Freedom of the Press Around the World

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INTRODUCTION

Everyone is in favor of freedom of the press, but there is disagreement about what it is, and even in a globalized world, it remains surprisingly rare. Since the collapse of communism that ended the cold war, the problem is less about the general definition and more about how it can be established and sustained in countries that are new to Western market-based democracy. By the definition we will use here, press freedom remains an elusive goal as well in many of the countries in the old Third World that continue the struggle to develop stable political and economic institutions.

Press freedom is closely related to technical innovations. The current communication revolution that has produced the global communication system of the 21st century also influences press freedom, usually for the better, but not always. In this chapter, we will consider the history of press freedom and several alternative definitions, then compare different interpretations within the now-dominant Western concept and, finally, examine some of the issues that have arisen as a product of globalization.

HISTORY

Western democracy, including the key element of freedom of speech and press, is a product of the revolution set off by the invention of printing with movable type in the late 1400s. The explosion of knowledge that followed led to modern European languages, literacy, popular
government, and newspapers. As governments and media developed the symbiotic relationship that continues today, governments tried to maintain control over information about their activities. Newspapers -- and usually the public -- wanted to know what governments were doing. The struggle between the two forces remains a part of the 21st century world.

The history of that struggle includes several important milestones. Certainly the most famous -- and possibly the most influential -- was the inclusion of a strong statement of press freedom in the U.S. Constitution, the famous First Amendment that states flatly that "Congress shall make no law...abridging the freedom of speech, or of the press...." In a skeptical assessment of the hyperbole surrounding the First Amendment, J. Herbert Altschull nevertheless acknowledges its continuing influence:

No doctrine announced by the new republic has been more widely cheered around the world than the declaration of free expression. The declaration has fueled the fires of every revolutionary movement for two centuries.¹

Virtually every national constitution now contains some reference to press freedom, even though the principle of free expression is frequently honored in the breach more than in the observance. It is also enshrined in documents such as the Universal Declaration of Human Rights that sketch the outlines of an emerging global understanding of press freedom. But even the nations with the common Western heritage that serves as the model for the rest of the world, there is neither agreement on the details of what press freedom means, nor on the relative importance of this right when balanced against other freedoms that define a modern democracy.

In most Western democracies, the collective good of the nation can take precedence over the rights of the individual. Some argue that political and civil rights of individuals enumerated in the Bill of Rights are only part of an expanded set of individual and collective “rights” appropriate for the 21st century. A United Nations commission in the 1970s affirmed this

position when it argued that the American and French revolutions established individual political
rights. It then argued that the Bolshevik revolution in Russia established a second generation of
individual economic rights such as work and housing, followed by a third generation of
collective or national rights that defined a new ideal of national sovereignty. These included a
national right to communicate that comprised a right to determine what information entered the
country, what information was reported about the country as elements of an information
sovereignty. Efforts to implement this new-found collective press freedom were part of a
broader call to restructure global communication that was known as a New World Information
and Communication Order (NWICO).

However, the drive to define a new level of press freedom appropriate for a NWICO
largely disappeared with communism's claim as a legitimate political ideology and with the
NWICO debate itself. Now after more than 200 years, the simple and uncompromising
formulation of the First Amendment remains a model for the world. But what does it mean?

DEFINITIONS

Even cursory attention to international media reveals surprising variety of form, content,
and purpose despite nearly universal homage to freedom of the press. The first effort to make
sense of this diversity a generation ago identified four distinct "theories" of the press. Later,
William A. Hachten modified the four theories into five "concepts." J. Herbert Altschull

\[\text{International Commission for the Study of Communication Problems [MacBride Commission],}\]
\[\text{Many Voices, One World (Paris: UNESCO, 1980).}\]

\[\text{Fred S. Siebert, Theodore Peterson, and Wilbur Schramm,}\]
\[\text{Four Theories of the Press (Urbana: University of Illinois Press, 1963).}\]

\[\text{William A. Hachten and James F. Scotton,}\]
\[\text{The World News Prism; Global Media in an Era of Terrorism, 6th ed. (Ames: Iowa State University Press, 2002), ch. xxxxxx2.}\]
concluded that global media consisted of a three-part "symphony." In all classification schemes, press freedom is a key variable but also a reminder of the lack of a single definition of press freedom and even greater differences in practice. In most formulations, press freedom is defined by the relationship between mass media and government and is the key to understanding the country’s media system. To highlight differences and similarities in the world's diverse media, we will consider a three-part classification, using Altschull's terms of “market,” “communitarian,” and “advancing” media systems.

**Market**

Even among the Western democracies, there is no agreement about the fine points of press freedom. And to the American observer, our fellow democrats accept restrictions on free expression that are both surprising and disconcerting. However, a reasonably general definition common to market-based media systems (that is, Western democracies) might go something like this:

Freedom of the press is the right to speak, broadcast, or publish without prior restraint by or permission of the government, but with limited legal accountability after publication for violations of law. It may also encompass legal guarantees of (1) reasonable access to information about government, businesses, and people; (2) a right of reply or correction; (3) a limited right of access to the media; and (4) some special protections for journalists.

The use of words such as "limited," "reasonable," and "some" is a reminder of the differences within even the Western democracies. In all countries, press freedom is balanced against other social values, such as the citizen's right to privacy and justice and the nation's security.

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If press freedom is defined simply as freedom from government control, the United States has the freest system in the world, but even there, the right is not absolute. It stops at the law. In the name of press freedom, you cannot break a law, criminal or civil. Lawyers and journalists argue endlessly about where the fine line between free press and permissible restriction is -- or should be -- but most agree that it exists. The First Amendment does not allow you to destroy a person's reputation, sell pornography, or give away the nation's defense secrets. Probably the key element of our definition is that the government cannot act in advance to stop you from saying, printing, or broadcasting, but can hold you accountable afterwards.

Outside the United States, the first principle of absence of prior restraint or censorship gets less attention, while the ancillary aspects get more. Most democratic governments can, in fact, prevent publication, and some do so routinely. It is done in the name of national security, protection of privacy, or maintenance of social order. The European Union – by any definition a democratic organization with a strong commitment to press freedom – recognizes a right of the “dignity” of the individual that can be used to rein in the worst excesses of intrusive European tabloid journalism. But these same governments also frequently protect reporters from testifying in court or identifying sources. A few countries, notably in Scandinavia, guarantee reporters unusual access to government offices and documents. In the U.S. tradition, rights belong to individuals, and distinctions are rarely made between journalists and the rest of us. In Europe, legal recognition as a journalist brings with it certain special privileges as well as responsibilities.

Laws protecting the privacy, reputations, and dignity of individuals are stronger in Europe than in the United States. Penalties are often modest, a symbolic slap on the wrist for the journalist and return of the victim's good name. The principle of emphasis on the public good is extended to government power to withhold information and to stop publication of embarrassing revelations. In most Western countries, this is accepted as essential to cultural survival and good order. Even where the laws give special protection to journalists, investigative reporting of the kind we expect from "60 Minutes" and the Washington Post is rare. Some things, it is argued -- sometimes even by journalists -- are better left unreported because of the overriding importance
of privacy and dignity of the individual, the good name and solidarity of the group, and the stability and even survival of the nation.

A couple of incidents illustrate the difference between the two sides of the Atlantic. In 1996, a book was published in France, arguing that the late President François Mitterand had been incapacitated during the last years of his presidency because of cancer. His widow and children sued, and sale of the book was stopped. The authors and publisher of the book were later convicted of divulging “professional secrets,” a crime in France.6

Great Britain is an unusual case for Americans because we assume that our common legal heritage would give us a similar understanding of press freedom. It does not. One scholar concluded that Britain is “one of the most secretive democracies in the world today.”7 As an example, the Thatcher government in 1988 ordered a ban on the broadcast of voices of members of 11 organizations considered to be terrorist or sympathetic to terrorism. All were part of the long-term violent struggle for independence of Northern Ireland. A stronger ban went into effect in the Irish Republic. The government claimed a legitimate need to deny these groups the “oxygen of publicity.” The ban included the late prime minister of Ireland, Eamon de Valera, and the Nobel Peace Prize winner, Sean McBride as well as one elected member of the British Parliament, who had never taken his seat. To comply with the ban, CNN International replaced a Larry King interview with Gerry Adams, then the leader of Sinn Fein, because of worry that the broadcast could threaten its regional operations in London. British broadcasters responded cleverly by replacing soundbites with subtitles or using actors to repeat words of the banned speakers. The ban was, for practical purposes, ineffective, although appearances of members of


the banned organizations declined substantially. When the Good Friday agreement tenuously bringing together the warring parties was signed ten years later, the ban in both countries was quietly dropped. Since Britain has no written constitution or independent judiciary with the power to overturn Parliamentary acts, it could be reinstated.

In Germany, a schoolgirl set off an uproar when she began investigating what happened in her Bavarian hometown of Passau during World War II. Her own story was the basis of the movie, "The Nasty Girl." A second book accused a local doctor of complicity in forced abortions of East European laborers during the war. The doctor had died, but his widow and children brought suit under a German law that forbids defaming the dead. A judge ruled that a newspaper interview included charges the author could not prove and threatened imprisonment or a fine if she repeated them.⁸ She later moved to the United States. Incidents involving European countries and the Internet are described later.

A number of specific elements of free expression in the American tradition are quite different in other democracies. They include libel of the dead, group defamation, rights of dignity, prohibitions on insulting officials or nations (not much enforced in Western democracies but copied in authoritarian countries), and blanket secrecy in many areas of government activities, usually in the area of national security or the private lives of public officials. Whether these restrictions lead to a less open society and to less democracy is a question for debate. Advocates of a more active role for governments would point to the limitations of private media whose owners are concerned more with bottom lines than social responsibility and to the narrow range of opinions that are given voice in mainstream U.S. media. Where to draw the line between what is public and what is private, how to balance the freedom of the press with the common good of the society, where the public world ends and the private world begins, these are the areas where open democratic governments differ.

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Whatever the differences among the Western nations' theory and practice of press freedom, they are shades of gray compared to the black and white differences between the Western or "market" theory and its main 20th century competitor for the hearts and minds of journalists, communitarianism.⁹

**Communitarian**

Communitarian is a broader concept than “Marxist” or “communist,” which most media theorists – including Altschull in an earlier edition of his book – use. The change in terminology from communist to communitarian was based on the emotional baggage attached to communism as well as its vagueness and suggests the growing divide between the United States, on one hand, the most democratic Western nations, on the other. As we have seen, some recognition of the importance of the broader social structure and some individual responsibility for the greater social good are built into most Western media systems. Canadian law has been governed since the 1867 British North America Act of 1867 by the principles of “peace, order, and good government” rather than the core U.S. concepts of “life, liberty, and pursuit of happiness.” Press freedom as a right of individuals and a restraint on government is balanced against individual responsibilities and collective rights that can be enforced only by government action, not constraint. The differences among Western nations, however, should not obscure the essential distinction between a Western definition of press freedom and a communitarian – or Marxist – definition.

For most of the 20th century, journalists from east and west talked past each other about what press freedom was and why the other side's definition was spurious. Karl Marx produced the intellectual framework for communism but wrote relatively little about journalism itself or press freedom. His occasional impassioned defenses of freedom, which were written in response

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⁹ As used by Altschull, communitarianism is broader than the concept defined by Amitai Etzioni (1993).
to suppression of his radical newspaper by German authorities, must be juxtaposed against his intolerance of press dissent or even open discussion during his later tenure as head of the Communist International and part-time journalist in London.

The real "Marxist" definition of press freedom belongs to Vladimir I. Lenin who compared the press to the scaffolding used in construction of a building. He extended the analogy to the construction of the socialist state. His statement of the press's function as collective agitator, propagandist, and organizer is well known. A Leninist definition of press freedom is more difficult to piece together, but he clearly rejected the market media definition as "freedom for the rich, systematically, unremittingly, daily, in millions of copies, to deceive, corrupt and fool the exploited and oppressed mass of the people, the poor." Instead, he called for state control of the press -- including advertising, newsprint, and printing facilities -- which would increase access to the press by various citizens’ groups.

Lenin and those who carried forward the banner of communism emphasized freedom of the press as the right of access to the media. Soviet newspapers developed a reputation for modestly encouraging readers' letters and using the media as a watchdog on local government bureaucrats and party leaders. But within narrow limits, of course. Until Mikhail S. Gorbachev introduced the policy of glasnost ("openness") to support economic restructuring ("perestroika"), government and party maintained the right to a monopoly of information. The only media permitted by law were those authorized by the government or party.

Authors of unauthorized media that challenged the unitary official view -- the samizdat ("self-publishing") periodicals and later audio and videotapes -- were vigorously persecuted and prosecuted, although never with complete success. Unwanted radio voices from the outside were

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jammed -- also with limited effectiveness -- and the Soviet government at one time claimed the right to destroy any satellite that could broadcast uninvited television signals to Soviet TV sets.

Of course, communist regimes maintained the same centralized monopoly on information Lenin decried in the capitalist press. Limited access to the media for the purpose of supporting the regime is not a satisfying definition of press freedom. It is, of course, a negative image of the Western view. In one, distance between government and journalism is the heart of freedom; in the other, any crack of light between the government and the journalist is a threat to freedom.

At this point, the Marxist interpretation of press freedom belongs mostly to history, although some of its principles -- notably a government monopoly on information -- are found in a number of regimes today. The difference between now and the decades when communism was presented as a legitimate alternative to Western press freedom is that there is now rarely an effort to justify press control or to argue that it represents an “authentic” non-Western definition of freedom.

One argument justifying government control is found in the relatively large number of authoritarian governments that restrict press freedom but allow some independence and room for maneuver. The dividing line is always hazy. From the minimalistic government-shall-not perspective of the United States, even democratic Western countries come under suspicion. By any Western perspective, a lot of the post-cold-war world is undemocratic; its media systems can be described by any of several terms, including Altschull’s definition of “advancing” media.

**Advancing**

The idea of "advancing" media embraces authoritarianism, included in both the original four theories and Hachten's separate concept of development media, which came to prominence in the 1970s. The development concept acknowledged that governments in the Third World frequently justified mobilizing national media to promote national development. Development media originally were used in relatively innocuous projects in areas of agriculture, rural health, education and family planning. Then national development became synonymous the political
fortunes of those in power, and the media became mouthpieces of the government, very much in the tradition of authoritarianism.

According to Fred S. Siebert, one of the co-authors of the original "Four Theories" formulation, authoritarianism was the theory of journalism that evolved along with mass media. It is still the most common "theory" of journalism practiced in the world and embraces some countries we consider "Western." In fact, most Western countries practice some of the elements of authoritarianism.

The key element of an authoritarian media system is that media are allowed to flourish as long as they present no challenge to the government. This means that authoritarian media are often privately owned and are often rich and powerful. They tend to stay aloof from the affairs of government, sometimes because they are intimidated by the government, sometimes because they are part of the governing oligarchy.

The relationship between government and journalists is complex and varied. In some countries, government uses its considerable power openly to prevent critical reporting or embarrassing disclosures. In others, the threats to press freedom come from other powers that render governments themselves powerless. In almost all countries, journalists chafe under restrictions and constantly test and challenge the limits. In many authoritarian countries, journalism is a dangerous profession.

A good example of the first situation is Singapore, where, despite unparalleled economic growth and prosperity, the government is still intolerant of critical reporting from either domestic or foreign media. Over the years, foreign media including as the Economist, Asian Wall Street Journal, and Far Eastern Economic Review have had circulation reduced or suspended, been ordered to apologize or pay heavy fines, or were forced to close news bureaus over squabbles with the government about reporting of Singaporean events. As late as 20002, the upstart Bloomberg information service was fined and forced to apologize to Singapore former prime minister Lee Kuan Yew for a story that suggested nepotism. The word from the government is
straight forward: enjoy the convenience and efficiency of a Singapore base but don't do anything local media cannot do.

Domestic media are tame. The Freedom House 2002 report on press freedom classifies the information system as “not free” and describes it as “one of the best in the world, but … also one of the most centrally controlled.”

11 Virtually all newspapers and electronic media are controlled by two privately held corporations with close ties to the near-monopoly People’s Action Party (PAP). Government-linked companies also provide the only Internet and cable TV services. Tough enforcement of tough laws about criticism of government have an effect as well. According to Freedom House, “official intimidation motivates self-censorship by many domestic journalists, although some commentary in newspapers has been more outspoken in the past year.”

Singapore was one of the leaders in developing techniques to control the Internet. It is important because of widespread access – in 2001, well over half of the population logged on – and because it quickly became a political outlet not directly controlled by the government. In 2001, according to the Committee to Protect Journalists (CPJ), organizations promoting free expression and democracy were forced to register as political organizations, denying them foreign funding. 12 Organizations not affiliated with the PAP were prohibited from posting information about national elections. An early product of the regulations was the arrest of a freelance journalist who had posted material critical of the government on an unofficial website. He was ordered to undergo a psychiatric examination in preparation for a trial. Several of the outside sites, stripped of outside funding, closed. Curiously enough, the Singapore government created a large Internet presence and promoted a program to bring the country online. Under control, of course.


The other version of authoritarian media can be found in Algeria, Colombia, and Russia, as well as in other countries. In the decade from 1992 to 2001, 60 journalists were killed in Algeria, 34 in Russia, and 29 in Colombia. If the Balkans are treated as a whole, the toll there was also 29. In these countries, there is a common pattern of a deadly three-way tug of war. On one hand, the government is caught up with a war against some kind of insurgency – Islamic extremism in Algeria, drug war lords in Colombia, a combination of a rebellion and business oligarchs in Russia. On the other, the governments themselves are usually corrupt and intolerant of independent, critical reporting. The journalists get caught in the middle, sometimes ending up in the crosshairs of both forces. By the end of September, 2002, CPJ had documented ten murders of journalists that year with another 13 whose deaths were confirmed but circumstances were not.\(^{13}\) Journalism in countries caught up in internal violence is always a dangerous business. It is one thing when reporters are caught in the cross-fire of a war but quite another when they become the targets. In many of the world’s trouble spots and under many authoritarian regimes, governments do not offer protection to journalists. Sometimes they cannot; often they; do not want to.

One positive facet of the picture of authoritarian press systems is that the number of journalists killed around the world dropped from a high of 66 in 1994 to 24 in 2000 and 37 in 2001. The attacks in New York and Washington on September 11, 2001, and war on terrorism that they ignited did not have an immediate debilitating effect on press freedom. Professional organizations that monitor the state of press freedom documented a growing concern for civil liberties, including free expression, in the United States and other Western countries, but nothing comparable to restrictions that accompanied previous wars. Freedom House concluded that the attacks and aftermath tested conditions for mass media in most countries but that “press freedom emerged entact by the end of 2001.” Indeed, it noted small gains for press freedom over 2000.

\(^{13}\) Documented on the Committee to Protect Journalists website, [www.cpj.org](http://www.cpj.org).
During the 1970s, the authoritarian principle that journalism should not challenge governments was expanded to include mass media as an active tool of government. Hachten defined it as a separate media system, the development concept of the press. The idea was not new, of course. It was -- and is -- a key element of Marxist/Leninist press theory, but the development concept of the press also borrowed from Western experience. The United States especially had a history of incorporating mass media into programs of rural development. They included the federal agricultural extension service and educational radio and television that evolved into public broadcasting.

From the widespread use of mass communication in social Third World development programs, it was a small leap to redefine development goals in political terms. That gave journalists the new responsibility of actively supporting the nation or, more commonly, the regime in power. Altschull acknowledges the importance of subordination of press freedom to interests of the nation (or regime in power) in advancing countries with these three summary statements of press freedom: “A free press means freedom of conscience for journalists; press freedom is less important than the viability of the nation; a national press policy is needed to provide legal safeguards for freedom.”

“Advancing” media -- whether called that or by the more familiar terms of “authoritarian” or “development” -- are the still the most common. In the old communist countries of Central and Eastern Europe, media tended to evolve from the communist concept to authoritarianism rather than to Western. Even as the NWICO lost its legitimacy, Third World media tended to reflect old-fashioned authoritarian control rather than Western independence. Were “advancing” media enroute to the Western model or stuck in permanent authoritarianism? As the new century progresses, we’ll find out.

FREEDOM TODAY

14 Altschull, p. 435.
The last years of the 20th century were a triumph for market-based Western democracy. And for the principles of journalism associated with it. The most dramatic event, of course, was the collapse of communism in the Soviet Union and Central Europe and the loss of legitimacy in the few remaining outposts of Marxism. Independent, critical journalism from both inside and outside was given part of the credit. The triumph of independent (i.e., Western) journalism belongs to Fukuyama’s famous “end of history” and has been noted as one of the global trends of communication in the opening decade of the new century.15

While most attention was fixed on the extraordinary events taking place from Berlin to Moscow, something similar to glasnost was taking root in most other parts of the world. Latin American countries, which traditionally swung from fragile democracy to military dictatorship, moved almost uniformly toward democracy. Even Mexico, where corruption and control of the press were part of a long authoritarian tradition, moved toward critical reporting.

In Africa, too, multi-party democracy, which goes hand in hand with Western-style journalism, gained a small foothold. The Pan-African News Agency (PANA), which had been built on the principles of the NWICO and development journalism, announced a course change to independent reporting. In several African countries, independent papers -- economically weak, politically insecure -- began to challenge government authority.

A curious exception to the wave of democracy sweeping the “advancing” world was parts of Asia. The extraordinary economic success of the “four tigers” (Singapore, South Korea, Hong Kong and Taiwan) and second tier of little tigers right behind them (Indonesia, Thailand, Malaysia, and maybe the Philippines) ought to have been preceded by or led to a flourishing of Western freedoms. As we have seen in the example of Singapore, it did not.

The juxtaposition of Asia against Central and Eastern Europe raises the interesting and long-debated question whether press freedom is a force promoting economic development or

whether it is a product of it. In the lexicon of the 1990s, the question is which comes first: 
glasnost or perestroika? The global test currently underway favors the development-first-then-
freedom side advanced by many governments in the old Third World, but a single pattern equally 
applicable to the cultural diversity and histories of the world’s nearly 200 countries may not 
exist. At best, we can look at the experiences of individual countries as a global laboratory and 
hope that they can learn from one another while moving collectively toward a common goal of 
press freedom.

Another exception to the broad trend favoring expanding press freedom is the Arab 
world. We learned about it, of course, in a series of attacks on the West that reversed initial 
optimism for the new century, but pointing to problems within the Arab world itself was hesitant 
and restrained. By chance, an important report appeared in 2002 that called attention to the 
“freedom deficit” of that important part of the world and linked it to the dismal state of other 
facets of development. The report was important in part because it was written mostly by Arabs 
and in part because it was published with the authority of the United Nations. Among various 
geographic and political regions of the world, the Arab countries rated lowest in composite 
measures of freedom and of “voice and accountability,” falling even below sub-Saharan Africa. 
Here is what the report said about the “freedom deficit”\(^\text{16}\):

There is a substantial lag between Arab countries and other regions in terms of 
participatory governance. The wave of democracy that transformed governance in 
most of Latin America and East Asia in the 1980s and Eastern Europe and much 
of Central Asia in the late 1980s and 1990s has barely reached the Arab States. 
This freedom deficit undermines human development and is one of the most 
painful manifestations of lagging political development. While de jure acceptance 
of democracy and human rights is enshrined in constitutions, legal codes and

\(^{16}\) “Overview: a Future for All.” Arab Human Development Report 2002; Creating 
p. 2.
government pronouncements, de facto implementation is often neglected and, in some cases, deliberately disregarded.

For most of the world, however, the recent record is at least hopeful, sometimes even warranting optimism.

**RECENT CHANGES**

Freedom House collapses a detailed 100-point evaluation of press freedom in every country and territory into three broad categories: free, partly free, and not free. Despite the gloomy headlines that chronicled a global war on terrorism after Sept. 11, 2001, the Freedom House report for 2001 was upbeat. It noted that 40% of the 187 surveyed were classified as “free,” more than at any time in the preceding decade. One-third (33%) of the world’s countries were rated as “not free,” the lowest number since 1996. By population, the numbers are less positive, but still an improvement over the years following the collapse of communism. Less than a quarter (22%) of the world’s population lived in countries with a “free” press, while more than a third (38%) were in countries classified as “not free.” The report could not find a clear pattern in changes:

Countries where press freedom markedly improved during 2001 represent diverse regions of the world. What most of them had in common, however, were recent changes in regime, in some cases effected at least in part by the work of independent journalists, that ushered in governments with a greater respect for civil liberties and the rule of law.

Cape Verde, Ghana, Peru, and Vanuatu moved from “partly free” to “free,” and Congo (Brazzaville) and Niger moved from “not free” to “partly free.” On the other side of the equation, Mongolia fell from “free” to “partly free,” and Bangladesh and Haiti from “partly free” to “not free.” Media in North America declined slightly in specific ratings but remained firmly in the middle of the “free” category. The report noted a modest reduction in media access in the United States following the terrorist attacks and increased concentration of media ownership in Canada as a basis for concern.
Given the tumultuous change in many parts of the world that has accompanied globalization and even the rise of global terrorism as a threat to the stable and democratic West, the progress in the first years of the 21st century is remarkable. Has the end of history arrived, with global press freedom triumphant?

CHALLENGES TODAY

Global regulation. Modern communications technology, we hear repeatedly, has made the world smaller and brought its people closer together. Well, sometimes. President Bush’s proclamation of a new world order after the collapse of communism faded quickly in the face of Huntington’s “Clash of Civilizations” and the global war on terrorism. A counterpoint to the fragmenting of the familiar Cold War world was a slow movement to bind the fractious nations of the world into a global legal system that included elements of press freedom. The movement was slow and bumpy for several reasons: press freedom is traditionally part of national sovereignty, not of international law; despite widespread acceptance of the Western definition of freedom at the theoretical level, big differences exist in practice, even, as we have seen, among the democratic Western nations; most aspects of international law have few enforcement mechanisms.

A global freedom of the press operates at different levels. At the most general are sweeping principles such as the Universal Declaration of Human Rights that includes a statement on freedom of speech and the press that sounds a lot like the provisions in most national constitutions, including the U.S. Bill of Rights. There is, however, no systematic mechanism for enforcing the declaration, and, as we have seen, most countries that fall under the Freedom House definition of “partly free” and “not free” have signed on to the United Nations declaration. Other broad statements, such as the one that came out of the NWICO debate, fall into the same category. They do represent some kind of global standard or ideal but are unenforceable and often have no influence on what signatory nations do at home to their own journalists.
At the opposite extreme are a series of technical agreements and a small but important group of international regulatory agencies that enforce them. Among them are International Telecommunications Union (ITU), which exercises some control over broadcasting and telecommunications; the International Postal Union (IPU), which on rare occasions gets involved in political controversy; and the relatively new World Intellectual Property Organization (WIPO), which works primarily in areas of patent, trademark, and industrial design protection. The United Nations Educational, Scientific, and Cultural Organization (Unesco), from which the United States, Britain, and Singapore withdrew over claims of mismanagement after the long, bitter NWICO debate, claims to act as the conscience of the world community and works in the area of media development and promotion of press freedom. Britain rejoined Unesco in 1997, and President George W. Bush announced in 2002 that the United States would also return.

Intelsat, originally formed in 1964 as an inter-governmental consortium to develop and maintain the global system of communication satellites, was privatized in 2001 and became less important to global communication – and less controversial. At one point in the NWICO debate, parking spaces for geostationary satellites over the equator appeared to be limited, and some countries on the equator claimed that their sovereign air rights extended to the orbit. They also wanted to reserve space even though they had no current need for it or ability to launch a satellite to fill it. Like most of the earlier political issues that focused on allocation of spectrum resources – frequencies for short-wave broadcasting, for example – technical innovations overcame political problems.

Looming on the horizon for future confrontations is the World Trade Organization (WTO), which will have to deal with issues that have a special impact on the information-based economy of the United States. Already major disagreements with a number of countries involve pirating of software and entertainment products known to international organizations as “audio-visual materials.” The audio-visual sector is especially important to the United States for economic reasons, of course, but unregulated trade in pop culture and sometimes software raises alarm signals in democratic countries that are concerned with the ideological baggage that
accompanies U.S. exports. Differing views of privacy and control of business practices between the European Union and the United States also are likely to appear on the WTO agenda as sources of conflict in the future. Complicating all of the issues in global regulation of communication is the explosion of the Internet.

**The Internet.** By design, the Internet is chaotic. It has no center and functions with virtually no oversight. An argument can be made that with the Internet, national sovereignty as we know it is threatened. Since control of communication, especially press freedom, is traditionally an element of national sovereignty, the growth of the Internet presents new challenges to all national governments. Most threatened are undemocratic governments that claim the right to control the media, of course, but there are challenges for democratic regimes as well.

A handful of governments go to great lengths to limit access to the Internet. It is probably impossible to exercise effective control, just as it was impossible for totalitarian governments to maintain a monopoly of information when the challenge came from foreign short wave radio, smuggled newspapers and home-grown underground media. Now as then, access to unauthorized information is often restricted to elites with the curiosity, knowledge of foreign languages, and access to technology, but it is usually small bands of elites that foment revolutions. Totalitarian governments have reasons to be worried. And, of course, the Internet functions as part of the exploding global digital system that all nations need if they are going to participate in international trade, politics, or tourism. The alternative to dealing with the Internet is to mimic North Korea. However, several important nations try.

China and Saudi Arabia are in the news regularly for their oversight of the Internet, but other countries – Singapore and Cuba come to mind – do some of the same things. In most cases, control starts with limiting the points where the Internet can be accessed and its use monitored. Traditional telecommunication is limited enough that an Internet café is the usual venue for web surfing, and private modems can be monitored. Specific sites can be put on a banned list that is supervised and updated by government censors, but through a variety of
techniques such as use of mirror sites, anonymous postings, and circuitous access, determined surfers usually can find what they are looking for. When access through traditional telecommunications channels is unsatisfactory, it is possible – sometimes – to gain access through other links. Private satellite dishes and satellite telephones fall into this category, although in most parts of the world they are prohibitively expensive and controlled to the same degree as direct access through the national telecommunication system. A tactic that dates to earlier eras of press control is to allow greater access to unofficial outside information for small numbers of elites with knowledge of languages and experience outside the national information cocoon. An unwritten code that allows discrete use of rooftop satellite dishes in some countries in the Middle East is that information – whether adult movies, Hollywood’s latest hit, or news critical of the regime – will not be widely shared or used to threaten the regime. This jousting between censor and user is similar to that between the two when the weapons were short wave radio and pamphlets, and access to an alternative view of the world was a powerful incentive not to challenge the power of the state.

Now some governments are more open. In Saudi Arabia, a request to access a banned URL at one point returned a page that explained why the page was not accessible, and the government even cooperated with a Harvard University study to test its effectiveness. For a period in 2002, the Chinese government blocked use of the Goggle search engine; an attempt to use it or to access a banned page resulted in a 20-minute time-out that presumably cooled the enthusiasm for seeking out information the government thought was dangerous or inappropriate.

For open governments, the Internet also presents problems. Some are limited to specific countries. In Germany, for example, Hitler’s autobiography *Mein Kampf* is still publicly banned along with organizations that promote traditional Nazi ideology or its contemporary neo-Nazi reincarnation. The German government did order the German subsidiary of Amazon.com to drop *Mein Kampf*, but it is still available on other Amazon sites. Nazi propaganda could be partially controlled when it had to be produced outside Germany and smuggled into the country, but with websites originating anywhere, control of access in Germany is effectively eliminated. All
Western governments – including the libertarian United States – prohibit child pornography, but they face the same problem: when the material emanates from outside your borders, how can you enforce national laws without adopting the methods of China or Saudi Arabia? Even if some global agreement were approved – and the record of enforcement of international treaties is not encouraging – it is unlikely that Internet-based child pornography would disappear. The Internet adheres to the weakest-link principle. If it’s possible in any country, that becomes the standard around the world. In most cases, we applaud because it puts the authoritarian government on the defensive and makes censorship difficult. But sometimes, the weakest link becomes a global standard to the detriment of free expression as we define it.

In 1998, the head of the German subsidiary of the Internet provider CompuServe was convicted in a Bavarian court for failure to block child pornography and computer games with swastikas that had been distributed in user groups. The conviction was later overturned. Two years later, a French judge ordered Yahoo to remove Nazi paraphernalia from its auction website after a complaint was brought by groups devoted to fighting anti-Semitism and racism. The judge ordered Yahoo, which is based in the United States, to prohibit French access to the material. Inciting racism is a crime in France, and selling Nazi material, the judge said, offended “the collective memory of the country.” Yahoo later got a ruling from a U.S. court that French law had no jurisdiction over its activities in the United States, including posting of materials that are illegal in France. Still, Yahoo and other Internet-based companies became more sensitive to laws in other countries where they had an important presence and pulled materials that could be offensive – and potentially the basis of litigation – in other countries.

The small but growing number of cases underscored the difference between the United States and most of the other Western democracies in dealing with the Internet. One was whether Internet service providers like CompuServe, Yahoo and even universities that host discussion groups and massive websites are responsible for the content of people who use them. In the United States, the answer is No; in other democracies, the answer is Yes. At least sometimes. The second is whether traditional free expression takes precedence over privacy and dignity of
individuals. In the United States, the answer is clearly in favor of free expression, even in issues involving child pornography or national security. In most other countries, it is usually the privacy and good name of individuals and the stability and order of the nation that take priority.

The law of the weakest link says that if it’s legal in any country, it can be posted on the Internet and will be available anywhere, unless, of course, the other government has the technical skill and will to control access. The opposite side of the weakest link is that material posted on the Internet may be challenged in any other country. As a result, you may find yourself defendant in a lawsuit in a country you have never visited over over material you never intended to publish there. Journalists and academics are especially vulnerable because their work now depends so much on the Internet.

The Internet is likely to become even more the center of global issues surrounding freedom of the press as its reach and influence grow.

Annoyances. When assessing the state of press freedom in different countries and particularly when evaluating threats to free expression, it is important to differentiate between serious limitations and minor problems. In the United States, an annual report documents “banned books,” but most of the cases involve books removed from local school libraries after parents or local groups objected and most books were about sex or religion. Compare that to Britain where the national government has the arbitrary authority to ban a book that touches on national security along with any public mention of it. American critics may complain about less than rigorous enforcement of U.S. Freedom of Information laws (Britain, remember, has an Official Secrets Act, not an FOI law), but publication of classified information is routine in the United States and almost never punished. Compare that to Western democracies where prior restraint is routine and publication of restricted information is punished routinely and severely. And these are the democracies, not the majority of countries where the press is partly free or worse.
The point is that some restrictions on press freedom are serious, and some less so if not outright trivial. Two issues may produce disagreement on whether they belong in one category of the other.

In the name of constitutionally protected “commercial speech,” advertising in the United States operates with very few limitations and minimal government oversight. In Europe, it is different. In 1989, two officials from J. Walter Thompson described the problem of promoting a theoretical low-fat diet candy bar, “Jupiter.” A commercial designed for TV use across Europe would emphasize three points: “Your waistline will like it, and you get a free tape measure to prove it”; “It’s an after-school treat that won’t spoil your evening meal”; and “When your doctor says cut down, reach for Jupiter, with one-third of the calories of other chocolate bars.” Here are some of the obstacles the campaign would encounter:

In Belgium, commercials may not refer to dieting. In France, premiums can’t be worth more than one percent of the sale price, which rules out the tape measure, and children can’t give endorsements, which means no child eating a Jupiter after school. In West Germany, any comparisons with another candy bar would be illegal; in Denmark, ads can’t make nutritional claims; in Britain, candy must be presented as only an occasional snack -- and no doctors in the commercial.\(^{17}\)

A similar trans-Atlantic difference is apparent in rules about publication of election polls. In the United States, it is impossible to prevent publication or last-minute predictions or projections based on election day exit polling, even though projections are often made in the East before polls close in the West. Though never demonstrated, the concern is that last-minute polls or election night projections could influence turnout as well as local races in other time zones.

That issue applies only to a handful of countries that cross several time zones, but a number of countries in Europe restrict publication of polls for a week or two before the election. The curious argument is that democracy works better when citizens vote in isolation from their

fellow citizens and in ignorance of public opinion. It is also curious because the argument for restricting publication of polls for a specific period before an election is based on the assertion that information should be withheld not because it is false because it is accurate. In some Western legal systems, truth is not a full defense against a charge of defamation, but it would be odd to see a pollster in court challenging a charge of publishing poll results illegally with the defense that the results were false and, therefore, allowed.18

OUTLOOK

A document published in 2002 was a remarkable witness to the universal appeal of freedom of the press and to the link between it and human a better world. Equally remarkable was the source of the document – the United Nations Development Program (UNDP), which for years had either avoided discussing political and civil liberties or had dismissed the “Western” concept of press freedom as inappropriate to the rest of the world or, worse, a mere fig leaf covering mean post-imperial global political ambitions. The UNDP began calculating a numerical Human Development Index (HDI) extended the measure back to 1975 as well as forward each year. From the beginning, UNDP officials acknowledged the importance of democracy as an element of development but avoided including it in the HDI because of lack of data and lack of agreement on a definition of democracy. Use of Freedom House measures would have provoked an outcry from those who had complained for years about the “bias” in narrowly ethnocentric Western definitions and measures.

The about-face evident in the 2002 report – subtitled “Deepening Democracy in a Fragmented World” – represented more than a victory for those who had argued that press freedom as measured in Freedom House data was universal rather than narrowly Western. In the report, democracy was placed at the center of human development and discussed in just about every chapter. The report even included Freedom House ratings along with others that were

18 Information is available at the WAPOR website, www.wapor.org.
equally “Western” in concept. Press freedom as a component of democracy was offered as part
of a virtuous circle that would lead to greater development and, in turn, to more democracy. The
attention to “free media,” unique in development literature, deserves to be quoted at length:19

Perhaps no reform can be as significant for making democratic institutions work
as reform of the media: building diverse and pluralistic media that are free and
independent, that achieve mass access and diffusion, that present accurate and
unbiased information. Informed debate is the lifeblood of democracies. Without
it, citizens and decision-makers are disempowered, lacking the basic tools for
informed participation and representation.

Free media play three crucial roles in promoting democratic governance:

As a civic forum, giving voice to different parts of society and enabling debate
from all viewpoints.

As a mobilizing agent, facilitating civic engagement among all sectors of society
and strengthening channels of public participation.

As a watchdog, checking abuses of power, increasing government transparency;
and holding public officials accountable for their actions in the court of public
opinion.

The statement is a powerful endorsement of the value of freedom of the press, an
encouraging pat on the back for countries that are still struggling to achieve it, and an admonition
for the regimes that proclaim the rhetoric but reject the practice.

Table 1. Press freedom in 2001.

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Peru
Philippines
Poland
St. Kitts and Nevis
St. Vincent and the Grenadines
Samoa
Sao Tome and Principe
Slovakia
Slovenia
Solomon Islands
South Africa
Spain
Suriname
Taiwan
Thailand
Trinidad and Tobago
United Kingdom
United States
Uruguay
Vanuatu

Partly Free

Partly Free 31-45
Antigua and Barbuda
Argentina
Brazil
Burkina Faso
Comoros
Ecuador
El Salvador
Fiji
Honduras
India
Madagascar
Mexico
Mongolia
Namibia
Nicaragua
Romania
Senegal
Tonga
Uganda
Venezuela
Yugoslavia
*Partly Free 46-60*
Albania
Armenia
Bosnia-Herzegovina
Colombia
Congo (Brazzaville)
Gabon
Georgia
Guatemala
Guinea-Bissau
Indonesia
Jordan
Kuwait
Lesotho
Macedonia
Malawi
Moldova
Morocco
Mozambique
Nepal
Niger
Nigeria
Pakistan
Paraguay
Peru
Russia
Seychelles
Tanzania
Turkey
Ukraine
Not Free

Not Free 61-75
Algeria
Bahrain
Bangladesh
Bhutan
Cambodia
Cameroon
Central African Republic
Chad
Cote d’Ivoire
Djibouti
Ethiopia
Gambia
Guinea
Haiti
Iran
Kazakhstan
Kenya
Kyrgyz Republic
Lebanon
Malaysia
Maldives
Mauritania
Oman
Qatar
Sierra Leone
Singapore
Sri Lanka
Togo
Tunisia
Yemen
United Arab Emirates
Zambia

Not Free 76-100
Angola
Azerbaijan
Belarus
Brunei
Burma
Burundi
China
Congo Kinshasa
Cuba
Egypt
Equatorial Guinea
Eritrea
Iraq
Palestinian Authority
Korea, North
Libya
Rwanda
Saudi Arabia
Somalia
Sudan
Swaziland
Syria
Tajikistan
Turkmenistan
Uzbekistan
Vietnam
Zimbabwe

The Freedom House ratings range from 0 (highest) to 100 (lowest) and are further collapsed into “free,” “partly free,” and “not free.” The numerical rating is computed from three elements: laws and regulations that influence media content; political pressures, controls, and violence that influence content; economic pressures and controls that influence content. According to the report, data on which the ratings are based come from “correspondents overseas, staff travel, international visitors, the findings of human rights (including press freedom) organizations, specialists in geographic and geopolitical areas, the reports of government (including the U.S. State Department and governments surveyed), and a variety of domestic and international news media.”
BIBLIOGRAPHY


AUTHOR

Robert L. Stevenson is Kenan Professor of Journalism and Mass Communication at the University of North Carolina at Chapel Hill. He has taught in Mainz, Munich, and Dresden (Germany) and in Budapest, and for shorter periods in Romania, Australia, and Great Britain. He is the author of Global Communication in the 21st Century (Longman, 1994), Communication, Development, and the Third World (Longman, 1988), and (edited with Donald L. Shaw) Foreign News and the New World Information Order (Iowa State University Press, 1984).