnam, Iran, China, Myanmar, and Cuba (Committee to Protect Journalists, 2015). The historical beginnings of the press harken back to the newsletters that were circulated in some parts of India as early as the 16th century (Newth, 2010). Following that, Switzerland took the lead in the establishment of the first newspaper in 1610. This beginning marked the start of a chain reaction and other European countries followed suit including England (1621), France (1631), Denmark (1634),

Italy (1636), Sweden (1645), and Poland (1661). However, this rapid growth of information medium and unlimited access of citizens to all types of information was not welcomed by the authorities. To curb free information dissemination, the Licensing Act of 1662 was introduced in Britain that remained in the field until after the Great Plague of 1664-1665. Moreover, in Germany, press was effectively curbed through not only censorship but also through trade restrictions and unavailability of printing paper. The public demand for a free press, soon gained momentum and a domino effect was observed in European countries. In 1766, Sweden took the lead in abolishing the censorship laws and also passed a law that guaranteed freedom of the press, which was followed by Denmark and Norway in 1770. In 1787, the First Amendment of the Constitution of the United States guaranteed freedom of speech and expression. France followed suit and put forward the Declaration of the Rights of Man and Citizen (1789), which included that "The free communication of thought and opinion is one of the most precious rights of man; every citizen may therefore speak, write and print freely" (Newth, 2010). In most western countries, government-regulated censorship was discontinued in the nineteenth and twentieth centuries; nevertheless, in the 19th century, colonial governments like Russia and Britain still practiced harsh censorship over their colonies. Moreover, the Soviet Union (USSR) withheld the longest and most extensive censorship period of the 20th century. Once the censorship was formerly discontinued, others ways of achieving the censorship objective were devised. For instance, freedom of expression was again restricted through legislative acts on national security, blasphemy, libel laws, and criminal acts on obscenity. Libel laws, especially, took over the censorship law and loosely performed the same function due to their broad interpretation. These laws are still used for harassment and persecution of artists, journalists, and critics that challenged concepts of national security, obscenity, and blasphemy (Newth, 2010). Herman (n.d.) notes that censorship has not changed for 2500 years and even in mature democracies harassment of writers and critics continue. For example, a 2006 article co-authored by Stephen Walt (Harvard University dean) and John Mearsheimer 2006) (University of Chicago Professor) was severely attacked and the co-authors faced repercussions for voicing their expert views on an issue of national importance (Herman, n.d.).

Media Censorship During War and Conflict

Information coup through censorship is the first line of action against an imminent threat to a governmental power, such as in a revolt or rebellion. The press plays a crucial role in any conflict, it also is the first victim of war

(Newth, 2010; Soengas, 2013). To maintain public ignorance during a rebellion or conflict, the press is censored through tactics such as suppressing reporters and closing or taking over the news outlet. During World War I (1914–1918), the Espionage Act of 1917 prohibited the publication of information concerning the national defense (Day, 2001). The Act was later amended to include any disloyal, profane, scurrilous, or abusive language concerning the United States government. All countries involved in the war during World War II choked the press (Newth, 2010). Moreover, during World War II (1939–1945), armies involved in the war also censored letters sent by soldiers and erased any information that could potentially be used by an enemy. Even traditional symbols of hugs and kisses were removed due to their potential of signifying a code (Day, 2001). In the modern times, the US and British media have voluntarily agreed to self-censorship during war times. However, the British Ministry of Information and the US Office of War Information still sponsor and direct official news during conflicts. The US censorship authority also issues a code of wartime practices for the American Press (Newth, 2010).

The Arab uprising of 2011 is a test case of how perseverance and dogged efforts of the journalists and independent reporters can bypass information blockade on the Internet. During the Arab uprising, the military authorities and the state controlled the media; resultantly, citizens received contaminated news from government-sponsored sources. However, the media could not be controlled effectively because the Internet in Tunisia, Egypt, and Libya had already connected people nationally and internationally. The incessant online calls for revolution fuelled the Arab uprising, which led to the major crowds such as those seen in Tahrir Square, in Egypt. The online social networking not only allowed open access to information, but also facilitated freedom of expression. When journalists and reporters were denied access to the protest locations, anonymous citizens uploaded pictures and shared updates on social media. The images uploaded on the social media were sometimes the only available evidence of the ongoing protests visible to the outside world (Soengas, 2013). The Internet, thus, played a crucial role in not only connecting the public during the initial stages of uprising, but also facilitated the flow of information during the conflict (Soengas, 2013).

Electronic Surveillance of the Media

The Internet provides the fastest medium for delivering information and/or materials without needing identifying information that could potentially be used for tracking. The Internet can outperform print media, radio, and television in terms of the sheer volume of content and its

availability to almost anyone having access to the Internet (Soengas, 2013). Bennett and Naim (2015) note that the creation of the Internet foreshadowed the demise of censorship. Theoretically, the latest technological advancements make it hard or even impossible to restrict the flow of information available to Internet users. Nevertheless, when journalism entered the Internet domain, digital censorship followed with tools such as filtering, blocking, hacking, and redirecting. The tech-savvy activists learned to disseminate information; through the Internet, and also bypassed crude methods of censorship. Nevertheless governments caught up with sophisticated technologies and gave them an ability to monitor online content and redirect the flow of information. The journalists' activities are also monitored; unruly journalists are flagged, which is followed their harassment, detention and beating. Such journalists are also dragged in legal battles, and a threat of a potential government sponsored lawsuit is used as a deterrent. Russia, India, Australia, Venezuela, and China are some of the countries that have legalized electronic surveillance. The top ten countries where the Internet is most censored are North Korea, Burma, Cuba, Saudi Arabia, Iran, China, Syria, Tunisia, Vietnam, and Turkmenistan (USA Today, 2014). These countries limit press freedom, restrict access to public information, fine and/or tax owners and users of media, ban programs, and withhold media licenses. A Venezuelan editor neatly narrated the tactics of twenty-first-century censorship. These tactics include the governments buying the newspaper and then using it as its mouthpiece, suing reporters for defamation, eavesdropping on their communication, and ultimately broadcasting it on the state television. Apparently, the wave of media censorship is contagious and the less mature democracies like Hungary, Ecuador, Turkey, and Kenya are seen following the censoring protocol of other autocratic countries (Bennett and Naim, 2015).

The information available on the Internet is censored either visibly or stealthily. The governments that want to appear to the broader world as democracies adopt stealth censorship, which includes tactics such as outsourcing, withholding money, acquiring annoying media, and arranging for the transfer of unruly journalists (Bennett and Naim, 2015). It is estimated that there are three billion Internet users out of which 22% live in China and approximately 10% live in the US. China is notorious for maintaining a thick firewall for blocking unacceptable content and foreign news websites. The Chinese government uses surveillance measures and censorship tactics that are not only subtle, but have also succeeded in convincing the public that they are not being snooped upon. However, in Hong Kong, China allegedly uses traditional tactics to limit the media by resorting to violence against editors and reporters, cyber attacks, and suffocating media by withdrawing advertisements

(Bennett and Naim, 2015). Apart from dictatorships, some powerful groups also maintain control of the press and other media. In Mexico, for example, drug cartels intimidate the public, the government, and the media alike. Citizen journalists use fictitious names to report the drug cartel's activities on social media (Bennett and Naim, 2015). Recently, a physician turned reporter was hunted down and killed because she was the administrator of a popular citizen news hub website called 'Valor por Tamaulipas' (meaning 'courage for Tamaulipas'). She was kidnapped and subsequently murdered; her killers posted her lifeless picture on her Twitter account to intimidate others following her lead (McGahan, 2014). Irrespective of the status of democracy or dictatorship, there seems to be no freedom of expression and speech whenever monarchy is involved. For instance, Queen Elizabeth II is the head of the 16 out of 53 Commonwealth states and the Supreme Governor of the Church of England. Akin to dictatorial governments and kingdoms, journalists and the general public in the Commonwealth countries have to be prudent while expressing their views about the Queen. To avoid any punishment or misgivings, self censorship is observed moreover, stringent mechanisms are employed that confirm that there is no element of satire directed towards the Queen when her story is covered.

Press Freedom and Responsibility

Sturges (2015) argues that newspapers may be divided into two types: those that publish and sell meaningless sensation and those that publish informative news and useful commentary on crucial issues. The media, on the whole, may have an overlap of useful and sensational information; therefore, it may be difficult to distinguish between appropriate and inappropriate content. The First Amendment of the US Constitution prohibits the 'state' from restricting freedom of speech and freedom of expression, among other freedoms. The freedom of speech protects all types of media, irrespective of whether it publishes innocuous images or pornography, which is a huge business with the Internet as its chief disseminating source (Day, 2001; Sturges, 2015). With the availability of a fast pace Internet that allows an anonymous access to inappropriate websites, children and younger generation have access to harmful material. The promise of anonymity opens more opportunities to children to consume pornographic content that is legally disallowed for minors. To combat the access of pornographic content available to children, the US Congress passed the Communications Decency Act (CDA) in 1996, which prohibited posting indecent or patently offensive content on websites that minors could potentially access. The offenders were given a year of prison sentence along with \$250,000 in fines (Day, 2001). However, the US

Supreme Court found CDA to be unconstitutional and struck it down contending that parents have access to reasonably effective website-blocking softwares, which can be installed if parents want to restrict minors' access to potentially offensive material. Unmoved, the US Congress again proposed a bill to protect children against inappropriate websites; as a result, the Children's Internet Protection Act (CIPA) was enacted in 2000. The CIPA requires public schools and libraries, offering Internet access to children, to install programs that filter obscene or harmful content (Day, 2001). The CIPA is applicable only to schools and libraries that receive discounts through programs that make certain communication services and products more affordable, like E-rate programs (Day, 2001).

The Federal Communications Commission (FCC) issued rules for CIPA implementation in 2000 and also provided updates in 2011 (FCC, 2014). According to the rules, funding for schools and libraries is tied to their certification that confirms that they have successfully implemented the mandated Internet safety policy. The policy includes installing protective programs on computers, which are used by children in an effort to effectively block or filter Internet access to images that are obscene, or involve child pornography, or are deemed harmful to children. An amendment to a section of the US Communications Act of 1934, known as the Protecting Children in the 21st Century Act, was signed into law in 2008. According to this law, schools subject to the CIPA "must provide for educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyber-bullying awareness and response." Thus, the CIPA now imposes two more certification requirements, including monitoring the Internet activities of minors and also raising minors' awareness by educating them about appropriate online behavior (FCC, 2014).

The indiscriminate protection to media available under The First Amendment of the US Constitution is not guaranteed across the globe; some countries demand responsibility from the press and media. For example, Council of Europe in the Article 10 of the European Convention on Human Rights (1950) says that the press and media are subject to duties and responsibilities in democratic societies.

Article 10 of the European Convention on Human Rights (1950) reads as follows:

Freedom of Expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from

requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. (p.11).

Thomas Jefferson was an avid supporter of a free press, however, he also pointed that "... the press is impotent when it abandons itself to falsehood..." (p. 368). There are also many instances in which people publish derogatory remarks with the intention of bullying others. Recently in the US, some exploited women sued the owner of a bullying website who was sentenced to 18 years in prison for allowing and encouraging former partners to avenge their ex-partners by posting private pictures and videos (Almasy, 2015). Although the US guarantees freedom of speech and freedom of expression based on the First Amendment, the jury discerned from the victims' testimony that one person's failure to use his right of free speech appropriately caused others to commit suicide or suffer the agony of job loss, divorce, and mental trauma. Another example of bullying is seen in advertisement campaigns that are designed to provoke hatred and nativist intolerance against particular religions. The Anti-Defamation League (2014) criticize bigoted advertisements, which are displayed on city busses as "highly offensive and inflammatory". Unfortunately, certain groups irresponsibly use the protection guaranteed under the First Amendment of the US constitution to vilify other groups and religions and to incite intolerance and hatred. Kazemek (1995) advises saving children and young adults from growing up in an environment that is dictated by sectarian segregation and subjective morality; society, as a whole, must foster a climate in which differing viewpoints are not only tolerated but also explored.

Conflict of Interests

The authors have not declared any conflict of interests.

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