THE PRESS IN A DEMOCRACY

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In dealing with the role of the Press in a Democracy, it is necessary to make a distinction between what are, broadly, two types of democracies. There are firstly the politically mature and economically prosperous democracies of Western Europe, the United States and the older members of the Commonwealth—Australia, Canada, South Africa and New Zealand. There are on the other hand the new countries of Asia and Africa—India, the Federation of Malaya, Ceylon, Ghana and Nigeria—which have only arrived at political wisdom in the recent past and are relatively backward and economically under-developed. These new countries are struggling to achieve some sort of just equilibrium both at the economic and political levels. All of them are nations in the making. In the first set of countries, the nation developed before democratic institutions developed. Economic prosperity too preceded political advancement. In the second set of countries, there is national consciousness but no nation as yet and democratic institutions have been foisted on communities which are torn by the conflicts of economic, political and communal pressures. In view of these fundamental differences, it would be a profound error to judge the second set of countries by the standards of the first. From the first, however, it might not be harmful to get some idea of the practices adopted as well as our working theories of democracy. But when these are applied to the second set, we must do so after taking into careful consideration the local circumstances.

Sir William Blackstone in his well-known Commentaries wrote in 1769 that "the liberty of the press is indeed

essential to the nature of a free state, but this consists in laying no previous restraints upon publication and not in freedom from censure for criminal matters when published." Amplifying this further, he stated that "every freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid this is to destroy the freedom of the press," but he adds quite significantly that "if he publishes what is improper, mischievous or illegal, he must take the consequences of his temerity". Hence in English law the principal guarantee of the freedom of the press is to be found, in normal times, in the absence of any censorship or previous restraint on publication except in regard to two laws which have been enacted to safeguard the security of the state, namely the Official Secrets Act and the Incitement to Disaffection Act of 1934. In addition, in recent times there has developed the practice of issuing what has come to be called D (Defence) Notes. These notes are issued to newspapers by a commission, on which the press and the ministers concerned with national defence are represented, and their purpose is to request newspapers not to publish news endangering the national interest. There has been no complaint made regarding this "D Note" system but some journalists are of opinion that an abuse of this might lead to a curtailment of the freedom of expression.

In the United States, the first Amendment to the Federal Constitution provided for the freedom of the press when it laid down that "Congress shall make no law abridging the freedom of speech, or of the press." Most state constitutions too contain similar provisions. But in spite of the clear language contained in these provisions, the courts have ruled that the right conferred is not an absolute one but is relative to time and circumstance. In a comparatively recent case in 1942, in Chaplinsky versus New Hampshire, the Supreme Court of the United States ruled that :

"It is well understood that the right of free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which has never been thought of to raise any constitutional problem. These include the lewd and obscene, the profane, the libellous, and the insulting or fighting words — those which by their very utterance inflcit injury or tend to incite an immediate breach of the peace."

Further, in another case decided in 1925, the Supreme Court held in Gitlow versus New York that the state has a right to make a law imposing reasonable restrictions on the freedom of expression in the interests of the security of the state and public order. Thus in September 1951, President Truman in an Executive Order placed information from 45 Government Departments in categories ranging from 'restricted' to 'top secret' in the interests of the security of the State and this Order was not revoked but toned down by Truman's successor, President Eisenhower, in December 1953 when he released 28 of the 45 Departments from the restriction imposed on them to withhold information from the press.

Provisions of a like nature are in operation in France. An Order issued in 1945 as an amendment to Act 27 of the press law of 1881 provides for punishment for the publishing of inaccurate news in bad faith, if "it disturbs or is calculated to disturb the peace". There is provision in the Penal Code for sanctions against newspapers publishing military secrets and for the preventive arrest of the author of an offending article or of the newspaper's editor.

In spite of these restrictive provisions, it is generally admitted that in a relative sense there is freedom of the press

in the economically developed and politically mature democracies, mentioned. In fact a famous judge of the American Federal Supreme Court, Justice William O. Douglas in a book he published in 1955 entitled 'Studies in American and Indian Constitutional Law' went so far as to state that though the press in America may be sued civilly and criminally for wrongs inflicted or crimes committed, "it may not be suppressed because it is irresponsible, or reckless or impudent."

The prevalence of these relatively liberal provisions in the countries mentioned must however be attributed to circumstances which did not prevail and are even now unfortunately not prevalent in the new countries of Asia and Africa. English, American and French democracy was evolved on the basis of national unity. Hence British, American and French liberals could demand freedom without having any fear that they would disrupt the nation into nationalistic minorities. They could say that man is a self interested individual and erect a government on that basis, simply owing to the fact that they had common interests — being inspired by nationalism and patriotism. In all these countries there was real unity growing from below —as the state corresponded with national lines.

A further factor to note is that the laws of liberty can only hope to prevail in the context of a prosperous or expanding economy. Industrialisation in Britain, France and the United States helped these nations to gain economic self-sufficiency and a large measure of full employment. All of them were able to maintain their secure economic bases for a long period of time because they were imperial powers. They could find ready markets for their finished goods in the colonies they had acquired. These colonies could further provide them with a cheap source of raw materials. It was

on these foundations that a social ethos and atmosphere of freedom and liberalism developed and it is because of this individualist tradition that there is stiff opposition to planning and dictatorship in these countries as well as strong public opinion against monopoly.

In the countries of Asia and Africa however the situation is vastly different. Most of these countries are still nations in the making. The majority of them are either geographical expressions or mere administrative units which were carved out for the convenience of the ruler. Linguistic and communal rivalries threaten to disrupt and balkanise them. Economically they are stagnant or impoverished. Most of them are agricultural and unemployment is rife and under-employment perhaps the universal rule. There is therefore little or no liberal tradition except for what little the ruler had fostered and has left behind. Drastic action may have to be taken, (even regimentation on semi-communist lines) to drag these countries away from the economic mess in which they find themselves. Communal rivalries and economic disaster which is threatening most of them have therefore made it necessary for the state to curtail freedom in the interests of national security. India perhaps is the only exception but even there, in the early phase of independence, rigorous measures had to be imposed to bring the nation state into being. National unity has however still to be achieved even in India.

National unity and economic prosperity are thus the most crying needs of the new countries of Asia and Africa. If freedom of the press tends to disrupt national unity, if such freedom is utilised to promote civil commotion and conflict between communities, religious or racial, it might become necessary for the state to introduce restrictions which might help towards restoring order or promoting unity. Likewise in

the economic sphere. The modern press as is well known depends for its very existence on advertisements from commercial concerns. If advertisements from these commercial concerns are withheld, a newspaper might find itself crippled or even reduced to bankruptcy. The unfortunate aspect of this situation however is that in all these countries concerned most of the commercial concerns are foreign owned — the fuel companies, insurance concerns, banking establishments and companies which sell imported products, especially machinery and other heavy goods. A government therefore which is pledged to nationalise foreign-owned concerns in order to facilitate economic regeneration or which is pledged to Ceylonese foreign-owned establishments in order to prevent the drain of money from the country and also to provide employment to Ceylonese possessing technical skills might find itself faced with strong opposition from the newspapers especially if the latter find pressure being exercised on them from their revenue earning sources. Experience of the working of the daily press in this country especially since 1956 has revealed how easy it is to disrupt a government by the pillorying of its leaders, by magnifying completely out of proportion the activities of communal extremists — such action being largely designed for the purpose of preventing the Government from ushering in social and economic changes which were long overdue in our society. The situation was considerably worsened because ownership of the main newspapers was concentrated virtually in the hands of two concerns which were both united in their opposition to a party which had received an overwhelming vote of confidence from the electorate.

It will therefore be seen that the wholesale imitation of western standards by our societies is not altogether conducive towards the promotion of economic well-being or national

unity. Some restrictions might be necessary; but what they should be, will have to be determined by the experts. It is for such a body of experts to decide what will be the precise meaning of "incitements to disaffection" especially between linguistic and racial groups, and what "subservience to foreign economic interests" would mean. In the alternative the press should draw up a code of conduct or observe a self-denying ordinance in regard to matters which are likely to destroy the unity of the nation or obstruct its path to economic well-being. There has however been no evidence forthcoming of such a voluntary imposition of a standard of conduct.

So much for the practices prevailing in the more advanced democratic societies. What of the theoretical arguments? These are many and numerous but all of them, it must be noted, presuppose politically mature and relatively homogeneous societies. Thus it is argued that freedom of expression is the supreme insurance against disorder and rebellion. Opinion can only be countered by opinion. Terror does not suppress opinion, it only drives it underground. If currency is given to untrue views, people will come to know of this through the free competition of ideas and rational discussion. Criticism should be made available so that Governments might try to satisfy the critics or at least come to know the nature of the discontent that prevails in society. Even if restrictions are contemplated, it is not possible to determine what is explosive or dangerous and what is not. The only areas where restriction might be necessary is in regard to attempts at deliberate defamation of persons which are patently untrue or when efforts are made to incite people to commit acts of violence against readily recognisable groups—economic, religious or racial.

All these arguments which have been adduced in favour of the right to free expression however presuppose a

highly politically conscious people who are not easily driven to violence, except rarely, and that too when gravely provoked. Mention must also be made of the fact that historically speaking many of these arguments were put forward in defence of writers and thinkers as well as progressive-minded persons and agitators who wanted opportunities to freely express their views in order that they might convince people of the correctness of their stand through a process of rational argument and sober discussion. It was in defence of a 'press of opinions' and not in favour of the vast engines that control opinion today that these arguments for the right to freely express opinions were advanced. Sir Norman Angell in his celebrated 'The Press and the Organisation of Society' has some very pertinent remarks to make which have a bearing on the views expressed :

"All revision of conceptions in the past has been the work of small minorities, of individual minds of a few heretics, encyclopedists or pamphleteers, able to reach other minds for a sufficient length of time to break down the first prejudice. But the modern Press, by virtue of the psychological Gresham law acting in the particular economic and industrial conditions of our time, tends to destroy that influence of that individual mind maintaining a heresy. If the feudalisms, autocracies, dynasties and inquisitions had possessed the modern mechanical Press, operating on closely packed populations whose industrial occupations demanded most of their mental energy, that control of the mind by which alone the old tyrannies were made possible might well have been maintained for all time."

The position is wholly different today. The freedom of the press has in effect become the freedom of newspaper proprietors to freely malign their enemies and to campaign in favour of some favourite policy they have in mind and which

they support. In actual fact most newspaper proprietors today belong to the conservative and reactionary sections of society. Even in a country like the United Kingdom, they have at times attempted to dictate terms to political leaders even to the extent of demanding the right to decide the composition of the Cabinet! Geoffrey Dawson has written a story of Asquith, the relevant section of which it is worthwhile quoting:

"I was once sitting with him in his study when a message came from Beaverbrook offering the support of all his newspapers on certain conditions. Asquith refused to see the messenger, but when pressed for an answer said, 'Tell him I will give him half a crown for the lot', and resumed a discussion of Jane Austen."

Even a Prime Minister like Stanley Baldwin, one of the most consummate exponents of the Conservative creed when speaking of the press deplored, to use his own language, "the power of being able to suppress everything a man says that you do not like, the power of attacking all the time without there being any possibility of being hit back" which he said "goes to the head like wine." Delivering himself of more harsh language on some other occasion when certain newspapers tried to misrepresent him, he stated "what the proprietorship of these papers is aiming at is power, and power without responsibility, the prerogative of the harlot throughout the ages". And when Lord Rothermere in a letter to Baldwin stated that he would not support him unless he knew beforehand what his policy was going to be and unless he was acquainted with the names of at least eight, or ten, of the most prominent colleagues in the Ministry, Baldwin had the following bitter remarks to make :—

"There is nothing more curious in modern evolution than the effect of an enormous fortune rapidly made and the control of newspapers of your own. The three most striking cases are Mr. Hearst in America, Lord Rothermere in England and Lord Beaverbrook.....On January 4, this year, he (Lord Rothermere) said: "I am against food taxes". On February 19 he was for them. In May as I shall show you, he does not like them. Today I am told he is supporting them. You cannot take your politics from a man like that.

"The desire to dictate the policy to a big Party, to choose a leader, to impose Ministers on the Crown..... We are told that unless we make peace with these noblemen, candidates are to be run all over the country. The Lloyd George candidates at the last election smelt; these will stink .....A more preposterous and insolent demand was never made on the leader of any political party. I repudiate it with contempt, and I will fight that attempt at domination to the end".

So much for the reactionary press — but it might be argued that progressive schools of thought too have opportunities for putting across their ideas especially in these western countries. But even newspapers which want to give full and free expression to progressive ideas find themselves restricted by the influence that their commercial advertisers have over them. A. J. Cummings a former Editor of the Liberal News Chronicle in his book "The Press" had the following interesting remarks to make about the way in which the commercial advertisers curbed the freedom of a socialist paper like the Daily Herald. Writing in 1936, he stated :

"Like all the great British dailies, the Daily Herald must depend for the upkeep of its vast organisation and

enormous circulation on the reasonable goodwill of its advertisers. Since all its advertisers are dependent for their existence on the continuity of the capitalist system, it is scarcely likely that they would support a newspaper, however tempting a morsel its circulation might be, which sought with all its might to overthrow that system".

Thus even in the economically advanced and politically mature democracies there is a tendency for heresy in economic views, for newspapers which give expression to progressive ideas, to find themselves hamstrung and faced with the potential danger of financial ruin when their circulation reaches a certain optimum level. At that point, an automatic safety catch tends to operate. The commercial advertiser who depends for his prosperity on the continuance of the capitalist system will cease to advertise in such a daily, compelling the latter to mollify its views in order that it might survive. In actual fact, there is no necessity to bring the deep squeeze into operation. Directors and Editors of such newspapers are well aware of what the consequences would be if the circulation of their newspapers reach a certain optimum level and if they still persit in carrying their radicalism to extreme lengths. Thus freedom of the press in the prosperous and politically advanced democracies exists more for those who uphold the status quo than for those who seek to change it. Unorthodox views and political and economic heresies have fewer opportunities of obtaining currency than those which seek to glorify the existing social order.

But none the less, in spite of these unseen controls, there is a fair margin of relative independence enjoyed by the profession of journalists in the more advanced countries. This is because journalists in these countries have developed traditions of independence. They have greater opportunities of finding alternative employment and through the years, they

have succeeded in evolving some sort of working relationship between themselves and their proprietors. Thus in Norway, the main associations of journalists have defined the correct relationship that should exist between proprietor and owner as follows :

Subject to the broad framework of policy laid down for a paper by its proprietors or by reason of its traditions, the Editor should be given 'complete freedom to maintain his own opinions even though they may not in some cases be shared by the publisher or management', and on him therefore, the definition adds, is placed 'the entire responsibility for the editorial content of the paper'. The definition further goes on to state that the Editor 'must not allow himself to be influenced to uphold opinions which are contrary to his conscience and conviction. He directs and accepts the responsibility for the activity of his editorial staff'.

This working definition has been accepted by the leading newspapers in Norway.

A relationship of a similar nature prevails in Sweden. The constitution of the leading Swedish Liberal paper, the Dagens Nyheter requires the Editor under the terms of his appointment to consult with the Chairman of the Board of Directors on political matters of major importance but the constitution adds quite significantly that it is the view of the Editor and not of the Chairman that shall be decisive and that political questions shall not be discussed at Board meetings but shall be determined by the political staff of the paper. The leading Swedish Conservative paper, Svenska Dagbladet, too has similar provision. A number of Dutch newspapers too have it in their company statutes that the Editor shall have absolute independence as regards the editorial contents of the paper as long as he holds office. In

the United Kingdom too the Editors of the Guardian, the Manchester Evening News, the Observer, and by convention and practice the editor of Times enjoy independence in the determination of editorial policy. This is not so however with the editors of most of the great commercial newspaper concerns. But still, the profession is conscious of its rights and journalists have alternative newspapers, to obtain employment from. So that within certain limits, they maintain their independence.

Unfortunately the same situation does not prevail in many of the economically and politically backward countries. For one thing there are fewer newspapers. Journalists have therefore fewer chances of obtaining alternative employment. For another, there is a smaller reading public so that many journalists do not have sufficient room at the top to establish themselves as great editors, or columnists or as ace reporters. Still another fact to note is that the profession is not properly organised to enable its members to fight back if there is any attempt at victimisation. For instance it will not be far wrong to say that the journalist in this country is more or less the bond slave of the proprietor.

It is however not sufficient that there should be an independent body of journalists in a country to ensure the freedom of the press. It is equally essential that there should be a variety of newspapers giving free expression to various points of view, so that the public may have not merely the right to choose the newspapers they wish to read, but also have the opportunity to arrive at the truth by having free access to vital and conflicting points of view. In the more advanced countries, there is opportunity for newspapers of varying shades of opinion to continue to thrive in view of the higher stand of literacy possessed by their populations. Further, proper organisation of political opinion enables

newspapers of different types to cater to the varying sections of opinion that exist in the community. Besides, economic conditions are comparatively better and this enables greater numbers of people to buy newspapers and these better conditions also provide newspapers with opportunities of obtaining advertisements from a larger number of advertisers. The situation is just the opposite in the poorer countries — lower standards of literacy, confused political thinking, at times disorganised, economic impoverishment and a considerably restricted source of advertisements. But in spite of these advantages possessed by the wealthier countries, the economics of newspaper business do not permit new entrepreneurs to enter the field. On the contrary increasing costs compelled the Kemsley Newspapers in the United Kingdom to close down the Daily Despatch and Sunday Chronicle in November 1955, and to sell three Glasgow papers — the Daily Record, Glasgow Evening News and Sunday Mail to the Mirror-Pictorial Group. All this goes to show that even in the wealthier countries, there is danger of dictatorship by a few press organisations. Though the Royal Commission appointed by the post-war Labour Government to report on the working of the press in its report issued in June 1949 stated that —

'The present degree of concentration of ownership in the newspaper press as a whole or in any important class of it is not so great as to prejudice the free expression of opinion or the accurate presentation of news or to be contrary to the best interests of the public,' a noted authority on the press, Francis Williams, himself a renowned journalist, in his interesting book entitled 'Dangerous Estate, The Anatomy of Newspapers' has remarked that 'throughout a large part of the modern press we are thus faced to a degree which would have appalled those who fought for press freedom over the centuries by monolithic structures that show every sign of becoming more instead of less tightly knit and restrictive.'

If this is the situation which prevails in the more economically advanced countries, the position is infinitely worse in the poorer countries, where there is greater concentration of ownership and hardly any opportunity for heresy and unorthodox views to gain popular approval. There is therefore the ever present danger of newspaper combines in the poorer countries abusing the power they enjoy. Robert Sinclair who has written a book on 'The British Press' after thirty years experience as a journalist has remarked that there is a distinct danger to freedom of speech and of opinion if the world of newspapers came to be dominated by a few powerful proprietors. These views have been more than amply proved by the situation prevailing in Ceylon as well as in other countries in Asia and Africa. In this country, though the newspapers have differed in regard to details of policy, there is no doubt that on vital matters, on fundamentals, as for instance the maintenance of the status quo, the sanctity of private property, antagonism to radical changes in the social set up, they have been united in their opposition to parties and Governments which sought to usher in changes in regard to these matters, even in some mild way. This has been so in other countries too—in Asia as well as Africa. The result has been public opposition to the monopoly exercised by the press combines. Inevitably the press in quite a few countries has suffered as a result of the excesses they committed in their enthusiasm to espouse reaction as against progress. An unsympathetic press which has turned a blind eye to right wing corruption and to the grave defects that are imminent in the existing social structure has driven certain states to adopt what might be called 'middle of the road dictatorships'. Soekarno's guided democracy in Indonesia, the rise of Nasser in Egypt, the success of Ayub Khan in Pakistan are telling evidence of what results when the press attempts to condone the corruption and bungling of the Governments that were

in office before these men took over. The stringent press laws in Ghana and Turkey and the appointment of a Press Commission by Mr. Nehru in India are further evidence of what Governments will do when they are driven to desperation by the rash excesses of an irresponsible press.

The press is a sacred institution. It is a trust and it must perform its functions in a responsible and sober manner. Especially in countries where it tends to exercise monopolistic control, it must proceed with caution or else incur the public wrath. It is best to conclude with a statement of the great Editor C. P. Scott, when he discoursed on the responsibilities of the press.

'The newspaper is of necessity something of a monopoly, and its first duty is to shun the temptations of monopoly. Its primary office is the gathering of news. At the peril of its soul it must see that the supply is not tainted. Neither in what it gives nor in what it does not give, nor in the mode of presentation, must the unclouded face of truth suffer wrong. Comment is free, facts are sacred. Propaganda, so called, by this means is hateful. The voice of opponents no less than of friends has a right to be heard. Comment is also justly subject to a self-imposed restraint. It is well to be frank; it is even better to be fair!'

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