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Communication Ethics In A Changing Asia

By

G L Peiris
COMMUNICATION ETHICS IN A CHANGING ASIA

Most Asian societies are undergoing profound transformation today due to the penetration of the forces of market economics and political democracy. These ideals, which have their origin in the West, are refashioning the political, economic, ideological and socio-cultural dynamics in Asian societies. Most of the countries in the continent of Asia were colonies and many of them underwent long periods of trauma with war, occupation and struggles for independence in the middle part of the twentieth century. With the advent of independence came other problems – combating malnutrition, disease, illiteracy and often civil war and ethnic unrest. The international milieu of a bipolar world, armed to its teeth and maintaining a fragile peace through the dubious doctrine of the balance of power did very little to help these countries to develop as economically self-reliant and politically stable societies. They continued to be battlegrounds, the only difference being that they were pawns fighting in the interest of either of the superpowers and reaping a harvest of misery, blood and tears. There were problems of competing social groups jostling for power within their societies, often in league with foreign interests. There are numerous instances of military coups, dictatorships and ruthless repression. With certain notable exceptions, the story of Asia of the past half century has been one of internal political turmoil and a constant search for resources for development.

This story of almost continuous struggle against the odds was reflected in the institutions that grew from these embattled societies. The political institutions and the regimes that came to power were mostly not those which could be defined as democratic in the strict sense of the word as used in Western political parlance. In many countries, there was no tradition of political representation, competitive party systems or the glorification of the individual and a preoccupation with his or her rights at the expense of the family, tribe or any other collective of which he or she was a part. But on the other hand, the preponderant international power that was in the hands of Western democracies and the use they made of it for military, diplomatic and political hegemony, constantly created competing ideals on how society ought to be organised and governed.

There was also the vital question of development. How were the resources necessary for economic sustenance to be found? The intense competition for limited resources, often in the hands of elites entrenched in the power structures in those societies, increasing indebtedness vis-a-vis the international donor agencies and the problems of survival in the quicksands of international politics made them realise the overwhelming importance of economic development. Even though it be at the expense of political democracy or human rights, and that if the ideal of economic advancement had to be attained, it required 'stable' regimes at home that could not afford to be thrown out of office at the whims of the electorate.
These harsh realities are reflected in the whole question of role of the media - both the press and the electronic media - in the context of developing societies of Asia. On the one hand, regimes and elite groups which captured power at independence, or even those who arose to supplant them in power realised that the economic, political and international realities were such that they could not conceive of a role for the media in their countries other than that which legitimised their regimes and consolidated their power. The values of a free media - dispensing opinion and disseminating information without inhibition, or acting as the watchdog of society - could not be achieved due to the political culture in these societies brought about by the intense competition for resources and political traditions that found the Western type of democratic institutions alien and impracticable. Therefore in such societies what was considered ethical for the media was to back the regime in power and use its clout to overcome any opposition.

The opposing point of view however was that regimes did not matter. Though the state was important, the government in power had only stewardship in office and ought to be open to scrutiny and be accountable to Parliament and thus indirectly to the people. An important part of that scrutiny was to be exercised by the media. It was they who could disseminate information and commentary and thereby uphold values of a free society. By exposing actions deemed to be against the public interest, they could make regimes responsible to the people and to be receptive to their needs. The ethics that governed their functioning had to be freedom to be critical in comment and uninhibited in the dissemination of information, but while at the same time being fair and responsible.

The post cold war period has, for a number of reasons, found the ideals of a free press gaining ascendance. The international situation favoured market economies and liberal democracy with an emphasis on human rights. The whole question of promoting free trade, free societies and liberal democracy required a press that was not government controlled, but independently owned and managed which was free to publish news and views without fear of the state, but at the same time responsible to the ideals of impartiality and decency. The question of ethics arises therefore, when considering whether the media free of governmental control, will fall under the influence of other interests which are as detrimental to its freedom such as important group interests in society, or fall prey to the demands of the market.

The changes taking place in Asian societies which reflect vividly on the dilemma in which the media is placed in those countries has sprung the question as to what should be the ethical framework within which the media in these societies in transition should function. The remainder of this paper discusses some of these issues.

Media, if anything, reflects society. The press and the electronic medium portray the interests, aspirations and attitudes of both
the individuals and the sub-groups that make up that society. The space given to each of these groups or individuals may differ, according to their importance in the hierarchy and the interests any individual newspaper serves, but by and large they delineate the interaction between these groups and their multifarious interests. Thus, the question arises as to how the media can perform its function of being the watchdog over society and providing hard, well researched information on controversial subjects that needs to be exposed for the public good, while at the same time not exposing the victimised groups and their interests. It is ultimately a case of social engineering which accommodates the interests of both groups, though one of the parties concerned may be in the majority or in the right in terms of conventional morality.

Let us take an example. What should be the role of a newspaper if it becomes aware of the alarming spread of AIDS in society? How does it deal with this problem? There are two considerations that have to be borne in mind. On the one hand, information about the disease, the people likely to be affected, places where the disease could be contacted and its consequences have to be discussed. But in doing an indepth investigative story, does the journalist invade areas such as the individual's privacy which he should not? The question is about balancing the two interests and writing the article which while providing all the vital information does not divulge the names of victims of this disease which if done, could subject that person to ridicule and ostracism.

If we are talking of the ethical dimension of media, it cannot be forgotten that the free press is responsible to both groups in society. It cannot provide something which is in the interests of one, sacrificing the interests of the other. A responsible press should not be partisan, especially in socially a sensitive matter such as AIDS, because if it is, it will not be working in the interest of accommodating as much as possible the different interests that comprise society.

Next we come to the question of protection of confidentiality of journalists' sources of information. One of the most important factors that inhibit investigative journalism in certain Asian countries is that the sources of information utilised by journalists cannot be kept confidential in the event the state authorities require that they be divulged. Investigative journalism usually probes matters which lie concealed, but have to be brought to light in the public interest. The customary way a journalist begins to follow a story is through a tip off, mostly given by an insider who is prepared to leak the information on the condition that his identity is kept secret. Corruption and crime involve important personalities who will stick at nothing to avenge themselves at the 'leak'. Under these circumstances only a person who is given a firm undertaking by the journalist that his name is not disclosed will be prepared to divulge the facts.
An instance, perhaps, is perhaps corruption at the customs. In many of these organised rackets, there is a network of people involved and the entire operation is a closely guarded secret. If the operation is discovered by a subordinate officer, he would be loath to pass on the information to a journalist fearing repercussions in the hands of his senior. On the other hand, information could also leak out if one of the confederates in the racket decides to 'sing', due perhaps to internal differences. If his identity slips out, he could even face death. These are very real fears of which one has to take note.

If the media is to be vibrant, it has to take heed that the identity of the journalists' sources of information is kept confidential. One way of doing this is through statute. The law can guarantee that the name of the person is not disclosed under the legal doctrine known as privilege. The overall function of the doctrine of privilege is to fortify the confidentiality of relationships that are thought to be of value to the community as a whole. For instance, the relationship between husband and wife is a situation where the law is prepared to uphold confidentiality under the rubric of privilege. Under the doctrine of marital privilege, the wife cannot be compelled in legal proceedings to divulge any communication made to her in confidence by her husband during the subsistence of their marriage.

The question for us is whether a similar privilege should be conceded by the law where a journalist can refuse to disclose in criminal or civil proceedings the identity of the source from which the information was obtained. If journalistic privilege was to be withheld, and the journalist compelled to disclose the identity of the person from whom the information was elicited, there is a real danger that the sources of valuable information could dry up.

There is, however, a danger in the use of journalistic privilege. Journalistic privilege could be used by malicious individuals to vent their anger against others by making defamatory statements and taking cover under the immunity provided by the law. This form of blanket immunity available to persons providing information cannot, in the ultimate analysis, be beneficial to society, since it would encourage irresponsible behaviour. It follows, therefore, that the law must be discriminating in delineating the circumstances under which the protective mechanism of privilege is recognised in respect of information provided by members of the public for journalists to make use of in their work.

The third factor that is of crucial importance for the functioning of a free and responsible media is the right of reply. The press and the electronic media in the course of disseminating information and comment, tend to be biased, sometimes intentionally. If an individual or an organisation finds that what is published or broadcast is not correct from their point of view, how do they set about dealing with the
situation? There are numerous instances where untruths, exaggerations, or ridicule openly appear in the columns of the newspapers or over the airwaves. The only course of action that remains for the aggrieved party is to have their own opinion publicised so that it could counter the already published opinion and put the matter in proper perspective.

Therefore the newspapers especially should have their public columns open to everybody so that people who feel that they, or someone else whose interests they represent, have been misrepresented before the public have a means of putting forward their own point of view. Here too, there should be strict guidelines where the newspaper publishes the opposite point of view in full. Often letters to the editor and corrections tend to be edited and be selective in the matter they carry, thereby distorting the contents. Ajudicatory bodies like the Press Council can play an important part in ordering the offending newspaper to publish corrections or apologise to the aggrieved party through its columns.

The right of reply could also be an effective way of forestalling litigation where the publication of a reply could be considered sufficient by the aggrieved party without taking the matter to court under the law of defamation.

The right of reply is an important instrument for the functioning of a free media in an open society. It will allow all points of view to be aired and not allow the newspaper have an unfair advantage over individuals by publishing distorted and false material veracity of which cannot be questioned or a contradiction published. If we are talking of free and responsible media it is imperative that the ground is even for both the newspaper's point of view and that of the aggrieved individual to have the equal, or nearly equal, opportunity to be published.

This brings us to the question of a code of ethics for journalists. There is the increasing perception that journalists and the media that they have the licence to publish what they want and not face the consequences. In societies which do not allow the freedom to criticise the regime in power, the political hierarchy tends to upbraid journalists to be responsible in what they write against the government. Though this accusation is also widely used by authoritarian regimes to stifle legitimate criticism, the fact remains that certain newspapers tend to distort information to suit partisan interests. On the other hand even the Western liberal democracies tend to be critical of the invasion of privacy, often of important personalities by newsmen constantly hounding them for sensational stories and at times distorting the facts for the sake of popularising the paper. In this regard, in the United Kingdom Sir David Calcutt QC recommended to the Secretary of State that non-statutory regulation of the press had failed and urged that the arrangements be put on a statutory basis by the Government introducing legislation to establish a Press Complaints Tribunal with the power to draw up and keep under review a code of practice, to restrain publication of material in
breach of the code and receive complaints including of third party complaints, of alleged breaches of the code in practice. However, the recommendations of Sir David Calcutt were not accepted by the British Government, and consequently, legislation contemplated by him was not introduced into the Parliament of the United Kingdom.

The reason why these statutory arrangements were not put into effect though they might have seemed inviting in the light of the recent developments in the United Kingdom, was that it was commonly believed that in the ultimate analysis, that self-discipline by journalists and publishers was to be greatly preferred to the imposition of coercive sanctions. Although it could be said that these developments occurred in a country used to freedom and knowing the limits within which it ought to be exercised, the invasion of liberal values in the organisation of Asian societies makes it imperative that similar concerns ought to be taken up when looking at communication ethics in a changing Asia.

It seems, therefore, that it will be more attractive for the practitioners of journalism - journalists, editors, publishers - to draw up a code of ethics that will regulate and guide them in their work. A possible way of doing this is for representatives of journalists' unions with editors, publishers and members of the public to sit together and draw up the code of ethics. The important objective would be the freedom to publish material thought to be in the interest of society to read, but at the same time exercising caution in not distorting information, in seeing that opinion expressed is responsible and not indulging in slander for malicious reasons. It is important to note that democracy and an open society brings with it great responsibility for institutions in civil society. They are not regulated by the state as is the media in authoritarian regimes, but have to evolve mechanisms whereby they attain the maturity to publish without inhibition, but be still be responsible to society and the values that it cherishes. In that way the media is given the autonomy to function according to a code of ethics drawn up with its concurrence, but to which it is expected to adhere to scrupulously.

The question of ethics and a free media also brings up the issue of policy. Who plans policy in newspapers, radio or television? In many countries in Asia, the electronic media has been owned by the state and thus controlled by the government in power. In many of these countries, the press has been either owned entirely by the state or there are both the state owned press and the independent press functioning side by side. In the case of state ownership, the decision making on matters of policy undoubtedly lies with the state. But changes that are taking place in Asian societies and political systems find the free media, both print and gradually even electronic, rising in importance. The question that arises when speaking of ethics is though we might be critical of the preponderant influence exercised by the state, when the media was under its control, what should be the role of the proprietors in influencing policy under the emerging
dispensation?

One of the important issues relevant to this question that we must recognise is that ownership of the media, just because it passes from the hands of the state, is not going to be taken over by a strictly neutral body without partisan interests. In most of the world's liberal democracies you find that the media is owned by the large commercial houses and by the super rich business magnates. Therefore, it will be in their interest to see that policies of the newspaper, radio station or TV broadcasting facility disseminating information has a bias towards their own interests. Since journalism deals with issues that are controversial and on which different groups in society could have different perceptions, the ownership of the instruments of dissemination of information by individuals and organisations with strong partisan interests could be detrimental to the free and uninhibited flow of news. Though newspapers could be categorised as a marketable commodity, only the most naive would imagine that there is no difference in the production and distribution of sausages and the dissemination of news. The policy of the newspaper or broadcasting station is vital, in that it influences large numbers of people who could be swayed in a certain direction depending on the policy of the newspaper.

One way of countering this decidedly unattractive tendency is to have an editor or an editorial board which is largely, though perhaps not entirely, independent of the management. It is the function of this professional body to decide policy. There is reason to believe that this body might be in a better position to be impartial in judging the issues and guiding the policy of the newspaper. Diversity in the boards of the newspaper companies known as 'internal plurality', help in maintaining the desired balance when formulating policy.

Allied to this is the problem of ownership. The ownership of the media by the state obviously puts the media in a stranglehold and does not allow the free and unimpeded flow of information or the diversity of comment desired by a free society. The only alternative to the state's monopoly of ownership is to allow private individuals and organisations such as limited liability companies to compete with the state. This competition, known as external plurality, could bring about the diversity of opinion and information that is the hallmark of a vibrant democratic system. The more diverse the opinions published, the better perhaps would the discerning reader be able to strike at the truth. Moreover, different types of readership and listening and viewing tastes could be accommodated if there is competition among the press and the broadcasting stations rather than a monopoly, either by the state or by sectional interests within society.

Communication ethics in a changing Asia present many problems to policy makers as they contemplate the future. With the rising importance of markets and democracy, the stranglehold the state and the interests that controlled it had on society, is gradually
diminishing. They are being replaced by various institutions coming up in civil society that are competing with the state in doing the job which it traditionally did in Asian countries and thus transforming their political and social systems. One of the institutions undergoing change is the media. But though the traditional enemy of freedom, the state, might be losing control of the media, what is replacing it in these countries presents enormous problems the core of which is ethical and has to be managed for the sake of a healthy future for these societies.

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