

Limits of free

By Barrister Baachaa

WHILE in opposition, every political leader is the greatest exponent of freedom of the press and independence of judiciary. Once in government, the same politicians wish to gag the press and limit the independence of judiciary at the earliest opportunity. And they have a good reason for it. The Press highlights, or attempts to highlight, the excesses committed by the rulers, whereas the judiciary is supposed to redress those excesses. Here lies the justification, in the opinion of the rulers, for pre-publication and post-publication censorship: the rulers never admit to committing excesses because whatever they do, they are convinced that it is in the greater national interest:

"Despotism often presents itself as the repairer of all the ills suffered, the support of just rights, defender of the oppressed, and founder of order. People are lulled to sleep by the temporary prosperity it engenders, and when they do wake up, they are wretched" (Alexis de Tocqueville) *Democracy in America*.

The desire of those who are in command and control of the worldly affairs or religious beliefs of their fellow men to be accepted as infallible — that they can do no wrong — has its origin in the Roman office of censor, which was established in 443 BC. Besides conducting the census, that officer also regulated the morals of those who were allowed the status of citizens by insisting that "the gods of the city" were to be respected by every citizen. But, there were even at that time people like Protagoras who questioned the authority of the state to control the morals of the citizens, and Pericles who declared that the best interests of State could not be served without a full discussion before the assembly, and that everyone could hold and defend whatever opinion he wished.

Many fellow Greeks received their agnosticism and belief in the freedom of speech with hostility that led to the emergence of the proposition that the law

forbids whatever it does not permit. This position, by and large, holds the field even today in countries such as ours when it comes to freedom of speech and freedom of the press, collectively known as 'freedom of expression'. In those societies where liberalism is in the ascendancy, by contrast, it has come to be accepted that one may do whatever law does not forbid. Furthermore, it is now believed that what may be properly forbidden by law has a very limited scope. People are increasingly permitted to do with their lives and opinions as they please, so long as they do not pose physical threat to others. Even if there is an error of opinion, it may be tolerated where reason is left free to combat it, because truth, in a free and open encounter, will be able to overcome error. But knowing that truth makes one free, the objective is, therefore, denial of freedom of expression more than the truth.

How far freedom of the Press is extended in Pakistan? For the answer I look to John Wilkes: "I cannot tell, but I am trying to find out."

"I have justification to stifle the Press but I choose not to," said the Chief Executive General Pervez Musharraf in New York a few days ago, and he advised the Press to let truth remain supreme and let national interest remain in focus. Who is to be the judge of 'truth' and 'national interest'? The Press cannot be condemned simply because it is brash and noisy or declamatory. It must be called to order if it is false, irresponsible, or reports untruth. The Press can bend this much. But it cannot, it should not — it should not be made to go down on its knees. A self-confessed "great believer in the freedom of the Press", while addressing the 15th APNS award ceremony, General Musharraf said, "his government neither expected obedience nor unthinking cooperation from the Press." Granted, he, like all other rulers without exception, 'welcomes "healthy" criticism' (*Dawn*, Oct 1), it is the 'bitter pill', which keeps the criticism healthy, that is hard to swallow: they are all for the free Press, it is the news-

papers they cannot stand.

How far is freedom of expression possible and desirable in Pakistan? For more than half the world's population, an independent Press is still an unattainable goal. Even in the West, 'Freedom of the press in Britain is freedom to print such of the proprietor's prejudices as the advertisers don't object to' (Hannen Swaffer) — the Press freedom is illusory because a wealthy minority controls what is to be published.

a free Press, let's not forget that the pre-and post-publication censorship by the government is the only form of robbing one of words. There are other restrictions, not generally known to the general public, which are equally oppressive.

How much editorial freedom the proprietors allow their editors? How much of the proprietors' business, political, social and economic interests influence freedom of their Press? Freedom of expression and free-

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In the developing countries, newspapers have contributed to the spread of literacy and of the concept of human rights and democratic freedom. The importance of newspapers stretches far beyond a passing human interest in events. The establishment, maintenance and fostering of an independent, pluralistic and free press is essential to the development of democracy in a nation and for free economic development. Worldwide trend towards democracy and freedom of information and expression is a fundamental contribution to the fulfilment of human aspirations, the dignity of the individual and self-fulfilment. In Pakistan, before the word 'accountability' was all the vogue, the Press was the sole forum of accountability in the country.

Since individuals have a right to know enough about what is happening to be able to participate in public life, journalists have a duty to inform. Whenever this public right to know comes under attack, a heavy responsibility falls on the journalists. But when we talk of

dom of conscience — does prudence let them practise either always? The owners' simple-minded response to such criticism is: A plumber's job is laying a pipe. He is not responsible for what goes through the pipe.

Working journalists are the backbone of the Press. The allegations of 'Lifafa journalism' echo in the government's corridors whenever attempts are made to gag the Press. Except for Zamir Niazi (*Muzzling the free Press*, *Dawn* Oct 1), there has hardly ever been an answer from the journalists to such allegations. No doubt, there still are many journalists who cannot be bribed or twisted. But influenced by their own social, political and ethnic prejudices, seeing what they would do unbribed, there is no need to give them *lifafas*. East Pakistan 1971 debacle is one such example of inglorious role played by the West Pakistan Press.

The first duty of the Press is to be accurate because 'comments are free but facts are sacred.' It is desirable to choose truth, rather than a side. If the Press is accurate, it follows that it is fair.

Freedom

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Distinction must, therefore, be made between comments, conjecture and facts. Free and fair Press admits of fair opportunity for reply to inaccuracies, respect for privacy except when justified in the public interests, refrain from misrepresentation and harassment while obtaining information, non-intrusion into grief or shock, no discrimination, and protecting the confidential sources of information. It may seem a minor point in the context of freedom of the Press,

totally free and journalists community is free to express its viewpoint without any pressure" (Sept 30), unless the redundant Press laws are replaced with laws that create enforceable rights to freedom of expression, freedom of opinion, access to information and freedom of the Press; to encourage the existence of the greatest possible number of newspapers, magazines and periodicals reflecting the widest possible opinion, to end all forms of discrimination in broadcasting in printing, newspapers and magazines distribution, and newsprint distribution, and to refrain from 'raids' on newspapers' offices to check 'faulty electric wiring'.

"A community seeks news", said Dame Rebecca West, "for the same reason that a man needs eyes. It has to see where it is going." For William Randolph Hearst, one of America's most important publishers, news was "what someone wants to stop you printing: all the rest is ads." For future secure Pakistan what we need are four essential freedoms that Franklin Roosevelt considered essential for future secure world: freedom of expression, freedom to worship God in our own way, freedom from want and freedom from fear. Freedom of expression is the thing that comes first. Most of us feel we could not be free without the newspapers. That is the reason we want the newspapers to be free because a good, free newspaper is a nation talking to itself. But what is a free Press? That for any practical purpose, it is what the people think so; one that prints General Musharraf's speeches but does not have to.

In the conflict between the rulers and the Press, the question is: "Why does the Press hit the government on the chin?" The answer: "Why does the government has its chin out in the first place?" While threatening the Press our rulers fail to understand a major rule of political life: never lose your temper with the Press, because as Napoleon once said, "four hostile newspapers are more to be afraid of than a thousand rifles." ■

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but those who write to and for the Press also suffer from a kind of private suppression that has been usefully described by Jamie Kalven: "being badly edited is as close as most American writers ever come to being censored. My strongest impression is that the abuse of one prose by badly editing feels like an assault on one's mind." Similarly, Lord Radcliffe spoke of "the real licensers of thought today, the editors, the publishers, the controllers of radio and television."

The concept of a free Press without a guarantee for economic independence of the journalists, editors and publishers — and freedom from fear of physical harm — is an illusion. The independence should be from governmental, political and economic control. Censorship by the government and other forces in the society, such as religious, ethnic or political groups, should be declared a grave violation of human rights. There can be no freedom of the Press howsoever loudly and sincerely the Chief Executive may claim that "the national Press is

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