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## Freedom of information and abuse of media in the process of globalization

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## Abstract

*Freedom of speech is considered to be one of the basic human rights and is included as an indisputable in all major international conventions and national laws. Due to the role they play in informing the public and creating public opinion, mass media and journalists are often said to be the 'fourth power' in the society. Indeed, the media have increased their capacity in material, technical and personnel agenda, so that today they can independently, or, in alliance with a broader factor of political power, participate in creating a milieu of intolerance and violence between certain groups, but also promote tolerance and anti-discrimination as the basic values of a well-regulated society and preconditions for the personal development of each individual in that society. The intention of the authors of this paper is to present certain retrograde trends, objectively identified in the media of a modern global society, and to discuss their social and political generators, as well as to initiate the question of possible professional, moral and other kinds of responsibilities of those who resort to such behavior within the profession of journalism.*

## Keywords

*Freedom of expression; Freedom of speech; Media; Globalization*

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## Introduction

The freedom of thought and expression represents a complex and very dynamic sphere of social relations with long and turbulent history. An instinctive move forward of "Altamira subconscious" towards disclosing personal impressions of everyday life in Stone Age points to deep, psychogenetic roots of human need to be informed, heard and possibly get benefits (not necessarily of lucrative and economic, but also of spiritual and cultural nature) from information, news or message received from a narrow or broad social context. Regardless of a very long span of human history, visual information from Altamira is still operative, having lost nothing of its primary (initial) ontological function and cultural and sociological values. Traveling through space and time it has been practically upgraded and adapted to suit the specific traits of a given social and cultural milieu, expressing itself in a historical moment and in one of its segments, as a norm of an organized society which

emancipates the right to "freedom to receive and impart information and ideas through any media and regardless of frontiers" ([Universal Declaration on Human Rights, Art. 19](#)).

The roots of this particular right go as far back as the struggle for personal freedom. In a political sense, it dates back to the social upheavals in 18<sup>th</sup> and 19<sup>th</sup> centuries, i.e., to the struggle for individual rights and freedoms. Voltaire, one of spiritual fathers of the Great French Revolution, said that he was willing to sacrifice his own life to secure the right to free expression and the opinions he personally disagreed with. On the eve of final demystification of the source of sovereignty, Mill "liberalized" on the liberty of the press considering it "one of the securities against corrupt or tyrannical government" ([Mill](#), 1859). Being aware that the nation-state is "ready, capable and willing" to introduce the new forms of old non-liberties in order to protect "the state reason from" the enemies of the state and nation, Mill was right when he said that one of the key "unarmed barricades" against the power of the nation-state would lie in the strong public word and critical spirit of public conscience. Almost one century later, in 1941, the US President Roosevelt proclaimed the freedom of speech and expression as one of the four freedoms that people "everywhere in the world ought to enjoy". After World War Two the role of media and free information was of particular importance during the Cold War when the Eastern Block citizens lived in the conditions of full media and information restrictions, deprived of any information from beyond the Iron Curtain, both from political and everyday life.

Today the right to free thought and expression is one of fundamental civil and political rights firmly built into all human rights instruments. Availability and free flow of information beyond the borders of sovereign countries is considered a normative backbone of an open pluralistic society. The technology of "digital era" we are living in has operatively overcome all possible informative restrictions and limitations. The Internet, the basis of a communication society, is almost impossible to control or censor. But technical advantages have also opened the door to immeasurable abuse at all levels, from pathological and criminal offences to highly sophisticated crimes, geopolitical and strategic, which separately or all together imply the violation of basic human rights, both of individual or (which is significant for international relations) collective nature. However, the legal instruments indiscriminately emphasize the powerful role of media in creating the intolerance and violence among various groups.

## **Freedom of expression and its limitations**

The freedom of expression is one of the greatest values of a society. Essentially, it is based on the freedom of thought to which it is firmly connected and compatible with. While the freedom of thought is an absolute civil right, the freedom of expression is a political right which can be subject to certain legal restrictions. Freedom of expression incorporates several elements, such as freedom of information, freedom of speech, freedom of the press and freedom of the media in general. The limitations of these liberties to a great extent depend on specific circumstances and individual cases. If considered as a phenomenon, through a prism of its multiplex content, freedom of expression represents a compilation of existing human rights whose manifest forms range from the expression of personal opinions and attitudes to the institutional freedom of the means of communication, i.e., mass media. The major segments of freedom of expression are: a) freedom of thought, or freedom to think freely without any influence, interference and force, b) freedom of speech and information, i.e. freedom to seek, receive and impart information, news and ideas.

The right to seek, receive and use information and ideas is a specific right from the corpus of human rights and liberties. In many ways, it represents a spiritual basis and unavoidable precondition for the consummation of all other rights and liberties. Also, in some way it determines the content and character of other rights and liberties. The state which

cherishes the freedom of expression and media is more likely to be a fruitful ground for respecting other rights and liberties and for effective sanctioning of their violation. In an ideal social constellation, the press and other media at the same time both inform and educate the public. Thus, they influence the creation of educated (rather than briefed and manipulated) audience, whose strength represents the final instance in sanctioning the violation of human rights. On the other hand, the existence of free media represents a powerful means for exercising human rights in a broader regional and international context.

During 20<sup>th</sup> century the international community developed the concept of defining and protecting human rights, including the right to freedom of expression, collecting and dissemination of information, as well as the means of their protection. *The Universal Declaration of Human Rights* is the first international document which provides for protection of the freedom of speech: "*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*" ([Universal Declaration on Human Rights, Art. 19](#)). The freedom of speech referred to in Articles 19 and 20 is regulated in more detail by the *International Covenant on Civil and Human Rights* from 1966. This document has been adopted by more than two thirds of the countries all over the world, requiring them to commit to respecting and guaranteeing the rights of all individuals in their territories. Article 19 of this Covenant defines the freedom of expression as one of basic rights of each person: "*Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. This right may be subject to certain restrictions, but only such as expressly provided by law if it is necessary for respect of the rights or reputations of others and/or the protection of national security or of public order, or of public health or morals*" ([Universal Declaration on Human Rights, Art. 19](#)). Everyone has the right to freedom of expression; however, Article 29 of the *Universal Declaration of Human Rights* states that "*everyone has duties to the community in which alone the free and full development of his personality is possible*". Even the *European Convention on Human Rights* does not allow a possibility of unlimited freedom of expression. Article 10 of this Convention, similar to the respective Article of the *Covenant on Civil and Human Rights*, provides the right to [freedom of expression](#), subject to certain restrictions that are "*in accordance with law*" and "*necessary in a democratic society*".

Along with promoting the freedom of expression, the need for its restriction has appeared, since stepping out of these restrictions, by using certain type of speech, would threaten some other rights. There are a number of international documents that mention legitimate reasons for restricting freedom of expression. The international community is especially concerned with the war propaganda, i.e. "*hate speech*". *The Covenant on Civil and Human Rights* explicitly regulates in Article 20 that "*any propaganda for war shall be prohibited by law and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law*". According to the interpretation of UN (United Nations) experts for human rights, it is the only duty of the states should commit to when it comes to the restriction of freedom of expression ([Callamard](#), 2008). *The European Court of Human Rights* has reiterated on several occasions that freedom of expression applies not only to the "*information*" or "*ideas*" that are favorably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the population. Such are the demands of pluralism, tolerance and broadmindedness without which there is no "*democratic society*" ([Handyside v. United Kingdom, 1976, Center for Professionalization of Media](#)).

However, when it comes to the negation of holocaust or hate speech, the Court interprets and applies Article 10 on freedom of expression together with Article 17, which bans the abuse of rights. Thus, in several cases, the Court refused to rule in favor of the individual, since the person submitting the petition had actually abused the rights guaranteed by the Convention ([WP and Others v. Poland](#), 2004; *Garaudy v. France*, 2003; *Schimanek v. Austria*, 2000). Anyone who abuses any right guaranteed under the Convention cannot seek the protection of the European Court. In its judgment the *Tribunal for Rwanda* ruled that "*freedom of expression and freedom of discrimination are not exclusive and that hate speech cannot enjoy the protection of the international law, as well as that the states are obliged, under international law, to ban any advocacy of national, racial or religious hatred that incite discrimination, hostility and violence*" ([International Criminal Tribunal for Rwanda \(ICTR\)](#), 2007).

## Manipulation through media in a globalization setting

We are living in the world that many of us recognize and acknowledge as a global society. It is also, *inter alia*, a manipulative and information technology society, with the idea to control spiritual potentials of all nations. Moving in this direction, the global society resorts to exercising absolute and authoritative influence over the events, using scientific knowledge previously stripped of its spiritual and moral content ([Herman](#), 1999). In a modern global society, it is the media that play the key role in attaining some of the most vicious goals. They are also very good in justifying and providing reasoning for the things that are considered to be inconceivable. Making the evil acceptable and marginalizing immoral and unimaginable acts beyond critical rationale of individuals and nations as a whole are the processes which are being almost routinely and efficiently performed through the media. Mass censorship and control have been taking place in almost all that is said and published in the media, underlining their new role in a system that "*perfectly functions*".

All around the world "*politically engaged media*", following the orders of political centers of power and corporate and multinational capital circles, strive to turn the mankind into human waste, deprived of vitality, creativity and critical spirit and conscience. Wars in a postmodern order are taken for granted and never questioned and condemned, not even in the mass media. These are the wars whose causes are not challenged due to the sacred nature of their self-proclaimed goals. Of course, they are "*our wars*", the "*wars against terrorism*", "*humanitarian interventions*" and similar actions, aimed at fighting the real and imaginary enemy, which threatens the established and, to a certain extent, imposed Anglo-American and Western paradigm and the idea of what the world should look like. "*Normalization*" and justification by the media of the actions undertaken by their governments are in perfect alignment with the demonization of the target and its political establishment. For the purpose of this concept a dichotomy between "*our good*" and "*their evil*", "*our good intentions*" and "*their criminal plans*" has been maintained. The evil of others and the evil in others are represented as the pure emanation of evil *per se*. "*Propagandists*" suggest to their audience that others represent a major threat to security and welfare and that the only effective way to avoid this great threat is – its elimination. The use of force in this process is presented as unavoidable, and, therefore, it is not only acceptable, but also inevitable. This directly encourages and incites discrimination, hostility and violence. The key idea of such "*incitement*" is creation of a milieu where it is impossible to realize the right to equality and dignity. Such a concept *a priori* absolves from responsibility for and condemnation of cruelest crimes performed by the forces linked to corporate interests, NATO Alliance and alliances of elite groups in general. In "*their*" media, as well as in other media around the world, we rarely find sincere condemnation of the killing, for example of Afghan or Iraqi civilians.

The same principle applies to a two-decade long attitude of Western countries towards Iranians or Serbs, where the latter are marked as disturbing, unreliable, even genetically predisposed to be a factor of evil, whereby the role of the so-called free Western media in creating such a dichotomy is of crucial importance. For instance, Iran is condemned by Western officials and media for its attempts to develop their own nuclear technology. These outcries mostly come from those who have abused this right at least twice in the world history and whose arsenal of nuclear weapons is of such a capacity that it may destroy life on this planet in a few seconds. On the other hand, during war conflicts in ex-Yugoslavia, Serbs were presented in the media as the ones who intentionally raped both women and men and held extermination camps. One American journalist even wrote that Serbs, similar to Nazi Germany's plan to completely annihilate all Jews in the so-called Final Solution, transported their prisoners to death camps. That was, of course, a notorious lie. Indeed, nobody disputes the fact that such prisoners' camps existed in the war conflicts in Bosnia and Herzegovina. But these camps were established by all parties in this conflict, Bosnians, Croats and Serbs alike; however, only the Serbs were written about and reported in Western media. And even worse, the Western media, consciously and on purpose, produced and showed false pictures, which travelled around the world, contributing to further stigmatization of Serbs. For example, such was the famous picture of "*thin men behind the barbed wire*". It has been proven, *post festum* of course, that the photograph represented a flagrant manipulation and forgery, with the aim to create an illusion that it was a concentration camp. Also, the constant media mantra on "*barbaric destruction of Dubrovnik and the siege of Sarajevo*" by "*Serbian aggressors*" is a well known example of numerous media speculations and lies, paving the road to political and moral condemnation of Serbs and ruining their legitimate interests. During the Kosovo conflict, i.e. the NATO aggression against the FR Yugoslavia, a sovereign state and a member of UN (United Nations), media were flooded with the pictures of women and children amidst the alleged ethnic cleansing. Selective use of this material created an aura of justification for what was an essentially neocolonial and imperialistic endeavor. Unfortunately, the echo of media prejudices and deception from twenty years ago is still very loud. In a certain way, the stigma on Serbian people on either side of the Drina river remains firmly stamped into political and economic relations in the Balkans. And all this in spite of the facts which could be witnessed by any well-intentioned citizen of the world, that old Dubrovnik is whole and undamaged, that "*Serbian aggressors*" around Sarajevo were the Serbs from that city and its surrounding, and that the war conflicts in Bosnia and Herzegovina were, in fact, civil war conflicts.

Abuse of freedom of expression, or rather abuse of media as its derivative, has long-reaching consequences on human rights. This is especially so in cases when the media promote war conflicts and violence, or, in other words, in cases of the abuse of media for the purpose of absolving war conflicts and violence, but also for the purpose of relativization of evil and inconceivable crimes ([Arendt, 1977](#)). That a word can be sharper than a sword and eventually "*kill*" a person are phrases which have long ago gone beyond pure folklore and empirical contemplation. Modern history is teeming with such examples and this fact is not primarily conditional on the technical capacities and potentials of modern society. Rather, it can be ideologically traced back to either the totalitarian ideologies of 20<sup>th</sup> century or quasi-democratic ideas of the "*new order*" in post-modern world. Even during the First and Second World Wars all the opposing sides understood the potential force of the "*uttered word*". That was why the control of media and journalists, as well as censorship and propaganda, formed an integral part of the war strategy of both Nazi Germany and the Alliance.

The capacity of media to contribute to incitement and escalation of conflicts is not bound by technical restrictions. Unfortunately, in a great number of cases, it is also devoid of ethical and professional scruples. The more misgivings we have about peace-oriented

potentials of media, the less we can doubt their capacity to considerably contribute to the conflicts escalating into mass killings ([Hamelink](#), 2008). A series of Post-Cold War local and regional conflicts, mostly of ethnic and nationalist nature, was marked by a special role that media played in their incitement.

Danger of the abuse of freedom of expression and the abuse of media increases in socially sensitive periods of political crisis and war conflicts. In situations of internal tensions and conflicts, the media represent a kind of virtual battlefield, where the journalists are the front line soldiers. Losing the sense of ethical and professional conduct, some journalists become the victims, some turn into accomplices to the crimes, even criminals themselves. Violence, being in the core of each conflict, either in a latent or clearly manifested way, often affects journalist reporting about it. Every now and then it is the journalist themselves who create violence. The screens, either the ones that journalists write their reports on or those broadcasting them, have become "*the killing screens*". The spinning of actual violence is often prepared in advance by media, further provoking its development. Media and journalists participate in conflicts by taking sides of the centers of political power and incite the violence, making it legitimate. What is more important, to be a good journalist or a patriot? Is it better to be loyal to the truth, or to your country? How to restrain emotions and react in a composed professional way to war scenes that may be in conflict with one's personal interests? And which is the precise moment when a journalist is transformed into a soldier, a victim, or just into a human being? These are just some of the questions facing the journalists in times of crisis and war conflicts. There are no uniform and simple answers to these questions – each journalist has his personal answer to them. At a higher level of abstraction, they can be sublimed into one question: "What are you committed to? To the objective principle of truth, or to the ones starting the war machinery, to the scared or to perhaps belligerent population, to the decisions of the elected representatives in a democratic society, or to young people who willingly risk their lives at the battlefield?" ([Subasic](#), 2009).

To what extent the media are important for a society in its attempt to cherish and promote tolerance, or for quite opposite reasons – for the incitement of hostility, hatred and violence, can be clearly seen on the examples of ex-Yugoslavia conflicts in 1990s. In these conflicts some media played a significant role, if not by openly supporting crimes and spreading intolerance, then at least by unprofessionally reporting the events from that period ([Ružić](#), 2010). Even the definition of the war conflicts in ex-Yugoslav regions is disputable. The Croats call it "*the Fatherland War*". In the divided Bosnia and Herzegovina, in the Republic Srpska they will say that it was a civil war, while in the Federation prevails the opinion that it was a foreign aggression, and a number of people argumentatively claim that it was a religious conflict. The government officials in Serbia claimed that their country was not involved in any war conflict. They insisted on this stand until the first strike of "*Merciful Angel*" in the NATO bombing, when the officials changed the story and announced that they were at war against the NATO aggressor. At the same time, Kosovo Albanians insisted that they were waging a liberation war, while the NATO officials justified the bombing of a sovereign state as a humanitarian intervention, consciously neglecting the destructive component of these strikes. In this legally and politically complex galimatias, not bothering too much to understand what is going on, driven by short deadlines and urge for exclusiveness, a number of journalists from international media reported on the conflicts in a cursory, superficial way. Deliberately using worn-out phrases and clichés, such as "*Balkan Gunpowder Barrel*", they maliciously and irresponsibly painted a very complex situation in just two colors, black and white, and divided its actors into those who remained "*good guys*", regardless of their actions, and *a priori* "*bad guys*", who are bad *per se*. Twenty years have elapsed since the beginning of these war conflicts, and not a single journalist has been held responsible for his reporting during the bloody conflicts of 1990s. Nonetheless, there has been a unanimous conclusion

that conflicts in ex-Yugoslavia were started by the media. The role of media in inciting these conflicts is yet to be investigated.

The first time that the judges of an international criminal tribunal ruled on the issue whether a word can be a lethal weapon, and to what extent it can inflict damage to both society and people, was after the end of World War Two. *The International Military Tribunal at Nuremberg* prosecuted *Julius Streicher*, founder and publisher of anti-Semitic weekly magazine "*Der Sturmer*". The Tribunal confirmed his criminal liability, convicted him of crimes against humanity and sentenced him to death by hanging. He was found guilty since his texts not only supported and glorified Hitler, but also openly promoted extermination of Jews. It was the case of "*Hate Radio*" in Rwanda at the end of the 20<sup>th</sup> century that once again opened the issue of responsibility of the media in committing grave international crimes and violations of human rights. Four journalists were found guilty of crimes against humanity, due to the role they played in inciting one of the most brutal attempts at extermination of an ethnic group. *The International Criminal Tribunal for Rwanda* (ICTR) found that, as journalists and editors, Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze and Georges Ruggiu had incited genocide and hostility among their listeners and readers directly inviting them to exterminate one ethnic group, the Tutsi victims.

## Conclusion

Technological development of the media and their wider availability have increased their influence, but also led to numerous examples of their abuse by conflicting political and military elites. The media role assumed new dimensions with the change of political circumstances and the fall of Berlin Wall. Media employees are no longer taught to be committed to their profession and its ethics, but are increasingly becoming "*proactive*" field workers of the multinational capital. The media themselves have become the subject of improper trading deals devoid of sacredness of professional ethics and socially recognizable goal and their purposes. There is less time for thinking, and lethargy and complacency prevails.

Introducing stricter regulations in this sphere in response to challenges of the global society is not desirable, since it would mean imposing thinking and doing patterns where the reality itself, by nature of established relations and teleologically assumed mission of media, independently and spontaneously creates such thoughts and activities aimed at their operationalization in the ether.

Media and journalists have to strive for their independence, tolerance and understanding, which, *lege artis*, only naturally result from honestly, adequately and responsibly performed work that strictly respects norms, conventions and customs of professional ethics. It is only by firmly upholding the profession that media can promote and protect human rights and come out with clean hands from the process of general "passivization", silencing of the global public's critical mind which is currently taking place. Of course, nobody of a sound mind, including the authors of this paper, has an illusion that the media and free word may exist and serve the socially assumed purpose outside the generally accepted social paradigm, founded on the principles of Protestant and Mercantile capitalism. Therefore, we can presume that media are also goods, but goods with a specific, it seems, an ontologically inherent quality of assumed and vital social responsibility.

It is a generally accepted opinion that journalists are not those who start conflicts, but political leaders and corporate magnates who manipulate the media. However, this fact does not absolve of their individual responsibility those journalists and editors who

inspired and called for violence. In cases where crimes have been committed, the responsibility is no longer of ethical and professional, but rather of criminal nature, and should be prosecuted according to the law. This is not an easy and simple task since words are a specific type of unconventional weapon whose lethality is difficult to measure by legal norms. And yet, this is the only way to rebuild the trust of readers, listeners and viewers and restore the role that the media should play in a free democratic society – the role of a watchful and uncompromising guardian of democratic values and defender of public interest.

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