

THE NEW MEDIA AND THE FREEDOM OF EXPRESSION

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Abstract

Since the inception of the new media, many issues have been raised as to their viability and sustainability in the face of various regulations put in place. One of these regulations is the law regulating the freedom of the press. Generally, the press is assumed to be free in the acquisition and dissemination of its information, but with an all-inclusive meaning of the freedom of expression, where such freedom is predicated upon the availability and affordability of information, it appears the government regulations do not give adequate freedom and protection for the operation of the press in regard to the new media. Hence, this new meaning of the freedom of expression conceives the press proximately as being irresponsible and the government as being remotely responsible for its irresponsibility. The main thrust of this paper is, therefore, to examine the freedom of the press in the teeth of increasing awareness and utilization of the new media thereby finding out whether or not the press is not restricted in the operation of its bounden function.

Keywords: New media, freedom of expression, freedom of the press, the press, net.

Introduction

The overwhelming power of the mass media has often been challenged by the government regulations and legislative provisions, which tend to limit the freedom of the press in disseminating information. This freedom of the press has received much more concern than before since the inception of the new media, which raises *de novo* the question as to whether the new media are actually controlled or restricted like the traditional media in the course of the ever-flowing information and ideas.

Indeed, the essence of the new media is to break the barriers usually witnessed in the acquisition and dissemination of information or ideas. However, it appears that such barriers are encountered in the

application or operation of the new media. The new media, which were thought able to provide any possible information – personal or public – via the database to any curious enquirer, have dashed expectations. One of the reasons for restricting the availability of personal information is in regard to what Dominick (2002, p. 319) calls “privacy concern”, that is, the need to protect the private affairs of the people.

Again, the new media give room for the abuse in the case of identity theft. What happens in this case is that if a person obtains someone’s date of birth, place of birth, mother’s maiden name and social security number from the Internet, he can apply for credit cards, get loans and even commit crimes in his name. The most perturbing aspect of it is that the victim may not even be aware that something has been done in his name.

Similarly, the abuse of the Internet by some offenders, who devote time to peruse the database to get information on people’s account by relying on pieces of information about their places of birth, mothers’ maiden names, and social security numbers, makes it possible to operate their accounts. These and many other similar reasons call for a strict regulation of the new media. It is necessary to find out whether freedom of expression as enshrined in Section 39(1) of 1999 Constitution of the Federal Republic of Nigeria –: “Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference” – is observed in the case of the new media.

Apart from section 39 of 1999 Constitution, Section 22 of the same Constitution states:

The press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this chapter and uphold the responsibility and accountability of the Government to the people.

However, the protection offered by the constitution does not in any way guarantee that the press has absolute freedom. What is at stake is whether a person can have access to the new media as he would have to the traditional media. It is not the question of whether the new media are actually free in their dissemination of information and ideas, which we know they are, since their operation is globally-oriented, but the issue of accessibility to the man in the street.

In short, can we stay in the comfort of our room and conveniently have access to the new media as we have with our radio and/or television without having to pay through the nose? Can we freely

forward any information, in the form of question, through the new media and expect to receive a reply within a reasonable time? Can we reasonably and hopefully hold anybody responsible for failure in our utilization of any of the new media when nobody, *in stricte sensu*, is actually the gatekeeper? If the answers to these questions are in the negative, then the question to be raised is: How do we bring about such an access and efficient use of the new media? This question automatically calls for the re-examination of the concept of the freedom of expression, which has remained more of a slogan to be cherished than a reality to be appreciated in the operation of the new media.

Conceptual and Theoretical Framework

To direct the reader on the right track on what the writer presents, the major concepts and phrases that appear in this discourse are explicated. The libertarian and *social* responsibility theories are adopted to guide the analysis of the entire discourse. The underlying idea is that freedom of expression goes with responsibility which one is expected to observe in the course of the operation of the new media.

Libertarian and Social Responsibility Theories

The theories that guide this write-up are the libertarian and social responsibility theories. Their choice is made with the understanding that the press in a democratic society, as Oloyede (1996) rightly noted, operates largely under the libertarian and social responsibility theories.

The libertarian theory of the press was born out of the desire to liberate the press from the shackles of the political class in which the right and freedom to speak out was denied. So, the rationale of the theory is to empower journalists to criticize the government as well as reveal the real thing happening in the society. In this situation, the press has relative freedom to criticize those in power with the understanding that criticism will bring forth the desired good effects.

The social responsibility theory, as the name depicts, concerns itself with emerging forms of responsibility, which the press is expected to uphold in pursuit of responsible journalism. The basic tenet of this theory is that there is need to free the press from the state so as to enable it to operate as a check on the government, as well as being, in the words of Rivers and Schramm (1969, p. 46), “a vehicle through which man might discuss the truth.” Thus, the press is not just a mouthpiece for those with special interests or political agenda, but rather serves, as DeFleur (2010, p. 333) observes, “many people by presenting news accurately in an unbiased manner – providing the population with a truthful, comprehensive, and intelligent account of each day’s events.”

The combined effect of these theories is to ensure that, with the new media, journalists will not only be given freedom to disseminate information and ideas, but they should also try to operate within the

framework of ethical and legal boundaries. Notwithstanding these prescriptions, the ordinary person anywhere should be able to have access to information, and have also the liberty to tell others what he himself or she herself has found out so that such knowledge will be shared.

The New Media

The term “new media” is “a broad term used to explain the advances in technology” (<http://www.workplace-communication>). As such, any moment we talk about the new media, our attention is usually directed to the Internet and the various applications of digital television and computers in the dissemination of information. This is so because “the basic principle behind new media is that it can be any application that transfers information via technology techniques, such as computers, digital devices, and data networks.”

The new media can also be defined as any “interactive forms of communication that use the Internet, including podcasts, RSS feeds, social networks, text messaging, blogs, wikis, virtual worlds and more.” This explains why e-mail is considered a new medium because it is digitally transferring our e-mail messages through the Internet to the recipient. The essence of the new media is to enable us to create, modify and share content with others all over the world thereby making physical location much less significant for our social relationships.

Prior to the inception and increased application of the new media, the traditional media such as radio, television, magazine, newspaper, book, and film were the only means of disseminating information world-wide, but with the new media, there is a massive combination of all the media in the dissemination of information and services. These new media, which are classified as Information and Communication Technologies (ICTs), are usually integrated into media work, which, according to Ibekwe (2009, p. 372), “ranges from physical devices like digital camera, tape recorders, computer, sensing devices, scanners, mobile telephone, fax machines, camcorders, projectors, projection television to those in cyberspace – the Internet, e-mail, Internet telephone, teleconferencing etc.” The immensity of information they disseminate across the borders makes them attractive for every Tom, Dick and Harry to avail himself of the information with ease. Thus, according to McLuhan (1965, p. 65), “with the new media, however, it is also possible to store and to translate everything; and as for speed, that is no problem.”

The increasing quest for information acquisition and dissemination has given rise to the expansion of the horizon of their development in order to solve all the possible problems of man in the information age. This trend has brought about the increasing need for media and digital convergence. Hence, according to Ibekwe (2009, p.

372), the concept of digital convergence is “the technological merger of several industries through various devices that exchange information in the electronic or digital format used by computers.” The end result of this merger is that the new media will be continuously changing since they are constantly modified and redefined by the interaction between users, emerging technologies, cultural changes, etc. This phenomenon has occasioned what Neuman (1991) in Croteau and Hoynes (2003, p. 322) said, “We are witnessing the evolution of universal interconnected networks of audio, video, and electronic text communication that will blur the distinction between interpersonal and mass communication and between public and private communication.”

The Press and the Freedom of the Press

The term “press” is a collectivity of a fraction of all the media of mass communication. As my concern is with the new media, it is worthy of note that the major characteristic of the press is that it uses printed communication, which is also found in the Net, leaving the person with the possibility of going through whichever information he requires to make use of. We should note that the term “press” is also used here to incorporate the journalists themselves who operate in both print and electronic media of communication, who also make it possible for information to be received in the Net.

The press has an indispensable role it plays in improving the well-being of the people. Needless to say, the press came into existence as a result of the increasing need for mass communication which creates awareness in the public that hungers for information. The press is, therefore, a purveyor of vital information. Thus, we can confidently say that the press is “a child of enlightenment”, and that at any moment government inveighs against it, either directly or indirectly, it also denies, even if unconsciously, the values of enlightenment.

In spite of the frequent denial of these values of enlightenment, the people have relentlessly resolved to crave for information. This crave is a natural desire in man – the desire to know. This has made people, educated and uneducated, rich and poor, seek information, explanation, interpretation, issues and inventions like the biblical antelope in its search for water. Indeed, it is this zeal for the newness in news, this unrelenting dependence of people on the news and information that Ekwelie (1985) perspicuously alluded to when he averred that we are experiencing a communication explosion in an era in which camel drivers and road labourers prefer to perform their tasks in the company of transistor receivers, in which the fish-wife kicks off boredom with occasional glance at the newspaper.

However, in the quest for information, can we say that freedom of expression is guaranteed for the press especially in the wake of the new media? Not quite. The reason is that the new meaning of freedom of

expression as propounded in this write-up is not yet economically affordable, even if it is available. Thus, in recognition of the new meaning of freedom of expression, Ndolo (2005, p. 221) considers the concept of press freedom (or freedom of the press) to mean:

the right of the mass media to communicate ideas, opinions, information,...the right to help in the enlightenment of every Nigeria by providing him/her with the days intelligence in an open market place of ideas without any overt or covert systemic means of applying censorship, pressures or any form of inhibition on the part of the federal and state governments, institutions, organizations and individuals within the country; within the laws of libel, defamation and obscenity.

Freedom of the press is encapsulated in the freedom of expression. So, when we say that there is freedom of the press, what we mean is that the press is free in the course of its expression of ideas and opinions. Thus, according to Nwachuku (1999, p. 292), “press freedom means that journalists and media practitioners should have the freedom to probe, obtain and publish information and knowledge without hindrance or constraint.” It is assumed that with such freedom, the people will have access to information without any form of restraint since there is a clearly established symmetrical relationship between the journalists’ freedom to have access to the sources of information and the people’s right to receive such information. Put differently, there is bound to be freedom to impart and to receive information on events that happen in our global society without fear of molestation.

Quite expectedly, the new media substantially differ from the other media in that they are essentially open fora where journalists (or anyone – even the goon) can publish anything. This characteristic explains why the new media should be made freer (if you like, more affordable) than any other media for man’s full expression of himself in the global society.

Freedom of Expression

The term “freedom” means responsibility; it means also the absence of constraint or hindrance. When there is, therefore, absence of constraint, it indicates that the person who acts is not restrained in the course of his action. He takes charge of or responsibility for everything that his action invites.

Thus, the very concept of freedom of expression goes with the idea of responsibility in the act of expressing one's views. To say that a person is free to express himself signifies that the person should be held responsible for the consequences of whatever information that he disseminates. He is to be accountable for his actions in respect of the information disseminated. As such, when there is freedom to express, there is definitely the consequent responsibility attached to it. What this freedom entails, in the words of Davis (1990, p. 9) is that "the journalist should not be pretentious, over-assuming, and sensational, but should try to be knowledgeable in his trade, appreciative of the societal norms in his environment and be politically sagacious."

However, freedom of expression takes for granted that the journalists that disseminate information of whatever form should understand that this freedom is based on other kinds of freedom, which form the substratum for any authentic democratic society. These kinds of freedom, as encapsulated by Rivers and Schramm (1969, p. 54), are namely:

- (i) Freedom to know: This is a social right, belonging to all the people, to receive the information we need to organize our lives and to participate intelligently in governing. It is a direct right, and it is shared by everyone.
- (ii) Freedom to tell: This is the right to transmit information freely and to argue publicly on issues. It, too, is a right of all the people, but it has been institutionalized in the mass media.
- (iii) Freedom to find out: This is the right of access to sources of public information. Because not everyone can attend a presidential press conference, a Congressional hearing, or a State Department briefing – to name only a few events limited by space and geography – this right has been largely delegated to the mass media. Journalists must represent the public in such cases, and journalists are consequently those who speak up most pointedly against closed meetings and withheld documents.

All these arms of the freedom of expression have their *point d'appui* in the "freedom from restriction" of any form in the acquisition and dissemination of information, ideas and opinions. Hence, the freedom to express goes with the freedom to find out, which is followed by the freedom to know and lastly, by freedom to tell people what you know. There is, therefore, a powerful triad formed by the freedom of expression, which makes any of them unfeasible unless and until the three elements are put in place. As a matter of fact, you cannot tell people what you don't know, nor can you know what you have not

found out. It is what you find out that you tell the people because you have the knowledge of it.

Freedom of expression in the new media is controlled or restricted by limiting the right of the people to know by hindering press access to government sources or records. Sometimes, it may be done by over-classifying some documents as “strictly confidential.” It may equally be done by over-pricing some websites, thereby making easy access to them unaffordable for the people who need the information.

Having seen that the concept of the freedom of expression is all-encompassing – involving the generators of the information and the receivers of the information – we cannot seriously talk about the freedom of expression in the new media without considering those factors (in the triad) which hinder one of them.

The Restriction of the Press

With the gradual influx of the new media and their application, the burning issue is on how the press is to be controlled, and if there are regulatory measures put in place, how can we be assured that the press will be free, and what would be done to ensure that privacy of individuals is not tampered with? The contention is that, with the new media, there would be a free flow of information such that the issue of controlling the press or even the claim of people that there is intrusion into their privacy would be a thing of the past.

Yet, such supposition is totally ruled out by regulation. That is why it is feared that the centralized nature of computing and telecommunication might allow government or private enterprise or both to accumulate great power. This contention was expressed by Wilkein (1981) who opined that although this new communication system has advantages, it would also put people in danger of losing their individual liberty. In consequence, Wilkein (1981, p. 1) posed the question this way: “Will the new technology by its very nature manipulate us ... or will we manipulate the new technologies to serve the good of society?”

One of the handicaps of the new media, which affects a good number of people in regard to their access to information, is the over-assumption that the new media are accessible to everyone anywhere on the planet. According to Hanson (2005, p. 286), “In the United States, the most ‘wired’ nation in the world, only 65 percent of Americans have Internet access at home. In many developing countries almost no one has Internet access.” Based on this information, it will be quite erroneous to claim that the term “World Wide Web” (WWW), used for the Internet, is really correct since so many people today are denied access to the Internet. This term can only be applicable in the sense of making the interconnectedness of the peoples in the world possible, but not that accessibility is thereby assured

When the freedom of the people to know is not assured, does it matter that the information has been forwarded in the Net? Freedom, in this case, goes with the availability and affordability of the information. Freedom of expression, which is expressed as the “freedom to tell” must be accompanied by the “freedom to know” and the “freedom to find out.” This means that the unavailability of the new media in all nooks and crannies of our country is a strong barrier for people to have access to information. The press is to note this shortcoming as a big flaw under the present dispensation where the Freedom of Information Act 2011 is already in force. This is a big restriction, to say the least.

Another dimension of the restriction of the press has to do with regulating the content of the Internet. It is true that children’s wild exposure to the Internet has given rise to this restriction, but the problem is: how do we apply this restriction without its collateral effect on the adults who, ordinarily, are meant to be exposed to the Net. Or, how do the adults enjoy the benefit of the Net without exposing children to danger.

Again, another major barrier militating against the freedom of expression as it affects the press and the right of the people to information in the Internet is the cost. This barrier is based on the economic factor, which is a very serious one, especially in the Third World countries. Although “the Web”, as Biagi (2003, p. 48) remarks, “began as a free medium”, it should be noted that people pay an Internet Service Provider (ISP) such as America Online to organize and deliver information and entertainment from many sources. Besides, access to information on the Internet is not without some expenditure to be made, and not many people usually have this privilege.

Yet, another barrier to the “freedom to know” and the “freedom to find out” is the problem of the language of the new media (the Web). As we all know, the Web is largely limited to people who read English, as even Hanson (2005, p. 286) observes, “80 percent of the world’s websites are in English.” The question to be asked is: Has it been assured that peoples from various nations of the world understand the English language? If the answer to this question is in the negative, then this is a big barrier curtailing the operations of the press.

Once more, another barrier in many countries in regard to the access of people to information in the new media is that there is no way to log on. According to the United Nations, “half the world’s population has yet to make a phone call, much less log on to the Internet” (Shadid,2001, p. D2 cited in Hanson (2005, p. 286).

With the new media, if the press is not given the freedom to provide information which should be available and affordable to everyone no matter what the person’s standing in the society, then there is definitely indirect restriction of the press. This is because there is *terminus a quo* and *terminus ad quem* of information. If one aspect of

the *termini* is available by the journalists having access to the information without the other side of making such information available and affordable to the people, then the concept of freedom of the press upon which the freedom of expression is based or anchored on is *de facto* erased. This means that there is no freedom of the press.

As such, the existence of the Freedom of Information Act 2011 entails that, whatever obstruction, constraint or restriction, which will hinder the free flow of information, should be removed. This entails also that there should be universal access to the Internet: the rich and the poor will have equal access to information without experiencing the situation of a digital divide. Once there is denial of access to the new media, there is denial of freedom of the press.

In sum, once there is no free flow of information and access to that information, then the press is handicapped in the performance of its duty in regard to making available affordable information, which it claims to possess.

Conclusion

Taking cognizance of the place of the new media in our society today, and the effort required to bring about such freedom of expression as this write-up portends, it should be noted that it is indeed a Herculean task, though not an impossibility if the government considers it part of its bounden duty to provide it. Much of the problem that will make the affordability of the new media possible depends on how the government perceives the importance of information not only as it affects it but also in relation to people *en masse*. It is the need that should control the effort to be made.

The understanding that information is very vital for man will serve as an impetus in impelling the government to do something positively towards bringing about a viable freedom of expression. If it is another mode of man's expression of himself, we can then appreciate why McLuhan (1964, p. 64) declares, "Man is a form of expression who is traditionally expected to repeat himself and to echo the praise of his Creator."

Meanwhile, for the expression of man to be possible, the new media should be made available and affordable at our doorsteps and that was the rationale for the exploration of man in this new technology. When this is done, freedom of expression in this electric age will be geared towards man's total expression of himself in which as McLuhan (1964, p. 64) opines, will get him translated "more and more into the form of information moving toward the technological extension of consciousness."

References

- Biagi, S. (2003). *Media impact: An introduction to mass media*. Belmont, California: Wadsworth/Thomson Learning Inc.
- Croteau, & Hoynes (2003). *Media society: Industries, images and audiences, 3rd ed.*, Thousand Oakes: Pine Forge Press. Retrieved on June 4, 2011 http://en.wikipedia.org/wiki/new_media
- Davis, H. (1990). Journalists and social responsibility. In S. Chijioke, U. Ekwo, G. Agbakoba (eds.), *The role of journalists in modern Nigeria* (pp. 7 – 9). Enugu: Nigeria Union of Journalists.
- DeFleur, M. L. (2010). *Mass communication theories: Explaining origins, processes, and effects*. Boston, U. S. A.: Pearson Education Inc.
- DeFleur, M. L., & Dennis, E. (1998). *Understanding mass communication, 3rd ed.*, Boston Houghton Mifflin Co.
- Dominick, J. R. (2002). *The dynamics of mass communication: Media in the digital age, 7th edition*. New York: McGraw- Hill Co.
- Ekwelie, S. A. (1985). Evolution of the print medium: The African experience. In O. Nwuneli (Ed.), *Mass communication in Nigeria: A book of readings*. Enugu: Fourth Dimension Publishing Co.
- Hanson, R. E. (2005). *Mass communication: Living in a media world*. New York: McGraw-Hill Co.
- http://www.workplace-communication.com/new_media_definition.html
Retrieved on June 4, 2011.
- Ibekwe, S. (2009). Information and communication technology (ICT) and the new media. In E. H. Ikpe, J.T. Kur, F. I. Agudosy (Eds.), *Perspectives on mass communication: Michael Ibezimako Chukwu in memoriam* (pp. 369 – 391). Enugu: Faba communications (Nig.).
- McLuhan, M. (1964). *Understanding media: The extensions of man*. New York: McGraw-Hill Book Co.
- Ndolo, I. S. (2005). *Mass media systems and society*. Enugu: Rhyce Kerex Publishers.
- Nwachuku, F. C. (1999). Free press, free speech, and democratic imperative in Africa. In L. U. Uche (Ed.), *Mass communication democracy and civil society in Africa: International perspectives* (pp. 289 – 302). Lagos: Nigerian National Commission for UNESCO.
- Oloyede, B. (1996). *Press freedom in Nigeria: A critical analysis of salient issues*. Abeokuta: Kunle Alayande Printing and Publishing Co. Ltd.
- Rivers, W., & Schramm, W. (1969). *Responsibility in mass communication, rev. ed.*, New York: Harper & Row Publishers.
- Shadid, A. (January 24, 2001). Third world nations threatened as digital divide grows, report Says. Boston globe.

Vlachos, H. (February, 1973). Freedom of the press. In C. Macy et al. (Ed.), *New Humanist* 88 (10).

Wicklein, J. (1981). *Electronic nightmare: The new communications & freedom*. New York: Viking.