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News and free speech

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“All dictatorial systems, secular and religious, have a capacity [...] to move from attacks on their enemies which can be rationally explained to random [...] assaults on the smallest transgressions. It is best to stop them before they get started.”¹

Cohen (2012)

“It is a critical premise of freedom of speech that we do not honour the dishonourable when we open the public forum to their voices.”²

Bollinger (2006)

Freedom of the press

It would take a very long chapter³ to address the full range of topics around news and ‘free speech’. They include issues concerning the principle of a ‘free press’. Many people would probably think that a chapter on journalism and free speech would deal primarily with the principle of journalism as the ‘fourth estate’, according to which journalists are seen as a powerful group in society but one with the function of holding the other ‘estates’ to account.⁴ According to this principle, journalists are vital to the health of democracies through their challenging of politicians and other powers-that-be, investigating their activities and generally trying to inform the public about the workings of power in all its forms.

Some conceptions of what the ‘fourth estate’ is about may describe it in less noble terms, and prefer to see it as another self-serving interest group, but let’s stay with this morally positive vision of journalism. It requires that journalists are free to report on what and in what way they wish. On this view, the major

threat to their work of interrogating power is censorship by the powerful, whether that power is governmental or economic or derives from some other major institutional base (e.g. a faith or military organisation). Without such censorship, journalists would be free to give media space to critics of power, to whistle-blowers, dissidents and opponents of the present regime. Where necessary, they may also themselves become the primary voices of dissent, as when their reports contradict official narratives of reality and become key drivers of opposition, or when they use their access to the public sphere to lead campaigns against particular government or corporate policies and actions.

In these contexts, the key issue concerning free speech is that journalists are free to make the news without censorship or other interference from those in positions of established power – that they are free to report the voices and views of all others, and thereby through the news to ‘speak truth to power’, to use a phrase originated by American Quakers but popular today amongst some political campaign groups.⁵ However this chapter will suggest that the key challenge facing journalism today is somewhat different: that it lies in knowing where today’s main threats to freedom of speech come from, what drives them and how to respond to them.

We will begin with an example of political censorship by the state, then consider three other sources of attack or constraint which in very different ways all pose threats to the capacity of news media to embody freedom of speech. These are commercial agendas of media organisations, the selective practices of news media professionals themselves, and vigilante attacks on the media. The chapter ends with a discussion of the fundamental dilemma on censorship which is intrinsic to liberal society, and which journalists have a particular responsibility to resolve in the best possible ways.

1. The secretive state

The vision of journalism as speaking truth to power has an illustrious past and is essential to a full appreciation of what news is or can or should be. However it is arguably less useful than it has been at other times as a guide to what the key issues are today. Of course in the UK the media remain subject to the Official Secrets Act and to Defence Advisory Notices (whereby the gov-

ernment can ask news editors – with an expectation that they will comply – not to publish certain material for reasons of national security), and all states will continue to need some minimum of security-related constraint. However the last attempt by a UK government to muzzle political journalism beyond that minimum was in 1988, when the Conservative administration of Margaret Thatcher imposed a ban on news broadcasts including interviews with members of eleven organisations involved in the sectarian conflict in Northern Ireland (see Carruthers, 1996; 1999). The main target of this move was Sinn Fein, the political wing of the Irish Republican Army, and the ban remained in force until an IRA ceasefire in 1994. However the ban covered only the voices of interviewees, and broadcasters were able to subvert it by carrying footage of interviews with IRA leaders in which their speech appeared in subtitles or was reproduced in voice-overs by actors.

This attempt at censorship was widely ridiculed, and may have stemmed more from a belief in the moral wrongness of public figures known to support terrorism being taken seriously as political actors on national television, and from Conservative hostility to the news media as soft on the IRA, rather than from evidence that broadcast interviews were increasing support for the Irish Republican cause. Public opinion in the UK was not hospitable to the IRA and Sinn Fein.

Since then, although there have been occasional attempts to silence ‘whistleblowers’ in the civil service or the security services, there has been no official action to censor any particular political voices, except in the proscription of certain organisations and in the prosecution of individuals under the ‘hate speech’ laws. These are embodied in a number of statutes, notably the Malicious Communications Act (1988) which prohibits the sending of communications in any medium intended to cause distress or anxiety, and the Racial and Religious Hatred Act (2006), which prevents the use of words intended to stir up hatred.

Since the IRA voices fiasco, the internet has arrived in our midst and brought a compelling technological reason for governments and other major vested interests to give up efforts to control the content of the public sphere. Such efforts continue in parts of the world: Twitter is currently blocked in China, for example, while elsewhere it is prepared to have country-specific censorship in order not to violate national laws. Yet internet us-

ers in these countries are able to access Twitter content fairly easily if they want to.

In any event, even without the internet, as journalism outgrew its deferential phase (Barnett, 2002) the growing confidence and boldness of political and investigative journalists, and increasing public demand for the products of their uncensored work, would have made it increasingly difficult for 'power' to silence 'truth'. There is a cost for democracy in this, as John Lloyd (2004) and others have noted. If we believe that power is often or always associated with lies and corruption, that creates a public expectation of news about lies and corruption which can encourage investigative journalism, but it can also feed cynicism and despair about politicians, politics and society as a whole. But, for the purpose of this chapter, we need to ask what other issues about freedom of speech are now at least as important as the freedom of journalists from censorship by state power.

2. Corporate criminals

Although we clearly want our media to be free from political control, we also want them to be free from commercial imperatives which may seem to degrade their activities. This is the context for the often high-profile debates around privacy and intrusion: under what circumstances and to what limits do journalists have a right to invade the privacy of individuals? At the time of writing, UK news media are carrying daily reports of a long-running inquiry into the press, the Leveson Inquiry. This was commissioned by the government in July 2011, primarily in response to growing public concern about the extent to which journalists working for Rupert Murdoch's News International (NI) papers had been hacking into the mobile phones of numerous people in the public eye: celebrities, politicians and - most controversially - a teenage murder victim and her family.

Why stories about the private lives of figures in the public eye are seen to be so desired by the public, and therefore to be so important in the competition for readers between print titles, is a question beyond us here. To answer it would involve a careful analysis of the complex forces shaping mediated popular culture, in which we should probably be careful to avoid a rush to judgment on the vacuity of celebrity culture. But in any case, whatever the underlying cultural dynamics of what the public

'want', tabloid journalists' understandings of the competitive nature of their business seem to have driven them to arrogate for themselves much more freedom of action than either decency or the law would permit.

The Inquiry's terms of reference were expanded to include press relations with the police force, members of which were suspected of colluding with journalists and with NI, and (since close links existed between NI and leading UK politicians) journalists' relations with politicians. Thus the Inquiry is linking the privacy issue with the broader topic of the politics of the media. Traditionally, as we have noted, what has been seen as the key issue here has been the independence of the press from government – the principle of a free press as the 'fourth estate', as the watchdog for and guardian of democracy, and the need for it to be free of state censorship or editorial interference. In the context of the UK today, however, the issue is arguably more one of the independence of the government from the press, and particularly from NI, the influence of which over large tabloid readerships is widely believed to have determined, or at least influenced, the outcomes of recent UK General Elections.

The Inquiry has heard much evidence of the close relationships between corporate leaders of NI and elected leaders of the UK's two major political parties, and is asking whether the Conservative government's management of the NI bid to take over the lucrative broadcaster BSkyB was impartial. At stake here is not the ability of the press to 'speak truth to power', but the ability of governments to govern in the public interest rather than in the interest of a media conglomerate on which they depend for their electoral success. It could be said that journalism appears to have eaten itself, in that the preoccupation with malpractice which has characterised much of its coverage of politics has been turned back onto journalism itself, in the Leveson Inquiry's exposure of malpractices within Rupert Murdoch's News International, and the consequences of this example of 'speaking truth' for the power of News International.

We have arrived at this situation because of the ambivalent role of market forces within liberal democracy. While some markets can be seen to generate the economic and cultural dynamism which can underpin a healthy democratic polity, others - depending largely on the degree and nature of governmental regulation - can lead to oligopolistic concentrations of wealth and 'soft' power

which can impose themselves damagingly on the culture and processes of democracy, as seems likely to have been the case with News International and the British government. It seems probable that in the second edition of this book a number of chapters will have been revised to take account of the Leveson Inquiry's findings and its influence over the next few years on British news media and their relationships with politicians, government and other public authorities. Some commentators see the inquiry as an opportunity for a major revision of these relationships, not just of the practices of Britain's notorious tabloid press.

For the present, amidst the complex web of issues which the Leveson Inquiry is grappling with, we can conclude that there is wide public support for two changes to the way our news media operate. Firstly, we want some restriction on the freedom of the press to investigate and to publicise the private lives of individuals - though codifying this is difficult, to say the least, since the public are happy for this to happen to some people and not to others. Secondly, while we accept that some news media will be partisan, we want their freedom of political speech to be exercised with integrity. The independence of the media in the sense of their freedom to speak should go with their independence in the sense of not being in hidden collusion with a government, a police force or another source of power.

It is not only media corporations whose material interests cast a heavy shadow across the principle of free speech. As the British journalist Nick Cohen (2012) argues, wealth in any form (corporate, oligarchic, individual) can buy suppression of potential news by using the libel law, especially in the far-reaching form of it available in UK courts, while whistle-blowers can be intimidated by the power of corporate employers to destroy careers. In liberal democracies today these censorious tendencies of the wealthy and powerful, and the other threats to freedom of speech discussed below, should concern us more than the possibility of the state overreaching itself to stifle political or cultural expression.

3. Subtle censors

Another issue concerns the potential role of journalists themselves as censors. Although the internet has created a profusion of news outlets, most people still consume their news from mainstream sources (national television channels, and major

news organisations' online and print outputs), and so mainstream news producers still command major market shares. So the internet has not supplanted the mainstream media, much as it has transformed them. Wikileaks needed to collaborate with major news organisations to maximise the impact of its online publications; new forms of news production and distribution (blogging, citizen journalism, Twitter and so forth) are intertwined with the old, and feed off each other. Although personal webpages, blogs and new social media can bring anyone to the threshold of entry into the public sphere, very few people from outside the media world cross that threshold and become audible voices on the national stage. The few who do have often been helped along by being picked up by national news media.

So those media retain the power to select which voices will be heard, and moreover they have the power to create or determine the context in which voices will be heard and therefore to influence the reception they will get. Apart from their potential for direct influence on governments, commercial interests which own the media most prominent in the public sphere have the power to shape the national conversation on matters of current concern. They cannot prohibit the speech of others but they can influence the hearing given to voices of which they disapprove, through marginalising, misrepresenting or mocking them. Again, the 'freedom of the press', or a section of it, thus becomes antithetical to freedom of speech in the most profound sense of the term.

One of the most-used concepts in research concerning how news content can influence audiences is that of framing (e.g. Entman, 1993; Baresch et al., 2010; Scheufele & Tewksbury, 2007). This refers to the multitude of ways (whether deliberate or inadvertent) in which the news production process can shape audience perceptions of actors or events in the news. In making choices about what to report, which sources to use, which quotes to select, which visual images to include, how to contextualise the item, and so on, reporters and editors have abundant opportunities to influence audience reactions and understandings. At times this influence might amount to a power of quasi-censorship, not censorship in the simple sense of being silenced, but in the more subtle sense of non-acceptance within a consensual or dominant field of political discourse.

We might return here to Daniel Hallin's (1984) distinction between 'legitimate' and 'illegitimate' controversy: in the former,

protagonists in an argument are seen as equally legitimate, while in the latter, voices seeking to raise a certain question are deemed to be illegitimate. For example, we might say that in the UK today, debates about immigration control are a sphere of legitimate controversy, while the repatriation of settled immigrants is, in mainstream media discourse, an illegitimate topic for debate.

So how much media space should be given to such marginal views? While the idea of free speech is one of the cardinal principles of democracy, we know our freedoms are or should be limited, since many things we do have consequences for other people. The basic interconnectedness of individuals, which has increased throughout history, means that one person's freedom can be another's injury. So while the European Convention on Human Rights Article 10, Freedom of Expression, begins by saying 'Everyone has the right of freedom of expression', it continues by saying the exercise of that freedom carries with it duties and responsibilities, and so may be subject to various restrictions. It proceeds to list eleven broad areas to which restrictions may apply. Gatekeepers such as newspaper editors, channel controllers and producers may have difficult judgements to make as to when one or more of these restrictions should apply. They perhaps need to be especially careful when considering who should speak in a manufactured 'media event', that is something which is being expressed at the initiative of the media. The media of course produce speech as well as convey it or report on it.

The example we will discuss here is that of an invitation to leader of a Far Right party to appear in 2009 on a flagship BBC programme. Nick Griffin became leader of the British National Party in 1999, and is seen as having led a major shift in its strategy towards electoral politics. Under his leadership it has sought to present itself as a party of reason and respectability, and to distance itself from the fascist and Nazi associations of its earlier years and its predecessors, and indeed of the histories of many of its members.

The influential programme *Question Time* has been going since 1979, and although it occupies a later evening slot than it used to, it remains one of the flagships of BBC television's politics and current affairs coverage. Studio audiences selected from applicants put questions to leading political figures. The BBC explained its decision to invite Griffin by saying that the recent electoral performance of the BNP meant that the impartiality

principle, under which the BBC operates, required them to do this. The BNP had secured 944k votes in the European elections in 2009 (6.2% of the turnout), resulting in their taking up two MEP seats in Brussels.

There was a loud debate about the BBC's decision. Across the political spectrum, amongst all those who shared a revulsion from the BNP, there was a sharp divide between those who saw it as a good thing, good for British democracy and bad for the BNP, and those who saw it as being good for the BNP and therefore as bad for democracy and for Britain. Those who believed it was right for the BNP voice to be given a hearing did so for one reason: they assumed that this would expose the ugly racism which is at the heart of this organisation, and so discredit rather than credentialise the BNP in the minds of those who might otherwise have been vulnerable to its charm offensive of recent years. According to this argument, the party would be exposed as the obsessed and menacing force that it is, and its leader would appear as the duplicitous closet-Nazi that he is. The programme would therefore help to thrust the BNP back to the outer margins of British politics. On the other side, the argument was two-fold. It was, firstly, that Griffin sitting amongst well-known figures in a BBC studio would legitimise the BNP, and so 'lift the taboo' on voting BNP. And secondly, if Griffin were subjected to hostile treatment, it would risk presenting him as the victim of an establishment conspiracy. Not many people advanced that argument beforehand, though it was a major theme in the debates afterwards.

Normally the programme proceeds with questions from the audience covering a wide range of the most topical issues of the day. On this occasion nearly all questions were about Griffin or the BNP - e.g. Griffin was asked what right does the BNP have to claim the legacy of Winston Churchill; what was its repatriation policy; why does he see Islam as wicked. Many were not really questions at all, but were expressions of outrage or contempt, many winning intense applause for their impassioned rejections of Griffin and all he stood for.

There was certainly a lot of public interest in the programme. The audience for this edition of *Question Time* was over eight million, more than four times its usual size. In the press coverage of the programme in the next few days, there was widespread agreement that his performance could not be seen as

anything other than shifty, nervy and highly unimpressive. Observations made by some commentators beforehand that he was likely to be a formidable performer were not confirmed. Basically the debate that had preceded the broadcast was repeated after it, this time with the difference that the way the programme had actually gone was at the centre of the debate. The strong focus of the programme on Griffin, and the levels of hostility expressed towards him, were a cause of celebration for some and of regret for others. Either Griffin was seen as getting the treatment he deserves, and with the ugly truth exposed, or there was anxiety that he could be perceived by some as the victim of an establishment ambush. For example, the Independent headline was: 'The BBC gave him the oxygen of publicity – and he choked.' The Sun celebrated that 'We nailed Nazi Nick'. The Daily Mail, however, described the programme as 'The BBC show trial that taught us nothing', while the Star claimed that 'BBC "lynch mob" was a gift to BNP'.

Electurally the programme was not followed by a sustained upward shift in the fortunes of the BNP, in the way that a similar television 'breakthrough' had been years before for the National Front in France. Indeed it may have been the catalyst for a bout of damaging internal turmoil for them. Following the programme, a senior BNP figure blogged about the shortcomings of Griffin's performance, which became a factor in a subsequent internal struggle and leadership challenge in 2010 (Copsey & Macklin, 2011). This internal conflict is likely to have developed anyway, given the tendency of extremist groups frequently to split into fragments which hate each other as much as they hate the 'Other'. But the programme may have helped this process along.

So perhaps the invitation to Griffin to appear on the programme was justified by his performance and by the overall public reaction, and by the absence of any discernible longer-term benefit to the BNP's popularity. This may be more a matter of luck than judgement, however, since the outcome may have been different had Griffin been a more intelligent and assured performer, able to withstand the assault on him with dignity and no loss of articulacy. And also, what of the principle of free speech, and the question raised in some press commentary that actually freedom of speech was not granted to Griffin, because of how the programme was conducted? Did the BBC subvert

its own decision to invite him by effectively putting him in the stocks and inviting the audience to throw rotten eggs? Could emotions within the studio have been managed so as to ensure that the principle of free speech was genuinely adhered to, while also ensuring that hate-filled and divisive voices were not given unnecessary opportunity to influence others? The complexity of these questions highlights the difficulties facing journalists and other media professionals in this area.

4. *Violent gangs*

We must also discuss another danger to freedom of speech and to the open-ness and inclusiveness of the public sphere: not overbearing state censorship, nor media corporations manipulating the democratic process, nor their commercial agendas trumping political and principled ones, and not the often invisible censoring intrinsic to news production. This final threat to freedom of speech is often terrifyingly visible: it comes from strident voices issuing threats to others, and sometimes demanding silence from them. Cohen's impassioned review of contemporary censorship is again a fertile source (Cohen, *op.cit.*) on this dark development.

In September 2005 the Danish newspaper *Jyllands-Posten* published a number of cartoon images of the prophet Muhammad. Some fundamentalist Islamists believe that making images of the prophet is blasphemous. The images provoked a substantial demonstration by offended Muslims in Copenhagen, threats to the cartoonists and protests to Denmark from Muslim countries. But Cohen argues that over a period of months they became a global phenomenon, through some Denmark-based activists seeking to build a cause around the cartoons. In February 2006 the Qatar-based Egyptian Islamist Yusuf al-Qaradawi (who in had supported Ayatollah Khomeini's fatwa against the author Salman Rushdie in 1989) called for a 'day of anger' about them. In the following days a large number of death threats were issued against the cartoonists and the paper's editor, and attacks on Danish embassies and protest riots occurred in countries across the world, causing 139 deaths.

Opinion amongst media professionals and publics the world over was divided: were the cartoons a gratuitous provocation, or a morally legitimate attempt to insist by action that in lib-

eral culture it has to be possible for any religion to be made fun of? The initial publication of the cartoons was an editorial initiative, not a piece of reporting on something that had already happened. The *Jyllands-Posten* editor wanted to take a stand against what he and others saw as an increasingly tyrannical approach by Islamists to things that offended them. Thus the whole affair could be described, to apply Simon Cottle's (2005) term, as a 'mediatised public crisis'.

The scale and severity of the response to the 'Danish cartoons' shows how careful journalists need to be, in a volatile and reverberative world, when giving media space to certain voices and representations. Moreover they need to consider carefully how they report on extremist reactions to certain media content. In a discussion of international media treatments of the affair, Powers (2010) contends that the focus on the violent protests in a number of Islamic countries was at the cost of neglecting more restrained and constructive Islamic voices. This inflammatory reporting of the affair was, he argues, in the service of promoting a fearful perception of Islam as an intolerant and violent creed. The violent protests were arguably a legitimate topic for headlines, but this need not have denied media space to other responses in the way that Powers argues it did. He acknowledges that media and governments in Islamic countries, and Islamist organisations, were involved in using the affair to stoke anger with the West. The fomenting of anti-Western sentiment in such ways is also, we might note, a legitimate topic for reporting. But the lesson here is that Western media will be much better placed, morally, to report on that if they are also properly representing the heterogeneity of Islamic opinion.

In this example we have an illustration of the active ('performative') role of the media, and of how a certain media framing of the global consequences of such a performance may have contributed to a legacy of heightened suspicion. But the fundamental threat to freedom of speech came from self-appointed defenders of a faith who believed in their right to transcend national and international laws and to demand revenge against those who had transgressed their rules of speech and expression. While there are many other examples we could draw from the recent past of Islamist groups operating as globally alert gangs in search of people who have given offence and can thus be terrorised, there are of course other types of vigilante censors:

far right mobs and militias, fundamentalist Christians, anti-abortionists. The protection of rights to expression against this threat rests, as does protection against the corporate criminals, on the courage of media professionals and on protective interventions by states and transnational authorities.

State censorship and the liberal dilemma

For some, though, the most fundamental or frequent risk to an open and healthy democratic discourse remains that from government censorship of the press, not that from rampant media corporations bullying or bribing governments, nor that from journalistic framing of public perceptions, nor that from outlaw fundamentalists. Steel (2012) holds this to be true not only for states we may have reason to regard as totalitarian or dictatorial, but also for the liberal democracies. The possibility of censorship may be clearest in relation to situations of war, when the release of information of various sorts about military activity or perhaps about domestic developments may put military personnel at additional risk or in some way jeopardise the conduct of the war.

One debate in this area in recent years has been about whether the practice of 'embedding' journalists with military units narrows or distorts the coverage of the conflict in ways that prevents media audiences coming to informed judgements about the progress and perhaps the justness of the war. Although the most systematic analysis of embedded journalists (Lewis et al., 2006) found that their reporting was not adversely affected, it must remain the case that unrestrained reporting of conflict situations (e.g. about the outcome of engagements, or levels of morale) will on occasions be at odds with military and arguably national interests.

The publishing of sensitive information which may put some individuals at risk of various adverse consequences was one of the foci of debate around the Wikileaks release in 2010 of archives of 250,000 US diplomatic cables. For those who see state censorship as the major, abiding problem, the key UK media event of recent years would not be the Leveson Inquiry but the emergence and impact of Wikileaks – a global phenomenon, of course, one which illustrated the way in which the internet has facilitated the internationalisation of news and the production

of news, and thereby complicated issues of freedom of speech.

The content of, and the controversy surrounding, the Wikileaks releases showed the extent to which governments in liberal democracies prefer that considerable areas of the process of government are not exposed to the public gaze. The censorship exercised here was of information rather than of opinion or ideas, but this is covered in the category of freedom of expression as defined in 1948 by the Universal Declaration of Human Rights, Article 19 of which is cited as a core principle by Wikileaks Editor-in-Chief Julian Assange (Assange, 2012). The Article reads:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

Not surprisingly, though, the Article does not indicate whether it applies to all information and ideas, or whether there is some material to which it may not apply. It must also be read alongside Article 3 of the same Declaration:

“Everyone has the right to life, liberty and security of person.”

The conjunction of these two statements encapsulates the well-known dilemma of liberal governance: should we tolerate intolerance, and allow freedom of expression to those whose expressions may cause harm or distress for others and may even put the life, liberty or security of others at risk? Or should we qualify our commitment to freedom of expression and be intolerant of intolerance, and thereby seek to protect groups of people from exposure to certain messages and their potential consequences? In the UK, there are legal thresholds beyond which divisive or threatening speech is proscribed, by the ‘hate speech’ laws referred to earlier. But there is a very large territory of speech which is below that threshold, yet which may in a long-term or background way be instrumental in building or catalysing feelings of resentment and hostility, and through this contribution to the ‘emotional public sphere’ (Richards, 2010) may feed social or political violence. Proscriptive law cannot extend across this territory: even if desirable, it would be too complex and demanding to enforce.

So the national media and their journalists are crucial in de-

termining the degree of freedom allowed to speech which is at or near the margins of the consensual public sphere, in deciding how much of the ‘oxygen of publicity’ (in Margaret Thatcher’s famous phrase) should be given to, say, anti-democratic and intolerant extremisms. Here, the issue for journalists is not whether they are free to speak themselves, as tribunes of the people contesting official secrecy or exposing the lies of the powerful, but whether, and if so how, they report on the speech of others. These are questions about the role of journalism in defining and defending the boundaries of liberal democracy. They include questions about if and how journalists should publicise the statements and activities of those people of extremist views who are seen to be promoting conflict between different groups, and some of whom may be advocating or supporting violent solutions to perceived social or political problems.

Does the ‘oxygen’ of publicity confer some sort of legitimacy? Or, as the U.S. academic Lee Bollinger (2006) has put it, does giving access to the public forum not carry any implication of giving ‘honour’? Does the mere presence of a voice on the national public stage of speech endow that voice with any measure of moral credibility, or does it put its core values under critical scrutiny? The answer could be that it does both, depending on the audience. The two quotations at the start of this chapter both insist, for different reasons, on the need to preserve the widest possible freedoms of speech. Yet we can agree on this while still wanting to take the probable consequences of certain types of speech into account in deciding how they should appear in the news.

While it covers only one relatively small area of debate, this topic goes to an issue at the heart of the challenge which this chapter is based on – that of knowing what are, in any specific context, the major threats to freedom of speech, and of being able to make the best response to them. This challenge brings into focus the fundamental role of journalists in society, in an age when news is ever more central to the dynamics of political and social change. Overall, whether reporting on war, extremism or scandal, commissioning a controversial special feature, lining up panellists for a TV debate, or deciding whether to publish classified material, journalists have the responsibility of achieving the best resolution of the liberal dilemma. Regrettably but inevitably, there is no simple rule to guide them in all

situations; in each particular case the possible consequences of different courses of action have to be assessed. News journalism needs people who not only have the will to resist threats to freedom of speech but also are capable of complex and balanced analyses of risk.

Notes

1. The journalist Nick Cohen warning that fundamentalist assaults on free speech should never be tolerated.
2. From the statement by Columbia University's President in defence of his decision to invite President Ahmadinejad of Iran to speak at the university.
3. Or indeed another book, as in the case of John Steel's *Journalism and Free Speech*, to which the reader may turn for a much broader and more detailed review than that offered here.
4. This language of 'estates' comes from two centuries ago, from early modern political systems in Europe in which the most commonly recognised 'estates' were three: church, aristocracy and the 'commons'. See Hampton (2010) on the history of journalism as the 'fourth estate'.
5. For example in the 'Speak Truth to Power' project of the Robert F. Kennedy Center for Justice and Human Rights.

Challenging Questions

- Describe the 'Danish cartoons' crisis. Was it the result of an unnecessary provocation, or of a tyrannically intolerant reaction?
- Extremist parties of the 'far Right', some linked with racism and violence, are currently doing well in elections in several European countries. What are the pros and cons of leaders of these parties appearing on prime-time national television?
- To what extent can journalists help to control 'hate speech' on the internet?

Recommended reading

If you want to get stuck into a much fuller treatment of this topic, try one of the books listed below.

For an emphasis on legal issues:

Barendt, E. (2007) *Freedom of Speech*. Oxford: Oxford University Press.

A passionate (and persuasive) essay by a journalist:

Cohen, N. (2012) *You Can't Read This Book. Censorship in an Age of Freedom*. London: Fourth Estate.

For an emphasis on philosophical issues:

Cohen-Almagor, R. (2005) *Speech, Media and Ethics: The Limits of Free Expression*. Basingstoke: Palgrave (2nd. Edn.)

A comprehensive treatment by a journalism academic:

Steel, J. (2012) *Journalism and Free Speech*. London: Routledge.

Or, a less detailed overview:

Warburton, N. (2009) *Freedom of Speech: A Very Short Introduction*. Oxford: Oxford University Press.

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