LAW OF JOURNALISM
AND
MASS COMMUNICATION

Dr. Atul Kumar Sahuwala

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Dr. Atul Kumar Sahuwala (Assistant Professor)
LL.M., PhD (Law), Faculty of Law, Tantia University, Sri Ganganagar

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Contents

Preface

The Law of Journalism and Mass Communication is a comprehensive exploration of the legal principles and regulations governing the practice of journalism and media communication. At its core, the book delves into the intricate web of laws and ethical considerations that shape the rights and responsibilities of journalists, media organizations, and communication industries.

Freedom of the press is a cornerstone of democratic societies, and the book delves into the legal foundations of this fundamental right. It examines how freedom of expression is protected by constitutions and statutes, ensuring that journalists can report on matters of public interest without fear of censorship or retaliation.

However, this freedom is not absolute, and the book navigates the legal limitations and constraints placed on journalists and media organizations. It explores laws governing defamation, privacy, intellectual property, and national security, which serve to balance the right to free speech with other societal interests.

Additionally, the book delves into the laws regulating access to information, ensuring transparency and accountability in government and public institutions. It examines the role of freedom of information laws in promoting open governance and facilitating the public's right to know.

Media ethics play a crucial role in guiding journalistic practices and behaviour, and the book provides an in-depth analysis of professional codes of conduct and ethical guidelines. It explores principles such as accuracy, fairness, objectivity, and integrity, which are essential for maintaining public trust and credibility in the media.

Furthermore, the book examines the legal and ethical challenges posed by digital media and social networking platforms. It addresses issues such as online

defamation, privacy violations, fake news, and digital copyright infringement, which have profound implications for journalism and mass communication in the digital age.

Through case studies, analysis of landmark legal cases, and examination of emerging trends, the book offers readers a nuanced understanding of the complexities of the Law of Journalism and Mass Communication. It serves as an invaluable resource for journalists, media professionals, policymakers, and students seeking to navigate the ever-evolving legal landscape of the media industry.

In 'Law of Journalism and Mass Communication,' readers explore the intricate legal landscape shaping the practice of journalism and media communication.

–Author

1

Introduction

THE CORPORATE STRUCTURE
OF THE MASS MEDIA

It was Walter Lippman who coined the phrase "the manufacture of consent", enjoining it as a means of population control. Lippman's concept may indeed be in effect today. In this regard, the status of the mass media and its faithful propagation of the established opinion that Western policy is fundamentally benevolent in intention, is an issue of paramount importance. What role has the media played in clarifying the real principles and motives of Western policy to the public, and what does this entail for the nature of Western democracy and the role of the population in the formulation of policy? The mass media is clearly one of the most powerful institutions in society; it is, for most of the public, the ultimate source of all their information. The structure of the mass media will therefore have fundamental implications for the political and cultural orientation of the public. Hence, an understanding of the mass media will throw considerable light on the structure of Western society, the relationship between the public and those who possess power, as well as the ideologies produced by the media and their impact on the public.

All scholars generally agree that the media do have the capacity to set the agenda of public discourse about political affairs, and it is widely recognised that the media has a significant role in actualising the diffusion of Western ideology and culture throughout the world. However, they differ over the degree to which the media limits the public's understanding of current affairs and the overall consequences of this.

Nevertheless, the vast extent of the manipulation of the media under the sway of business interests has been harshly revealed in the statement of John Swainton, Chief of Staff of the *New York Times*. "There is not one of you who would dare to write his honest opinion," he reprimanded his colleagues at his retirement party in September.

"The business of a journalist now is to destroy the truth, to lie outright, to pervert, to vilify, fall at the feet of Mammon and sell himself for his daily bread. We are tools, vessels of rich men behind the scenes, we are jumping jacks. They pull the strings; we dance. Our talents, our possibilities and our lives are the properties of these men. We are intellectual prostitutes."

THE INDEPENDENT MEDIA: A MYTH

It is generally clear that the media has failed to generate genuine public awareness of the actual nature of Western policy. Majid Tehranian, for example, who is Professor of International Communication at the University of Hawaii and Director of the Toda Institute for Global Peace and Policy Research, points out that:

"In their scholarship, William Appleton Williams, Noam Chomsky, Richard Falk, Ramsey Clark, Ali Mazrui, and other critics of US foreign policies have provided an abundance of evidence to support the charges on the counter-democratic role of the United States in much of Asia, Africa, and Latin America."

British historian Mark Curtis, former Research Fellow at the Royal Institute for International Affairs in London, similarly confirms:

"Mutual Anglo-American support in ordering the affairs of key nations and regions, often with violence, to their design has been a consistent feature of the era that followed the Second World War... Policy in, for example, Malaya, Kenya, British Guiana and Iran was geared towards organising Third World economies along guidelines in which British, and Western, interests would be paramount, and those of the often malnourished populations would be ignored or further undermined. Similarly, US interventions overseas-in Vietnam, Nicaragua, the Dominican Republic, Cuba, Chile, etcetera-were designed to counter threats to the Western practice of assigning the Third World to mere client status to Western business interests. British and US forces have acted as mercenary-and often extremely violent-mobs intended to restore 'order' in their domains and to preserve the existing privileges of elites within their own societies."

Development specialist Dr. J. W. Smith, who is Director of Research for the California-based Institute for Economic Democracy, is even more explicit: "No society will tolerate it if they knew that they (as a country) were responsible for violently killing 12 to 15 million people since WW II and causing the death of hundreds of millions more their economies were destroyed or those countries were denied the right to restructure to care for their people. Unknown as it is, and recognizing that this has been standard practice throughout colonialism, that is the record of the Western imperial centres of capital from 1945 to 1990... While mouthing peace, freedom, justice, rights, and majority rule, all over the world state-sponsored terrorists were overthrowing democratic governments,

installing and protecting dictators, and preventing peace, freedom, justice, rights, and majority rule. Twelve to fifteen million mostly innocent people were slaughtered in that successful 45 year effort to suppress those breaks for economic freedom which were bursting out all over the world... All intelligence agencies have been, and are still in, the business of destabilizing undeveloped countries to maintain their dependency and the flow of the world's natural wealth to powerful nations' industries at a low price and to provide markets for those industries at a high price."

That the media has failed to accurately portray the real nature of Western foreign policy to the public, playing instead the subservient role of a propaganda machine for elite interests, is therefore quite obvious. The question that then remains is, why does the media – conventionally believed to be critical of the establishment-behave in a way that conforms to the false picture presented by the government and corporate elite of their own policies? The anwer is simple: in a nutshell, the mass media *is* the establishment.

To begin our analysis then, we will discuss a propaganda model of the mass media. It is thus useful to begin with what is arguably the most thorough model of the media-that proposed by Edward Herman (Professor Emeritus of Finance at Wharton School in the University of Pennsylvania) and Noam Chomsky (Institute Professor of Linguistics and Philosophy at MIT), both of whom are leading critics of US foreign policy.

There are particularly pertinent reasons to begin with their model-the primary one being that it is arguably the most thoroughly researched and empirically verified model available. Herman and Chomsky's landmark study, *Manufacturing Consent: The Political Economy of the Mass Media*, comes under the recommendation of America's leading national media watchdog and research group, Fairness and Accuracy In Reporting (FAIR). It is also recommended as an essential resource for media literacy by the Grand Rapids Institute for Information Democracy (GRIID), affiliated with the US-based Community Media Centre (CMC). The Oxford-based research and publishing group Corporate Watch (not to be confused with the US-based organisation of the same name), which works in cooperation with a variety of other human rights and environmentalist organisations, describes the study as "one of the most incisive critiques of the media's role in society". The respected journal *Publisher's Weekly* gives the following review of *Manufacturing Consent*:

"Herman of Wharton and Chomsky of MIT lucidly document their argument that America's government and its corporate giants exercise control over what we read, see and hear. The authors identify the forces that they contend make the national media propagandistic-the major three being the motivation for profit through ad revenue, the media's close links to and often ownership by corporations, and their acceptance of information from biased sources. In five case studies, the writers show how TV, newspapers and radio distort world events… Extensive evidence is calmly presented, and in the end an indictment against the guardians of our freedom is substantiated. A disturbing picture

emerges of a news system that panders to the interest of America's privileged and neglects its duties when the concerns of minority groups and the underclass are at stake."

Indeed, according to the leading American media scholar Robert W. McChesney, Professor of Journalism and Mass Communication at the University of Illinois, any significant attempt to comprehend the structure and operation of the mass media must begin with Herman and Chomsky's study. He further observes that:

"This book promises to be a seminal work in critical media analysis and to open a door through which future media analysis will follow… Edward Herman and Noam Chomsky are certainly well qualified to provide a simple yet powerful model that explains how the media function to serve the large propaganda requirements of the elite. Together and individually, they have written numerous articles and books which have chronicled the ways in which the US media have actively promoted the agenda of the elite, particularly in regard to US activities in the Third World. Manufacturing Consent is a work of tremendous importance for scholars and activists alike… Each chapter is meticulously researched and most draw heavily on the authors' earlier works in these areas."

All this provides us with ample reason to begin with Herman and Chomsky's model. Contrary to the claims of the mainstream critique of radical media analysis, a propaganda model does not entail a grandiose conspiracy theory. Rather, this model is based on analysing the politico-economic influences on the mass media, and considering the extent to which those influences both have the potential to condition the media's reporting tendencies in accord with the interests of those who possess power. In other words, the model constitutes a 'guided free market' model, advocating that the media's reporting is influenced by the same factors that dominate corporate activities-the maximisation of profit and therefore the market. The next step is to document the occurrences where this potential is actualised. In this sense, according to the propaganda model the media is conditioned by the profit-orientated considerations of corporate elites. As Professor McChesney observes:

"Herman and Chomsky quickly dismiss the standard mainstream critique of radical media analysis that accuses it of offering some sort of 'conspiracy' theory for media behaviour; rather, they argue, media bias arises from 'the preselection of right-thinking people, internalized preconceptions, and the adaptation of personnel to the constraints' of a series of objective filters they present in their propaganda model. Hence the bias occurs largely through self-censorship, which explains the superiority of the US mass media as a propaganda system: it is far more credible than a system which relies on official state censorship."

FILTER 1: ELITE OWNERSHIP

Herman and Chomsky have forwarded their propaganda model of the media in terms of five 'filters' that act to limit what the media reports in accord with governmental and corporate interests. As McChesney notes:

"Only stories with a strong orientation to elite interests can pass through the five filters unobstructed and receive ample media attention. The model also explains how the media can conscientiously function when even a superficial analysis of the evidence would indicate the preposterous nature of many of the stories that receive ample publicity in the press and on the network news broadcasts."

The first filter consists of the size, concentrated ownership, owner wealth and profit-orientation of the most dominant mass media firms. Media ownership involves enormous costs, which naturally implicates rigid limits on who is able to run a media entity, even a small one. To cater to a mass audience, a media organisation must inevitably be a sizeable corporation. It will have to be owned either directly by the state or by wealthy individuals. In 1986, out of about 25,000 media entities in the US, a mere twenty-nine largest media systems accounted for over half the output of newspapers and for the majority of sales and audiences in magazines, broadcasting, books and films. These massive media firms are profit-orientated corporations, owned and controlled by wealthy profit-orientated people, which are also "closely interlocked, and have common interests, with other major corporations, banks, and government". Because they are often fully integrated into the stock market, they become subject to powerful pressures from stockholders, directors and bankers to focus on profitability. This means that they are united by a basic framework of special interests, even though they remain in competition:

"These control groups obviously have a special stake in the status quo by virtue of their wealth and their strategic position in one of the great institutions of society [the stock market]. And they exercise the power of this strategic position, if only by establishing the general aims of the company and choosing its top management."

As a result, major media corporations tend to avoid reports that question the status quo in terms of the actions of the wealthy: If media entities are owned by profit-orientated corporations that have a vested interest in maintaining the status quo, those corporations are clearly not going to employ individuals who question the status quo to run their media entities. McChesney observes:

"Many of these corporations have extensive holdings in other industries and nations. Objectively, their needs for profit severely influence the news operations and overall content of the media. Subjectively, there is a clear conflict of interest when the media system upon which self-government rests is controlled by a handful of corporations and operated in their self-interest."

A remarkably large amount of the information the public receives is controlled by a very small number of media sources. Freedom House records that within states, out of 187 governments, 92 have complete ownership of the television broadcasting structure, while 67 have part ownership. Ownership of the world's media sources is similarly increasingly concentrated in a few giant corporations.

Thousands of other sources do exist, but in comparison their influence is negligible. The leading American media analyst Ben Bagdikan, noting that

despite more than 25,000 media entities in the US only "23 corporations control most of the business in daily newspapers, magazines, television, books, and motion pictures", concludes that this endows corporations with the extensive power to exercise influence over "news, information, public ideas, popular culture, and political attitudes".

The result today is that about twelve corporations dominate the world's mass media. In his study of corporate leverage over the media, *Megamedia*, Dr. Dean Alger-who was fellow in the Joan Shorenstein Centre on the press, politics and public policy at Harvard University's John F. Kennedy School of Government-lists this 'dominant dozen' as follows in order of power: Disney-Capital Cities-ABC; Time Warner-Turner; News Corporation; Bertelsmann; Tele-Communications (TCI)-AT&T; General Electric-NBC; CBS Inc.; Newshouse/Advance Publications; Viacom; Microsoft; Matra-Hachette-Filipacchi; Gannet. Alger quotes journalist and former top editor of the *Chicago Tribunal*, James Squires, concerning the escalating patterns of concentration of media-ownership in profit-orientated corporations:

"In its struggle for relevance and financial security in the modern information age, the press as an institution appears ready to trade its tradition and its public responsibility for whatever will make a buck. In the starkest terms, the news media of the 1990s are a celebrity-oriented, Wall-Street dominated, profit-driven entertainment enterprise dedicated foremost to delivering advertising images to targeted groups of consumers."

Richard Clurman, who was for years a leading figure in Time magazine, has similarly observed:

"As the news media became bigger and bigger business, the innovative traditions led by creative editorial dominance began to erode... The media had grown from a nicely profitable, creative business into a gigantic investment opportunity. It was becoming harder to think of them as different from any other business in free enterprise America."

Former newspaper reporter who became a journalism professor, Doug Underwood, also confirms this corporatisation of the media: "It's probably no surprise that in an era of mass media conglomerates, big chain expansion, and multimillion dollar newspaper buy-outs, the editors of daily newspapers have begun to behave more and more like the managers of any corporate entity."

It is well documented that the elites who dominate the various institutions of society share a common set of values and associations linked with their generally wealthy position as members of a highly privileged class. These elites include the decision makers over politics, investment, production, distribution; members of ideological institutions involving editorial positions, control of journals and so on; those in managerial positions, who manage corporations and have similar roles. These different elite groups all interpenetrate one another in accord with their shared values and associations. Furthermore, due to their common social position, they are largely socialised into the traditional values that characterise their wealthy class. This has a significant impact on their outlook on the world, and consequently their attitude towards political affairs.

In Britain, the British Broadcasting Company (BBC) constitutes an obvious example. The board of governers on the BBC "tends to be drawn from the ranks of the 'great and good' and to mirror the predominance of the upper middle classes in the ranks of political life in elected and non-elected positions of power… *Of the eighty-five governers who have served in the first fifty years of the BBC's history, fifty-six had a university education (forty at Oxford or Cambridge) and twenty were products of Eton, Harrow or Winchester. The political experience of Board members has come mainly from the House of Lords although there have been nineteen former MPs.*"

Further documentation observes Bob Franklin, Reader in Media and Communication Studies at the University of Sheffield, illustrates that the elite "uses its privileged access to media institutions to produce programming which is partial and supportive of a particular class interest." Franklin refers to the series of *Bad News* studies by Glasgow University Media Group (GUMG), offering ample evidence "of a systematic skew in the reporting of certain kinds of news." For example, in their first study the Glasgow scholars concluded that "television news is a cultural artifact; a sequence of socially-manufactured messages which carry many of the culturally dominant assumptions of our society." In a later study titled *More Bad News*, they similarly concluded that television news reporting "consistently maintains and supports a cultural framework within which viewpoints favourable to the *status quo* are given *preferred* and *privileged* readings."

Former editor-in-chief David Bowman of the Australian newspaper the *Sydney Morning Herald* therefore confirms that "having thrown off one yoke, the press should now be falling under another, in the form of a tiny and ever-contracting band of businessmen-proprietors. Instead of developing as a diverse social institution, serving the needs of democratic society, the press, and now the media, have become or are becoming the property of a few, governed by whatever social, political and cultural values the few think tolerable". "The danger", he elsewhere observes, "is that the media of the future, the channels of mass communication, will be dominated locally and worldwide by the values-social, cultural and political-of a few individuals and their huge corporations."

The mass media may have the ideological orientation of its staffing broadly restricted to the agenda held by its corporate ownership, who obviously have significant control over the media's staffing. The cumulative result of this is that the media may become subservient in its general ideological orientation to the assumptions and interests of the elite. Bob Franklin elaborates that this is because "editors are simply workers-albeit at a high grade-and, as such, remain subject to the discipline of proprietors.

It would certainly be difficult to persuade an editor that proprietors are no longer in control of their newspapers. A succession of editors from Harold Evans to Andrew Neil acknowledge the power of proprietors in autobiographies which invariably detail their prompt removal from the editorial chair following a

disagreement with the owner... Proprietors' power to 'hire and fire' makes them formidable figures, but they also control all aspects of a newspaper's financial and staffing resources."

The implications of all this have been summarised well by American analyst David McGowan:

"Following the same course that virtually every other major industry has in the last two decades, a relentless series of mergers and corporate takeovers has consolidated control of the media into the hands of a few corporate behemoths. The result has been that an increasingly authoritarian agenda has been sold to the American people by a massive, multi-tentacled media machine that has become, for all intents and purposes, a propaganda organ of the state."

Former Dean at the Graduate School of Journalism at the University of California, and a winner of almost every top prize in American journalism- including the Pulitzer-Ben Bagdikian, acknowledges the massive control over public life entailed by the increasing concentration in corporate ownership:

"In an authoritarian society there is a ministry, or a commissar, or a directorate that controls what everybody will see and hear. We call that a dictatorship. Here we have a handful of very powerful corporations led by a handful of very powerful men and women who control everything we see and hear beyond the natural environment and our own families. That's something which surrounds us every day and night. If it were one person we'd call that a dictatorship, a ministry of information."

The extent of the power that elites have over the media can be well understood when it is noted that even Western intelligence agencies have a grip over the press. For example, an internal committee of the CIA reported in 1992 that: "We [*i.e.*, the CIA] have relationships with reporters [that] have helped us turn some intelligence failure stories into intelligence success stories. Some responses to the media can be handled in a one-shot phone call." Former CIA Director William Colby was more forthcoming when he admitted: "The Central Intelligence Agency owns anyone of any significance in the major media." Consequently, it is easy to see how the legitimacy of elite interests can henceforth be presupposed by the mass media in terms of a general all-pervading set of assumptions.

Since these assumptions are rooted in the elite ideology, the mass media that is of course owned by the corporate elite, is generally unable to question seriously that ideology. Bob Franklin thus concludes that "while it is possible to cite cases where the media have toppled the powerful, there is a greater body of evidence to suggest that their role is more typically to serve as a source of support." It is therefore not surprising if debate within the media is largely restricted to the assumption of Western governmental and corporate benevolence; the belief in the viability and legitimacy of the status quo. In this context, one can predict that dissent which stretches beyond these limits by choosing to question the very assumptions adopted at the outset by the media, will be neglected. Certainly, due to the sheer mass of news it is also predictable that the odd dissenting report may filter through-but the substantial majority of reports will "serve as a source of support" for elite interests.

As the American political scientist Michael Parenti documents, the result of corporate ownership of the media where staffing will be especially restricted to those who conform to the ideological requirements of corporate power, is that journalists "rarely doubt their own objectivity even as they faithfully echo the established political vocabularies and the prevailing politico-economic orthodoxy. Since they do not cross any forbidden lines, they are not reined in. So they are likely to have no awareness they are on an ideological leash." The distinguished British correspondent John Pilger-who has twice won British journalism's highest award, that of Journalist of the Year, as well as several other major awards-thus comments that "the true nature of power is not revealed, its changing contours are seldom explored, its goals and targets seldom identified. This is counterfeit journalism because the surface of events is not disturbed." A propaganda model thus clarifies the institutional structure of the media that explains why the facts of elite policy receive little in-depth critical analysis by the mainstream media. On this basis one may reasonably argue that permissible dissent becomes meaningless, being unable to question the ideological framework upon which the elite dominated social structures are based. The result has been noted by media analyst W. Lance Bennett:

"The public is exposed to powerful persuasive messages from above and is unable to communicate meaningfully through the media in response to these messages... Leaders have usurped enormous amounts of political power and reduced popular control over the political system by using the media to generate support, compliance, and just plain confusion among the public."

LEGAL AND POLICY FRAMEWORK

The first challenge is to establish a solid legal or policy framework for the media – providing independent media organisations the certainty that they need to invest and operate. This begins with establishing the legal rights of its population. Democratic societies are based upon the rule of law and should spell out the rights of the citizens in clear and unambiguous terms. Such laws have the advantage of making it clear to people what their rights are, and what the obligations of public administrators are in respect of those rights. It helps the watchdog function of the media – and of civil society – immensely by providing benchmarks to measure progress. In this field the most important law is one guaranteeing freedom of expression, and the basis for any such law is clearly set out in a range of international standards. In fact freedom of expression is one of the most protected human rights in international law – we find it in global treaties such as in Article 19 of the Universal Declaration on Human Rights (UDHR), or Article 19 of the ICCPR. We also find it guaranteed in all three major regional human rights systems, at Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 13 of the American Convention on Human Rights, and Article 9 of the African Charter on Human and Peoples' Rights. However in some new or restored democracies, it may be that there is no functioning legal system and

the government's remit may not extend throughout the country as a whole (for example Afghanistan, or some parts of central and west Africa). In these circumstances, the very minimum that a government can do (and this will also apply to international agencies if they are exerting any political authority) is to have clear public policy on the media that complies with the relevant international standards mentioned above. Any public administration should state that it will respect the right to freedom of expression of the people as a whole and will recognise the unique role the media play in implementing that right. Relations with the media should not be subject to political discretion but should – as a minimum– be guaranteed in a clear public policy, if not a law. The transparency that this involves is an important element of establishing the rule of law, which rests fundamentally on the notion that no-one – not even the most powerful – is above the law – that there are certain principles which everyone has to respect.

STRUCTURE OF THE MEDIA

A healthy media environment should be plural and diverse, able to carry the wider range of views, information and opinion that exists in any society. For example it may be that the media environment is fragmented, or politically partisan. The history of dictatorship, repression or conflict may mean there is little tradition of independent professional journalism. Each set of circumstances will require a different approach. In most societies there is some kind of state broadcaster, however discredited. Alongside the stimulation of a healthy and vibrant private media it is important not to neglect the state broadcaster.

New and restored democracies should begin the process of transforming it into a genuine public service broadcaster. The requirements of the print media and the broadcast media are quite different in this respect. Within the general confines of the law, the print media can be left alone to develop in so far as the market permits. But to achieve the right plural mix of broadcast media – the balance between public service broadcasting and straightforward commercial interests-requires state intervention.

The first, basic task is for any administration to ensure that people can access the means of communication – including the reception of broadcasts, provision of electricity supplies, access to telephones and Internet. There is a need to ensure the infrastructure exists to develop a broadcast industry.

INDEPENDENT REGULATOR

Another early task should be the creation of an independent regulator to allocate wavelengths and undertake the necessary licensing procedures. This body should be established by law and be independent of any government interference, either directly by appointing its membership, or indirectly by controlling its funding.

Its members should be chosen through an open and public process and it should be accountable to the wider public through the legislative arm of the state. (For a more detailed elaboration of these principle see *Access to the*

Airwaves published by Article 19). The regulatory authority should rapidly produce a frequency plan showing how the airwaves will be shared between the public and private broadcasters and community broadcasters. In addition – where relevant-it should specify the regional and local allocations and how the status of minorities will be guaranteed.

PUBLIC SERVICE BROADCASTING

It is sometimes assumed that the policy objective in a new or restored democracy is simply to allow the maximum private ownership of the media, on the grounds that this will produce the widest and most diverse range of voices. Some caution should be exercised however.

In a bitterly divided society, the profusion of media, with no overall "national voice" capable of helping foster an imagined community can exacerbate rather than heal divisions.

In these circumstances a high priority should be given to establishing a national public service broadcaster whose composition and programming can reflect the diverse strands of the society in question. Experience shows that the production of programmes, which are informative, educative or demonstrate distinct cultural or linguistic strands, which are crucial to the development of national identity – are most easily achieved by the creation of an effective public service broadcaster.

This is not an easy task however. A public service broadcaster requires a clearly articulated vision, some kind of national consensus on its objectives, complete freedom from political interference and a conscious attempt to engage viewers and listeners. The goals of public service broadcasting should be defined in law.

These will include the provision of comprehensive and balanced news coverage, the promotion of local programme production – including through the use of quotas – guaranteed universal access and a commitment to serve all regions, cultures and linguistic groups.

The first stage is to establish the PSB overseen by a fully independent governing body whose autonomy and independence is guaranteed by law–as with the regulatory authority.

Specific guarantees should be given on editorial independence and on funding arrangements. The governing body should be accountable to a multi-party body of some kind – the legislative assembly if one exists-and its primary role will be to appoint the managers to run the PSB and to ensure subsequently that the public service mandate is being fulfilled. The governing body should not interfere in the day to day running of the broadcaster; appointments processes should be open and transparent and staff be protected from unfair dismissal.

Another option is to establish a framework where all media have a public service function. In this case, public service obligations will be placed upon all broadcasters, probably through the regulatory authority that issues licenses. This approach needs to be considered very carefully.

It may well be appropriate in a very divided society where all the media has been affected by conflicts in the transition to democracy, or in circumstances where state revenues are so scarce that there is no realistic possibility of providing any state funding for a single PSB (as is the case where fiscal revenues are very low).

Whichever approach is adopted, independent civil society has a role to play as a watchdog, ensuring that the public service remit is fulfilled. Consideration should therefore be given to the creation of media forums which involve civil society and which can consider the performance of the public broadcaster and the policies of the governing body.

There needs to be a consistent commitment to consultation with the public, through civil society organisations and through the political parties and other forums. In new or restored democracies establishing the legitimacy of a single national voice is vital. There needs to be – for example – news bulletins and programmes which everyone in the society can watch, regardless of their position on issues of the day, confident that they are receiving balanced and authoritative coverage.

PRIVATE BROADCASTING

A crucial role for the governing authority and the regulator is providing the ground rules that enable fair competition between the public broadcaster and the private broadcasters. The government's main responsibility is to ensure a level playing field economically. In particular there should no attempt to use the tax system to favour one broadcaster over another.

The allocation of government advertising must be strictly monitored to ensure fair access by all media. License fees should not be set so high as to favour the wealthiest and most powerful corporations – the ideal is to create relatively low entry costs.

In general, while it is impossible to be prescriptive in the abstract, any economic measures that affect the media should be fair, transparent and non-discriminatory. The regulator has an important role to play in overseeing more complex issues that involve the fostering of a dual broadcasting system (public and private). It is unrealistic to think that modern PSBs can be created solely on the basis of public funds – they will nearly all require a degree of advertising. There is a role for a competition regulator in this field as well as the broad cast regulator – the mix of powers being dependent upon the general capacity of the state to support such institutions.

ECONOMIC SUPPORT

In many societies the market for the media is very weak. In these circumstances the media, particularly newspapers are funded by powerful groups – parties, factions, businesses – to act as mouthpieces for their own interests. A good public service broadcaster is one possible antidote to this. Creating a climate where a genuine media market can develop is another. International support

can be crucial in providing support with start up costs, professional expertise, even equipment and materials. What new and restored democracies should be wary of however is allowing the international community's funding to act as a substitute for the development of a domestic market.

One possible model is to establish a Media Development Fund, administered by respected local media professionals from across all communities, which can provide low cost loans to help new media get established. Models for this exist in different parts of the world. Loans are preferable to grants as they encourage serious business plans and moves towards genuine economic independence. While financial support should not be made conditional upon a particular editorial approach, which would compromise the independence of the media, it is reasonable to impose some conditions that will help produce professional balanced journalism. For example, financial support could be made conditional upon non-discriminatory employment practices, or on an insistence that jobs are not the exclusive preserve of one ethnic group. Another approach would be to establish a not-for-profit holding company that has a major stake in leading media companies, which guarantees editorial independence and uses its profits to promote the objectives of free expression through grants and activities.

CULTURE AND JOURNALISM

Laws are the foundations of a democratic society and economic structures and reality determine the broad shape of the media. Neither however is any guarantee of independent, balanced, professional journalism. They can provide the conditions for independent professional journalism to flourish but no more than that. New and restored democracies should consider how to help build a culture of professional journalism. There are a number of international organisations of journalists and employers that support this activity and the programmes may be of value.

In some areas media centres have been established to provide a professional base for journalists to work, receive training and support. It seems sensible for new and restored democracies to encourage media organisations to cooperate in establishing such a centre – in the past competing proposals or even competing centres have complicated the media environment.

Journalism training should be given a high priority. Past experience suggests that such training concentrates on the following areas:
 • Building a general awareness of democracy and human rights
 • Encouraging independent analysis and thought
 • The techniques of investigative journalism.

Most professionals are influenced by their peers – in fact peer pressure is the most likely means of improving skills and ethics. For this reason the establishment of an independent journalist association should be given a high priority, linked to a respected international association like the International Federation of Journalists. Such an association can provide a direct advocacy on behalf of the profession, particularly on pay and conditions issues and on

questions such as unfair dismissal cases between local staff and employers, in which it would be unwise for the international community to intervene. In parallel to this, steps should be taken to foster – through civil society initiatives – the development of employers associations, linked in turn to the World Association of Newspapers or the Association of Independent Broadcasters.

The most important role for these associations is in creating a climate of self-regulation. Self regulation is always better than imposed regulation because it is likely to be more effective (people are always more committed to freely chosen values than to those forced upon them) and, of course, it respects the independence of the media. Such associations provide useful means of disseminating good practice, and can help create peer pressure to respect editorial independence, human rights norms and democratic values.

CIVIL SOCIETY

Trade unions and employers associations are one manifestation of civil society but there are many others which play an important role in helping foster the conditions for media development. One weakness that may have to be overcome in a new or restored democracy is the absence of a stable civil society and of a culture in which the values of freedom of expression are assumed. While regulation can play and important role in creating the climate for this culture, it cannot guarantee it. A whole range of civil society groups will have an interest and a stake in the media coverage of their society. They can monitor the media regularly and can play an important role during elections checking for evidence of bias. They can also play a significant role in helping shape media policy providing an interface between the practitioners, public officials, the international community and the general public.

Providing the structural stability for the media in new and restored democracies requires the right blend of a mix of approaches. It will almost certainly need a legal and policy strand, some kind of economic support, careful thought given to establishing the right mix of media structures. It will require fostering an active climate of professional journalism and civil society intervention. In these circumstances there will be a need for on-going research, monitoring and evaluation of the approach adopted. Local organisations and media professionals can work with international organisations and experts but primacy should be given to local control and direction of policies. New and restored democracies should be aware that the media environment of a country is not just shaped by domestic forces. Local communities will have access to international media outside of the country's context – the World Service, Voice of America and a range of European alternatives will provide coverage that does not derive from local experiences. The internet and VoIP protocols permit a new kind of citizen journalism that transcends traditional media boundaries. The priority for a new or restored democracy is to create a domestic media that can help support democracy and human rights in the country concerned. This in turn will require sustained and serious commitment by the country and by any

international donors that are involved in reconstruction. It will also require the ability to learn from past mistakes– a process that is assisted enormously if new and restored democracies can share information and expertise.

DIFFERENCES IN JOURNALISTIC PRACTICE

In order to make some generalized comparisons of journalists and journalistic practice in the United States, in English-speaking Canada, and in French-speaking Canada, it is necessary to indulge in some oversimplifications about groups which, in themselves, tend to be rather complex and diverse. Lysiane Gagnon, in her discussion of "Journalism and Ideologies in Quebec," offers a useful starting point in her review of the classic work by Siebert, Peterson, and Schramm on The Four Theories of the Press, which provides a framework for generalizing about differences between these three groups of journalists and for beginning to identify the French, English, and American influences on the practice of journalism in North America.

While the so-called "social responsibility" theory of the press grew out of the 1947 report of the Hutchins Commission on Freedom of the Press in the United States, American journalists have tended not to accept its basic premise, which calls for government intervention when and if the media fail to act responsibly.

For the most part, they continue to subscribe to the more libertarian view and its imperative that the press be free from government control and influence. However, the most recent national survey of journalists in the United States reveals a shift in the perceived functions of journalism favouring some of the original recommendations of the Hutchins Commission. As Weaver and Wilhoit explain, "most journalists in 1992 appeared to have a `belief system' that reflected the Commission's goal of investigating `the truth about the facts' and providing `a context which gives them meaning.'"

Concerning the appropriate role for government, journalists in English Canada, who share British traditions allowing for more government secrecy and control of information and the reporting of information, are more tolerant than their American counterparts of government intervention and control. And by further comparison, journalists on French-language media in Quebec subscribe even more to the tenets of the social-responsibility theory and are willing to accept an even greater role for government involvement in media matters to assure the public's right to information.

According to Fulford, English-Canadian journalists have inherited most of their techniques from Britain and the United States, except for the extensive foreign correspondence of British journalism and the investigative reporting in the United States. Further, and perhaps more important, is his observation that English-Canadian newspapers tend to mix elements of British and American heritage and share the ideal which involves truth, completeness, and justice. Explaining that English-Canadian journalists seek "to report the truth," Fulford quotes publisher Stuart Keate who wrote that "Any publisher, editor or reporter

worth his salt recognizes that he has only one basic duty to perform: to dig for the truth; to write it in language people can understand; and to resist all impediments to its publication."

While changes in English-Canadian journalism during this century have paralleled similar changes in the United States, journalism in Quebec has been more influenced by French models that include government distribution agencies, newspapers with more readily identifiable political leanings, and greater acceptance of government intervention in media affairs. The latter is linked to the basic tenet of the social-responsibility theory of the press which, according to Gagnon, has become more accepted by journalists in the province of Quebec than anywhere else in North America. One of the recent presidents of Quebec's federation of professional journalists, Real Barnabe, supported this observation by writing: "Now that they have acquired the conditions under which they may practice their profession with dignity, never have they Quebec journalists been so preoccupied by their responsibilities."

Gagnon further explains that the notion of freedom of the press, which was widely accepted by Quebec journalists in the 1940s and 1950s, has given way to a more complex concept of the public's "right to know," and that this has enjoyed considerable success in Quebec, certainly more than it has in English Canada and, with even more reason, the United States. Part of the explanation for this has to do with the French traditions and perspectives which place a greater value on collectivism over individualism.

As Siebert, Peterson, and Schramm explain in their classic work, the social responsibility theory is "in closer harmony with a collectivist theory of society than with the individualistic theory from which the libertarian system sprang."

Other ways in which the French tradition has contributed to differences between French and English journalism and journalists in Canada include: the emphasis on analysis over simple reporting of facts; the tendency to treat matters conceptually rather than in terms of people and events; the need to rationalize; and a greater personalization of articles and editorials. This is not to say that Quebec journalists are less committed to the facts and to being factual. A recent study by Pritchard and Sauvageau, for example, found that Quebec journalists are more likely than other Canadian journalists to think that it is important to accurately report comments from news sources. Similarly, an earlier study by Langlois and Sauvageau, which also documented this commitment to the facts, found there to be considerable variation among newspaper journalists in Quebec.

Concerning the greater personalization of articles and editorials, mentioned above, Siegel found in his study of the coverage of the FLQ crisis in 1970 that the French-language papers tended to project an image of self-importance in a variety of ways including "frequent reference to media and journalists; personalized coverage which, at times, included the raising of rhetorical questions which they then proceeded to answer; and editorials written in the first person."

Another conclusion he reached point to still another important difference between journalism in English and French Canada. Following a comparison of coverage of several major issues or events, as well as a comparison of French and English broadcasting, Siegel found a homogeneity of outlook in the French press system.

"Of particular interest is the leadership role in French-Canadian society in which French-language journalists see them-selves. The articulation of a clearly defined value system is evident in French-language journalism, a practice that goes back a long time."

He found no such uniformity of outlook on the part of the English press, which he termed "fragmented." His conclusion is reinforced by David Thomas, an English-speaking journalist from Quebec: "Unity of thought was, and remains, infinitely more obvious in Quebec's French-language media—a phenomenon implicitly recognized by politicians and journalists who repeatedly point to the harsher treatment accorded the government by the English media."

Dominque Clift, a Montreal author and free-lance journalist who worked for major Canadian newspapers in both French and English Canada, characterized this uniformity of French-language journalists in a different way: the way in which they viewed themselves and their role in Quebec society.

In his article, "Solidarity on a Pedestal: French Journalism in Quebec," he charged that "French journalists see for themselves a much more exalted role in society than do their English-speaking counterparts," adding that: "It is in the actual practice of journalism that French and English writers differ in the most pronounced manner. It has to do with the way in which journalists look upon themselves, their profession, their public, as well as on their employers."

But Florian Sauvageau, in his more systematic study of journalists on French-language dailies in Quebec, could find no such homogeneity in Quebec's journalistic circles. Instead, he found changes in Quebec media to parallel those in the modern corporate media of North America. Those include: the tendency to view newspapers as, first and foremost, businesses and journalists as "news workers"; journalists talking not so much in terms of "news" but of the "product"; and business and marketing functions gradually replacing the news function.

Journalists are far from all being those radicals trying to control the news, as depicted a few years ago with some help from the pronouncements of the most militant of them. There are some, of course, who still turn for inspiration to the theses of the news as a driving force, and journalism as a tool for development, seeing themselves as agents of change and keeping up with the rhetoric of the 1960s and 1970s.

However, a good number are content simply to report the remarks of the dignitaries they meet, or to get the news out as quickly as possible.

The result, he said, is that the work of journalists is becoming more and more routine and fairly unfulfilling, and that this is partly due to the rigid application of certain clauses in collective agreements between journalists and

management. In summary, this brief review of research and commentary on journalists and journalism in the United States, English Canada, and Quebec provides some insight into how the practice of journalism in these different settings has been influenced in a variety of ways by English, French, and American traditions.

Our concern, however, is in how these different traditions or perspectives may have resulted in journalistic practices that vary in their tendencies to promote individualism or to serve the community or broader societal interests.

ANECDOTAL EVIDENCE

Despite the growing body of literature from systematic studies of journalists in Canada and the United States, most of the "evidence" about how journalists and journalistic practices differ between the two countries tends to be anecdotal rather than the result of formal research. There are some exceptions, of course. For example, we already reported how the most recent national survey of journalists in the United States shows a shift towards some of the values articulated by the Hutchins Commission, which advanced the "social-responsibility" theory of the press. Also, French-language journalists in Canada tend to be more willing than their English-Canadian and especially their American counterparts to perceive the press as a public service that can be regulated by the government. As evidence, Langois and Sauvageau found that nearly two-thirds of the French-speaking journalists in their study agreed that the state should intervene in the field of information. Even before the Kent Commission issued its report and recommendations in 1981, Sauvageau argued that the government might intervene to assure the citizen's right to information, similar to the way it has done in education and health care.

More often, though, evidence is used to explain how the traditions and perspectives of journalists in Canada and the United States vary considerably in terms of tolerance for intervention by government and the courts in ways that limit the media and the practice of journalism. This chapter began with a good example of this variety by comparing reactions to the decision in the United States to publish the Unibomber's manifesto with reaction to CBC cooperation with the RCMP in meeting broadcast demands of a group of renegades in British Columbia. Another example is reaction to certain recommendations of the Kent Commission on Newspapers. Following the simultaneous sale of newspapers in Winnipeg and Ottawa by two major Canadian newspaper groups, the federal government established the Kent Commission in 1980 and authorized it to study the new newspaper industry and make recommendations to the government. One of the more controversial recommendations called for the establishment of a Press Rights Panel within the Canadian Human Rights Commission.

Response came mainly from representatives and publishers of newspapers owned by large newspaper groups in Canada. The reaction was tempered and mild compared to what one would expect in the United States if similar

recommendations were to come out of a government committee that spent more than $3 million to investigate the daily newspaper industry. Reactions in the United States to any threat of government intervention or control in media affairs tend to be immediate and predictable. Media owners and spokespersons for associations of journalists, particularly in the print media, are quick to call "infringement" and issue charges of improper violations of cherished First Amendment guarantees of freedom of the press.

Still another example has to do with media coverage of criminal trials. During the months of exhaustive coverage and commentary related to the O.J. Simpson trial in the United States, a trial court judge in Ontario issued a restraining order on the media in the Paul Bernardo murder trial that included, as well, a ban on publication of most information from his wife's trial several months earlier. Canadian journalists complained but complied with the court order, while American journalists in neighbouring border cities did not, continuing what one U.S., newspaper editor had earlier referred to as a "border battle with Canadian law."

These examples help illustrate the differences between Canada and the United States in terms of their legal systems, judicial traditions, and accepted journalistic practice and show a stronger commitment in Canada to the values of community over the individual rights of journalists and the news media.

Discussion

Important differences in the traditions of law and in the practice of journalism in Canada and the United States result in different approaches to how the rights of the news media are appropriately balanced against the needs of the community and the broader interests of society. To begin with, while the two legal systems share a similar tradition in English Common Law, their judicial and political approaches are different in important ways. As Lipset and Pool explain, while both nations seek to protect the rights of the individual while promoting and protecting the general welfare of the community, they do "strike different balances, with Canada tipping towards the interests of the community, and the United States towards the individual."

This review of the development of media law in the two countries shows that the courts on both sides of the border have expressed a strong commitment to the principle of a free press. However, Canadian courts have been less likely than those in the United States to provide strict protections for the media to publish without government restraint or interference. This is most obvious in matters related to coverage of the courts, where judicial restraints are more allowable in Canada. Also, Canadian courts have permitted government bans on the publication of truthful information, lawfully obtained, while American courts have held that such bans on the press or punishment for publishing such information is uncon-stitutional. Also, media in the United States are allowed greater latitude to criticize public officials than are media in Canada, where the courts have been reluctant to adopt the American approach to civil libel.

In other areas, however, involving newsgathering, the duty to testify, and access to information, the courts in both countries have attempted to balance the rights of the news media against the broader interests of society.

Apart from differences in the law are differences in the practice of journalism in Canada and the United States. Journalists in Canada are more inclined towards a "social responsibility" view of the role of the media in society. While this particular perspective was proposed by the prestigious Hutchins Commission on Freedom of the Press in the United States, American journalists have tended not accept its basic premise, which calls for government intervention when and if the media fail to act responsibly.

For the most part, they continue to subscribe to the more libertarian view and its imperative that the media be free from government influence and control. Canadian journalists, however, whether sharing British traditions that allow for more government secrecy and control of information or French traditions that are more accepting of government intervention in media affairs, tend to be more tolerant of government intervention in ways that directly affect the media while serving the broader needs and interests of society.

The most recent national survey of American journalists suggests that there may be some shift towards some of the goals of the Hutchins Commission, which originally proposed the social responsibility model.

Some Future Considerations

There is, and has been, considerable discussion about the Constitution in Canada since the Charter of Rights and Freedoms was adopted in 1982. However, little if any of the controversy centers around concerns over government control of the media or court limitations of Charter guarantees of press freedom. This is not to say that journalists and media owners in Canada do not have concerns about these issues or that they would not prefer greater freedom and less government control. It is just that these are not major concerns, at least not compared to the larger constitutional issues being discussed.

This is not the case in the United States, where journalists and media owners have long been eager and vocal critics of any attempts by government or the courts to limit press freedoms and violate their First Amendment guarantees. However, the growing criticism and concerns about court interpretations of the speech-press clause in the United States are coming from nonmedia sources who are concerned about too much freedom at the expense of other interests, particularly the rights and interests of disadvantaged groups like women and minorities. In particular, concerns being raised by feminists, critical scholars and, especially, critical legal theorists are that the court's continuing emphasis on protecting press freedoms serves only to advance the status quo and favours the special interests of corporate-owned media conglomerates.

These are variations of the same kinds of criticism and concerns expressed by Jerome Barron, who argued nearly thirty years ago that "Our constitutional theory is in the grip of a romantic conception of free expression, a belief that

the `marketplace of ideas' is freely accessible. But if ever there were a self operating marketplace of ideas, it has long ceased to exist." He went on to argue for a legal right of access to the media to provide citizens with the kind of marketplace originally intended by the Founding Fathers.

Barron, an American, raises these same concerns over recent developments in media law in Canada, and a growing number of critical theorists and legal scholars in Canada are expressing concerns of their own about constitutional developments related to court interpretations of the Canadian Charter of Rights and Freedoms. Michael Mandel, for example, frames his criticisms in terms of what he calls "The legalization of politics in Canada," and argues that the representative institutions like Parliament, the legislatures, and municipal councils "are now being pushed from centre stage and told what they can and cannot do by judges elected by and accountable to nobody."

David Schneiderman, in his edited volume on Freedom of Expression and the Charter, explains that critics are not optimistic about the consequences of the constitutionalization of freedom of expression in Canada and are concerned that the Charter favours the value system of liberal individualism over the collectivist aims of the modern welfare state. In the United States, concerns are also being raised in journalistic circles about the status of American journalism, about public criticism of the press, and about the appropriate roles and responsibilities of the media in a free democratic society.

One of the best recent books on this subject is by Anderson, Dardenne, and Killenberg, who argue for a more ecumenical, constructive, participative, and democratically responsive role for journalism's institutional future. Other recent authors like Davis Merritt, Jay Rosen, and James Fallows have called for a revision in journalistic practices in order to promote community through civic or public journalism. This approach has challenged the way responsible media report on and relate to the communities they serve.

As Dennis and Merrill put it, "The new communitarians are waging a rhetorical war against Enlightenment liberalism—against individualism and libertarianism." More specifically, Christians argues that journalists should discard the liberal politics of rights, which "rests on unsupportable foundations," and that such rights should be "given up for a politics of the common good."

In response, critics of this approach argue that it "confuses journalism with community organization, a social work concept" and are concerned that if journalists became activists and took positions on community issues, they would lose "any claim to impartiality and would sacrifice credibility."

In summary, what emerges from a review of issues like these is the fact that some of the basic foundations of law and journalistic practice are being challenged in very significant ways by credible practitioners and scholars in Canada and the United States alike.

This is all part of the important ongoing discussions about how to appropriately balance the freedoms of the press and other media of communication against the larger interests of society, and about how to frame

the practice of journalism in the best way possible to serve the democratic process. The quality of these discussions on both sides of the border can be enhanced by examining the experiences in both countries and, indeed, in other societies, to see how these issues are being played out against the backdrop of different traditions, practices, values, and beliefs.

THE MASS MEDIA IN INDIA

Mass media in India, especially news media, are undergoing significant changes in the current liberalised environment. To understand these changes, it is useful to examine the road traversed so far. This requires looking at media in two phases of India's history - pre-colonial and post-colonial. Each medium has taken its own evolutionary path.

Compared with many other developing countries, the Indian press has flourished since independence and exercises a large degree of independence. In 2001, India had 45,974 newspapers, including 5364 daily newspapers published in over 100 languages. The largest number of newspapers were published in Hindi (20,589), followed by English (7,596), Marathi (2,943), Urdu (2,906), Bengali (2,741), Gujarati (2,215), Tamil (2,119), Kannada (1,816), Malayalam(1,505) and Telugu (1,289). The Hindi daily press has a circulation of over 23 million copies, followed by English with over 8 million copies. There are several major publishing groups in India, the most prominent among them being the Times of India Group, the Indian Express Group, the Hindustan Times Group, The Hindu group, the Anandabazar Patrika Group, the MalayalaManorama Group (Malayala Manorama is the largest circulated daily newspaper in India), the Sahara group, the Bhaskar group, and the Jagran group. India has more than forty domestic news agencies. The Express News Service, the Press Trust of India, and the United News of India are among the major news agencies.

Colonial Journalism

William Bolts, an ex-employee of the British East India Company attempted to start the first newspaper in India in 1776. Bolts had to beat a retreat under the disapproving gaze of the Court of Directors of the Company.

Bengal

The *Hickey's Bengal Gazette or the Calcutta General Advertiser* was started by James Augustus Hickey in 1780. The *Gazette*, a two-sheet newspaper, specialised in writing on the private lives of the Sahibs of the Company. He dared even to mount scurrillious attacks on the Governor-General, Warren Hastings', wife, which soon landed "the late printer to the Honourable Company" in trouble.

Hickey was sentenced to a 4 months jail term and Rs.500 fine, which did not deter him. After a bitter attack on the Governor-General and the Chief Justice, Hickey was sentenced to one year in prison and fined Rs.5,000, which finally drove him to penury. These were the first tentative steps of journalism in India.

Calcutta

B.Messink and Peter Reed were pliant publishers of the *India Gazette*, unlike their infamous predecessor. The colonial establishment started the *Calcutta Gazette*. It was followed by another private initiative the *Bengal Journal*. The *Oriental Magazine of Calcutta Amusement*, a monthly magazine made it four weekly newspapers and one monthly magazine published from Calcutta, now Kolkata.

Madras (Chennai)

The *Madras Courier* was started in 1785 in the southern stronghold of Madras, which is now called Chennai. Richard Johnson, its founder, was a government printer. Madras got its second newspaper when, in 1791, Hugh Boyd, who was the editor of the *Courier* quit and founded the *Hurkaru*. Tragically for the paper, it ceased publication when Boyd died within a year of its founding. It was only in 1795 that competitors to the *Courier* emerged with the founding of the *Madras Gazette* followed by the *India Herald*. The latter was an "unauthorised" publication, which led to the deportation of its founder Humphreys. The *Madras Courier* was designated the purveyor of official information in the Presidency. In 1878, The Hindu was founded, and played a vital role in promoting the cause of Indian independence from the colonial yoke. It's founder, Kasturi Ranga Iyengar, was a lawyer, and his son, K Srinivasan assumed editorship of this pioneering newspaper during for the first half of the 20th century. Today this paper enjoys the highest circulation in South India, and is among the top five nationally.

Bombay

Bombay, now Mumbai, surprisingly was a late starter - *The Bombay Herald* came into existence in 1789. Significantly, a year later a paper called the *Courier* started carrying advertisements in Gujarati.

The first media merger of sorts: The *Bombay Gazette*, which was started in 1791, merged with the *Bombay Herald* the following year. Like the *Madras Courier*, this new entity was recognised as the publication to carry "official notifications and advertisements".

'A Chronicle of Media and the State', by Jeebesh Bagchi in the *Sarai Reader 2001* is a handy timeline on the role of the state in the development of media in India for more than a century. Bagchi divides the timeline into three 'ages'. The Age of Formulation, which starts with the Indian Telegraph Act in 1885 and ends with the Report of the Sub-Committee on Communication, National Planning Committee in 1948.

Post Colonial Journalism

The Age of Consolidation that follows stretches from 1951, with the extension of the Indian Telegraph Act to the whole of India and ends with the promulgation

of the "Indecent Representation of Women (Prohibition) Act" in 1985. The current age is the Age of Uncertainty, which began in 1989 with the introduction of the Prasar Bharati (Broadcasting Corporation of India) Bill.

Two News Agencies

Press Trust of India (PTI) and United News of India (UNI) are the two primary Indian news agencies. The former was formed after the it took over the operations of the Associated Press of India and the Indian operations of Reuters soon after independence on August 27, 1947. PTI is a non-profit cooperative of the Indian newspapers.

UNI began its operations on March 21, 1961, though it was registered as a company in 1959 itself.

Popular Publications in Urban India

- *Malayala Manorama* (Malayalam daily).
- *Mathrubhumi* ([2] daily).
- *Madhyamam* (Leading Malayalam daily from Calicut)([3] daily).
- *Dainik Jagran* (Hindi daily) 19.2 million readers (IRS 2005).
- *The Times of India* (English daily) 7.05 million readers (IRS 2005).
- *Amar Ujala* (Hindi daily).
- *Anandabazar patrika* (Bengali daily).
- *Lokmat* (Hindi daily).
- *India Today* (weekly; Hindi edition most popular).
- *Sambhaav* (Gujarati daily).
- *Gujarat Samachar* (Gujarati daily).
- Daily Thanthi (Tamil daily with 14 editions and a circulation of 790,900).

Popular English Dailies in Urban India

- The Times of India.
- Hindustan Times.
- The Hindu.
- The Telegraph.
- Deccan Chronicle.
- The Asian Age.
- The Economic Times.
- The New Indian Express.
- Mid-Day.
- Deccan Herald.
- Indian Express.
- India today.
- Outlook.
- India's Wine Publication.

Television in India

A huge industry by itself, the Indian silver screen has thousands of programmes in all the states of India. The small screen has produced numerous celebrities of their own kind some even attaining national fame. TV soaps are extremely popular with housewives as well as working women. Some small time actors have made it big in Bollywood.

Indian television started off in 1959 in New Delhi with tests for educational telecasts. Indian small screen programming started off in the early 1980s. At that time there was only one national channel Doordarshan, which was government owned. The Ramayana and Mahabharat was the first major television series produced. This serial notched up the world record in viewer ship numbers for a single programme. By the late 1980s more and more people started to own television sets. Though there was a single channel, television programming had reached saturation. Hence the government opened up another channel which had part national programming and part regional. This channel was known as DD 2 later DD Metro. Both channels were broadcasted terrestrially. Interestingly the Government of India required Licenses that TV owners needed to acquire during the initial years of the spread of Television (including the 1970s). A seemingly authoratarian, but obviously poorly thought out scheme that died a silent death and almost surely had no meaningful purpose while it lasted.

Television in India has been in existence for nigh on four decades. For the first 17 years, it spread haltingly and transmission was mainly in black & white. The thinkers and policy makers of the country, which had just been liberated from centuries of colonial rule, frowned upon television, looking on at it as a luxury Indians could do without. In 1955 a Cabinet decision was taken disallowing any foreign investments in print media which has since been followed religiously for nearly 45 years. Sales of TV sets, as reflected by licences issued to buyers were just 676,615 until 1977. Television has come to the forefront only in the past 21 years and more so in the past 13. There were initially two ignition points: the first in the eighties when colour TV was introduced by state-owned broadcaster Doordarshan (DD) timed with the 1982 Asian Games which India hosted. It then proceeded to install transmitters nationwide rapidly for terrestrial broadcasting. In this period no private enterprise was allowed to set up TV stations or to transmit TV signals. The second spark came in the early nineties with the broadcast of satellite TV by foreign programmers like CNN followed by Star TV and a little later by domestic channels such as Zee TV and Sun TV into Indian homes. Prior to this, Indian viewers had to make do with DD's chosen fare which was dull, non-commercial in nature, directed towardsonly education and socio-economic development.

Entertainment programmes were few and far between. And when the solitary few soaps like Hum Log (1984), and mythological dramas: Ramayan (1987-88) and Mahabharat (1988-89) were televised, millions of viewers stayed glued to their sets   When, urban Indians learnt that it was possible to watch the Gulf

War on television, they rushed out and bought dishes for their homes. Others turned entrepreneurs and started offering the signal to their neighbours by flinging cable over treetops and verandahs. From the large metros satellite TV delivered via cable moved into smaller towns, spurring the purchase of TV sets and even the upgradation from black & white to colour TVs. DD responded to this satellite TV invasion by launching an entertainment and commercially driven channel and introduced entertainment programming on its terrestrial network. This again fuelled the purchase of sets in the hinterlands where cable TV was not available.

The initial success of the channels had a snowball effect: more foreign programmers and Indian entrepreneurs flagged off their own versions. From two channels prior to 1991, Indian viewers were exposed to more than 50 channels by 1996. Software producers emerged to cater to the programming boom almost overnight. Some talent came from the film industry, some from advertising and some from journalism.

More and more people set up networks until there was a time in 1995-96 when an estimated 60,000 cable operators were existing in the country. Some of them had subscriber bases as low as 50 to as high as in the thousands. Most of the networks could relay just 6 to 14 channels as higher channel relaying capacity required heavy investments, which cable operators were loathe to make. American and European cable networks evinced interest, as well as large Indian business groups, who set up sophisticated headends capable of delivering more than 30 channels.

These multi-system operators (MSOs) started buying up local networks or franchising cable TV feeds to the smaller operators for a fee. This phenomenon led to resistance from smaller cable operators who joined forces and started functioning as MSOs. The net outcome was that the number of cable operators in the country has fallen to 30,000. The rash of players who rushed to set up satellite channels discovered that advertising revenue was not large enough to support them. This led to a shakeout. At least half a dozen either folded up or aborted the high-flying plans they had drawn up, and started operating in a restricted manner. Some of them converted their channels into basic subscription services charging cable operators a carriage fee.

Foreign cable TV MSOs discovered that the cable TV market was too disorganised for them to operate in and at least three of them decided to postpone their plans and got out of the market.. The government started taxing cable operators in a bid to generate revenue. The rates varied in the 26 states that go to form India and ranged from 35 per cent upwards. The authorities moved in to regulate the business and a Cable TV Act was passed in 1995. The apex court in the country, the Supreme Court, passed a judgement that the air waves are not the property of the Indian government and any Indian citizen wanting to use them should be allowed to do so. The government reacted by making efforts to get some regulation in place by setting up committees to suggest what the broadcasting law of India should be, as the

sector was still being governed by laws which were passed in 19th century India. A broadcasting bill was drawn up in 1997 and introduced in parliament. But it was not passed into an Act. State-owned telecaster Doordarshan and radiocaster All India Radio were brought under a holding company called the Prasar Bharati under an act that had been gathering dust for seven years, the Prasar Bharati Act, 1990. The Act served to give autonomy to the broadcasters as their management was left to a supervisory board consisting of retired professionals and bureaucrats. A committee headed by a senior Congress (I) politician Sharad Pawar and consisting of other politicians and industrialist was set up to review the contents of the Broadcasting Bill. It held discussions with industry, politicians, and consumers and a report was even drawn up.

But the United Front government fell and since then the report and the Bill have been consigned to the dustbin. But before that it issued a ban on the sale of Ku-band dishes and on digital direct-to-home Ku-band broadcasting, which the Rupert Murdoch-owned News Television was threatening to start in India. ISkyB, the Murdoch DTH venture, has since been wallowing in quicksand and in recent times has even shed a lot of employees. But News Corp has been running a C-band DTH venture in the country which has around 20,000 subscribers.   In 1999, a BJP-led government has been threatening to once again allow DTH Ku-band broadcasting and it has been talking of dismantling the Prasar Bharati and once again reverting Doordarshan's and All India Radio's control back in the government's hands. Some things change only to remain the same.

Cable Television

In 1992, the government liberated its markets, opening them up to cable television. Five new channels belonging to the Hong Kong based STAR TV gave Indians a fresh breath of life. MTV, Star Plus, BBC, Prime Sports and STAR Chinese Channel were the 5 channels. Zee TV was the first private owned Indian channel to broadcast over cable. A few years later CNN, Discovery Channel, National Geographic Channel made its foray into India. Star expanded its bouquet introducing Star World, Star Sports, ESPN and Star Gold. Regional channels flourished along with a multitude of Hindi channels and a few English channels. By 2001 HBO and History Channel were the other international channels to enter India. By 2001-2003, other international channels such as Nickelodeon, Cartoon Network, VH1, Disney and Toon Disney came into foray. In 2003 news channels started to boom.

2

The Function of Journalism within Democratic Systems

In the 1920s, as modern journalism was just taking form, writer Walter Lippmann and American philosopher John Dewey debated over the role of journalism in a democracy. Their differing philosophies still characterize a debate about the role of journalism in society and the nation-state. Lippmann understood that journalism's role at the time was to act as a mediator or translator between the public and policy making elites. The journalist became the middleman. When elites spoke, journalists listened and recorded the information, distilled it, and passed it on to the public for their consumption. His reasoning behind this was that the public was not in a position to deconstruct the growing and complex flurry of information present in modern society, and so an intermediary was needed to filter news for the masses. Lippman put it this way: The public is not smart enough to understand complicated, political issues. Furthermore, the public was too consumed with their daily lives to care about complex public policy.

Therefore the public needed someone to interpret the decisions or concerns of the elite to make the information plain and simple. That was the role of journalists. Lippmann believed that the public would affect the decision-making of the elite with their vote. In the meantime, the elite (*i.e.*, politicians, policy makers, bureaucrats, scientists, *etc.*) would keep the business of power running. In Lippman's world, the journalist's role was to inform the public of what the elites were doing. It was also to act as a watchdog over the elites, as the public had the final say with their votes. Effectively that kept the public

at the bottom of the power chain, catching the flow of information that is handed down from experts/elites. Dewey, on the other hand, believed the public was not only capable of understanding the issues created or responded to by the elite, it was in the public forum that decisions should be made after discussion and debate. When issues were thoroughly vetted, then the best ideas would bubble to the surface. Dewey believed journalists should do more than simply pass on information. He believed they should weigh the consequences of the policies being enacted. Over time, his idea has been implemented in various degrees, and is more commonly known as "community journalism."

This concept of *community journalism* is at the centre of new developments in journalism. In this new paradigm, journalists are able to engage citizens and the experts/elites in the proposition and generation of content. It's important to note that while there is an assumption of equality, Dewey still celebrates expertise. Dewey believes the shared knowledge of many is far superior to a single individual's knowledge. Experts and scholars are welcome in Dewey's framework, but there is not the hierarchical structure present in Lippman's understanding of journalism and society. According to Dewey, conversation, debate, and dialogue lie at the heart of a democracy.

While Lippman's journalistic philosophy might be more acceptable to government leaders, Dewey's approach is a better description of how many journalists see their role in society, and, in turn, how much of society expects journalists to function. Americans, for example, may criticize some of the excesses committed by journalists, but they tend to expect journalists to serve as watchdogs on government, businesses and other actors, enabling people to make informed decisions on the issues of the time.

THE ELEMENTS OF JOURNALISM

According to *The Elements of Journalism*, a book by Bill Kovach and Tom Rosenstiel, there are nine elements of journalism. In order for a journalist to fulfil their duty of providing the people with the information they need to be free and self-governing.

They must follow these guidelines:
1. Journalism's first obligation is to the truth.
2. Its first loyalty is to the citizens.
3. Its essence is discipline of verification.
4. Its practitioners must maintain an independence from those they cover.
5. It must serve as an independent monitor of power.
6. It must provide a forum for public criticism and compromise.
7. It must strive to make the significant interesting, and relevant.
8. It must keep the news comprehensive and proportional.
9. Its practitioners must be allowed to exercise their personal conscience.

In the April 2007 edition of the book, they have added one additional element, *the rights and responsibilities of citizens* to make it a total of ten elements of journalism.

PROFESSIONAL AND ETHICAL STANDARDS

In the UK, all newspapers are bound by the Code of Practice of the Press Complaints Commission. This includes points like respecting people's privacy and ensuring accuracy. However, the Media Standards Trust has criticised the PCC, claiming it needs to be radically changed to secure public trust of newspapers. This is in stark contrast to the media climate prior to the 20th Century, where the media market was dominated by smaller newspapers and pamphleteers who usually had an overt and often radical agenda, with no presumption of balance or objectivity.

RECOGNITION OF EXCELLENCE IN JOURNALISM

There are several professional organizations, universities and foundations that recognize excellence in journalism in the USA. The Pulitzer Prize, administered by Columbia University in New York City, is awarded to newspapers, magazines and broadcast media for excellence in various kinds of journalism. The Columbia University Graduate School of Journalism gives the Alfred I. duPont-Columbia University Awards for excellence in radio and television journalism, and the Scripps Howard Foundation gives the National Journalism Awards in 17 categories. The Society of Professional Journalists gives the Sigma Delta Chi Award for journalism excellence. In the television industry, the National Academy of Television Arts & Sciences gives awards for excellence in television journalism.

FAILING TO UPHOLD STANDARDS

Such a code of conduct can, in the real world, be difficult to uphold consistently. Journalists who believe they are being fair or objective may give biased accounts—by reporting selectively, trusting too much to anecdote, or giving a partial explanation of actions. Even in routine reporting, bias can creep into a story through a reporter's choice of facts to summarize, or through failure to check enough sources, hear and report dissenting voices, or seek fresh perspectives.

A news organization's budget inevitably reflects decision-making about what news to cover, for what audience, and in what depth. Those decisions may reflect conscious or unconscious bias. When budgets are cut, editors may sacrifice reporters in distant news bureaus, reduce the number of staff assigned to low-income areas, or wipe entire communities from the publication's zone of interest.

Publishers, owners and other corporate executives, especially advertising sales executives, can try to use their powers over journalists to influence how news is reported and published. Journalists usually rely on top management to create and maintain a "firewall" between the news and other departments in a news organization to prevent undue influence on the news department. One journalism magazine, Columbia Journalism Review, has made it a practice to reveal examples of executives who try to influence news coverage, of

executives who do not abuse their powers over journalists, and of journalists who resist such pressures. Self-censorship is a growing problem in journalism, particularly in covering countries that sharply restrict press freedom. As commercial pressure in the media marketplace grows, media organizations are loath to lose access to high-profile countries by producing unflattering stories. For example, CNN admitted that it had practiced self-censorship in covering the Saddam Hussein regime in Iraq in order to ensure continued access after the regime had thrown out other media. CNN correspondent Christiane Amanpour also complained of self-censorship during the invasion of Iraq due to the fear of alienating key audiences in the US. There are claims that the media are also avoiding covering stories about repression and human rights violations by the Israeli and Iranian regimes in order to maintain a presence in those countries.

REPORTING VERSUS EDITORIALIZING

Generally, publishers and consumers of journalism draw a distinction between reporting — "just the facts" — and opinion writing, often by restricting opinion columns to the editorial page and its facing or "op-ed" (opposite the editorials) page. Unsigned editorials are traditionally the official opinions of the paper's editorial board, while op-ed pages may be a mixture of syndicated columns and other contributions, frequently with some attempt to balance the voices across some political or social spectrum.

The distinction between reporting and opinion can break down. In the UK, the Press Complaints Commission states that "the Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact" but some commentators have suggested there can sometimes be a blurring of opinion and fact. Complex stories often require summarizing and interpretation of facts, especially if there is limited time or space for a story. Stories involving great amounts of interpretation are often labelled "news analysis," but still run in a paper's news columns. The limited time for each story in a broadcast report rarely allows for such distinctions.

LEGAL STATUS

Journalists around the world often write about the governments in their nations, and those governments have widely varying policies and practices towards journalists, which control what they can research and write, and what press organizations can publish. Many Western governments guarantee the freedom of the press, and do relatively little to restrict press rights and freedoms, while other nations severely restrict what journalists can research and/or publish.

Journalists in many nations have enjoyed some privileges not enjoyed by members of the general public, including better access to public events, crime scenes and press conferences, and to extended interviews with public officials, celebrities and others in the public eye.

These privileges are available because of the perceived power of the press to turn public opinion for or against governments, their officials and policies, as well as the perception that the press often represents their consumers. These privileges extend from the legal rights of journalists but are not guaranteed by those rights. Sometimes government officials may attempt to punish individual journalists who irk them by denying them some of these privileges extended to other journalists.

Nations or jurisdictions that formally license journalists may confer special privileges and responsibilities along with those licenses, but in the United States the tradition of an independent press has avoided any imposition of government-controlled examinations or licensing. Some of the states have explicit shield laws that protect journalists from some forms of government inquiry, but those statutes' definitions of "journalist" were often based on access to printing presses and broadcast towers. A national shield law has been proposed.

In some nations, journalists are directly employed, controlled or censored by their governments. In other nations, governments who may claim to guarantee press rights actually intimidate journalists with threats of arrest, destruction or seizure of property (especially the means of production and dissemination of news content), torture or murder.

Journalists who elect to cover conflicts, whether wars between nations or insurgencies within nations, often give up any expectation of protection by government, if not giving up their rights to protection by government. Journalists who are captured or detained during a conflict are expected to be treated as civilians and to be released to their national government.

RIGHT TO PROTECT CONFIDENTIALITY OF SOURCES

Journalists' interaction with sources sometimes involves confidentiality, an extension of freedom of the press giving journalists a legal protection to keep the identity of a source private even when demanded by police or prosecutors; withholding sources can land journalists in contempt of court, or in jail.

The scope of rights granted to journalists varies from nation to nation; in the United Kingdom, for example, the government has had more legal rights to protect what it considers sensitive information, and to force journalists to reveal the sources of leaked information, than the United States. Other nations, particularly Zimbabwe and the People's Republic of China, have a reputation of persecuting journalists, both domestic and foreign.

In the United States, there has never been a right to protect sources in a federal court. Some states provide varying degrees of such protection. However, federal courts will refuse to force journalists to reveal sources, unless the information the court seeks is highly relevant to the case, and there's no other way to get it. Journalists, like all citizens, who refuse to testify even when ordered to can be found in contempt of court and fined or jailed.

RIGHT OF ACCESS

United States: In the United States, the Freedom of Information Act guarantees journalists the right to obtain copies of government documents, although the government has the right to black out some information from these documents. Other federal legislation also controls access to information.

Some states have more open policies for making information available, and some states have acted in the last decade to broaden those rights. New Jersey has updated and broadened its freedom of information legislation to better define what kinds of government documents can be withheld from public inquiry. Journalists in the state of Michigan have access to information based on the latest provisions from the state amended in 1996 PA 553 Office of the Michigan Attorney General.

Michigan's defined basic intent for the Freedom of Information Act (FIOA) is that it is an act that regulates and sets requirements for the disclosure of public records by all "public bodies" in the state.

The definition of a public body is any state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of the state government (it does not however include the governor, or lieutenant governor. Other bodies included are school boards, or bodies created or funded by state or local authority. A public record is something that is written regarding the performance of a official function held by any of the previously named bodies.

Accessing information in the state of Michigan is available for records that are made public, which includes all records held by those named previously, but not those specifically marked as exceptions. Items that are commonly held as public record include meeting notes, voting records, and written statements. Records can be found and kept in a number of manners; anywhere from typewritten to handwritten, to printed, photographed, or even audio recording. Items as such are also allowed to be kept as public record in a combination of mediums per type of information.

Some information however, is not allowed to be public knowledge and is not available to look up as a public record. A public body may (but is not required to) withhold information from the public. Some items are exempt from the FOIA such as personal information about an individual that may be a clear invasion of privacy. Other information includes that which may impair an individual of having a fair trial, disclose the identity of a confidential source, information gathered during an investigation, or that which may put law enforcement personnel in danger.

Accessing public records in the state of Michigan is made possible via a request in writing to the FOIA coordinator of the public body. One may ask to inspect, copy, or receive a copy of a public record. An individual of any age can request this type of information. The only individuals not entitled to making requests as such are prisoners in state, county, or federal correctional facilities. It is also the responsibility of the public body to respond within five

days of the request. There may be charges associated with copying, or providing the information requested. A denial may also be made by the public body in writing within the five day period, or within 15 business days if an extension is granted. If denied, the public body must provide a full explanation of the reason why the denial was made. A person does have the option to appeal a denial, or may take the request for disclosure to a circuit court.

If a court decides that a public body has violated the FOIA, it may grant the person looking for information, on top of providing the person with the information, hold the public body responsible for paying a $500 award to the individual looking for the information illegally denied.

Journalists can take this information in the State of Michigan and use it when looking up information that is pertinent to the topic under report or research and do so without violating privacy in order to justify stories or provide sources to enhance journalistic integrity.

India: In India, the Right to Information Act was passed in 2005, giving citizens the right to access state and national records.

France: In France, the freedom of press Act was passed in 1881, giving citizens the right to read and create any newspaper of his choice. In 1935, a new act was passed to protect the right of the journalist to work in good conditions, responding to the demand of the main journalist's Union, the 'Syndicat national des journalistes.

In 1971, two other unions, the Syndicat national des journalistes CGT, *and* Union syndicale des journalistes CFDT *signed the* charte de Munich*, a stylebook dedicated to protect the deontology and spirit of journalism on a broadbased attempt to boost it all over the world.*

ROLE OF THE GOVERNMENT AGENCIES

The Government's anti-corruption agencies conduct stings to nab the corrupt. Numbered and chemically treated currency notes are given to officials demanding bribes. This money is not the Government's, but the complainant's. It becomes case property during judicial processes against the accused. Providing money on Government account for stings is generally frowned upon as a means of encouraging corruption.

In the US, the FBI conducts nearly 170 operations a year, to investigate complaints of bribery, extortion, narcotics smuggling, sale of cigarettes to minors, child abuse, *etc.* Ground rules have been laid down over the years by departmental instructions and judicial rulings. One is that sting operations can be mounted only against persons against whom some evidence of criminality exists, and such an exercise is considered necessary for getting conclusive evidence.

Permission for stings must be obtained from appropriate courts or the Attorney-General. This safeguard has been put in place since those who organise stings may themselves commit offences of impersonation or criminal trespass under false pretexts so as to catch criminals red-handed. The

complainant's identity is not revealed unless he himself makes the details of his complaint public or discloses his identity to any other office or authority.

After concealing the complainant's identity, the designated agency makes discreet inquiries to ascertain whether any basis exists for proceeding further with the complaint. For this purpose, it has to devise an appropriate machinery.

The Central Vigilance Commission, for instance, is authorised, as the designated agency, to receive written complaints or disclosures on allegations of corruption or misuse of office by any employee of the Central Government or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the government. The disclosure or complaint must contain full particulars, accompanied by supporting documents or other materials. The designated agency may call for further information or particulars from persons making the disclosure. If the complaint is anonymous, it should not take any action in the matter.

Under the law and Constitution, ministers enjoy no special privileges with regard to corruption or any other criminal offence and are equal before law like any other citizen, has ensured that the media in India is legally unfettered while reporting even if it damages the reputation of a public figure (subject to the laws of defamation). In fact, India prides itself in having one of the most independent, vibrant, fearless media in the developing world. From time to time media exposes have brought to light corruption at the very highest echelons of government - be it ministers or senior bureaucrats, no one is spared.

Even prime ministers have come under media scrutiny, as in the cases of Rajiv Gandhi and Narasimha Rao. Investigative reporting and major scoops have often shaken the foundations of government and even led to the resignation of ministers and have also inspired the courts to take suo motu cognizance of certain cases highlighted by the media.

Thus the media takes its role as the Fourth Estate, the watchdog and conscience keeper of the nation and shaper of public opinion very seriously and functions with a high level of freedom and independence. However, it would be politically naive to assume that extraneous interests do not influence media reports.

The fact that the private media, whether newspapers or TV channels, are owned by business groups who in turn have political affiliations, does have a bearing on the manner of reporting, the slant given to reports, and the editorial content. This invariably leads to newspapers/TV channels committing acts of omission or commission, suppressing or exposing facts according to political compulsions, and so indirectly and subtly promoting the interests of the parties they support.

Freedom of the press is included in the wider freedom of expression which is guaranteed under Article 19 (1) (a) of the Constitution. Here freedom of expression is taken to mean the freedom to express not only one's own views but also the views of others, to propagate, circulate and defend them by any

means, including printing. But since the freedom of expression is not an absolute freedom and is subject to clause (2) of Article 19, laws may be passed imposing reasonable restriction on the freedom of the press in the interests of the security of the state, the sovereignty and integrity of India, friendly relations with foreign states, public order, decency or morality, or for the prevention of contempt of court, defamation or incitement to an offence.

Constitution and Censorship of the Press

Censorship of the press is not specifically prohibited by any provision of the Constitution. Like other restrictions, its constitutionality has to be judged by the test of "reasonableness" (both substantive and procedural) within the meaning of clause (2) of Article 19. With the commencement of the Constitution, the question of the validity of censorship came up before the Supreme Court where it ruled that imposition of pre-censorship on a journal was an obvious restriction upon the freedom of speech guaranteed under clause (1) of Article 19. Shortly after these decisions, clause (2) was amended by the Constitution (First Amendment) Act, 1951, by inserting the words "public order" in clause (2). The word "reasonable" was also inserted in clause (2) by the same amendment.

The result was that if censorship were imposed in the interests of public order, it cannot at once be held to be unconstitutional as a fetter upon the freedom of circulation but its reasonableness has to be determined with reference to the circumstance of its imposition. Thus, even in a time of peace, censorship for a limited period may be valid if it is subjected to reasonable safeguards, both from the substantive and procedural standpoints. But if it is left to the absolute discretion of the executive authority, it must be held unreasonable. The mainstream media does, on occasion, expose the nefarious activities of public servants and politicians.

Mass Media systems of the world vary from each other according to the economy, polity, religion and culture of different societies. In societies, which followed communism and totalitarianism, like the former USSR and China, there were limitations of what the media could say about the government. Almost everything that was said against the State was censored for fear of revolutions. On the other hand, in countries like USA, which have a Bourgeois Democracy, almost everything is allowed.

Shifting our view to the Indian perspective and its system of Parliamentary Democracy, it is true that, the Press is free but subject to certain reasonable restrictions imposed by the Constitution of India, 1950, as amended ("Constitution"). Before the impact of globalisation was felt, the mass media was wholly controlled by the government, which let the media project only what the government wanted the public to see and in a way in which it wanted the public to see it. However, with the onset of globalisation and privatisation, the situation has undergone a humongous change. Before the invention of communication satellites, communication was mainly in the form of national

media, both public and private, in India and abroad. Then came 'transnational media' with the progress of communication technologies like Satellite delivery and ISDN (Integrated Services Digital Network), the outcome: local TV, global films and global information systems.

In such an era of media upsurge, it becomes an absolute necessity to impose certain legal checks and bounds on transmission and communication. Mass Media laws in India have a long history and are deeply rooted in the country's colonial experience under British rule. The earliest regulatory measures can be traced back to 1799 when Lord Wellesley promulgated the Press Regulations, which had the effect of imposing pre-censorship on an infant newspaper publishing industry. The onset of 1835 saw the promulgation of the Press Act, which undid most of, the repressive features of earlier legislations on the subject.

Thereafter on 18th June 1857, the government passed the 'Gagging Act', which among various other things, introduced compulsory licensing for the owning or running of printing presses; empowered the government to prohibit the publication or circulation of any newspaper, book or other printed material and banned the publication or dissemination of statements or news stories which had a tendency to cause a furore against the government, thereby weakening its authority.

Then followed the 'Press and Registration of Books Act' in 1867 and which continues to remain in force till date. Governor General Lord Lytton promulgated the 'Vernacular Press Act' of 1878 allowing the government to clamp down on the publication of writings deemed seditious and to impose punitive sanctions on printers and publishers who failed to fall in line. In 1908, Lord Minto promulgated the 'Newspapers (Incitement to Offences) Act, 1908 which authorized local authorities to take action against the editor of any newspaper that published matter deemed to constitute an incitement to rebellion.

However, the most significant day in the history of Media Regulations was the 26th of January 1950 – the day on which the Constitution was brought into force. The colonial experience of the Indians made them realise the crucial significance of the 'Freedom of Press'. Such freedom was therefore incorporated in the Constitution; to empower the Press to disseminate knowledge to the masses and the Constituent Assembly thus, decided to safeguard this 'Freedom of Press' as a fundamental right. Although, the Indian Constitution does not expressly mention the liberty of the press, it is evident that the liberty of the press is included in the freedom of speech and expression under Article 19(1)(a). It is however pertinent to mention that, such freedom is not absolute but is qualified by certain clearly defined limitations under Article 19(2) in the interests of the public.

It is necessary to mention here that, this freedom under Article 19(1)(a) is not only cribbed, cabined and confined to newspapers and periodicals but also includes pamphlets, leaflets, handbills, circulars and every sort of publication which affords a vehicle of information and opinion.

Thus, although the freedom of the press is guaranteed as a fundamental right, it is necessary for us to deal with the various laws governing the different areas of media so as to appreciate the vast expanse of media laws.

THE PROPOSED IT ACT AMENDMENTS IN INDIA

Power of Police Office and other Officers to Enter, Search, etc-Deleted

It seems the proposed IT Act no more satisfy the traditional purpose of law making, *i.e.*, a measure to preserve and maintain social order. The public interest is different from the private interest that seems to have favoured the Committee while suggesting the deletion of section 80.

The correct approach is to give proper "training" to the police officers and judicial officers dealing with Cyber Laws so that justice can be done to the accused, victim and the society. The power of the police officers should not be taken away.

It would serve the interest of justice if the police officers "consult" the Cyber law experts before taking an action, till they are well equipped with the Cyber Laws.

Compounding of Certain Offences

1. Notwithstanding any thing contained in the Code of Criminal Procedures, 1973, any offense punishable under this Act may either before or after the institution of any prosecution be compounded by
   (a) The Controller; or
   (b) The adjudicating officers appointed under section 46, where the maximum amount of fine and/or imprisonment does not exceed such limits as may be specified by the Central Government.
   On payment or credit to the Central Government of such sum as the Controller or the Adjudicating officer, as the case may be, may specify.

2. Nothing in sub-section (1) shall apply to an offence committed by a person within a period of three years from the date on which a similar offence committed by him was compounded under this section.
   Explanation: For the purpose of this section any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded, shall be deemed to be a first offence.

3. Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, either by the Controller or by the adjudication officer or by any other person, against the offender in relation to whom the offence is so compounded.

4. Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the Controller

or the adjudicating officer in writing, to the notice to the Court in which the prosecution is pending and on such notice of the composition of the offence being given, the person in relation to whom the offence is so compounded shall be discharged.

This again is not a good suggestion to be accepted. The reasons are numerous and some of them will be discussed here.

Firstly, the Cr.P.C has been totally excluded in this context. The Cr.P.C contains section 320 that provides for the compounding of offences contained in I.P.C. Now section 320 is divided into two parts. Section 320(1) respects the party autonomy and victimology aspects. The victim can compound the offences specified in Table-1 without the intervention and permission of the court. Section 320(2), on the other hand, allows the victim of the offence to compound the offence with the permission of the court, for the offences mentioned in Table-2. Section 320(8) provides that a compounding of an offence under section 320 will amount to "acquittal' of the accused. Now if section 320 is "overridden" by section 80A then "all the offences" related to Cyber Crimes and Contraventions under the I.P.C and other laws for the time being in force will be made automatically compoundable too because section 80A is not subject to "Tables" unlike section 320. Thus, practically the bar of "specified compoundable offences" is not there under section 80A.

Secondly, the blanket protection of compounding the offences and contraventions either before or after the institution of any prosecution without any safeguard of "specified compoundable offences" cannot be accepted to be rationale and reasonable in any society. If "all" the offences and contraventions can be compounded then there is no need of putting these offences and contraventions in the IT Act.

Thirdly, a "bar of jurisdiction" has been created by section 80A (3) if the offence or contravention has been compounded before the institution of the prosecution. Now suppose the "privacy" of an individual has been violated and he is planning to file a complaint before the competent authority. If that privacy violation is compounded before that complaint, then he cannot file that complaint at all. The worst part about this process is that there is no need of "consulting" the "aggrieved party".

Fourthly, an 'obligation" has been imposed upon the courts to discharge the accused if the compounding has been done after the institution of the proceedings. Thus, no discretion whatsoever has been given to the courts.

Section 81: General Provisions

1. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.
2. Nothing that is permitted under the Copyright Act 1957 and the Patents Act 1970 as amended from time to time shall render any person liable for contravention of any of the provisions of this Act.

This is a welcome provision that will go a long way in the overall economic development of the nation. This will also reduce the chances of prosecution for innocent and inadvertent IT Act violations that are permitted as per Copyright Act and Patents Act. It would be better if the protection is also extended to other IPRs as well particularly the Trade Marks Act, 1999.

Section 85: Offences by Companies

Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment (if he proves-Deleted) unless it is proved that the contravention took place with (without-Deleted) his knowledge and connivance and that he failed to prevent such contravention; (or that he exercised all due diligence to prevent such contravention-Deleted).

This is a "peculiar" suggestion. It seems the Committee got confused with the "burden of proof" aspect between a "natural person" and an "artificial person".

The law expects every person to act fairly, reasonably and diligently. That is why deviations from these standards are made punishable by the law. One cannot in the zeal of earning profit or in the sense of indifference take the law casually. There are certain well-recognised cardinal principles of criminal laws, which need to be discussed before proceeding further.

These are:

1. The ignorance of law is no excuse,
2. The "presumption of innocence" continues until the guilt of the accused is proved,
3. The guilt of the accused must be proved "beyond reasonable doubt",
4. No person is guilty of an offence unless it is accompanied by an act/omission and the guilty intention for the same,
5. The law may presume the guilty intention if the commission of the act is proved. This is known as "strict liability offences", and
6. The law may fix the liability of certain individuals on a "notional basis". This usually happens where a company is involved in the commission of an offence or wrong. The imputation of criminal liability to certain "natural persons" is logical because a company, being an artificial person, cannot operate automatically. Thus, to conduct the affairs of the company certain natural persons are required, who alone can be saddled with the liability of the wrongs committed by the company.

Now it is logical and reasonable to fix the "burden of proof" upon the prosecution where natural persons are involved in the commission of an

offence. The same yardstick and parameters cannot, however, be made applicable to an artificial person like company, though ultimately it is manned by natural persons. That is why the burden of proof is upon the company to prove its innocence. For instance, a natural person can be held liable for murder, grievous hurt, *etc.* If we are applying the "normal rules' of criminal law then perhaps the Companies must also be held liable for "manslaughter", grievous hurt, *etc.* That will bring absurd results.

That is why a "reasonable classification' has been made between natural and artificial persons and the same should not be mixed at any cost. If this suggestion is accepted, then we have to change all the existing laws that contain a "standard form clause" regarding the liability of the Companies. The liability clause in the IT Act is exactly same as is found in all other statutes.

Even otherwise, in the ultimate analysis the prosecution has to prove the guilt of the accused beyond reasonable doubts once the preliminary burden of proof is discharged by the person managing the company. It seems the Committee has fixed the preliminary burden of proof upon the prosecution unlike other statutes where it is upon the company.

THE ETHICAL ASPECT OF STING OPERATION

This is not to deny that hidden cameras and related techniques have been used at times with great courage and foresight for very clear public interests. Such efforts deserve our applause. But these rare causes should not prevent us from being critical of the more frequent 'sting operations' of a highly dubious nature. In some cases, even the identity of those who carried out the sting operation is not known, even though the contents of the videotapes make headlines all over media. In other cases, entirely unsubstantiated, incidental allegations made about people, not at all involved in the sting operation, are also splashed around indiscriminately.

The debate on various aspects of sting operations may be quite intense today, but actually it is only a small part of the much wider, increasingly urgent debate on the relevance, credibility and ethics of media. In the modern, globalised world, the reach of media is so wide (and getting wider) that its importance in mirroring as well as shaping our daily lives and views is not questioned many more.

To give a recent example, the USA Presidential election last year was clearly a very important event for the entire world as millions of people in many countries, not just the USA, could draw a link between how this electoral choice could impact their own lives in important ways. It was equally clear that the debate carried out in the media, particularly on TV, played a very important role in shaping the views of a very large number of voters. It was even stated at one time that a single documentary on the 9/11 terrorist attack could play a decisive role, although this was probably exaggerated.

On the whole, while the importance of the role of media cannot be denied, questions of great urgency need to be raised about how ethical this role is.

With the media reaching out to an increasing number of people and claiming more of their time, can we rest assured that people are now better informed about important events and issues?

In the recent American Presidential election, the 9/11 terrorist attack and Iraq were obviously two very important issues. In this context two key points of the debate were — Did any significant WMDs, more specifically nuclear weapons, exist in Iraq prior to the invasion of Iraq by the USA and its allies? Did any evidence exist to establish a close link (or for that matter, any link) between the Al Queda and the Saddam Hussain regime? All available evidence indicated negative answers to both these questions. But at the same time, several surveys and polls indicated that a significant number of American citizens believed the answers to be positive.

How could such a situation emerge that widely known facts regarding crucial election issues could not reach American voters when the election campaign was so extensively covered by the media? Why did American voters remain misinformed about some of the most crucial issues when they had access to several TV channels, radio news, newspapers, journalists and Internet? One reason may be that several leading politicians made false statements on these crucial issues and these were prominently splashed in media, often without any adverse editorial comment. One strategy is to confuse the ordinary people with some prominently displayed statements by well-known persons so that they remain confused.

Thus even in a country like the USA where freedom of the press is so persistently emphasised at least at the surface level, it is possible for the media to present facts in such a distorted way that a large number of people, perhaps even a majority, remain misinformed on some of the most crucial issues, even at election-time.

It is complex but also fascinating to try to understand how despite the apparent freedom to publish a very diverse range of facts and opinions, vested interests eventually succeed in ensuring that it is their viewpoint that eventually reaches the majority of people.

Today, the world faces several threats of such a serious nature that we should start worrying about a crisis of survival. These threats include climate change, the accumulation of WMDs and the highly accelerated rate of loss of many species of life.

But the media has by and large failed to accord adequate importance to such issues or to present these in a proper perspective. More specifically, only technological solutions are presented for problems, which require basic changes in the way we think, live and organise our world.

At the same time, the media has created its own world of glamour, sex and sensation, which has played an important role in distracting attention from the real issues of our times. This aspect of the media has played an important role in the rise of crimes (including sexual crimes) and commodification of women.

The media has also contributed to the trivialisation of human sensitivities, which makes violence and injustice more acceptable. Media has promoted consumerism and glamour to the exclusion of the most essential concerns of our difficult times.

The occasional sting operations try to create a mistaken public impression of a crusading role of media, but there is no doubt that very basic changes are needed before the real potential of the media in effectively tackling the most important issues of our time can be realised.

EFFECTIVENESS OF STING OPERATION

They are familiar sights on our TV screens these days: The grainy, curiously distorted images, the awkward camera angles, the unclear audio and the anchors promising startling revelations just ahead. They're sting operations; the exposés conducted by journalists in much the same manner as investigative agencies conduct undercover operations. And what's more, they're flourishing: Indeed, age could be called the year of the sting operation.

MAJOR STING OPERATIONS IN INDIA

Aaj Tak

Tihar Jail Bani Ghoos Mahal: Officials at Tihar Jail taking bribes.
Ghoos Mahal: 82 employees of the Delhi sales tax office taking bribes.
Operation Duryodhan: 11 MPs caught taking bribes to raise questions in Parliament.

Star News

Ayaash IG: Jharkhand IG suspended for sexually exploiting a tribal woman.
Doctor selling infants from a hospital.
Operation Chakravyuh: MP's caught misusing MPLAD funds.
Wife caught on camera beating her husband.

NDTV India

Delhi policeman taking a bribe to hand over the body of a man to his family.
Railway policemen extorting money from passengers.

India TV

Bihar MLAs having sex with call girls.
Holy men sexually exploiting women devotees.
Operation Casting Couch: Actor Shakti Kapoor propositions journalist posing as actress.
Operation Casting Couch: Actor Aman Verma takes journalist posing as an actress to his bedroom.

Sahara Samay

Corruption in Delhi PWD.

Kokh Mein Qatl

Sting operations by media are largely aimed at uncovering scandals and corruption. Major scandals including Tehelka, the Judeo bribery, the existence of the casting couch or the case of MP's taking money to ask Parliament questions are some of the examples of the media exposes. It was either money or sex that sensationalized these stories. But there are rare cases in the history of TRP-driven modern media when a sting is launched against social malpractices. Social stings is a term unheard of in the Indian media also because the sting operations in itself is a recent phenomenon. Hence, there is no documentation of sting operations dealing with issues of social concern in India.

One such operation titled *Kokh Mein Katl* (murder in the womb) has highlighted the severity of the discrimination against the girl child and the risk involved in conducting such operations. The operation was launched by a team of journalists in Rajasthan. It was a campaign based on the personal commitment of the team. With this operation the genre of sting operation has entered a new era.

Suppression and discrimination of women was the starting point of this operation run jointly by Sripal Shaktawat, the Bureau Chief, Rajasthan, Sahara News and Dr. Meena Sharma, a freelance journalist. Sripal Shaktawat has been crusading against the social malpractices and atrocities especially crime against women for over a decade while Meena has been a young freelance reporter committed to the social upliftment of the society. Both of them have given new meaning to the sting operations led by media. Meena left her assignments with the local media and her college lectureship to devote herself to the operation.

They planned to launch a sting operation in February- March,2005 to expose the breed of doctors conducting illegal abortions after sex determination in the state. They travelled a distance of 13,000 km across the districts of Rajasthan and MP, Gujarat, and UP.

This sting "Kokh Mein Katl" was telecast on Sahara channel from 4th April,2006. The team had footage of about 100 doctors. Out of them 80 were telecast.

Some of the footages were held back because of the poor quality. Together, the team travelled a distance of 1300 km across the districts of Rajasthan, MP, Gujrat, and Haryana. There were pressures from the political and social circles but the team continued to resist all pressures to expose the killer Doctors. The local media and journalist associations and social groups came in open support of the sting team.

The operation was conducted in the following phases:

The First Phase

- Planning and strategy of operation.
- Search for a pregnant lady to act as a decoy.
- After 4 month of search a lady got ready to help as a decoy in the operation.
- Her husband was taken into confidence.

She was a graduate with 6 months pregnancy and she did not demand any money in exchange. The operation began in Jaipur, Bundi and Kota districts.Meena impersonated as an attendant of the lady willing to terminate pregnancy after identifying a girl child in sex determination. She took along a camera in her bag.She was a beginner in camera handling, therefore the quality of shots was poor.

She had been working as an anchor on regional channels and was recognized by the doctors who could not be trapped because of her disclosed identity.

Realising the problem she left the anchoring and engaged herself with the operation. They encountered the inhuman doctors ready to abort a 6-7 month pregnancy for money. This realization forced the duo to re think and re- plan the entire exercise in a big way.

The Second Phase

Watching the reality closely the team could visualize the gravity of the problem in a wider perspective and smelled that there could be a wider network across the state. With this knowledge they widened the scope of operation.

The team did not want to restrict itself to mere 5-6 exposes. Rather than touching the tip of the iceberg they wanted to reach the root and catch the perpetrators red handed on camera. Search for a pregnant decoy continued.

A decoy met them but after accompanying them to one clinic refused to help. In order to prevent the leak (of both the idea and the sting) they could not reveal and seek help openly. The search continued and so the obsession with the issue.

Meena was desperate and she asked her pregnant sister and sister-in- law and her aunt to act as a decoy. All her close acquaintance disappointed her and refused to help her in the crusade. The family members dissuaded her from continuing with the operation.

Another decoy offered to help though she didn't reveal it to her family. Her husband agreed to the idea and they stayed with the team for 25 days. With her a major target was covered. During this period the targets gave hint about the wider network extended to Agra, Gwalior, Palampur and Ahmadabad.

The team explored and planned to go beyond the boundaries of the state of Rajasthan.

The decoy left. Another decoy extended help. The team covered 7 districts with her.

First ever arrest under PNDT Act in Palwal foeticide case. The team had planned to go to Haryana and Punjab but had to postpone plans after the

judgment to play safe. Now the task ahead was more challenging than before. The strategy was changed and the further coverage was done with week long break after week long shoot.

By this stage the team had collected enough evidences and caught the instigators of the offence in camera. The team had become more confident and cautious about handling the embarrassing moments.

They did not hesitate to carry the camera into the chamber and even to the Operation theatre. The operation slowed down because of the Palwal judgement.

Besides, all through the operation it was a major challenge to search and persuade a pregnant lady to join the operation as a decoy. Without their assistance this operation would not have reached to its destination. It was risky to take along 6-7 months pregnant woman and travel long distances. Interestingly all the five decoys had one child.

The team would take care of the decoy's health, her child and husband who would all travel along the team. The camera was seen by the doctors in Jaipur, Chittorgarh and Palampur.

The team had to run away to avoid any tussle and consequent disclosure of the operation and motive. There arose situations when the team allowed the decoy to be taken to the Operation Table and Meena accompanied her as attendant in the OT.

Narrating the incident during the live telecast and personal interaction Meena says that "…. I still shiver to recall the incident……the decoy was taken to the OT…the medicines were were unwrapped ….the injections were ready……Sripalji couldn't enter the OT…..I barged and stopped the doctors ……and rushed back with the decoy …….and cried our heart out in the van ….. any untoward happening would have caused a life long burden on our conscience…."

It was risky but this way only the team could record the conversation of the team of doctors and take the visuals of the illegal MTP.

The Final Showdown

The climax of the episode came as a shock to the team. On 4th April, 2006 a culprit, a Jaipur doctor at Deep Nursing Home manhandled Shripal and Meena, whose contribution through their bold participation at the risk of their and decoy's life helped make this initiative one of the leading sting operations in the country, one that has added a new dimension to media activism. Dr Rekha Gupta of Deep Nursing Home hampered the further schedule of the Sting. Despite many hurdles from various quarters the team engaged in the sting operation successfully and managed to capture on camera around 140 doctors, among them 100 odd doctors seemed in great hurry to abort the girl child from the mother's womb.

The undercover operation was recorded in last one year covering 36 cities. The team members travelled a distance of 1300 kms in four states. The faces exposed so far are just the tip of an iceberg; many more are yet to be exposed. …But financially and politically well connected medical practitioners were panicky and worked overtime for face saving.

The case has been registered against 33 doctors in all the states the sting was conducted. The most speedy action was taken in Gujarat with the intervention of the state health minister. The sting was conducted at four clinics of Palampur. Just after the live telecast of the sting the government ordered immediate seizure of the clinics. The government also ran a campaign to check the F- form containing details of the patient undergone termination of pregnancy and cancelled registration of Ultra Sound Machines of about 58 clinics.

The issue has emerged as a major social blot on the progressive societies and a debate has begun at various forum. At some places the police have been proactive in registering the cases against the accomplices of the crime. There has been an awakening about the extent and gravity of the problem.

The government was initially reluctant to take action against the culprits. The journalists and the opposition party (Congress) boycotted the assembly (Rajasthan) proceedings until the issue was taken up for debate in the house. Because of the pressure of the journalists, political and social organizations, the issue was debated in the Rajasthan Assembly and the Home Minister had to make a statement that the government will not spare the culprits.

The issue was also raised in the Rajya Sabha by Brinda Karat, Sushma Swaraj and other female MPs. The Health Minister Ramodas assured to launch a sting operation on behalf of the government. The central and the state governments and Rashtriya Mahila Morcha of BJP also appealed the religious leaders to sensitize the mass about this malpractice. The caste leaders and associations like Bhil Samaj, NGOs like Aangana Patel and Akhila-CEFAR expressed their concern with the issue and declared that the community will boycott the persons engaged in female foeticide. The political and social organizations staged demonstrations all across the country demanding urgent attention to the issue and arrests of the guilty. The local media especially the print media carried the follow up stories and editorials- campaigning the arrest and legal action against the culprits, sensitizing the masses and building opinion against the practice.

The visiblity of the issue in media and the sensitive treatment by the media persons is welcome change. Since the issue came to the limelight there has not been a single week the newspapers did not publish a story on female foeticide and the trend continues. The gruesome stories on throwing the foetus in the well now receive front page space. Recent cases (in the month of July-August) of a man carrying female foetus in polybag for dumping (Bharatpur) or three foetus lying near a lake in the lake city (Udaipur), 25 foetus in a well (Patiala) or a five month female foetus and body of a new born girl child near government hospital (Jaipur) have been highlighted in right earnest by media and cases have been registered in all the cases.

It was unfortunate that some unidentified criminals stormed the house of Shripal and threatened his wife and children with dire consequences one night. It was April 19, 2006, and the perpetrators warned against the further telecast of the sting operation. The doctors offered money and threatened the team

constantly. The police and politicians lay direct or indirect pressures on the team members and their family not to pursue the case further. The state government the state Home Minister Gulab Chand Kataria not only ordered police cops to find out the decoy who helped in the sting operation but said, " Hum kise ke saath anyaay nahi karenge. Nyaay ke liye zaroori hai ki un mahilaon ke jaanch ho ki w-oh garbhwati hai bhi ki nahi." (we shall not do injustice to anybody. For justice it needs to be investigated whether the decoy who helped in the whole operation was pregnant or not?). One of the reasons for the government reluctance to take harsh action against the guilty doctors was the doctor brother Ashutosh Bansal of a Superintendent of Police who was one of the accomplices caught on camera at Deep Nursing Home engaged in sex determination tests.

The district and the state authorities have *suo motu* powers to take action against violators of PC/PNDT and MTP Acts, but the CMHOs and the Directorate of Family Welfare hesitated to take any action. The harassment of the team still continues with the police-culprit nexus. The cases have been registered at various Police Thanas of the districts and the journalist duo have also been prosecuted for being the witnesses of the doctors' involvement in sex determination and willingness to abort the female foetus.. They are being summoned at all the districts wherever the cases have been registered for evidences.

Instead, the police should have collected the evidences on the basis of the visuals (CDs) provided by the journalists rather than harassing and prosecuting the journalists. The dilemma the journalists face in such cases is whether to restrict themselves to alarming and mobilizing the society and let the law take its course or fight the whole battle as an activist at the expense of their professional commitments.

Shakti Kapoor Stung by Sting Operation

Shakti Kapoor is one of the topmost villains of Bollywood. But one sting operation claims to have revealed that he is a 'bad guy' in real life too. He has been filmed purportedly making verbal and physical advances against a young woman and casting aspersions on several film personalities in a sting operation conducted by a private TV channel.

Kapoor did not deny making the advances but maintained he was set up. He claimed he had not made any specific statements about his fellow stars but only spoke in generalities.The sting was conducted by producer Suhaib Ilyasi for his "India's Most Wanted" programme that has now shifted to the India TV channel.

The channel aired the 40-minute clip. In it, Kapoor is seen to be making sexually explicit verbal and physical suggestions to an India TV reporter posing as an aspiring film star.

The reporter is told of various "services" that would have to be provided if she were to make it big. Kapoor then turns his wrath on Ilyasi and the cameraman when he discovers he is being filmed.

"Kapoor had the choicest of verbal abuses reserved for us when he realised what happened. He threatened us with dire consequences and even said he would stab the girl," Ilyasi said.

"It was a trap," Kapoor later told a press conference. "This girl had been in touch with me for close to five months, calling me up in the middle of the night and asking for roles. She even sweet-talked me into meeting her. Any man would fall for this," he claimed.

What sort of topics do sting operations deal with? Perhaps the most obvious target for these stings has been government corruption. However, stings increasingly deal with other topics as well. For example, India TV aired a series of exposés centering around sleaze including what came to be known as the 'casting couch' story: Bollywood personalities propositioning an undercover journalist posing as an aspiring actress.

CNBC Awaz regularly conducts sting operations on issues concerning consumer rights and private sector malpractices. Stings have also become commonplace on crime shows, though these have no wider impact.

Nevertheless, the most publicized topic for stings remains government corruption. The Tehelka exposé was on corruption in arms deals, Operation Duryodhan on MPs taking bribes to raise questions in Parliament, Operation Chakravyuh exposed misuse of the MPLAD fund, while Aaj Tak's "Ghoos Mahal" was on corruption in Tihar Jail and a sales tax office. The CNN-IBN exposé showed us a UP minister willing to transport narcotics. Kairali TV also recently carried out a sting exposing a state minister. All these sting operations dealt with misuse of power by the authorities- crooked politicians, government officials and policemen.

So what happened after these exposés? At least with Operation Duryodhan, the reaction was swift. All the 11 MPs caught on camera were dismissed from their respective parties. Then, less than two weeks after the scandal broke out, the 11 men were suspended from parliament in an unprecedented and somewhat controversial move. The immediate fallout of Operation Chakravyuh was less dramatic, but still noteworthy: The Lok Sabha speaker ordered an enquiry and told the accused MPs not to attend parliament until their names were cleared. The UP Minister exposed by CNN-IBN resigned from his position, as did the Kerala minister caught in the Kairali TV sting.

These are all remarkable examples of the power of the media. Sting operations have unflinchingly exposed the rot in the system and brought corruption into focus. Though a lot of what they reveal is depressing, none of it is especially surprising. Stings have only confirmed what were once mere suspicions or allegations. They have also put pressure on politicians and bureaucrats to take action against their colleagues caught with their hands in the till.

News channels usually insist that their sting operations are done in public interest. They point out that stings are expensive, unpredictable affairs. Large sums of money go into paying bribes; budgets cannot be fixed in advance and can increase dramatically. And after all that, there is no guarantee of success.

However, sting operations do bring some benefits for news channels. The most obvious is that they have a major, albeit temporary impact on TRPs- they are a great way for a station to get noticed. Perhaps the most important aspect of this is the footage itself- those characteristic visuals showing corrupt netas or government officials making shady deals, and wads of currency changing hands. These visuals not only give substance to the claims of the news channel, they bring in troves of curious viewers. A lot more people end up watching that particular channel simply because the footage is unavailable to competitors.

Whatever the motivations behind sting operations maybe, their immediate effects are often impressive. However, some questions remain over the long-term benefits. One reason for this is that news channels usually fail to follow up on their stings adequately. This may be because of a sense that the story is 'over'.

How much did things really change after the 2001 Tehelka exposé? In 2003, a sting exposed Dilip Singh Judeo, a minister while he was apparently taking a bribe. Now, some five years after Tehelka, a series of stings have shown us that corruption is rife as ever in government. Politicians, it seems can still be bribed easily, not just to ask questions in parliament or misuse taxpayers money but to, in the case of the UP minister exposed by CNN-IBN, actually transport narcotics in his own car. What happened in all those intervening years? No matter how many stings are carried out, it still seems like business as usual among the corrupt.

The story is clearly not 'over' once footage from a sting operation is aired. The Aaj Tak sting on a sales tax office may have led to the suspension of some 30 employees but it certainly does not mean an end to graft there. Unfortunately, the way stories of political corruption are treated on TV leaves little scope for follow-ups. Instead, the focus tends to be on specific individuals whom the channel has exposed rather than the systemic problems that allow for corruption in the first place. This may be because of a feeling that audiences are more interested in stories about those individual personalities rather than in analysis of systemic issues.

For example, Aaj Tak's coverage of Operation Duryodhan was dominated by myriad details of the expose- who the MPs were, how much money each of them took and whether political parties would suspend the errant parliamentarians-not the issue of widespread political corruption. After catching on camera a UP minister agreeing to take drugs in his own car, CNN-IBN focused on whether he would be made to resign rather than the larger implications of it's own exposé. Yet with the novelty of sting operations fading and returns diminishing viewers are now more and more likely to question why little seems to be changing.

Indeed news channels seem to be shortchanging themselves by not following up on their own audacious journalism. Armed with little more than tiny cameras and great deal of gumption, a relatively small but committed group of Indian journalists has taken the challenge of exposing corruption head on.

And they have been remarkably successful so far. What's needed now is a more sustained commitment from the media to ensuring that the gains they have made are consolidated and the powers that be are held accountable.

Prevention of Child Pornography and some Major Sting Operations

The Supreme Court upheld laws prohibiting child pornography in 1982, law enforcement agencies embarked on an impressive effort to stamp out the trade in this illicit material. With the rise of the Internet, however, child pornography proliferated beyond what anyone could have imagined. In the later half of the 90s, federal law enforcement agencies began directing their efforts online. This era also witnessed the rise of greater cooperation between federal, state, and local law enforcement agencies and between nations. The following stings represent some of the largest conducted around the world in recent years. Not featured here, but no less important, is the work being done in local communities all across the globe.

Operation Hamlet

Date: On August 9, 2002, U.S., Customs Service Commissioner Robert Bonner announced the results of an investigation dubbed Operation Hamlet.

Subject: The investigation centered on a group of approximately 20 individuals who were molesting their own children and trading the images and videos with others in the group.

Background: Operation Hamlet began in November 2001 when a group called Save the Children was alerted to a picture of a young girl being abused by an unidentified man. A company logo was visible in the picture and Save the Children alerted the National Police in Denmark, where the company was located. Within 24 hours the man was identified and apprehended along with his wife. A search of their home and computer equipment revealed information about others in the group, including a Clovis, California father of four who appeared to be the ringleader.

Results: Twelve Americans and ten Europeans were arrested in connection with the group. One member was found with more than 1 million images and 450 CDs containing hardcore pornography and child abuse. Thirty-seven children in the United States and eight children in Europe were rescued and taken into protective custody.

Operation Candyman

Date: On March 18, 2002, FBI Executive Assistant Director Bruce Gebhardt and Attorney General John Ashcroft announced the first phase of Operation Candyman.

Subject: The investigation centered on a Yahoo! Egroup that invited people to trade pictures of child pornography. The FBI estimates that there were more than 7,000 subscribers to the group, with around 2,400 living abroad. Those subscribing to the Candyman group were targeted in this investigation, but

other Egroups were under scrutiny at the time Candyman was announced.

Background: Operation Candyman began in January 2001 when an undercover FBI agent joined the site. He had instant access to about 100 images and video clips, most of which showed prepubescent children engaged in sexual acts with themselves and adults. Within a month, the agent received 500 e-mail messages, some of which included child pornography. By the time Candyman was made public, all 56 FBI field offices were involved with the investigation.

Results: More than 100 Americans have been arrested. The group administrator, Mark Bates, was sentenced to 30 years in prison. Those arrested included day care workers, clergy members, law enforcement personnel, a U.S., Army Sergeant, and others in positions of trust or authority. German authorities are investigating 1,400 people in connection with Candyman and British police have identified more than 2,000 people suspected of acquiring illegal material from the sites in question.

Operation Avalanche

Date: On August 8, 2001, Attorney General John Ashcroft and Chief Postal Inspector Kenneth Weaver announced Operation Avalanche. By this time, the two-year undercover operation had already made more than 100 arrests on charges related to child pornography, and had secured the convictions of the masterminds of the business, Thomas and Janice Reedy.

Subject: The investigation centered on Landslide Productions, Inc., a Fort Worth Internet business engaged in advertising and conspiring to distribute child pornography. Landslide offered subscriptions to more than 250 web sites, many of which were devoted to child pornography. Landslide collected 300,000 subscribers, earning as much as $1.4 million dollars a month. It is known as the largest commercial child pornography enterprise ever encountered.

Background: Operation Avalanche began in 1999 when a Minnesota postal inspector passed a tip along to another inspector in Fort Worth who then contacted the Dallas police. Working with thirty federally funded Internet Crimes Against Children (ICAC) Task Forces, the Department of Justice, and the U.S., Postal Inspection Service, the Dallas Police department infiltrated Landslide and arrested its owners.

Results: Thomas and Janice Reedy of Landslide Productions were sentenced to 1,335 and fourteen years in prison respectively. More than 250 Americans have been arrested to date, but the subscriber list contained names of more than 35,000 Americans. People from 60 countries have subscribed to Landslides sites. Police in Switzerland are investigating around 1,300 people in Operation Genesis, the German police have launched Operation Pecunia to investigate more than 1,400 suspects, British authorities have launched Operation Ore to investigate more than 7,200 names, and Ireland conducted more than 100 raids as part of Operation Amethyst. Canada is also investigating suspects in Operation Snowball.

Operation Blue Orchid

Date: On March 26, 2001, the U.S., Customs Service announced results of an on-going international child pornography investigation called Operation Blue Orchid.

Subject: The investigation centered on the Blue Orchid Web site, run by Russian pedophiles for the purpose of posting and selling pictures and videos of young boys being sexually abused.

Background: Operation Blue Orchid began in May 2000 when the Moscow Police Department contacted the U.S Customs Attaché for help identifying the owners of the Blue Orchid site. The Attaché requested the Customs Service CyberSmuggling Center in the United States to make an undercover purchase of pornographic materials. The information gleaned from the purchase led Moscow police to two men responsible for producing and distributing a number of tapes depicting sodomy and rape of young boys.

Results: Moscow police seized 400 videos, equipment, and billing records. The resulting information led to more than 50 leads around the world. Investigations have been completed in Sweden, Denmark, and the Netherlands and are ongoing in several other European nations. The U.S., Customs Service has announced four arrests and the execution of fifteen other search warrants across the country.

Operation Snowball

Date: Details of Canada's on-going Operation Snowball first appeared in the press on January 16, 2003.

Subject: The investigation centers on the more than 2,300 Canadians who allegedly subscribed to child pornography through Landslide Productions, a Fort Worth, Texas-based company.

Background: Operation Snowball can trace its roots to the start of the United States' investigation, Operation Avalanche, in April 1999. When American law enforcement officers analyzed Landslide's business records, they discovered hundreds of thousands of subscriber from all over the world. Canadian investigators went to Dallas in June 2000 to retrieve the names of 2,329 Canadians. Six months later, police held a private briefing to determine a national strategy to investigate the crimes.

Results: By the time of the first press reports, Canadian police had made up to 100 arrests. This represents less than five percent of the names contained on a list of Canadian subscribers. Canadian police say the country is woefully unprepared to handle such large-scale investigations.

Operation Ore

Date: Details of Britain's Operation Ore first began to appear in September 2002 when two police officers who had worked on a high-profile child abduction case were arrested for child pornography offenses.

Subject: The investigation centers on the more than 7,200 Britons who allegedly subscribed to child pornography through Landslide Productions, a Fort Worth, Texas-based company.

Background: Operation Ore can trace its roots to the start of the United States' investigation, Operation Avalanche, in April 1999. When American law enforcement officers analyzed Landslide's business records, they discovered hundreds of thousands of subscriber from all over the world. After the Reedys were convicted, U.S., investigators released the names of international subscribers to Interpol. Britain received its list of suspects in September 20013 and began dividing them between 43 regional forces. Police targeted those in positions of authority or proximity to children first.

Results: To date, British police have arrested 1,500 people, including more than 50 police officers, judges, two Members of Parliament, doctors, and legendary rock star Pete Townshend of The Who. News reports also indicate that the FBI is ready to turn over another 8,000 leads as a result of a separate child pornography investigation. Police have determined that nearly one in five of those arrested was also sexually abusing children.

Operation Twins

Date: On July 02, 2002, police in seven countries arrested 50 people suspected of crimes involving child abuse and child pornography.

Subject: The investigation centered on a high-tech pedophile group that called itself the "Shadowz Brotherhood." This group of around 100 individuals employed sophisticated encryption software to avoid detection and maintained a "star" rating system that indicated what level of access certain members had.

Background: Operation Twins began in early 2001, when Swedish intelligence discovered the club. Netherlands- based Europol coordinated the yearlong investigation. At one point before the early July raids, British investigators flew to Georgia to rescue a young girl who was being raped by her father.

Results: Police forces in several countries have arrested 50 people in connection with the "Shadowz Brotherhood." Investigations into other suspected members of the group are ongoing. Police have also ordered 62 Internet Service Providers to remove material related to the group from more than 240 web sites.

Operation Artus

Date: On March 20, 2002, the U.S., Customs Service announced that eight American and as many as 30 international warrants were served in an international child pornography sting dubbed Operation Artus.

Subject: The investigation centered on a private Internet group that exchanged and downloaded child pornography on the Internet. The group contained suspects in ten countries around the globe, in addition to the United States.

Background: Operation Artus began in November 2001 when German National police searched the house of a man accused of distributing child

pornography. The man cooperated with investigators to identify other members of the group. In all, international law enforcement identified 46 suspects, of which eight were from the United States.

Results: Police forces in eleven countries investigated 46 individuals suspected of trading and producing child pornography. By the time the investigation was announced, twelve suspects had already been arrested5 and twelve computers were seized, along with 600 CDs, 200 videos, and a book on how to seduce children. Three of the suspects have been identified as previously unknown members of the Wonderland child pornography ring that was broken up in 1998.

Operation Candy Box

Date: Operation Candy Box, which started with some intelligence passed on to American authorities, was initiated in the U.S., in May 2001 by DEA and FBI agents in New York City. It eventually became an operation which encompassed 16 cities in the U.S., and three in Canada. March 31, 2004- More than 130 people were arrested today in a two-nation crackdown on a huge drug trafficking ring that manufactured large quantities of Ecstasy and marijuana in Canada and then shipped them to cities around the United States.

Subject: One outcome of this three-year investigation, called Operation Candy Box, was the discovery that Ecstasy trafficking, which had largely been controlled by Russian and Israeli gangs, had now spread to groups with ties to Southeast Asia. The two principal targets of this investigation were Ze Wai Wong, a Chinese national, and Mai Phuong Le, a Vietnamese national.

Background: A second outcome of the operation was the disruption of a sizable money laundering business and the discovery of significant weaknesses in the U.S., financial system that make money laundering possible. The Drug Enforcement Administration, under its Administrator, Karen Tandy, has made financial investigations a priority of the agency.

Results: The large number of arrests was only part of the story of Operation Candy Box. The investigation also resulted in the seizure of large quantities of drugs and organizational assets, including manufacturing labs.

Operation Predator

Date: On July 9th, 2004 The Department of Homeland Security's new Bureau of Immigration and Customs Enforcement (ICE) delivered a pointed message Wednesday to any foreign national who might come to the U.S., planning to sexually exploit American children for pleasure or for profit.

Subject: Operation Predator is a new initiative developed by the Department of Homeland Security's Bureau of Immigration and Customs Enforcement (ICE) to protect children world-wide. As the President has made clear anyone who harms a child will be a priority target of law enforcement in this Administration.

This comprehensive DHS programme will identify child predators and remove them from the United States (if subject to deportation). Operation

Predator will also work to identify children depicted in child pornography to help rescue them, and to assist in prosecuting the people responsible for making and distributing the pornographic material.

Background: This Homeland Security initiative is being driven by ICE's Cyber Smuggling Center in conjunction with every facet of the ICE organization.

In addition, ICE will partner with other important law enforcement entities such as DHS's own Bureau of Customs and Border Protection, the U.S., Secret Service, the U.S., Postal Inspection Service, the FBI, and other state and local law enforcement agencies. This initiative is also being conducted in partnership with the National Center for Missing and Exploited Children (NCMEC).

Results: Since March 1, ICE has made 88 additional arrests, garnered 56 indictments, obtained 77 convictions, executed 134 seizures of contraband and launched 192 new investigations into suspected sexual predators of children.

Operation Falcon

Date: January 15, 2004 An Indictment has been unsealed, charging a Belarus-based child pornography enterprise and a Florida credit card billing service in a global Internet pornography and money laundering scheme involving thousands of paid memberships to some 50 pornography websites, U.S., Attorney Christopher J. Christie, Assistant Attorney General Christopher A. Wray of the DOJ Criminal Division, Michael J. Garcia, Assistant Secretary of U.S., Immigration and Customs Enforcement, Internal Revenue Service Special Agent in Charge Patricia J. Haynes, and U.S., Postal Inspector in Charge Martin D. Phanco announced.

Subject: Regpay Co. Ltd. is a credit card processing company providing billing services to child pornography websites and also operated its own websites, which accounted for nearly a quarter of the $3 million in credit card membership fees it generated in the six months ending in August 2003, according to the Indictment and separate criminal complaints unsealed yesterday. Late yesterday, the chief executive officer of Connections USA, of Ft. Lauderdale, Fla., another credit card processing company doing business as "IServe", pleaded guilty in federal court in Newark to a conspiracy to launder money for Regpay and its principals.

Background: Under the recently enacted Protect Act, the violations of Title 18, United States Code, Section 2251 carry a mandatory minimum penalty of 15 years in prison and a maximum penalty of 30 years, and a fine of $500,000 or the gross profits to the defendant or gross loss to any victims of this offense, whichever is greatest. The violations of Title 18, United States Code, Section 2252 carry a mandatory minimum penalty of 5 years in prison and a maximum penalty of 20 years, and a fine of $500,000 or the gross profits to the defendant or gross loss to any victims of this offense, whichever is greatest. The violations of Title 18, United States Code, Section 1956 carry a maximum penalty of 20 years in prison, and a fine of $500,000 or twice the value of the monetary instrument or funds involved in the transportation, transmission or transfer, or of the gross profits to the defendant or gross loss to any victims of this offense, whichever is greatest.

Results: Also today, 15 people were arrested or surrendered in New Jersey as part of the wider investigation targeting individual subscribers of child pornography internet sites connected to the Belarus enterprise. They and another nine suspects already charged were found during court-approved search warrants to have possessed child pornography on their home computers. Initial court appearances will be occurring at 2 p.m. before U.S., Magistrate Judge Madeline Cox Arleo in Newark. Arrests in New Jersey have included a family physician, at least three previously convicted sex offenders, a campus minister, part-time teacher and church youth coordinator, and an 85-year-old retired engineer. Additionally, at least 20 other individuals have been arrested nationwide during the investigation of Belarus-based Regpay Co. LTD, which sold memberships to dozens of child pornography websites, including at least four of its own.Christie credited Special Agents of the IRS Criminal Investigation section, among others, with aiding in the success of this operation. Christie also thanked Mastercard and VISA for their cooperation in the investigation.

Operation Cyber Sweep

Date: Since Operation Cyber Sweep began on Oct. 1, investigators have uncovered more than 125,000 victims who have incurred losses of more than $100 million. November 20, 2003 - Federal law enforcement agencies today announced the arrests or convictions of 125 people and the return of 70 indictments in a coordinated nationwide enforcement operation designed to crack down on the leading types of online fraud. The ongoing operation, known as Operation Cyber Sweep, was spearheaded by the U.S., Department of Justice in coordination with numerous federal, state, local and foreign law enforcement agencies.

Subject: The case includes: The investigation targeted a variety of online economic crimes that involved schemes including fraud, software piracy and the fencing of stolen goods. One man who admitted to obtaining stolen credit card numbers from various individuals and used the information to purchase more than $80,000 in computer equipment and electronic devices from Kent, Conn.-based Outpost.com. A 21-year-old man who pleaded guilty to two felony charges of securities fraud and was sentenced to 14 months in prison. Another man who was indicted on charges of hacking into computers across the country to launch spam e-mail attacks criticizing the Philadelphia Phillies baseball team. He was also charged with identity theft for illegally using the e-mail address of reporters at Philadelphia newspapers and a woman who pleaded guilty to conspiracy to possessing unauthorized access devices. The defendant engaged in by sending fake e-mail messages to America Online customers, advising them to update their credit card and personal information on file with AOL to maintain their accounts.

Background: In the first nine months of 2003, the Internet Fraud Complaint Center, a joint project of the FBI and the National White Collar Crime Center, referred 58,392 Internet-related fraud complaints to law enforcement officials.

That compared to 48,000 Internet-related fraud complaints referred to law enforcement in all of 2002. As part of the effort, ClearCommerce Corp. has provided information to the FBI about fraudsters that have preyed on some its members' customers as well as the various ways they're perpetrating online fraud, according to Katherine Hutchison, a spokeswoman for ClearCommerce. ClearCommerce is a founding member of the Merchant Risk Council, a group of merchants fighting online fraud.

Results: More than 125 investigations, in which more than 125,000 victims lost more than $100 million. More than 350 targeted subjects, resulting in more than 125 arrests or convictions thus far; and More than 70 indictments to date, and the execution of more than 90 search/seizure warrants. Our last operation of this type, Operation E-Con, ran from January 1 to May 16, 2003. That operation involved more than 90 investigations, the execution of more than 70 search and seizure warrants, and the charging or conviction of more than 130 individuals. Combined, these online investigations have saved consumers and businesses hundreds of millions of dollars.

Operation E-Con

Date: Today, May 19, 2003- the United States Department of Justice announced the successful results of nationwide Cyber Crime investigation called Operation E-Con. The investigation was coordinated at the federal level between the Department of Justice, the FBI, the U.S., Postal Inspection Service, the U.S., Secret Service, and the Federal Trade Commission. A number of state and local law enforcement agencies, along with the National White Collar Crime Center (NW3C), also contributed greatly towards the success of the operation.

Subject: The lawless, Wild-Wild-Web days of the early Internet are coming to a jail door slamming end as the FBI reports the arrests of more than 130 individuals and the seizure of more than $17 million in cases involving internet fraud and abuse. The arrests and seizures resulted from Operation E-Con, an effort coordinated by 43 United States Attorneys Offices nationwide, the Federal Bureau of Investigation (FBI), the Federal Trade Commission (FTC), the Postal Inspection Service, Secret Service, and the Bureau of Immigration and Customs Enforcement alongside a number of other state and local law enforcement agencies both in the United States and a number of countries around the globe. Among the alleged online crimes committed by those arrested were multimillion-dollar swindles, online auction scams, identity theft, business-opportunity frauds, and piracy of software and other copyrighted material.

Background: In a press conference announcing the results of Operation E-Con, Assistant Attorney General Michael Chertoff warned high-tech scammers and schemers to "think again" before trying to hijack the Internet. "The Department of Justice will track them down and prosecute them the same way weve gone after traditional hucksters," Chertoff told reporters. According to FTC statistics, incidents of Internet fraud pose an ever-increasing threat to

consumers. Three years ago, 31% of all fraud complaints filed with the FTC involved Internet-based scams. By 2002, that number had grown to 47%. By the end of 2003, the FTC expects Internet-related complaints will account for well over 50% of all fraud complaints filed.

Results: So far, Operation E-Con has initiated more than 90 investigations of complaints filed by 89,000 victims who reported total losses estimated at more than $176 million. In addition, the execution of more than 70 search and seizure warrants has led to the formal charging conviction of more than 130 individuals. During a single week alone, 55 Operation E-Con searches resulted in the arrests of 50 people, the filing of 48 individual indictments and 12 guilty pleas. The Internet Fraud Complaint Center (IFCC) - a joint project of the FBI and the National White-Collar Crime Center - reported in 2002 that it referred more than 48,000 Internet-related fraud complaints to law enforcement.

Operation Pipe Dreams

Date: February 24, 2003 Washington,DC— Attorney General John Ashcroft and Acting DEA Administrator John B. Brown, III today announced the indictment of 50 individuals on charges of trafficking in illegal drug paraphernalia.

The charges are the culmination of two nationwide investigations code-named Operation Pipe Dreams and Operation Headhunter and include indictments against national distributors of drug paraphernalia and businesses nationwide. DEA offices in Boise, Idaho; Des Moines, Iowa; Pittsburgh, Pennsylvania; and Dallas and Tyler, Texas were involved in these investigations.

Subject: With the advent of the Internet, the illegal drug paraphernalia industry has exploded," Ashcroft said. "The drug paraphernalia business is now accessible in anyone's home with a computer and Internet access. And in homes across America we know that children and young adults are the fastest growing Internet users. Quite simply, the illegal drug paraphernalia industry has invaded the homes of families across the country without their knowledge. This illegal billion-dollar industry will no longer be ignored by law enforcement. Today, the Organized Crime Drug Enforcement Task Force, under the leadership of Deputy Attorney General Larry Thompson and Associate Deputy Attorney General Karen Tandy has taken decisive steps to dismantle the illegal drug paraphernalia industry by attacking their physical, financial and Internet infrastructures."

Background: The investigation leading to the indictments in this case was led by the Drug Enforcement Administration and the Organized Crime Drug Enforcement Task Force, along with the U.S., Marshals Service, U.S., Customs Service, U.S., Postal Inspection Service, Immigration and Naturalization Service, Pennsylvania State Police, City of Pittsburgh Police, Allegheny County (Pa.) Sheriff, Stowe Township Police, Chippewa (Pa.) Police Department and the Duquesne (Pa.) Police Department. Named in the indictments announced today are 17 individuals who operated 10 national distribution companies of

drug paraphernalia. Ten individuals who sold drug paraphernalia in retail shops in the Western District of Pennsylvania also face charges of conspiracy, offering for sale, and selling drug paraphernalia.

Results: Recently the federal government has implemented "Operation Pipe Dreams" and "Operation Headhunter," which have resulted in the indictment of 55 online paraphernalia distributors.

Operation Web Sweep

Date: May 8, 2002 - New Jersey Attorney General David Samson and Christopher J. Christie, United States Attorney for New Jersey, announced that as of 6:00 A.M. DST today, hundreds of law enforcement officers throughout New Jersey, the United States and across the globe began a coordinated and unprecedented effort to identify nearly 200 individuals alleged to be engaged in the possession, receipt and distribution of child pornography.

Subject: Samson said that the ongoing investigation, dubbed "Operation Web Sweep," was initiated and coordinated by the New Jersey Division of Criminal Justice Computer Analysis & Technology Unit (CATU) - a team of specially-trained state investigators who go on-line to track, investigate, arrest and prosecute individuals who use technology and computer systems to commit criminal acts in New Jersey. Additional law enforcement resources and expertise was provided by the U. S. Attorney's Office for New Jersey, the Federal Bureau of Investigation, the National Center For Missing and Exploited Children and over 65 international, federal, state, county and local law enforcement agencies.

Background: To date, the investigation has identified nearly 200 potential suspects in 16 nations (including the U.S.), 29 states and 24 New Jersey communities. The investigative actions initiated today include the execution of court authorized search and seizure warrants at the residences and/or business locations of those individuals who subscribed to the site and who provided child pornography images. The warrants authorize the seizure of computers, computer systems, programmes, hardware and software which might contain evidence relating to the possession and/or distribution of child pornography.

Results: With the cooperation of the server operator, investigators said they determined the site contained images of "clearly prepubescent" boys along with advertising describing the site's content and images. It charged a membership fee of $19.99. In February, authorities disabled the site and removed all child pornography, then created a replacement at the same domain address. The Web site, which contained no illegal content, was styled to resemble the original. Previous subscribers were informed the site was rebuilding its collection of images. Through an assigned user name and password, subscribers could upload or transmit pictures to the site.

3

Journalistic Codes of Conduct

The principles of good journalism are directed towards bringing the highest quality of news reporting to the public, thus fulfilling the mission of timely distribution of information in service of the public interest. To a large degree, the codes and canons evolved via observation of and response to past ethical lapses by journalists and publishers. Today, it is common for terms of employment to mandate adherence to such codes equally applicable to both staff and freelance journalists; journalists may face dismissal for ethical failures. Upholding professional standards also enhances the reputation of and trust in a news organization, which boosts the size of the audience it serves.

Journalistic codes of ethics are designed as guides through numerous difficulties, such as conflicts of interest, to assist journalists in dealing with ethical dilemmas. The codes and canons provide journalists a framework for self-monitoring and self-correction as they pursue professional assignments.

JOURNALISM

Journalism is the craft of conveying news, descriptive material and opinion via a widening spectrum of media. These include newspapers, magazines, radio and television, the internet and even, more recently, the mobile phone. Journalists—be they writers, editors or photographers; broadcast presenters or producers—serve as the chief purveyors of information and opinion in contemporary mass society. According to the BBC journalist, Andrew Marr, "News is what the consensus of journalists determines it to be."

From informal beginnings in the Europe of the 18th century, stimulated by the arrival of mechanized printing—in due course by mass production and in

the 20th century by electronic communications technology—today's engines of journalistic enterprise include large corporations with global reach. The formal status of journalism has varied historically and, still varies vastly, from country to country. The modern state and hierarchical power structures in general have tended to the unrestricted flow of information as a potential threat, and inimical to their own proper function. Hitler described the Press as a "machine for mass instruction," ideally, a "kind of school for adults." Journalism at its most vigorous, by contrast, tends to be propelled by the implications at least of the attitude epitomized by the Australian journalist John Pilger: "Secretive power loathes journalists who do their job, who push back screens, peer behind facades, lift rocks. Opprobrium from on high is their badge of honour."

Censorship, governmental restriction or even active repression of individual journalists and non-state organs of communication continue to cause, at best, intermittent friction in most countries. Few formal democracies and no authoritarian governments make provision for protection of press freedom implied by the term *Fourth Estate*. The rapid rise of Internet technology, in particular the advent of blogging and social networking software, further destabilize journalism as traditionally understood and its practitioners as a distinct professional category. Combined with the increasing leakage of advertising revenue from preexisting journalistic media into the internet, the full impact of the arrival of the citizen journalist—potentially positive (proliferation having thus far proved more difficult to police) as well as negative—is yet to be seen.

HISTORY

Johann Carolus' *Relation aller Fürnemmen und gedenckwürdigen Historien*, published in 1605 in Strassburg, is often recognized as the first newspaper. The first successful English daily, The Daily Courant, was published from 1702 to 1735 From informal beginnings, stimulated by the arrival of mechanized printing—in due course by mass production and in the 20th century by electronic communications technology—today's journalistic enterprises include large corporations with global distribution that include newspapers, television and the Internet.

The formal status of journalism has varied historically and still varies greatly from country to country. The modern state and hierarchical power structures in general have tended to consider unrestricted flow of information as a potential threat, and inimical to their own proper function.

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internet, the full effect of the arrival of the "citizen journalist" — potentially positive (proliferation having thus far proved more difficult to police) as well as negative— is not yet known.

CODES OF PRACTICE

While journalists in the United States and European countries have led in formulation and adoption of these standards, such codes can be found in news reporting organizations in most countries with freedom of the press. The written codes and practical standards vary somewhat from country to country and organization to organization, but there is a substantial overlap among mainstream publications and societies.

One of the leading voices in the U.S., on the subject of Journalistic Standards and Ethics is the Society of Professional Journalists. The Preamble to its Code of Ethics states:

> *...public enlightenment is the forerunner of justice and the foundation of democracy. The duty of the journalist is to further those ends by seeking truth and providing a fair and comprehensive account of events and issues. Conscientious journalists from all media and specialties strive to serve the public with thoroughness and honesty. Professional integrity is the cornerstone of a journalist's credibility.*

The Radio-Television News Directors Association, an organization exclusively centered on electronic journalism, maintains a code of ethics centering on — public trust, truthfulness, fairness, integrity, independence and accountability.

Codes of Journalistic Standards

The primary themes common to most codes of journalistic standards and ethics are the following.

Objectivity

- Unequivocal separation between news and opinion. In-house editorials and opinion (Op-Ed) pieces are clearly separated from news pieces. News reporters and editorial staff are distinct.
- Unequivocal separation between advertisements and news. All advertisements must be clearly identifiable as such.
- Reporter must avoid conflicts of interest — incentives to report a story with a given slant. This includes not taking bribes and not reporting on stories that affect the reporter's personal, economic or political interests.
- Competing points of view are balanced and fairly characterized.
- Persons who are the subject of adverse news stories are allowed a reasonable opportunity to respond to the adverse information before the story is published or broadcast.
- Interference with reporting by any entity, including censorship, must be disclosed.

Sources

- Confidentiality of anonymous sources.
- Avoidance of anonymous sources when possible.
- Accurate attribution of statements made by individuals or other news media.
- Pictures, sound, and quotations must not be presented in a misleading context (or lack thereof). Simulations, reenactments, alterations, and artistic imaginings must be clearly labelled as such, if not avoided entirely.

Accuracy and Standards for Factual Reporting

- Reporters are expected to be as accurate as possible given the time allotted to story preparation and the space available, and to seek reliable sources.
- Events with a single eyewitness are reported with attribution. Events with two or more independent eyewitnesses may be reported as fact. Controversial facts are reported with attribution.
- Independent fact-checking by another employee of the publisher is desirable.
- Corrections are published when errors are discovered.
- Defendants at trial are treated only as having "allegedly" committed crimes, until conviction, when their crimes are generally reported as fact (unless, that is, there is serious controversy about wrongful conviction).
- Opinion surveys and statistical information deserve special treatment to communicate in precise terms any conclusions, to contextualize the results, and to specify accuracy, including estimated error and methodological criticism or flaws.

Slander and Libel Considerations

- Reporting the truth is never libel, which makes accuracy and attribution very important.
- Private persons have privacy rights that must be balanced against the public interest in reporting information about them. Public figures have fewer privacy rights.
- Publishers vigorously defend libel lawsuits filed against their reporters.

Harm Limitation Principle

During the normal course of an assignment a reporter might go about — gathering facts and details, conducting interviews, doing research, background checks, taking photos, video taping, recording sound. Should he or she report everything learned? If so, how should this be done? The principle of limitation of harm means that some weight needs to be given to the negative consequences

of full disclosure, creating a practical and ethical dilemma. The Society of Professional Journalists' code of ethics offers the following advice, which is representative of the practical ideals of most professional journalists. Quoting directly:

- Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and inexperienced sources or subjects.
- Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief.
- Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.
- Recognize that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention. Only an overriding public need can justify intrusion into anyone's privacy.
- Show good taste. Avoid pandering to lurid curiosity.
- Be cautious about identifying juvenile suspects or victims of sex crimes.
- Be judicious about naming criminal suspects before the formal filing of charges.
- Balance a criminal suspect's fair trial rights with the public's right to be informed.

Presentation

Ethical standards should not be confused with common standards of quality of presentation, including:
- Correctly spoken or written language (often in a widely spoken and formal dialect, such as Standard English)
- Clarity
- Brevity (or depth, depending on the niche of the publisher)

Self-regulation

In addition to codes of ethics, many news organizations maintain an in-house Ombudsman whose role is, in part, to keep news organizations honest and accountable to the public.

The ombudsman is intended to mediate in conflicts stemming from internal and or external pressures, and to maintain accountability to the public for news reported. Also, to foster self-criticism and to encourage adherence to both codified and uncodified ethics and standards.

An alternative is a news council, an industry-wide self-regulation body, such as the Press Complaints Commission, set up by UK newspapers and magazines. Such a body is capable perhaps of applying fairly consistent standards, and of dealing with a higher volume of complaints, but may not escape criticisms of being toothless.

Ethics and Standards in Practice

As with other ethical codes, there is perennial concern that the standards of journalism are being eroded.

One of the most controversial issues in modern reporting is media bias, especially on political issues, but also with regard to cultural and other issues. Sensationalism is also a common complaint. Minor factual errors are also extremely common, as almost anyone who is familiar with the subject of a particular report will quickly realize.

There are also some wider concerns, as the media continue to change, for example that the brevity of news reports and use of soundbites has reduced fidelity to the truth, and may contribute to a lack of needed context for public understanding. From outside the profession, the rise of news management contributes to the real possibility that news media may be deliberately manipulated. Selective reporting (spiking, double standards) are very commonly alleged against newspapers, and by their nature are forms of bias not easy to establish, or guard against.

This section does not address specifics of such matters, but issues of practical compliance, as well as differences between professional journalists on principles.

Standards and Reputation

Among the leading news organizations that voluntarily adopt and attempt to uphold the common standards of journalism ethics described herein, adherence and general quality varies considerably. The professionalism, reliability and public accountability of a news organization are three of its most valuable assets. An organization earns and maintains a strong reputation, in part, through a consistent implementation of ethical standards, which influence its position with the public and within the industry.

Among the most respected western English-language publications, programmes and broadcast networks are:

Genres and Ethics

Advocacy journalists — a term of some debate even within the field of journalism — by definition tend to reject "objectivity", while at the same time maintaining many other common standards and ethics.

Creative nonfiction and Literary journalism use the power of language and literary devices more akin to fiction to bring insight and depth into often book-length treatment of the subjects about which they write. Such devices as dialogue, metaphor, digression and other such techniques offer the reader insights not usually found in standard news reportage. However, authors in this branch of journalism still maintain ethical criteria such as factual and historical accuracy as found in standard news reporting. Yet, with brilliant prose, they venture outside the boundaries of standard news reporting in offering richly detailed accounts. One widely regarded author in genre is Joyce

Carol Oates for book on boxer Mike Tyson. New Journalism and Gonzo journalism also reject some of the fundamental ethical traditions and will set aside the technical standards of journalistic prose in order to express themselves and reach a particular audience or market segment.

Tabloid journalists are often accused of sacrificing accuracy and the personal privacy of their subjects in order to boost sales. Supermarket tabloids are often focused on entertainment rather than news. A few have "news" stories that are so outrageous that they are widely read for entertainment purposes, not for information. Some tabloids do purport to maintain common journalistic standards, but may fall far short in practice. Others make no such claims. Some publications deliberately engage in satire, but give the publication the design elements of a newspaper, for example, The Onion, and it is not unheard of for other publications to offer the occasional, humorous articles appearing on April Fool's Day.

Relationship with Freedom of the Press

In countries without freedom of the press, the majority of people who report the news may not follow the above-described standards of journalism. Very often non-free media are prohibited from criticizing the national government, and in many cases are required to distribute propaganda as if it were news. Various other forms of censorship may restrict reporting on issues the government deems sensitive.

Variations, Violations, and Controversies

There are a number of finer points of journalistic procedure that foster disagreements in principle and variation in practice among "mainstream" journalists in the free press.

Laws concerning libel and slander vary from country to country, and local journalistic standards may be tailored to fit. For example, the United Kingdom has a broader definition of libel than does the United States.

Accuracy is important as a core value and to maintain credibility, but especially in broadcast media, audience share often gravitates towards outlets that are reporting new information first. Different organizations may balance speed and accuracy in different ways.

The New York Times, for instance, tends to print longer, more detailed, less speculative, and more thoroughly verified pieces a day or two later than many other newspapers.

24-hour television news networks tend to place much more emphasis on getting the "scoop." Here, viewers may switch channels at a moment's notice; with fierce competition for ratings and a large amount of airtime to fill, fresh material is very valuable. Because of the fast turn-around, reporters for these networks may be under considerable time pressure, which reduces their ability to verify information.

Laws with regard to personal privacy, official secrets, and media disclosure of names and facts from criminal cases and civil lawsuits differ widely, and

journalistic standards may vary accordingly. Different organizations may have different answers to questions about when it is journalistically acceptable to skirt, circumvent, or even break these regulations. Another example of differences surrounding harm reduction is the reporting of preliminary election results. In the United States, some news organizations feel that it is harmful to the democratic process to report exit poll results or preliminary returns while voting is still open. Such reports may influence people who vote later in the day, or who are in western time zones, in their decisions about how and whether or not to vote. There is also some concern that such preliminary results are often inaccurate and may be misleading to the public. Other outlets feel that this information is a vital part of the transparency of the election process, and see no harm (if not considerable benefit) in reporting it.

Taste, Decency and Acceptability

Audiences have different reactions to depictions of violence, nudity, coarse language, or to people in any other situation that is unacceptable to or stigmatized by the local culture or laws (such as the consumption of alcohol, homosexuality, illegal drug use, scatological images, *etc.*). Even with similar audiences, different organizations and even individual reporters have different standards and practices. These decisions often revolve around what facts are necessary for the audience to know.

When certain distasteful or shocking material is considered important to the story, there are a variety of common methods for mitigating negative audience reaction. Advance warning of explicit or disturbing material may allow listeners or readers to avoid content they would rather not be exposed to. Offensive words may be partially obscured or bleeped. Potentially offensive images may be blurred or narrowly cropped. Descriptions may be substituted for pictures; graphic detail might be omitted. Disturbing content might be moved from a cover to an inside page, or from daytime to late evening, when children are less likely to be watching.

There is often considerable controversy over these techniques, especially concern that obscuring or not reporting certain facts or details is self-censorship that compromises objectivity and fidelity to the truth, and which does not serve the public interest.

For example, images and graphic descriptions of war are often violent, bloody, shocking and profoundly tragic. This makes certain content disturbing to some audience members, but it is precisely these aspects of war that some consider to be the most important to convey. Some argue that "sanitizing" the depiction of war influences public opinion about the merits of continuing to fight, and about the policies or circumstances that precipitated the conflict. The amount of explicit violence and mutilation depicted in war coverage varies considerable from time to time, from organization to organization, and from country to country.

Campaigning in the Media

Many print publications take advantage of their wide readership and print persuasive pieces in the form of unsigned editorials that represent the official position of the organization. Despite the ostensible separation between editorial writing and news gathering, this practice may cause some people to doubt the political objectivity of the publication's news reporting. (Though usually unsigned editorials are accompanied by a diversity of signed opinions from other perspectives.)

Other publications and many broadcast media only publish opinion pieces that are attributed to a particular individual (who may be an in-house analyst) or to an outside entity. One particularly controversial question is whether media organizations should endorse political candidates for office. Political endorsements create more opportunities to construe favouritism in reporting, and can create a perceived conflict of interest.

Investigative Methods

Investigative journalism is largely an information-gathering exercise, looking for facts that are not easy to obtain by simple requests and searches, or are actively being concealed, suppressed or distorted. Where investigative work involves undercover journalism or use of whistleblowers, and even more if it resorts to covert methods more typical of private detectives or even spying, it brings a large extra burden on ethical standards.

Anonymous sources are double-edged - they often provide especially newsworthy information, such as classified or confidential information about current events, information about a previously unreported scandal, or the perspective of a particular group that may fear retribution for expressing certain opinions in the press. The downside is that the condition of anonymity may make it difficult or impossible for the reporter to verify the source's statements. Sometimes sources hide their identities from the public because their statements would otherwise quickly be discredited. Thus, statements attributed to anonymous sources may carry more weight with the public than they might if they were attributed. The Washington press has been criticized in recent years for excessive use of anonymous sources, in particular to report information that is later revealed to be unreliable. The use of anonymous sources increased markedly in the period before the 2003 invasion of Iraq.

Science Issues

The mainstream press is often criticized for poor accuracy in reporting science news. Many reporters are not scientists, and are thus not familiar with the material they are summarizing. Technical information is also difficult to contextualize for lay audiences, and short-form reporting makes providing background, context, and clarification even harder. Food scares are an example of the need for responsible science journalism, as are stories connected with the safety of medical procedures.

Examples of Ethical Dilemmas

One of the primary functions of journalism ethics is to aid journalists in dealing with many ethical dilemmas they may encounter. From highly sensitive issues of national security to everyday questions such as accepting a dinner from a source, putting a bumper sticker on one's car, publishing a personal opinion blog, a journalist must make decisions taking into account things such as the public's right to know, potential threats, reprisals and intimidations of all kinds, personal integrity, conflicts between editors, reporters and publishers or management, and many other such conundrums. The following are illustrations of some of those.

- The Pentagon Papers dealt with extremely difficult ethical dilemmas faced by journalists. Despite government intervention, The Washington Post, joined by The New York Times, felt the public interest was more compelling and both published reports. (The cases went to the Supreme Court where they were merged and are known as New York Times Co. v. U.S., 403 US 713.

- The Washington Post also once published a story about a listening device that the United States had installed over an undersea Soviet cable during the height of the cold war. The device allowed the United States to learn where Soviet submarines were positioned. In that case, Post Executive Editor Ben Bradlee chose not to run the story on national security grounds. However, the Soviets subsequently discovered the device and, according to Bradlee, "It was no longer a matter of national security. It was a matter of national embarrassment." However, the U.S., government still wanted The Washington Post not to run the story on the basis of national security, yet, according to Bradlee, "We ran the story. And you know what, the sun rose the next day."

- The Ethics Advice Line, a joint venture, public service project of Chicago Headline Club Chapter of the Society of Professional Journalists and Loyola University Chicago Center for Ethics and Social Justice, provides some examples of typical ethical dilemmas reported to their ethical dilemma hotline and are typical of the kinds of questions faced by many professional journalists.

The Ethics Advice Line:

Is it ethical to make an appointment to interview an arsonist sought by police, without informing police in advance of the interview? Is lack of proper attribution plagiarism? Should a reporter write a story about a local priest who confessed to a sex crime if it will cost the newspaper readers and advertisers who are sympathetic to the priest?

Is it ethical for a reporter to write a news piece on the same topic on which he or she has written an opinion piece in the same paper? Under what circumstances do you identify a person who was arrested as a relative of a public figure, such as a local sports star?

Freelance journalists and photographers accept cash to write about, or take photos of, events with the promise of attempting to get their work on the AP or other news outlets, from which they also will be paid. Is that ethical?

Can a journalist reveal a source of information after guaranteeing confidentiality if the source proves to be unreliable?

Journalists should be honest, fair and courageous in gathering, reporting and interpreting information.

Journalists should:

- Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible.
- Diligently seek out subjects of news stories to give them the opportunity to respond to allegations of wrongdoing.
- Identify sources whenever feasible. The public is entitled to as much information as possible on sources' reliability.
- Always question sources' motives before promising anonymity. Clarify conditions attached to any promise made in exchange for information. Keep promises.
- Make certain that headlines, news teases and promotional material, photos, video, audio, graphics, sound bites and quotations do not misrepresent. They should not oversimplify or highlight incidents out of context.
- Never distort the content of news photos or video. Image enhancement for technical clarity is always permissible. Label montages and photo illustrations.
- Avoid misleading re-enactments or staged news events. If re-enactment is necessary to tell a story, label it.
- Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public. Use of such methods should be explained as part of the story
- Never plagiarize
- Tell the story of the diversity and magnitude of the human experience boldly, even when it is unpopular to do so.
- Examine their own cultural values and avoid imposing those values on others.
- Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status.
- Support the open exchange of views, even views they find repugnant.
- Give voice to the voiceless; official and unofficial sources of information can be equally valid.
- Distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or context.
- Distinguish news from advertising and shun hybrids that blur the lines between the two.

- Recognize a special obligation to ensure that the public's business is conducted in the open and that government records are open to inspection.

Minimize Harm: Ethical journalists treat sources, subjects and colleagues as human beings deserving of respect.

Journalists should:
- Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and inexperienced sources or subjects.
- Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief.
- Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.
- Recognize that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention. Only an overriding public need can justify intrusion into anyone's privacy.
- Show good taste. Avoid pandering to lurid curiosity.
- Be cautious about identifying juvenile suspects or victims of sex crimes.
- Be judicious about naming criminal suspects before the formal filing of charges.
- Balance a criminal suspect's fair trial rights with the public's right to be informed.

Act Independently: Journalists should be free of obligation to any interest other than the public's right to know.

Journalists should:
- Avoid conflicts of interest, real or perceived.
- Remain free of associations and activities that may compromise integrity or damage credibility.
- Refuse gifts, favours, fees, free travel and special treatment, and shun secondary employment, political involvement, public office and service in community organizations if they compromise journalistic integrity.
- Disclose unavoidable conflicts.
- Be vigilant and courageous about holding those with power accountable.
- Deny favoured treatment to advertisers and special interests and resist their pressure to influence news coverage.
- Be wary of sources offering information for favours or money; avoid bidding for news.

Be Accountable: Journalists are accountable to their readers, listeners, viewers and each other.

Journalists should:
- Clarify and explain news coverage and invite dialogue with the public over journalistic conduct.

- Encourage the public to voice grievances against the news media.
- Admit mistakes and correct them promptly.
- Expose unethical practices of journalists and the news media.
- Abide by the same high standards to which they hold others.

JOURNALISTS HARASSMENT

In the summer of 1991, the St. Petersburg (Florida) Times broke a significant local story about charges of sexual harassment and sex discrimination at one of the city's larger employers. Women at the company charged that less qualified men were paid more, promoted sooner, and given better assignments. Subtle and even blatant sexual harassment was tolerated.

What made the story particularly significant was that the company in question was the St. Petersburg Times itself, and many of the women who had crowded into Chief Executive Andrew Barnes' office to voice their complaints were reporters, editors, and photographers. Some of the stories the women told Barnes in that meeting and in a written report would have competed for sheer rudeness with the comments Anita Hill claimed Supreme Court Justice Clarence Thomas had made to her.

One man had said to a pregnant female staffer, "Your breasts are really getting huge." Another, a senior editor, had been talking with other editors about a company called TMS and the problems it was causing the newspaper. He turned to the female editor in the group and explained that TMS should "not be confused with PMS, which is worse for the company." The story attracted attention from other newspapers statewide, as well as national trade journals, and demonstrated that sexual harassment and sex discrimination are issues newspaper managers must be prepared to deal with within the newsroom, not just in stories about other organizations' problems.

The term "sexual harassment" is a relatively recent addition to our vocabulary. Psychologist Julia Wood suggests that such harassment has existed for most of history but remained unnamed; the absence of visibility, which resulted from the fact that harassment had no negative effects on the men who held power, made it difficult to recognize, think about, or stop.

Today courts have recognized two categories of sexual harassment, known as "quid pro quo" ("something for something") and "hostile environment" discrimination. The former refers to situations in which an individual promises a subordinate employee some sort of tangible job benefit, such as a raise, in exchange for sexual favours.

This category also likely would include more negatively stated interactions, such as a supervisor's threat that the victim will lose her job if she refuses the supervisor's request for sexual favours.

The latter, "hostile environment" discrimination, reflects circumstances in which an employee is subjected to a pattern of behaviour - such as unwanted sexual advances, degrading sexual comments about the employee, or similar problems- that interferes unreasonably with an employee's ability to perform

his or her job or makes the workplace environment inhospitable, intimidating, or offensive. Many scholars argue that sexual harassment of women is widespread throughout academia and the workplace; however, a review of the communications and journalism literature suggests that relatively little research has been done on sexual harassment as a problem facing women journalists. Most earlier studies of women journalists focused almost entirely on sex discrimination and the likelihood of women achieving rank and pay equity with men. A review of that list also suggests that not much attention has been paid recently to studies of either discrimination against or harassment of women journalists.

One exception, the Associated Press Managing Editors Association harassment study in 1992, opened some eyes, according to Pam Johnson, managing editor of the Phoenix Gazette and chairwoman of the APME Newsroom Manage-ment Committee. Some of the major discoveries from the survey of 640 male and female journalists from nineteen U.S., newsrooms:

- Only 30 per cent of the respondents said their newspaper had clear guidelines for filing internal complaints about sexual harassment;
- 95 per cent of the victims of sexual harassment were women;
- 2 per cent of the men and 11 per cent of the women said sexual harassment or the fear of harassment had affected their daily work habits;

While the most prevalent form of harassment was annoying or degrading comments about sex, followed by offensive pictures or posters and annoying or degrading comments about women's bodies, the APME study found that women also reported having male associates grab their breasts and buttocks or make "jokes" to them about rape. Evidence of the female journalists' frustration came in the form of numerous vehement comments handwritten on the back of the survey form. Although most men surveyed tended to say there was no sexual harassment problem at their newspapers, women said it is a potential, if not specific, problem, and that it is neither reported nor punished in most instances.

Johnson, in writing about the study, observed: "Women in our newsrooms are impatient. They don't want to get ogled. They don't want to receive sex-related messages in their computers, they don't want to be put in the place of laughing off a sexual joke or challenging it and then having to pay for being forthright. And they definitely don't want to be fondled. But it's clear many feel vulnerable to any or all of these situations."

Flatow found that more than two-thirds of women working in the newsrooms of Indiana daily newspapers had indeed found themselves "vulnerable" to sexual harassment. In her survey of full-time editorial employees working at twenty-six Indiana dailies, Flatow found that 22.4% of the women and 6.6% of the men had experienced physical sexual harassment at some point during their careers. The same percentage of men, but nearly three times the percentage of women (61.8%) reported experiencing verbal sexual harassment, and nearly

a third of the women reported "nonverbal" sexual harassment. One recent study of women journalists in Washington, D.C., showed that 60% of the women accredited to the Capitol press gallery had been sexually harassed. The researchers, Katherine McAdams and Maurine Beasley, surveyed 273 women journalists and received responses from 37%. Of those who responded, 80% said they believe sexual harassment is a problem for women journalists. McAdams and Beasley argue that the issue of sexual harassment among women journalists needs to be investigated and brought into the open so that individual women no longer have to deal with the problem alone.

At the time of their study, Beasley and McAdams noted finding only one previous newsroom survey about sexual harassment. That study, conducted for the newspaper trade publication Newslnc., showed that 44% of the 199 newsroom women surveyed had experienced sexual harassment on the job. That figure was twice the number of women in all fields reporting harassment in a 1991 Newsweek/Gallup Poll.

More recently, Bowen and Laurion studied sexual harassment among mass communication professionals. Among their sample of 52 female and 44 male respondents, the authors found that 32% had experienced sexual harassment as students, 49% had experienced sexual harassment as interns in a mass communication organization, and 65% had experienced sexual harassment during their professional careers.

To most women, the importance of discovering the extent of sexual harassment among any group of women workers may seem obvious, and the threat of legal action by a harassed employee should be enough to get the attention of even the most old-fashioned newsroom managers. In addition, it seems particularly appropriate to examine sexual harassment among journalists because journalists have devoted considerable time in recent years to examining sexual harassment in other types of workplaces, including the federal government, the U.S., military services, and corporations. But the research also indicates that there are bottom-line considerations that make understanding and attempting to solve the problem of sexual harassment more pressing.

In short, the research indicates that sexual harassment has negative effects on women's work performance, as well as career advancement. In fact, the federal report Sexual Harassment in the Federal Government: An Update estimated that harassment cost the federal government $267 million over two years, including $76.3 million in lost individual productivity, and a recent analysis of sexual harassment in Fortune 500 companies concluded that sexual harassment costs each firm approximately $6.7 million annually.

Newspapers may not be able to figure the monetary costs of sexual harassment so conclusively, but there must be costs-in lost concentration on the stories, photos, or graphics assignments harassment victims would rather be working on. Indeed, many of Flatow's respondents reported that sexual harassment creates an environment of fear and intimidation at worst and even at best produces distractions that keep women from performing at the top of their

ability. Another major potential source of costs of which newspapers must be wary is lawsuits filed by women journalists who've been sexually harassed at work. Bunker concluded from a review of legal cases involving sexual harassment that media organizations should work to eliminate sexual harassment for their employees for selfish as well as noble reasons.

He noted that: "Media organizations, like other employers, are subject to strict liability for quid pro quo harassment by supervisors. In cases of hostile environment harassment, whether the harassment originates from supervisors, co-workers or non-employees, media organi-zations can be held vicariously liable if they know or should have known of the harassment and do not take immediate and effective steps to remedy it."

Previous research and anecdotes like those reported by the female staffers of the St. Petersburg Times leave little doubt that sexual harassment is likely a problem for women newspaper journalists in the 1990s, despite all the effort those newspapers may put into coverage of and editorial outcry against sexual harassment in other fields. The study this paper discusses was designed to provide data about the extent and sources of sexual harassment that women journalists face.

We hoped to address a number of research questions, including the following:
- What percentage of women have experienced sexual harassment during their careers as reporters, photographers, editors, and newspaper graphic artists?
- Who harasses women journalists- supervisors, peers, subordinates, news sources?
- What percentage of newspapers have written policy statements about sexual harassment, and to what extent are all employees aware of these policies?
- Are there personal or work environment charact-eristics that increase or decrease the likelihood that women will experience sexual harassment as journalists?
- What do women do about the instances of sexual harassment they encounter? Method

Female reporters, photographers, editors, and graphic artists were randomly selected for participation in the survey using a multilevel stratified sampling procedure. First, the researchers drew separate samples of small, medium, and large newspapers (seventy-two small, thirty-two medium, and sixteen large newspapers). We then contacted a newsroom manager (usually the managing editor) at each newspaper included in the samples and asked him or her to send us a list of all the female reporters, editors, photographers, and graphic artists on the newspaper's staff, including those working at bureaus.

After obtaining these lists, the lists were arranged in random order, and we then randomly selected names from the lists. This procedure ultimately produced a final sample of 208 women from small newspapers (daily circulation less than 25,000),184 women from mid-sized newspapers (daily circulation of

25,001-100,000) and 190 women from large newspapers (daily circulation greater than 100,000). After all the names had been chosen, we sent each sample member a letter describing our project and requesting her cooperation. The letter also informed sample members that only female students or faculty members would be conducting the study interviews.

Interviewers first called each sample member to arrange an appropriate time and place to complete the interview; any woman who did not feel comfortable discussing the subject in her work environment was asked for a home telephone number and called at home. The first part of each interview was conducted using a computerassisted telephone interviewing programme; interviewers subsequently asked each participant for more details about her experiences, using a schedule of open-ended questions.

The data from the interviews were analysed using SPSS for Windows.

Measures

Evaluation of Sexual Harassment as a Problem. For this section of the survey, respondents were told that "(f)or the purposes of the survey, sexual harassment is defined as any physical or verbal contacts that make the workplace inhospitable for women because of their gender." Each respondent then was asked to say whether, in her opinion, sexual harassment was "no problem at all, not much of a problem, somewhat of a problem, a significant problem, or a very serious problem" for women as newspaper reporters, editors, photographers, or graphic artists. Each respondent used the same scale to indicate how much of a problem sexual harassment had been for her personally in her own career as a journalist.

Experience with Sexual Harassment. Each respondent was asked how often she had been "subjected to sexual harassment that did not involve physical contact, such as inappropriate sexual comments, suggestions, or gestures" made to her or in her presence by the following types of individuals: supervisors or others in positions of authority at the newspaper, other coworkers at her same level, other coworkers at levels lower than hers, news sources, employees of news sources, or in any other professional setting. For each potential source of harassment, the respondent was asked whether nonphysical harassment had occurred never, rarely, sometimes, often, or nearly always/always.

The interviewers then used the same scale (never, rarely, *etc.*) and the same series of potential harassers (supervisors, same-level coworkers, *etc.*) to determine how often the respondent had been subjected to "physical sexual harassment - that is, unwanted physical contact."

Definitions of Sexual Harassment. The respondents were asked whether they strongly agreed, agreed, neither agreed nor disagreed, disagreed, or strongly disagreed that the following behaviours constituted sexual harassment:
- When a man frequently makes uninvited and unnecessary physical contact with a woman who works with him
- When a man tells sexual jokes to a woman who has never told the same kind of jokes to him

- When a man pressures a woman who works with him to go out on a date with him
- When a man frequently makes uninvited remarks that have sexual references or double meanings to a woman who works with him
- When a man flirts with a female coworker who has never flirted with him
- When a man displays sexually oriented pictures or calendars in places where women also work.

Sexual Harassment Policies. Respondents were asked whether their newspaper has a written policy statement dealing with sexual harassment. Those who said the newspaper had such a policy were asked: "Are all employees equally aware of this policy, are women more likely to be aware of it or are men more likely to be aware of the policy?"

Demographic and Work-Environment Information. Each respondent was asked for her year of birth, marital status, job title, how many years she had worked as a journalist, how many people worked in the newsroom where she worked, what percentage of those people were women, whether her immediate supervisor was a man or a woman, and whether news employees at her newspaper were members of a union.

Results

Our goal had been to include about 100 women from each size of newspapers in the final survey, and we had anticipated that we would need approximately twice as many women in the initial sample to account for refusals to participate, ineligible respondents, and sample members who never could be reached. The most serious difficulty we encountered turned out to be contacting sample members, particularly those from the large and midsized newspapers, before they left their jobs, often for employment outside newspapers.

Once we had contacted sample members, refusals to participate in the survey were quite rare. Of the 582 women included in the original sample, we ultimately made some type of contact with 396, although in 85 cases, we only learned that the woman no longer worked at that newspaper. Of the 311 women our interviewers did speak with, only 33 refused to participate, for an unusually low refusal rate of 10.6%. Eighty-four other women were contacted and agreed to participate, but could not be interviewed because of scheduling difficulties or some other problem.

Not surprisingly, the largest number of respondents were reporters (39%). Eleven per cent of the respondents were copy editors, 15% were section editors (*i.e.*, editors of features, business, or sports sections), and 4% were city editors or assistant city editors.

Fourteen respondents (6.2%) were news editors, and an equal number described themselves as editors. Six of the repondents (2.6%) held managing editor or assistant managing editor positions, and another six were photographers. The remainder of the sample was graphic artists, photo editors, editorial writers or columnists, held some other position, or gave no title.

The women ranged in age from 23 to 74, and their experience as journalists ran from less than one year to forty-five years. The smallest newsroom had only three employees; the largest an estimated 400 employees.

The percentage of newsroom employees who were women ranged from 4 to 90 per cent. About two-thirds (67%) of the women had males as their immediate supervisors, about 31% had female immediate supervisors, and five women reported having one or more supervisors of each gender. Nearly half of the women (47.6%) were married.

The women were asked to indicate whether sexual harassment was no problem, not much of a problem, somewhat a problem, a significant problem, or a very serious problem for women journalists in general and in their own careers specifically.

About 60% of the women said sexual harassment is at least somewhat a problem for women as reporters, photographers, editors, and graphic artists, and more than one in 10 (11.5%) said sexual harassment is a significant or very serious problem for women journalists.

Lower percentages reported having substantial trouble with sexual harassment in their own careers; nonetheless, more than one-third (36.1%) said sexual harassment had been at least somewhat a problem for them personally, and 17 women (7.5%) reported having had significant or serious problems with sexual harassment during their careers.

Cross-tabulation analysis determined that there was a significant relationship between beliefs about the seriousness of sexual harassment as a problem for women journalists and age. Older women (4174 years old) were three times as likely as the youngest women (23-30 years old) or the middle age group (31-40) to say that sexual harassment was no problem at all for women journalists.

Women in the 23-30 age group were twice as likely as those in the middle group and more than three times as likely as the oldest women to regard sexual harassment as a significant or very serious problem for women journalists. Women's ratings of sexual harassment as a problem for women journalists also were related to the percentage of women in their newsrooms.

Women working in newsrooms in which more than half of the employees were female were far more likely to say that sexual harassment was little or no problem for women journalists; these women were more than four times as likely as women in the least-female-populated newsrooms to say that sexual harassment was no problem at all for women journalists.

None of the demographic or work environment variables showed any significant relationship with women's views of sexual harassment as a problem in their own careers.

EXPERIENCE WITH SEXUAL HARASSMENT

Respondents also were asked to indicate how often they personally had been subjected to two types of sexual harassment - harassment that did not involve

physical contact (sexual comments, jokes, *etc.*) and harassment that did involve physical contact (unwanted touching, *etc.*) - from a variety of professional contacts. The results indicate that news sources were the most likely to harass women journalists both physically and without making physical contact. More than 44% of the women reported that sources at least sometimes subjected them to nonphysical sexual harassment, and about 6% reported physical sexual harassment by sources at least sometimes. More than one-fourth of the women had at some time experienced physical sexual harassment by a news source, and more than 70% of the women had experienced nonphysical sexual harassment by a source.

Overall, at least one-fourth of the women said they experienced nonphysical sexual harassment at least sometimes from their supervisors or others in positions of authority over them (25.1%) and from coworkers at their same level (29.1%), and nearly one-fourth experienced such harassment from subordinates (23.6%) or in other professional settings (22.5%). Almost 5% had been physically harassed at least sometimes by their supervisors and same-level peers. Because the results shown do not indicate whether the same women were experiencing harassment from a variety of professional contacts, we created two new variables that indicated whether the respondents had been subjected to nonphysical or physical sexual harassment at least sometimes from any source.

In other words, had the women experienced physical sexual harassment at least sometimes, regardless of the person engaging in the harassment. More than two-thirds of the women (67.4%) had experienced nonphysical harassment at least sometimes by someone in their work environments, and 16.7% of the women had been physically sexually harassed at least sometimes, regardless of the identity of the harasser.

In addition, nearly one in four women had experienced nonphysical harassment by three or more professional contacts, and about 6% had been physically harassed by two or more professional contacts. These results suggest that sexual harassment is occurring among women journalists in a relatively widespread manner; it isn't just a few women who are being affected by harassment from multiple professional contacts.

Cross tabulations were conducted to determine whether a woman's chances of being subjected to either nonphysical or physical sexual harassment were related to her job title, age, immediate supervisor's gender, the size of the newspaper for which she worked, her years of experience as a journalist, or the percentage of women in the newsroom.

Analyses revealed no significant effects for any of these variables for the measures of combined experience with nonphysical or physical sexual harassment. However, some significant differences did exist in measures of nonphysical harassment by specific types of work contacts.

The percentage of women in the newsroom was significantly related to a respondent's likelihood of being sexually harassed by coworkers at her same

level; women whose newsrooms were one-third female or less were more likely to experience nonphysical harassment at least sometimes. This may simply reflect the fact that women are less likely to be harassed by their same-gender peers, so more women in the newsroom means fewer coworkers who're likely to harass them. It also may be, however, that predominantly male newsrooms create a more sympathetic environment for employees inclined to subject their peers to verbal or visual sexual harassment.

Reporters and photographers-women who spend more time outside the newsroom itself-were less likely to report having been harassed by subordinates than were copy editors, graphic artists, and others who spend all or nearly all of their work hours in the newsroom. Again, this may reflect a simple difference in opportunities; reporters and photographers may spend less time around subordinates and therefore have fewer chances to be sexually harassed. A more likely explanation may be that reporters and photographers are less likely to feel that they have any lower-level coworkers. On this question, women did not have the option of saying the question did not apply to them.

On the other hand, reporters and photographers' time outside the newsroom makes them more vulnerable to being sexually harassed by news sources. Nearly 60% of reporters and photographers said sources had sexually harassed them at least sometimes, compared to more than one-third of copy editors, graphic artists, and others working primarily inside the newsroom.

Responses to the open-ended questions at the end of each interview indicated that the types of sexual harassment the women journalists experienced ranged from the merely irritating-being called "honey" and "sweetie" or "that little girl" - to the downright dangerous. One political reporter from a small Midwest newspaper said she deals with condescending name-calling by simply returning the favour: "After I treat them the way they treat me, by calling them 'sweetie' or something like that, it doesn't happen after that."

Other women, however, reported having to deal with much more disturbing instances of sexual harassment by sources. For instance, one police beat reporter from a small newspaper in a Mid-Atlantic state recounted two instances in which she went to a district attorney's office to conduct interviews and found him playing confiscated X-rated videotapes. He continued to watch them during the interviews, telling her, "We just got these tapes in, and I have to look at them." Not surprisingly, the woman found the experience unnerving: "It just didn't make sense that he would put them in the tape player. They're (videotape characters) having sex, totally nude, on TV. It was disturbing and uncomfortable, and I was trying to ask him questions. I just ignored it. I probably should have asked him to turn it off, but I didn't. He's a pretty intimidating man anyway."

Another woman, who works for a large Midwestern newspaper, was equally unnerved by the behaviour of a bond trader she interviewed at his office. She noticed that, while showing her a computer programme he used, he kept brushing his knee against her; she also noted that, as staff members left the

office about 5 p.m., each seemed to make a point of letting her know they were leaving. Uncomfortable being left alone with the man, the woman got up to leave; as she did, the source brushed her long hair back behind her shoulder. "From your father, it might be endearing," the woman recalled, "but coming from someone like that, I found it very offensive."

Many of the respondents who work or have worked as reporters reported that sources often suggested going to a bar or to a motel to conduct interviews or that sources would joke with each other about whether the reporter was having sex with one of them or might be willing to do so. Other respondents described instances of blatant physical sexual harassment by sources. One reporter had a source who was a doctor approach her from behind and give her a "full body press." Startled, she responded by saying, "Rape," softly but loud enough for him to hear. The doctor left the room and had no contact with the reporter for the next few months.

One woman from a small Northeastern newspaper recalled being propositioned by a source whose house she had gone to. "He propositioned me, tried to force himself on me. I got out of it by talking fast. I had gone to his house to do the interview, so he considered it OK, I guess."

Unfortunately, sources were not the only perpetrators of sexual harassment. One woman recounted an incident during a news meeting in which the managing editor asked another female staffer, who was wearing a mini-skirt, to turn around so the group could appreciate her outfit and suggested that she ought to wear mini-skirts more often.

A photographer/photo editor who works for a midsized Southwestern paper reported that both sources and coworkers frequently make comments about her breasts. Once, during an assignment in Central America, she contracted a water-borne illness that resulted in significant weight loss. When she returned to the newsroom, a manager noted how much weight she had lost and said, "It's too bad it all came out of your boobs."

A night editor from a small paper reported that the newspaper's sports editor regularly comes by her desk and rubs her shoulders and touches her hair. When she finishes her work, she said, she sometimes asks if there's anything she can help him with because he has to deal with more latebreaking news. Her offer to help is greeted with more harassment: "He always- every single day- says, 'Yes, there is something you can do,' and then laughs."

A journalist from a Southeastern newspaper reported that her manager once had called her at home and asked her to meet him at a lounge to discuss something work-related. "When I got there, he was really drunk, and he said, `You want it, and you know you do.' I went out the fire escape to get out of there. When I left, I was fearful I had lost my job. But I think he was so drunk he didn't even remember doing it."

A reporter from a midsized newspaper in the Northeast had a similar experience with her newspaper's former chief editor. The editor had invited her and a male friend to a party at his apartment and then offered to let the

reporter drive his expensive sports car to the apartment, while her friend followed in his own car. "This man had always been very kind to me," she recalled. "I had no reason to expect anything." But after she got into the driver's seat, the editor began telling her that "the things he would like to do with me and to me would make him lose his job. He kept saying he was disturbed about the thoughts he was having about me." She got out of the car and left with her friend. Another of this woman's coworkers circulated throughout the newsroom a list of all the women in the newsroom, ranked according to how much he wanted to have sex with each one.

DEFINITIONS OF SEXUAL HARASSMENT

In addition to learning about the extent of physical and nonphysical sexual harassment among women journalists, we also were interested in determining how women in the newsroom define sexual harassment. Thus, the women's responses to questions about whether a variety of types of behaviour constitute sexual harassment.

Specifically, we asked the women to use a five-point scale to indicate the extent to which they would define it as sexual harassment if a man:

- Made repeated, unwanted physical contact with a female coworker,
- Told sexual jokes to a female coworker who had never told him similar jokes,
- Pressured a female coworker for a date,
- Repeatedly made remarks with sexual meanings or double entendres to a female coworker,
- Flirted with a female coworker who had not previously flirted with him,
- Displayed sexually oriented posters or calendars in areas where female coworkers would have to see them.

There was strong agreement that a man who makes repeated, unwanted physical contact with a female coworker is engaging in sexual harassment; 98.7% of the women either agreed or strongly agreed with this statement. Almost as high a percentage (92.5%) said pressuring a female coworker for a date constitutes sexual harassment, and 87.7% either agreed or strongly agreed that making sexual comments or double entendres to a female coworker constituted sexual harassment. The great majority of respondents (86.3%) also agreed or strongly agreed that displaying sexy posters or calendars was sexual harassment, and about 81% agreed that telling sexual jokes to a female coworker who never had told the same kind of jokes to the man constituted harassment. The behaviour least likely to be defined as sexual harassment was flirting with a female coworker who hadn't flirted with the man before; 37.9% of the respondents agreed or strongly agreed, but more than a third (33.9%) disagreed or strongly disagreed.

Cross tabulations were conducted to determine whether demographic or newspaper characteristics (age, years of experience, circulation size) were related to respondents' likelihood of defining each of the behaviours as sexual harassment.

Age was significantly related to one measure - whether the respondent agreed that displaying sexually oriented pictures was sexual harassment; the oldest women (41-74 years old) were nearly twice as likely to strongly agree (59.3%) as were the youngest group, 23- to 30year-olds (31.1%). The relationship between age group and agreement that telling sexual jokes constituted harassment approached significance (p=.11), and the trend reflected the same pattern.

Women in the oldest group were more likely than those in either of the two younger groups to agree that a man was sexually harassing a female coworker if he told sexual jokes when she never had told him the same kind of joke.

The only other relationship that approached significance was between circulation size and the likelihood that respondents defined flirting as sexual harassment. In this case, women at the midsized newspapers (25,001-100,000 circulation) appeared to be least likely to consider flirting to be sexual harassment.

Finally, the six specific questions about definitions of sexual harassment were combined into a moderately reliable scale, and this scale was tested for correlations with the respondents' age, years of journalism experience, and the extent to which she had experienced both physical and nonphysical sexual harassment throughout her career. Only age was significantly correlated with this scale, and the correlation, though significant, was quite low.

Sexual Harassment Policies

Each respondent also was asked whether her newspaper had a written policy regarding sexual harassment and if so, whether there were gender differences in awareness of the policy. About 71% of the women said their newspapers do have a formal, written sexual harassment policy. About 13% of the women said the newspaper did not have such a policy, and another 16% were not sure whether or not a sexual harassment policy existed. Of the respondents whose newspapers did have a formal policy, the majority (70%) said male and female employees were equally likely to be aware of the policy. About 19% thought women were more likely to be aware of the policy, and 4% thought men were more aware of it.

The respondents included in this survey were randomly selected, so these results should reflect fairly accurately the experiences and opinions of female journalists working at newspapers throughout the United States. However, one significant concern arises from the fact that the surveys have taken a relatively long time to complete. Interviewing began during the summer of 1993, and the last of the respondents whose data are included in this report were interviewed in February 1995. It's possible that events occurring during the intervening months may have increased the later respondents' awareness of sexual harassment issues. For instance, there was a fairly widely publicized fall 1993 case in which the Supreme Court ruled in favour of a woman who had sued her employer for sexual harassment under the "hostile environment" rule.

Newswomen certainly would have been likely to have been exposed to at least wire service coverage of this case, which could have increased the likelihood that they would begin to redefine as harassment behaviour that does not include unwanted physical contact.

Another concern is the relatively large number of women who had left their jobs at the sample newspapers by the time we attempted to contact them. We have no way of knowing whether their experiences differed significantly from those of the women we interviewed. It is possible, for instance, that problems with sexual harassment contributed to their decisions to leave their newspapers, which would mean that our results underestimate the extent of sexual harassment newspaperwomen are encountering.

Despite these limitations, however, the results strongly suggest that sexual harassment is a significant problem for women working in America's daily newspapers. More than one-third of these women said sexual harassment has been at least somewhat a problem in their own careers as journalists, and three of every five respondents believe sexual harassment is a problem for women journalists in general. The difference in those two figures is interesting and may be explained, in part, by the fact that even women who have not themselves experienced blatant sexual harassment are aware when other women in their newsrooms have such experiences. During the openended questions at the end of our interviews, we found that many respondents who had not experienced harassment much themselves were deeply concerned about incidents involving other women with whom they worked.

While knowing about someone else's experience with harassment may not be as stressful as being harassed oneself, it almost certainly produces a less-thanideal working atmosphere.

Another important finding of this study was that, in comparison to the APME survey, we found a much higher percentage of women who said they experienced sexual harassment at least sometimes. Among our respondents, more than two-thirds experienced nonphysical sexual harassment at least sometimes, when all possible perpetrators of harassment were considered, and about 17% experienced physical sexual harassment at least sometimes. Only about 38% of the APME survey's female respondents said they had ever been subjected to sexual harassment at their newspapers. Some of the difference may be explained by the wording of questions. We asked respondents about their experiences throughout their careers, while the wording of the APME survey question may have limited women's responses to those involving their present newspaper. Thus, the women in our survey may have been reflecting experiences over a broader span of time and more newspapers. It also is possible, however, that the APME's respondents were working for more enlightened employers; the papers involved in the APME study, after all, had volunteered to participate.

Another contrast with the APME study appears in the identity of persons doing the harassing. Among our respondents, problems with sexual harassment

were most common in women's interactions with news sources, who were more likely than any category of coworkers to harass women journalists in either physical or non-physical ways. In the APME survey, on the other hand, 67% of women who had been harassed said the harasser was a coworker, compared to 20% who had been harassed by a source or client. This harassment by sources may be especially troubling to women journalists because many seem to feel powerless to do anything about it. In response to the open-ended questions, many women expressed the view that there was no effective way to prevent harassment by sources because the journalist must depend on these sources for information. One woman from a small Southeastern newspaper said, for instance, that most women reporters simply put up with harassment from sources rather than alienating them. This woman, who had had a police detective ask what colour panties she was wearing and throw a pair of underwear in her face during an interview, said she did not confront him about it. "I continued to work with him as a news source. To report it would have made it worse." Another woman said she wouldn't know what to do about a source's harassment because "in our case the person you would have to go to is the one person who makes women most uncomfortable in the newsroom."

Other women dealt with the harassment more aggressively. The business reporter who was sexually harassed by the bond trader reported the incident to her supervisor, who backed her in her decision to stop using the man as a source and to tell him specifically why she no longer would seek his opinions for stories. Another woman, who now works for a midsized paper in a North-Central state, reported that while working as a police beat reporter in Florida, she had been called out on a dark, rainy night to cover a wreck. The officer who had called her about the wreck suggested that she get into his car to write down the names of those involved, and when she did, he "attacked" her. She slapped him, got out of his car, and later reported the incident to her supervisors. "Luckily when I slapped him, he backed off. I think he was stunned -he was certainly way stronger than I was," she recalled. "It was part of what led him to be canned (fired)."

Harassment by sources may be most common, but the women we talked to also were, in many cases, deeply disturbed by harassment they experienced from coworkers and supervisors. In at least some cases, this harassment has had significant effects on women's careers, spurring them to leave the newspaper to get away from a harassing situation or even, in one case, to turn down a promotion that would have put the woman in more frequent contact with a harassing publisher. This woman, who works now at a newspaper in the Northwest, said the publisher had a habit of touching women employees on the buttocks and rubbing their shoulders. "It just never ended - and continual comments," the woman said. "The funny part is, I was offered the job of news editor, but I didn't take it because of his habits. So he was willing to offer a woman the job because he wanted to make money, and he wanted the experience I had. But he still had these other habits."

Again, women who dealt aggressively with their harassers seemed most likely to get positive results. A woman from a midsized New England newspaper reported that her male coworkers once put up a poster showing a woman surrounded by ten men, with the headline, "Put an end to rape. Say Yes." She said, "The poster was up for about five seconds, and I marched into the managing editor's office and asked him if he had seen it. He went back and took one look at it and immediately told them to take it down. In dealing with this stuff, the best thing to do is just go get a man with a brain in his head, as opposed to one of the ones with his brain between his legs."

Not surprisingly, the respondents in this survey were most likely to define as sexual harassment behaviours involving unwanted physical contact and a coworker pressuring a woman for a date. However, there also was substantial agreement that sexual remarks and comments with double meanings, displaying sex-oriented posters or calendars and telling sexual jokes to a woman who hadn't told the man similar jokes constituted sexual harassment. The only behaviour we asked about that wasn't defined as sexual harassment by at least 50% of our respondents was flirting with a female coworker who hadn't previously flirted with the man.

We also found that about 71% of the women worked at newspapers where there was a written policy regarding sexual harassment (16% weren't sure whether the newspaper had a policy), and 70% of those women said male and female employees were equally aware of the policy. The fact that harassment still is going on may suggest that male journalists, regardless of newspaper policy, simply aren't concerned about negative repercussions they might face if accused of sexual harassment. More likely, perhaps, is that male journalists do not understand that some of the more ambiguous behaviours, such as telling jokes or posting sexy photos, offend their female coworkers. Some studies also have indicated that male managers in certain kinds of workplaces - including police stations, law firms, advertising agencies, and newspapers - view their workplaces as "unique environments, where sexual harassment can be excused." Women who want to work in these traditionally male environments are expected to play by the boys' rules or not play at all, and this may be particularly true in newsrooms still dominated by men. The finding that women working in newsrooms with higher percentages of male employees were more likely to experience sexual harassment is consistent with findings from other types of workplaces.

On the other hand, it's important to note that many of our more veteran respondents, in the open-ended section of the interview, stressed that their work environments had improved significantly over the course of their careers. One woman, for instance, said that she had been surprised to receive our initial letter because her work environment seemed fine; she said the fact that we were doing the study made her guess that harassment still was a problem in other newsrooms.

Having established that harassment indeed is a problem for women newspaper journalists, we now need to turn our attention to understanding why this

harassment occurs and, perhaps more important, how it can be stopped. Further analysis of the open-ended responses from this study is helping us to understand how harassment victims typically respond to their harassers and which kinds of responses seem to be most effective. In addition, further research will be needed to determine how male journalists perceive the kinds of behaviours female journalists categorize as sexually harassing, the circumstances under which they may engage in such behaviours, and how action by newspaper management affects harassment of journalists both in the newsroom and by sources outside.

Regardless of the reason, it seems clear that newspapers must begin to do a better job of addressing the issue of sexual harassment if they want to keep their best and brightest female employees. Research in other fields has demonstrated that the negative work-related outcomes of sexual harassment include high employee turnover, lowered self-esteem and decreased selfconfidence among harassment victims, deteriorating coworker relationships, and decreased job satisfaction and commitment to the organization. From their recent meta-analysis of studies of job stress among journalists, Cook and Banks concluded that there is a strong relationship between job stress and burnout and between job burnout and intention to leave the profession. Sexual harassment may be only one source of job stress for women journalists, but it's an additional stress. Female journalists already face the same stresses male journalists face, and that one additional burden may be enough, in some cases, to send highly competent, top-performing women looking for somewhere else to work. As noted earlier, even when they stay in newspapers, sexual harassment may distract women from the work on which they really want to be concentrating. In that sense, sexual harassment of women journalists does a disservice not only to them but to newspapers' readers as well.

For these reasons, as well as concern for common human decency and fairness, newspaper owners, publishers, and managers would do well to heed the comments of one of our survey respondents, a reporter from a medium-sized Mid-Atlantic newspaper. She said of her supervisors: "Sometimes, these people don't seem to think all the publicity about sexual harassment and sex discrimination applies to them and their behaviour."

MEDIA

PRINT

A story is a single article, news item or feature, usually concerning a single event, issue, theme, or profile of a person. *Correspondents* report news occurring in the main, locally, from their own country, or from foreign cities where they are stationed.

Most reporters *file* information or write their stories electronically from remote locations. In many cases, *breaking stories* are written by staff members, through information collected and submitted by other reporters who are out on

the field gathering information for an event that has just occurred and needs to be broadcast instantly. Radio and television reporters often compose stories and report "live" from the scene. Some journalists also interpret the news or offer opinions and analysis to readers, viewers, or listeners. In this role, they are called commentators or columnists.

Reporters take notes and also take photographs or shoot videos, either on their own, or through a photographer or camera person. In the second phase, they organize the material, determine the focus or emphasis (identify the peg), and finally write their stories.

The story is then edited by news or copy-editors (US style) or subeditors in Europe, who function from the *news desk*. The headline of the story is decided by the news desk, and practically never by the reporter or the writer of the piece.

Often, the news desk also heavily rewrites or changes the style and tone of the first draft prepared by the reporter/writer originally. Finally, a collection of stories that have been picked for the newspaper or magazine *edition*, are laid out on dummy (trial) pages, and after the *chief editor* has approved the content, style and language in the material, it is sent for publishing. The writer is given a *byline* for the piece that is published; his or her name appears alongside the article. This process takes place according to the frequency of the publication. News can be published in a variety of formats (broadsheet, tabloid, magazine and periodical publications) as well as periods (daily, weekly, semi-weekly, fortnightly or monthly).

TELEVISION

In a broadcast system (television), journalists or reporters are also involved with editing the video material that has been shot alongside their research, and in working on the visual narrative of the story. Broadcast journalists often make an appearance in the news story at the beginning or end of the video clip.

In television or broadcast journalism, news analysts (also called news-casters or news anchors) examine, interpret, and broadcast news received from various sources of information. *Anchors* present this as news, either videotaped or live, through transmissions from on-the-scene reporters (news correspondents).

News films ("clips") can vary in length; there are some which may be as long as ten minutes, others that need to fit in all the relevant information and material in two or three minutes. News channels these days have also begun to host special documentary films that stretch for much longer durations and are able to explore a news subject or issue in greater detail.

The desk persons categorise news stories with various formats according to the merit of the story. Such formats include AVO, AVO Byte, Pkg, VO SOT, VOX POP, and Ancho Visual.

- The AVO, or Anchor Voice Over, is the short form of news. The story is written in a gist. According to the script visual is edited. The anchor

reads the news while the visual is broadcast simultaneously. Generally, the duration of an AVO is 30 to 40 seconds. The script is three to four lines. At first the anchor starts to read the news, and, after reading one or one-and-a-half lines, the visual is aired, overlapping the face of anchor.

- The AVO Byte has two parts: An AVO, and one or more bytes. This is the same as an AVO, except that as soon as the AVO ends, the Byte is aired.
- The Pkg has three parts: Anchor, Voice Over, and Sign Off. At first a Script is written. A voice over anchor reads the anchor or anchor intro part.

NEWS AGENCIES

News agencies, which are also known as wire services provide news to publications, broadcasters and media houses by the minute. No examples are Agence France-Presse, Reuters and the Associated Press.

The financial problems facing the newspaper industry mean newspapers are generally more reliant on news agencies. According to The Economist, "a few struggling newspaper groups have stopped subscribing to newswires. Many others, having cut their own newsrooms, have become more dependent than ever on regurgitating agency copy."

The rise of news websites that lack staff to produce news, has also helped news agencies. According to Tom Curley, of Associated Press, in 2008 printed newspapers contributed only 25% of the company's revenues, a reduction from 55% in 1985."

4

The Contradiction of Democratic Principles and Freedom of the Press

The process of democratization in Russia paradoxically became a justification to curtail press freedom and to keep the media instrumentalized. The instrumental use of the mass media in postcommunist Russia is a continuation of the communist past. Although the external (societal) goal has changed from the building of the communist society into support for the democratic society, the mobilization of the mass media as a means to a goal remained unchanged.

Gorbachev considered the mass media main instruments in promoting his politics of glasnost and gaining support for his reforms. As before, mass media mobilized people for the ideology of socialism but now in a more dynamic way. Yassen Zassoursky, dean of the Faculty of Journalism of the Moscow State University, has labelled the mediamodel in the glasnost era (1985-1991) successively the 'glasnost-model' (Zassoursky, 1997) and the 'instrumental model'. The first label (glasnostmodel) points out an element of change, namely the break with the previous 'administrative-bureaucratic model'. Also in this model, however, Zassoursky points at the instrumental use of the mass media. In the name he later used (instrumental model), this aspect of continuity is brought to the forefront.

The first Yeltsin-years received from Zassoursky the label of 'fourth power model'. The expectations, however, were pitched too high, and from 1995-'96 onward this label was changed in for that of 'authoritarian-corporate model.

It seems that the press could not meet the requirements for being called an independent 'Fourth Power'. 'Whatever good or bad happened to the

Russian media in the 90s was directly tied to Yeltsin's views and acts in the information sphere', states media law specialist Andrei Richter (2000). Yeltsin presented himself as the self-constituted personal guarantor of democracy and press freedom. While it is obvious that Yeltsin 'allowed' more freedom than any of his predecessors, he never questioned his presumed right to allow such freedom. And in exchange he expected loyal support from the mass media for his policy. Yeltsin embodied the belief that in order to improve the democratic procedures one has to step 'beyond' these procedures.

In the name of democracy he fired upon Parliament in October 1993 and banned opposition newspapers. In the name of democracy he ruled largely by decree thus ignoring a whole series of 'horizontal checks'. In times of elections- 'the lifeblood' of democracy – the mobilization of mass media reaches a peak. In the name of democracy Yeltsin blatantly expected the mass media to support and arrange his re-election as President in 1996.7 The mass media were comitted to an anti-communist crusade. The whole election campaign was reduced to a duel between President Yeltsin and oppositional candidate Zhuganov, between the future and the past, between democracy and communism, between press freedom and press control.

The tone of the campaign was set by the sacking on 15 February 1996 of Oleg Poptsov, head of the state-owned television station RTR (Belin, 1997). The right to appoint and dismiss media functionaries is one of the most powerful means of *direct* influence in the media for the executive. The President appoints the chairman of the 'public' television channel ORT and the government channels RTR and *Kul'tura*. The government appoints the chairmen of the central radio channels. Another way of direct control are the state organizations directly subordinated to the executive, especially the Media Ministry but also an *ad hoc* institution such as Boris Yeltsin's 'Federal Information Center of Russia' (December 1992 – December 1993) or an institution with no direct authority over the media such as the Security Council. The possibilities for *indirect* control are even greater.

There is the reliance of many media outlets on economic sponsorship, either through state subsidies or by businesses, either open or secret. There is the use of courts as weapons deployed against journalists (esp. libel and slander). There is the dependency on the Kremlin – instead of an independent agency – for the issuance and revoking of broadcast and publishing licenses. There is the dependency on state facilities such as printing houses, transmission facilities, and distribution systems. There is the accreditation of journalists and the inequal access to information. There is the use of violence against journalists. To this we can add the legal insecurity caused by the rapid succession of decrees, government orders and procedures, and the upredictable changes in policy and practice of, for example, tax collection (eg. massively tolerated tax-evasion, followed by repressive controls on a large scale).

The paradox of democracy and press freedom: The media's side It does not appear fair to exclusively blame the authorities for the described system. The

label 'authoritarian-corporate model' implies next to the 'authoritarian' aspect (that is, the media subordinated to the authorities) also the 'corporate' aspect (that is, the cooperation and alliances). The distinction comes down to the question whether the media are 'forced' rather than 'free' partners of the authorities (Merrill, Lee & Friedlander, 1990: 59). The question of quilt is inappropriate. We can only observe and conclude. In the early years of the Russian Federation (1992-'93), marked by the conflict between President and Parliament, 'most of the Russian media appeared to adopt a strongly progovernment stance' (Benn, 1996: 472). A content analysis of central television programmes in the run-up to the referendum of 25 April 1993, showed 'the obtrusive partisanship of state television' (Mickiewicz & Richter, 1996). The majority of media *voluntarily* opted for the new, hence democratic partiality. Their leaders approached Yeltsin on their own initiative for protection and promised loyalty.

In the presidential elections of 1996, the majority of journalists and media professionals rallied behind Yeltsin again and *voluntarily* agreed with the mobilization function of the media. As Shevelov, vice president of television channel ORT, stated: 'you can only refer to pressure if there is resistance. There is none.' (cited in Lange, 1996).

The journalists adhered to partisanship not only for material reasons but also out of normative considerations. Igor Malashenko, president of the private television station NTV, who joined the Yeltsin re-election campaign in April 1996 as chief media advisor, explained this logic as following: if the private media provided "unbiased, professional, and objective" campaign coverage, Zyuganov would win the election, and journalists would lose their freedom permanently. Better to become a temporary "instrument of propaganda" in the hands of the Kremlin, Malashenko argued. *Partijnost'* was justified for the protection of democracy and consequently for press freedom. In the name of democracy the journalists voluntarily gave up their autonomy and their freedom.

Elections in general, and the 1996 elections in particular, can be considered critical but not atypical periods. Hence, it is not possible to treat the electoral period as being distinct from the context in which media normally operate. Quite the reverse, if we may believe Brzezinski (1970): 'A perceptive formula is easier to articulate in a moment of special stress. (..) The situation of crisis permits sharper value judgments'. In general, and apart from election context, research has shown that many Russian journalists do not reject the paternalistic character of power and therefore accept its tutelage in mass communication. The journalist considers himself, in line with the tradition, a missionary of ideas, not a neutral observer or autonomous information disseminator. The concept adhered to is that of the active or participant journalist as decribed by the Hungarian writer Janos Horvat ('The East European Journalist' in Gross, 1996): someone who wants to influence politics and audiences according to his political beliefs. The restriction to the presentation of mere facts is even commonly regarded as a devaluation of the profession of journalist (Voltmer, 2000).

The attitude of the individual journalists suits the media-owners who like to use the argument of press freedom to protect their own freedom and their particular interests. As the majority of media-holdings form part of larger financial-industrial groups and as money is still made through political connections, political, economic and media-interests go closely together. Political and economic elites try to secure via the media their own positions. Oligarchs and media magnates like Boris Berezovsky and Vladimir Gusinsky are the classic examples. When the media outlets of Vladimir Gusinsky became the target of prosecution, Gusinsky immediately alarmed that press freedom and in extension even democracy was endangered. His alarm was taken over by other journalists in Russia as well as in foreign countries (the USA in the first place). There were, however, also sceptical voices. Robert Coalson (2000) wrote in a column in *The Moscow Times*: 'Gusinsky has shown very little genuine concern for press freedom. Like the other oligarchs, he only appears when his own interests are directly at risk'.

In the same way Sergej Markov (2001) noticed with reference to a rally on freedom of speech, organized in connection with the NTV-case: '.. all speeches by NTV stars were about NTV's freedom. Such egoism could not inspire champions of freedom of expression'. Also in line is the following reflection: 'Where were the voices of protest from this 'independent' press when Yeltsin attacked the legitimate Russian parliament with military force, when the Soviet Union became dissolved by the signatures of a few officials, when the country's resources passed into the hands of a few oligarchs, and when corruption allowed Yeltsin's chosen family and friends to suddenly acquire wealth and transfer this wealth out of the country? That 'independent' press manipulated a government that served its interests'. 'The concept of freedom of speech has become hackneyed after Gusinsky and somewhat awkward to use' concludes the however not neutral General Director of Gazprom-Media, Alfred Kokh (2001).

As Price and Krug (2000) state: 'For free and independent media to 'work', the community in question must value the role that the media play'. The public however seems to accept the 'Russian interpretation' of press freedom. Or, in any case, is adapted to it. The people react to mass media information by asking themselves not 'is this true' but '*komu eto vygodno* ?' (to who's advantage ?). News is interpreted in function of the news source, whether 'Berezovsky's channel', 'Gusinsky's channel' or 'the government's channel', or whether Potanin's newspaper, LUKoil's newspaper or the Communist Party's newspaper. It is telling that 'independent' media in Russia are identified with 'opposition' media. Media independence is considered illusory, and partisanship the norm. Many Russians endorse the proposition that the mass media have the obligation to support 'the system'. A poll at the end of 2000, for example, shows that 34% of the Russians agrees that the mass media have to give 'full support' to the President and that opposition is not desirable. 'In today's Russia, media freedom is (..) not the most fashionable and popularly supported notion'

declared television presenter and journalist Evgeny Kiselev in an interview with Jeremy Drukker (*Transitions Online*, 10 juli 2000). And Elena Androunas (1993) points to the absence of 'freedom as a state of mind'.

SELF-REGULATION BY COUNCILS AND CODES

Self-regulation of the media is a widely accepted mechanism of regulating the responsibility of the media to the citizens. In practice this boils down to professional codes of ethics and independent media councils.

Self-regulation, however, is quite a weak form of regulation compared to official laws and perpetual market forces. Moreover, self-regulation tends to remain cosmetic window-dressing of the media industry and its professionals – a repertoire of good intentions with little or no impact on practical media operation and performance. Even if media people were honest and not just tactical in their willingness to be accountable to the public, their professional values and work practices, supported by a culture of autonomy, easily leads to "fortress journalism" where professionalism inhibits rather than promotes the fulfilling of the citizens' communication needs. It thus becomes necessary both to intensify the effects of self-regulation on professional practice and to monitor critically the state of self-regulation.

For self-regulation this means that the main function shifts from protecting media professionals to protecting ordinary citizens. This does not mean that the idea of media self-regulation is diluted. On the contrary, taking a little distance from the media themselves and taking the role of the audience and citizens more seriously brings self-regulation closer to what it is supposed to be in theories of democracy.

Actually self-regulation can and should be justified not only on the basis of defensive strategies on the part journalists and media but first and foremost seen through the public interest – ultimately as an innovative approach to democracy.

I have suggested (Nordenstreng 1999) a rationale in four steps based on the premises that the media are:

1. Influential (operating and perceived as powerful sociopolitical institutions)
2. Free (autonomy guaranteed by national and international law)
3. Accountable (responsibility determined by social and legal provisions)
4. Best made accountable by proactive self-regulation

This logic was articulated with a view to a new type of self-regulation: media criticism. This scientifically and professionally based system of monitoring media performance facilitates debate between media producers, consumers and the political and economic interest groups that hunger for influence over various aspects of media coverage (Nordenstreng 1999). But it fits equally well with the old ways of media self-regulation: councils and codes. Given the ever more vital role played by the media – including the so-called new media – in the emerging information society, it is a great challenge

for both media professionals and media academics, as well as media policy makers, to promote self-regulation. Self-regulation is the most obvious way to ensure both the freedom and responsibility of the mass media in society. Claude-Jean Bertrand (1998) refers to it as media accountability systems (MAS) and lists over thirty different ways to uphold the quality and responsibility of the free media. These include media criticism and monitoring, public access to the media and even training – the education of both professionals and consumers. However, the most important and internationally recognised mechanisms of self-regulation are independent media councils and professional codes of ethics.

Every one of the 38 countries listed has a document of principles and practices typically called "code of ethics", adopted by an independent media organisation (the UK has two codes). Meanwhile, less than 25 countries have a body to function as a court of honour mostly called "press council". Considering the nature of these means of self-regulation this is understandable: a code is relatively easy to adopt by a single professional association, whereas a council requires agreement between several parties (journalists and publishers often in conflict with each other) and an institutional commitment far beyond a single resolution. Some of the councils are no longer or not yet operational.

'TRANSPARENCY' AND 'ETHICAL PRACTICES'

Arguments favouring globalization have often centred on how multinationals practice 'transparency' in their business dealings and are more 'ethical' than their Indian counterparts. Although rarely substantiated with any thing other than anecdotal testimonies, such praise for the MNCs is common in the Indian media. Yet, there are numerous instances where multinationals have not only displayed a lack of ethics and 'transparency' but have actually broken the law.

Consider an October 2, 1998 report in the Hindu titled: *Large-scale tax evasion by MNCs unearthed*. The author of that report, Sujay Mehdudia wrote: "*Income-Tax officials have alleged that these companies evade taxes with impunity as the tax laws of the country are 'inadequate and ineffective' to deal with such cases.*" He wrote of multinational giants flouting tax laws knowing very well that they could not be arrested or criminally prosecuted against under the Indian legal system and could get away by paying the tax dues when caught. Violations were neither rare nor exceptional, since all the companies surveyed or scrutinized by the Income-Tax authorities in the recent past had shown a tendency to violate the law of the land.

The article quoted a high-ranking tax officer as saying: "*Had the violations taken place in some other country, not only would criminal proceedings have been launched but the people responsible for it would have been put behind bars.*" The author concluded his article with the statement: "*In the recent past, cases of TDS evasion by some Japanese and South Korean firms operating in India have come to the notice of the authorities, highlighting a ``certain intention" on the part of these companies to dupe the Government.*"

A more recent Hindustan Times report (May 12 2000) was more specific-it began with the headline: Rs 2100 crore tax evasion by MNCs. Minister of State for Finance V Dhananjaya Kumar in a written reply to a question posed in the Lok Sabha had provided data that indicated that MNCs had evaded Rs 1433.89 crores on income tax, Rs 143.80 crore on central excise duty as well as Rs 535.05 crore on account of import duty payable during last three years.

Sony was identified as the biggest evader, and charged with evading over 450 crores. SEDCO Forex International Drilling Co, Swiss-Swedish major Asia Brown Baveri, Hyundai Motors, Johnson & Johnson, Siemens, LG, Hawlet Packard and Philips were others implicated in cheating on import duties. Several MNCs had not paid enough central excise duties-including stock market darlings like Hindustan Lever, Procter and Gamble and Nestle. EID Parry, Gillette, Pepsi, Bayer, Novaritis and Carrier Aircon were also named as violators. Asia Satellite Telecom, Sabre Inc, Lucent Technologies, Nokia, Caribjet inc and Allied Signal group had been cited for serious income tax violations. Amadeus Marketing, American Airlines, British Airways, Pan Amsat, Motorola, Ashurst Morris Crisp, Reuters and ABN Amro were also in the list of companies to have evaded income tax.

'EFFICIENCY' IN WHOSE INTEREST-THE MNC OR THE INDIAN CONSUMER?

Another oft-repeated argument in favour of globalization is that multinational companies are more "efficient". Of course efficiency is never clearly defined. For instance, let us assume that efficiency equals profitabilty. Suppose a multinational invests 1000 crores and makes 200 crores in profit. On the other hand, assume that a domestic company invests 1000 crores and makes 100 crores in profit. It would thus seem that the MNC was more "efficient"-twice as much as the Indian company. But if half or more of the MNC's profits were repatriated to their foreign parent or to foreign shareholders, the relative benefit to India would be nil! And if the 100 crore in extra profit accrued only due to special tax breaks and other special favours granted to the multinational, the increase in 'efficiency' would be entirely fictitious.

Take another example. Let us suppose that the MNC is actually very "efficient" and is able to drive it's more "inefficient" Indian competitors out of business. With it's Indian competitors out of business, it could then raise prices over and beyond what the "inefficient" Indian companies charged their consumers. Here is another example of where "efficiency" from the point of view of the business does not translate into benefits for the Indian consumer. This has occurred not only in the soft-drinks sector, it has also occurred in the pharmaceutical sector.

Others have argued that the presence of multinationals would end the corrupt practices that hurt the 'efficiency' of India's public sector companies. The power sector is one such area where there is a clamour for speedy privatization.

But consider a recent Times of India report (17 July 2000) where a report by the Comptroller and Auditor-General (CAG) of India was cited, pointing to the wastage of crores of rupees in the process of privatizing Orissa's power sector. According to the report, foreign consultants were appointed in violation of guidelines and no attempt was made to engage domestic firms for the purpose.

The consultants, engaged to "effectively start and give a momentum to the reform programme'', were given a 582 per cent increase over the originally estimated time to do their work. However, their work spilled over to the third stage forcing the state to cough up an additional expense of Rs 72.96 crore. A sum of Rs 2.95 crore was also reimbursed to them without verification of supporting documents, the report pointed out. The implicated agency was DFID of Britain. The report said that during the selection process, World Bank's senior energy economist virtually put pressure on the government to opt for foreign firms, particularly KPMG, UK, and Arthur Andersen, USA, and sent the list for approval. The state government agreed to the WB official's suggestion without inquiring into the firms' experience and capabilities, the CAG report said.

The WB staff, in violation of the Bank's own guidelines and without request from the government, also reviewed suo moto the proposals submitted by the short-listed consultants and took Rs 2.2 lakh as service charges. A consortium of consultants led by KPMG was finally chosen, with whom the state government entered into an agreement.

The other members of the consortium included the National Economic Research Associates Inc. (NERA), USA, Mckenna & Co., London, and Monenco Agra Inc., Canada. Globalization of Orissa's power industry-(one of the few power surplus states in the country) has brought neither improved service nor lower costs. In Maharashtra, Enron remains the most expensive supplier of power charging the Mahrashtra State Electricity Board more than double what Tata Electricity Company charges. Moreover, it's power is produced using imported fuels making India more dependant on the international market.

There is also an assertion that globalization allows India to allocate scarce capital more efficiently because the Indian government could concentrate on areas that need special attention.

But few seem to note that in this decade of globalization, the government has been steadily reducing it's ability to fund vital social needs or infra structural needs. Numerous tax breaks have been given to MNCs to set up manufacturing in India. States have competed with each other in offering concessions to MNCs. Maharashtra has huge concessions to Skoda for it's automobile plant near Aurangabad, Tamil Nadu offered special incentives to GM to set up it's plant near Chennai. Karnataka and Andhra Pradesh have been competing to attract IT businesses in their state. Even the Central Government has joined in the act.

In a report titled: Export give-aways to cost govt Rs 760 cr, Jayanthi Ayangar (Economic Times) wrote about the various tax holidays provided to exporters.

The detailed report suggested that with violations and other means of tax evasion, the loss to the government may ammount to a 1000 crores. Rather than increase the government's ability to solve pressing problems, globalization has actually weakened the government's financial ability to intervene in the areas of education, healthcare and essential infrastructure.

Two years ago, noted economist and deputy-chairman of the State Planning Board Dr. D M Nanjundappa had termed as ''a bad commercial proposition`` the export incentives announced by former Union Commerce Minister Ramakrishna Hegde. *''Excessive higher dependence on foreign capital inflows and rise in exports is likely to be dangerous. Unless there is a sustained growth in exports arising from improvement in the competitive strength of the Indian industry, our hope to recover will be the willo-the-wisp,''* he said. Referring to the incentives offered for exports during 1995-96 by the Narasimha Rao government, he said though the revenue loss varied between Rs.18,00 crore and Rs.23,000 crore, exports rose only by Rs.10,000 crore. Losing Rs.25,000 crore of revenue to get export earnings of Rs.10,000 crore was not a good proposition adding that the loss of revenue and its implications were crucial. Two years later, his concerns remain just as valid since the trade deficit has widened to a record of 4 billion dollars for the last quarter. India's trade deficit grew almost 27% for the last quarter in spite of a substantial increase in exports. Although much of the rise came from fuel imports, growing fuel imports are themselves a negative consequence of poorly thought out liberalization.

As already noted in previous articles on liberalization and FDI, globalization has done little to solve India's pressing infra structural needs. This is particularly evident in the oil exploration and production sector. As a percentage of GDP, investment in oil exploration has fallen dramatically. In spite of deregulation and the award of licenses to multinationals for oil-drilling, domestic production of crude has been falling in both absolute and percentage terms. As a result, in the last quarter, India's oil-import bill jumped 95%.

SKEWED DEVELOPMENT: BY-PRODUCT OF INDISCRIMINATE LIBERALIZATION AND GLOBALIZATION?

Critics of indiscriminate liberalization had warned that one of the biggest dangers of a totally liberalized economy would be the anarchic development of select geographical areas and the neglect of industrially unpopular areas. This has been reinforced in a report by Tushar Mohanti for the Economic Times Research Bureau.

The report pointed out that of all the industrial entrepreneurs memorandum (IEM) filed since the new economic policy came into being in June 1991, only 10% have been implemented so far. In the case of implemented projects, only 10 per cent of the employment commitments were actually realized. He goes on to say that apart from poor implementation rate, what must be disturbing for both the planners and the government is the strong regional bias of the investment proposals.

Proving the critics right, (who at the beginning of the reforms had doubted the chances of industrially backward states to derive benefits from the reforms), more and more IEMs have gone to industrially developed states. Other studies have also shown that prosperous states like Maharashtra, Gujarat, and Tamil Nadu and the National Capital region around Delhi have attracted most of the new investment proposals-especially those from the multinationals. In contrast, Mohanti reported that West Bengal, Orissa, Bihar and Assam — all from the east — had failed to take the benefits of deregulation. Bihar, Orissa and Assam each had less than one per cent share of the total IEMs filed during the period. Their shares in actual investment were even lower.

Another aspect of non-selective globalization is that a few select sectors-namely consumer goods, automobiles, and software have attracted almost 90% of all foreign investment. There has been very little investment in the production of advanced electronics, computer or telecom hardware, aircrafts, advanced industrial materials, capital goods and modern tools and equipment, or robotics. These are the areas where India is completely dependent on imports and is likely to fall further behind. Rather than steer production in areas of cutting-edge technology, state governments have been falling over each other in giving MNCs more concessions to produce more of what India is already producing!

THE NOTION OF MEDIA DIVERSITY

There has been a thorny division over basic media policy. This division reflects differences over whether market or governmental processes best achieve crucial communications policy objectives. The social or public school of thought assumes that government intervention is a necessary condition to expose people to the widest range of views and opinions, whereas the market model asserts that supply and demand provide for this more efficiently.

The latter even asserts that conditions of free competition outweigh the dangers of government control of information. Resolving these policy challenges is extremely difficult at a time when media technologies and distribution systems are multiplying and when there is little consensus about basic values across international borders.

Blumler has performed a heroic task in noting values at stake amidst the commercialization trend in European broadcasting.

He identified these "vulnerable values" as programme quality, diversity, cultural identity, independence of programme sources from commercial influences, integrity of civic communication, welfare of children and juveniles, and maintenance of standards. I will focus on one of the values identified by Blumler, diversity, for three reasons.

First, media diversity is a broad concept with many dimensions: plurality of content, access to different points of view, offering of a wide range of choice, geographical diversity, *etc*. It thus encompasses pluralism of many kinds: regional, linguistic, political, cultural, and in taste levels. A focus on diversity thus promotes an understanding of social benefits that need to be preserved

if the media are to support democratic life. Second, diversity is said to be the most vulnerable value at stake in the concentrated and deregulated European media industry. Many studies that have sought to evaluate whether diversity is threatened or strengthened by media concentration justify this assumption. Third, media diversity has not only been a longstanding goal of all democratic states, but the belief in it has united many schools of thought.

Indeed, where the social and market schools of thought come together is in their shared assumption that diversity should be a primary goal of communications policy. Although they disagree on what diversity should be and on how to achieve that desirable goal, they both argue initially that societies must allow citizens to have access to a wide range of information, which is seen as a precondition for free expression of alternative opinions on any public controversy.

Diversity of Ideas. Examining the media performance in democratic societies, McQuail argued that the notion of media diversity extends beyond political theory: "It is a broad principle to which appeal can be made on behalf both of neglected minorities and of consumer choice, or against monopoly and other restrictions." He pointed out, though, that national media systems place different emphasis on these policy aims.

Indeed, as Brennan's work revealed, the Federal Communications Commission (FCC) policy in the United States attempted to encourage diversity both by increasing consumer choice and by ensuring, through the Fairness Doctrine, that a wide range of views has access to the media.

Referring to the traditional European public service broadcasting model, Hoffmann-Riem argued that "the public service philosophy of broadcasting... is oriented towards the accessibility of pluralistic information for citizens and society rather than the freedom of expression of communicators.

Diversity of programme content, accessible to all segments of the audience, must be established and safeguarded." This definition makes it clear that media diversity is not simply a matter of the number of information channels, but also of who controls these channels, of media content, and of accessibility of the media.

Diversity of Products. In recent years in Europe, the notion of diversity has come to refer not only to political and socio-cultural differences but it has been extended to include the marketplace concept of diversity of products available to viewers/listeners. The causes of such shift of emphasis is the relative channel abundance together with the trends towards deregulation and commercialization. There are, among others, two distinct definitions of diversity, that of idea diversity and that of product diversity. The former, as already indicated, suggests that a variety of thoughts, analyses, and criticisms on issues of social and political importance improve society. The latter is defined as the "range of variation in product attributes that are available (or potentially available) in a particular product or service." Most economic analyses of diversity focus on firms' competitive strategies, as reflected in the variety of products they

offer, and on the implications of those offerings for economic efficiency. Product diversity is believed by market-oriented analysts to accomplish idea diversity and create the climate for alternative viewpoints in the media. However, analysts who press the social value case argue that effective competition, which leads to economic efficiency, does not necessarily perform well with respect to social objectives, and therefore product diversity does not always produce sufficient idea diversity.

Issue, Content, Person, and Geographical Diversity. A broader definition of media diversity has been provided by Hoffmann-Riem who, referring to the broadcasting scene, has distinguished four dimensions of diversity. He argued that there must be diversity of formats and issues, meaning that all the various fields and topics (*e.g.*, entertainment, information, education, and culture) have to be taken into account. Second, this should be complemented by a diversity or plurality of contents.

This means that programmes, taken as a whole, should provide comprehensive and factual coverage of the different opinions expressed in a society. Third, person and group diversity must exist. Programmes have to cater for the interests of all parts of the community by providing access and representation. Finally, HoffmannRiem pointed out that broadcasters should include local, regional, national, and international content. Therefore, a programme has to ensure that issue, content, person, and geographical diversity is provided.

External and Internal Diversity. In order to assess diversity in relation to media concentrations, one also needs to distinguish between external and internal diversity. The former, according to Dennis McQuail, refers to media structure because it is related to the idea of access. It relates to the degree of variation between separate media sources in a given sector, according to dimensions such as politics, religion, social class, *etc.* In most societies, there are many separate and autonomous media channels, each having a high degree of homogeneity of content, expressing a particular point of view, and catering only to its own "followers."The latter, McQuail adds, refers to media content and connects with the idea of representation or reflection mentioned above.

It relates to the condition where a wide range of social, political, and cultural values, opinions, information, and interests find expression within one media organization, which usually aims at reaching a large and heterogeneous audience. A particular channel might be assessed according to the degree of attention given to alternative positions on topics such as politics, ethnicity, and language.

In short, there are many conceptual distinctions of the term "media diversity,"including diversity of access, diversity of choice, balance in the presentation of news, linguistic and geographical diversity, internal and external diversity. However, two subconcepts of diversity, that of access and choice for the audience, are the two notions that have been placed high on the agenda of regulators and policymakers when considering media concentrations. Regarding diversity of access, the key question is whether the possibility of

establishing new media companies leads to the situation where all legitimate interests in a given society have an equal (or proportional) share of access to media channels. Regarding diversity as choice, the key question is whether an increase in channels actually leads to greater choice for the audience.

MEDIA DIVERSITY, CONCENTRATION, AND THE FREE MARKET

Having conceptualized the term "media diversity,"I now turn to the question of which kind of media structure encourages this desirable goal. Two polar models claim to best promote the diversity principle: that of public policy and that of market. The former views state regulation as essential to ensure equality of information access and expression, while the proponents of the latter assume that an unregulated market in communication goods and services can provide for this. A combination of technological and political change gave the market theorists a degree of currency.

On the political side, a continuing debate has questioned established ways that broadcasting systems are organized and run. On the technological side, the availability of satellite TV and local and interactive cable television systems have created alternative structures and processes of communication. These combined forces created a desire and an opportunity for change and experimentation.

Undoubtedly, the technologies of VCRs (video-cassette recorders), cable, and satellite TV (now boosted by signal compression) have widened the viewer's choice of programme and time. New distribution systems have also encouraged professional communicators to seek profitability by identifying market niches and serving audiences neglected by other media. The proliferation of thematic, narrow-cast, specialized channels has been said to promote the birth of "personal media," allowing viewers to select content precisely attuned to their needs.

The new advertising-financed media systems are able, in theory at least, to increase consumer choice and to target audiences on the basis of tastes. However, the growing number of new delivery systems and the competition with each other resulted in a fall in each channel's advertising revenue. The search for other funding has led to the development of subscription and pay-per-view television. Subscription television (that is, TV programmes sold directly to viewers for a monthly payment to the broadcaster) is said to create a direct contractual link between the viewers and the broadcasters, allowing viewers to express their preferences for the type of programmes they want in such a way that broadcasters will notice and react.

Increasingly, the consumer now has a direct link with the supplier of media services either through the price system or through the computing power of interactive systems. However, since not everyone would be able or willing to subscribe to pay-TV services, the increase in the number of pay-TV channels will in no way reduce the need for traditional off-the-air commercial or public

channels. European public broadcasters, in particular, with their internal pluralistic structure and their availability to the entire public, are a key factor for ensuring diversity of opinions and accessibility.

Concentration Trends. On the contrary, the model described above is basically the model of external diversity in which diversity of content is provided by separate media. For this reason, this model is exceptionally good at providing numerical diversity (*i.e.*, a large number of newspapers, radio and TV stations, satellite and cable channels, *etc.*), provided that the market can sustain them.

However, this situation naturally favours concentration of media capital and ownership. Indeed, merger and acquisition activity increased significantly after the deregulatory wave of the 1980s. For example, these mergers and acquisitions in the communications industries around the world occurred in the late eighties: the acquisition by Sony (the Japanese firm) of CBS's record division; General Electric's takeover of the U.S., TV network NBC; the purchase by Bertlesman (the German firm) of the Doubleday book company and RCA records; Maxwell's takeover of the New York publisher Macmillan; Murdoch's acquisition of the Twentieth Century Fox film interests, to name but a few.

These trends continued in the 1990s. in August 1995, the U.S., TV networks ABC and CBS were acquired by Walt Disney Company and the industrial group Westinghouse Electric Corporation respectively.

In September 1995, Time Warner Inc. and Turner Broadcasting System Inc. (owner of CNN) were merged with the resulting company being the largest in the world media sector with revenues of more than $20 billion at the end of 1995. The January 1997 merger between Luxembourg-based CLT and Ufa (Bertelsmann's audiovisual arm) has created Europe's largest TV operator, with annual sales of $3.1 billion, and with broadcasting outlets stretching from Germany to Benelux and from France to the United Kingdom. Similar practices are observed in the telecommunications sector (consider, for example, the proposed merger of equals between Deutsche Telekom and Telecom Italia to form a new company, leading to the creation of Europe's premier global telecommunications entity, with a combined market capitalization of $173 billion in April 1999).

But even in the press industry, which has been subjected to mergers for two decades in Europe and almost for a century in the United States, merger activity has intensified.

Consider, for example, the blockbusting $14 billion merger between Reed Elsevier and Wolters Kluwer, which has created the largest professional and scientific information group in the world. The most striking point, though, is the tendency of enterprises from different sectors for forming alliances.

For instance, the two biggest U.S., long-distance phone companies, AT&T and MCI, have struck deals to get into the new world of digital satellite broadcasting. The $9 billion purchase by Walt Disney of Capital Cities/ABC-which also owed much to deregulation-showed the barriers crumbling between Hollywood and the television networks.

Concentration as a Safeguard to Diversity. Concentration of control of media ownership is not necessarily a threat to the diversity of information. At a time of free trade and free movement of capital (as within the European community, for example) and globalization of media operations, it is argued that media concentration may be needed to ensure the emergence of financially strong companies able to take part in international competition and prevent the domestic market from being taken over by foreign media.

The development of European groups operating on an international level, for instance, both can be beneficial for the dissemination of ideas and can enable European undertakings to face competition from big non-European units which benefit from economies of scale due to their market and size. In certain circumstances, concentration enables economies of scale to be achieved and production costs to be amortized through access to a wider audience and expertise; such concentration places undertakings in a better position to face competition from other media.

Big, highly concentrated units normally have the capital, management, and research and development capabilities allowing them to overcome high barriers to market entry and establish new media outlets. Big media groups may promote diversity simply as a business strategy, for example, by diversifying their media outlets and establishing new titles, and radio and TV channels.

By doing so, they may facilitate the introduction of new technologies and new services. They may also support diversity by launching newspapers targeted to diverse publics with the goal of increasing profits. This creates a possibility for the publication of newspapers or new projects intended for minorities, or even projects which are not directly profitable but which contribute to political/cultural diversity.

Large groups may also encourage diversity by cross-subsidizing low-profit media. By saving certain newspapers in danger of closing down, they both maintain a diversified supply and safeguard employment. A last positive aspect of media concentration might be that it can guarantee the autonomy of editorial groups visa-vis advertisers and political power.

Concentration as a Threat to Diversity. All these are appealing theoretical arguments, but the simple fact is that so far concentration of media has not resulted in a more critical media serving the public interest. Concentration, internationalization, and commercialization have resulted in more emphasis on profitability than on cultural quality. This is not surprising, nor is it an unnatural response from market-driven institutions.

As a result of the increasing demand for profits, advertising-financed media are increasingly aimed at a mass audience. Media receiving direct consumer payments are more sensitive to intensities of consumer preference. However, the consumer usually is not allowed to choose, but must purchase delivery in "package"form.

Rupert Murdoch used such a strategy in BskyB. In addition, with the multiplication of pay-TV channels, the accessibility and control over encryption

and conditional access systems becomes crucial. New channels will not normally be able to introduce a new system, but they will have to utilize the existing one which has the greatest market penetration. Potential monopoly control of conditional access systems and other "gateways"such as electronic programme guides represents one of the newest threats to diversity.

The Free Market Model Stifles Diversity. The question that has been long with us is whether the new media structures actually translate into more choice for people, disseminate more cultural and political ideas, and therefore strengthen democracy. It is often argued that multi-media empires tend to minimize debates over political and cultural ideas and neglect the creative application of media technology to explore multiple representations of social reality.

Indeed, in a purely market-driven system, more media outlets do not necessarily ensure increased public argumentation and rational discourse. On the contrary, multiple outlets create additional ways to address people as consumers.

As Nicholas Garnham has put the matter convincingly, "the economy and the polity have different values. Within the economic realm, the individual is defined as producer and consumer exercising private rights through purchasing power on the market in the pursuit of private interests. Within the political realm, the individual is defined as a citizen exercising public rights of debate within a communally agreed structure of rules and towards communally defined ends. But political communication that is forced to channel itself via commercial media becomes a politics of consumerism. "

In this respect, there is some reason to believe that media commercialization and more media outlets may not upgrade or strengthen the space for political and social discussion. Empirical evidence from the United States, which was the first country that reduced public control over mass media, may justify this assumption. Lessons from the United States show that commercial media firms may not bring new creative options to the public; instead, they may be oriented towards "mass appeal" programming.

One cannot, of course, argue that the current plethora of talk shows, initially introduced in the United States and now part of almost every European commercial channel's programming schedule, actually provide a broad spectrum of critical political debate. Media analyst Ben Bagdikian used the trend to "infotainment"-the presentation of news as bland light entertainment designed to sensationalize-as evidence to show that there is little room for artistic expression and risk-taking when cost saving and commercial viability are the prime considerations.

Market incentives may not be adequate to provide the optimal level of cultural and political diversity. They may not lead to the provision of a wide range of products to satisfy heterogeneous consumer tastes. This is partly because of the high cost levels of domestic audio-visual production, which has led broadcasters especially in small countries to the solution of importing cheap and often low-quality programmes. The high costs of producing original

programming have also led to the situation where products are constantly reproduced, in the sense that a broadcast programme can be seen as a story or feature in a newspaper, magazine, or evenbook.

Cultural industries are very much dependent on product innovation and therefore spend huge amounts of money for research and development. But because the launching on the market of a new product for which demand is uncertain involves high risks, a strategy that has been adopted to realise value is economies of scope, that is, the controlling of a range of products for a range of market segments or audiences. This, however, does not really increase choice since the product offered is the same but in a different format.

Finally, due to the near-absence of price competition throughout the cultural industries, companies tend to locate themselves as close as possible to one another; they tend to locate "where demand is," and therefore to offer similar products.

If, say, there are only two firms competing on price in a given market, they will have an incentive to locate themselves as far as possible from each other on the product line, and thus to offer as diverse a product as possible, both in terms of product variety and quality. Proximity of location would mean that prices are gradually eroded as the firms compete for each other's business. But in situations of nonprice competition, where there is no interdependence of the two firms' pricing decisions, the firms are bound to locate "in the centre of the market," because there is no incentive for product differentiation.

There is an undue tendency then for competitors to imitate each other and to converge on tried-and-tested formulae." This poses a potential danger to welfare in terms of the variety of products offered by a given market because some segments of tastes and preferences will not be catered for. One could argue that as barriers to entry in broadcasting gradually decline due to digitalization and compression of the signal, new players enter the market, and price competition in broadcasting intensifies due to the expansion of pay-TV, there will be less of an incentive for firms to locate themselves in the "centre of the market."

There will be instead an incentive to locate further away from each other as such location becomes "saturated," and satisfy "niche" markets, which means that a range of differentiated products will be supplied. Nevertheless, the technology of pay-TV has not yet created effective price discrimination between programmes. As for digitalization, which greatly expands the bandwidth, it remains to be seen whether it will lead to the situation where a wider range of individual preferences are satisfied.

However, a pessimistic view may be justified if one considers cable, once described as the "technology of abundance." Cable's capacity to carry huge amounts of information and potential of two-way broadcast communi-cation were cited as "revolutionary" because both neglected voices could find expression through that new medium and interactive communication could alter the nature of broadcast communication itself. However, there are severe

limitations on the current cable industry's ability to provide diversity of sources and viewpoints on issues of public concern. Those limitations lie in the conditions of commercial TV programming and in the current structure of the cable industry. The logic of commercial production has shaped most cable operators, and ownership has increasingly centralized in fewer hands. It could not be otherwise since, for local cable channels to survive in an extremely competitive environment, they had to make alliances.

Nowadays, local and even national cable systems are part of international systems of communication in an increasingly international setting. But cable's current industry structure discourages diversity of sources and perspectives and leaves almost no opening for use of the system as a public space. Yet only on the local communication system, be it cable or radio, can participatory forms of communication exist.

The more national, international, and concentrated the technology of communication, the less the potential for local, participatory, or access communication; similarly, the more commercial and concentrated the organization of the medium, the less the likelihood that forms of local, participatory, or access TV will play an important part in increasing diversity of opinions.

This chapter started by offering a definition of the loosely constructed term "diversity" in communication and by providing a discussion of media-particularly broadcasting-regulation on"media diversity" grounds. The central question is whether regulatory intervention in a "free market" can be justified on "media diversity" grounds. What might have become evident is that the market system, which is based on the free operation of supply and demand, has not provided either better access for all "voices" or content that satisfies all interests.

Since the market model encourages the proliferation of channels and new audience markets, it can lead to increased numerical diversity, that is, more channels and theoretically more consumer choice.

The quantitative diversity of variety of channels, however, does not necessarily provide qualitative diversity of media content. In other words, "there is a big difference between media pluralism and message pluralism and we must be careful not to confuse media abundance with media diversity."

The most significant disadvantage of the market system, however, is that it encourages concentration of ownership, partly due to high basic costs of access to the media, partly due to the ability of powerful enterprises to penetrate any market and achieve "synergies," and partly due to high costs of research and development. A process of global vertical integration leads to large software media industries being taken over by large electronic hardware companies or sometimes by trading companies which have no prior media history at all. These media software firms have already grown by horizontal integration, absorbing other firms as they grow, crossing the boundaries of existing media.

Often the most vulnerable to takeover are successful local or thematic media which attempt to be innovative and responsive to their followers. In the United States, where a small number of companies control the national broadcasting market and where press monopolies are the norm rather than the exception, we find the fiercest critics of media concentration.

These critics stress that the oligopoly control and "depoliticization" of content we witness within private broadcasting institutions are far from the liberal ideal of a free marketplace for ideas. Such results simply show that the proponents of deregulation are mostly concerned with deregulating ownership, and not in increasing the diversity of content.

It is essential for scholars to form communities in order to share their perspectives on the phenomena they study, develop conventions about how to study them, and share the insights they generate.

Periodically, it is important for scholars in a community to take stock of what they do so they can observe patterns in the direction a community is headed and assess the pattern of findings that forms the context for their thinking. This study profiles the mass media effects literature by examining published articles in terms of media studied, type of content, use of theory, method, and type of effect.

RATIONALE

According to So, "self reflection is a mark of maturity," and a field's maturity requires periodic examinations of its scholarly activity. It is important to trace the movement of ideas through the "invisible college" to see where ideas come from and which scholars and fields are being influenced by them. Self-examination is also important from a practical perspective, so we can track patterns in our literature and make better decisions about what research needs to be designed next. Kamhawi and Weaver argue that when viewing a literature "from a distance, one can discern larger patterns and trends in mass communication research. Knowing them can help researchers and students identify areas of strength and weakness, and of abundance and scarcity, in the research." In 1979, Lowry observed that "for the most part, communication researchers have neglected to conduct systematic studies of their own output," a serious shortcoming because such studies can draw attention to what is emphasized in a field and what is ignored.

In the intervening years, researchers have addressed this shortcoming, with studies generally falling into two groups: bibliometric studies and content analysis studies of the characteristics of the published research. Bibliometric studies examine citation patterns to determine which authors, studies, and journals rely on the ideas of other authors, studies, and journals. For example, Reeves and Borgman studied citations in nine core communication journals and found communication scholars dependent on journals outside of communication.

Communication journal articles exhibited five citations of other journals for each citation they received. Rice, Borgman, and Reeves found three clusters

of journals and citations: interpersonal, mass media, and residual isolated journals. Rice *et al.* supported the conclusion of So in their bibliometric analysis of forty years of the Journal of Broadcasting and Electronic Media, finding a greater percentage of citations from core communication journals after 1985 compared to citations in articles before 1985.

This body of bibliometric research suggests that there is a "field identity" growing over time, with the balance shifting slowly to self-citation from out-of-field citation, and communication journal studies increasingly being cited in other social science journals. Also, authors of mass media studies published in core mass media journals are likely to cite the core journals and other social science journals, but not other communication journals. Not all bibliometric studies conclude that the field of communication is developing its own identity. So found that "communication currently still depends heavily on psychology for its intellectual input.

This situation does not differ much from that in the first half of this century, when communication research was basically a spin-off from psychology." He observed that there "are indications of gradual development in the field," but that "in comparison with other social science fields, communication is still less developed and occupies only a peripheral position in the ecology of knowledge."

Content analyses studies, on the other hand, examine characteristics of published research to determine practices common among researchers. Some analyse research in only a single journal. Others focus on only one medium. Each of these studies has contributed a valuable insight to the building of a complete picture of the nature of mass media research.

This study content analyses mass media effects studies published in scholarly journals in order to construct a profile of the recent mass media effects literature so we can compare the more recent pattern to older patterns. Also, we will contextualize the patterns we find in terms of how those salient characteristics of the mass media effects literature are likely affecting the development of the research field.

MEDIUM

Research activity seems to have followed development of the different media. In an early analysis of published content, Schramm analysed articles in Public Opinion Quarterly from 1937 to 1956 and found print media dominated, with 486 articles. Perloff analysed 1,490 articles in Journalism Quarterly from 1955 to 1974, finding that among those articles concerned with a specific medium, 67 per cent involved print media, compared to 6 per cent about electronic media, and 26 per cent related to both. Weaver and Gray found 56 per cent of articles in Quarterly between 1955 and 1974 dealt with print.

Electronic media grew in research importance beginning in the early 1970s. In their analysis of research in Quarterly from 1971 to 1995, Riffe and Freitag found that newspaper content accounted for 46.7 per cent of all content

analyses, followed by television (24.3 per cent), magazines (13.6 per cent), and other (15.4 per cent). They do not provide trend analyses but it is likely that the percentage of articles dealing with newspaper content decreased while the number of articles dealing with television increased over that twenty-five-year period.

Such a trend was indeed reported by Kamhawi and Weaver, who found that broadcast media grew in importance to researchers through the 1980s and 1990s, accounting for 42.2 per cent of all media studies at the expense of print, which accounted for 28.7 per cent. They concluded that traditional broadcast and print continued to dominate mass media research, but asked, "Will these media continue to dominate research as we enter further into the 'Internet Age?'" In an analysis of the 961 articles published in five leading communication journals from 1994 to 1999, Tomasello found that only 4 per cent of those articles dealt with the Internet.

TYPE OF CONTENT

While published analyses focus on studied medium, few summarize type of content areas typically studied. One exception is the study by Riffe and Freitag, which found that in published content analyses, 71.0 per cent focused on news/editorial, compared to 10.1 per cent advertising, 7.2 per cent entertainment, and 11.7 per cent visual/graphics/other.

THEORY

Scholars who examine our literatures frequently observe that the use of theory is at a low level and that there needs to be a more explicit use of theory both in the generation of empirical research studies and in the interpretation of results. In an analysis of eight journals from 1965 to 1989, Potter, Cooper, and Dupagne found that only 8.1 per cent of 1,326 articles were guided by a theory and provided a test of that theory; another 19.5 per cent were tests of hypotheses but these hypotheses were not derived from a theory. Kamhawi and Weaver reported that only 30.5 per cent of articles in ten communication journals from 1980 to 1999 specifically mentioned a theory, which led them to argue that "theoretical development is probably the main consideration in evaluating the disciplinary status of the field. As our field grows in scope and complexity the pressure for theoretical integration increases. It seems that scholars in the field should be developing and testing theories to explain the process and effects of mass communication. However, that was not widely evident in our sample."

METHOD

Exploration of which methods are used most has been a popular topic. A few content analyses of the published literature have focused on whether a study employed a qualitative or quantitative method. For example, Schramm's 1937-1956 Public Opinion Quarterly study found the percentage of articles

using quantitative methods growing. Some examinations of the literature simply count frequency of a method, such as content analysis. Riffe and Freitag focused on methods in twenty-five years of Journalism and Mass Communication Quarterly, reporting that of the 1,977 articles appearing during that period, 486 (24.6 per cent of the total) used content analysis.

Other studies compared method used. Lowry analysed empirical articles published from 1970 through 1976 in seven journals and found 30 per cent used survey, 19 per cent used experiments, and 13 per cent used content analysis.

Also, 42 per cent used subjective reports from respondents, while 21 per cent used observations of behaviour, and 12 per cent used archival records.

Kamhawi and Weaver examined articles published from 1980 to 1999 in ten communication journals, finding that 33.3 per cent used survey method; 30.0 per cent used content analysis; 13.3 per cent were experiments; 4.7 per cent used historical method; 10.3 per cent used other qualitative methods; and the remaining 8.4 per cent used a combination of methods.

TYPE OF EFFECT

Despite the popularity of books and university courses on media effects, it seems only one content analysis of the media literature has looked for the prevalence of different kinds of effects. Cooper, Potter, and Dupagne analysed 1,326 articles published in eight U.S.-based internationally distributed peer-reviewed journals from 1965 to 1989. About one quarter of them were effects studies-22.4 per cent of them dealt with effects on individuals and 2.5 per cent dealt with effects on society.

Providing a picture of the patterns in mass media effects thinking and research is a very large task. To be conducted in full, it would of course require examination of published journal articles, books, government reports, industry reports, instructional materials from consumer activist groups, theses, and dissertations.

Among periodicals, there are likely hundreds carrying mass media effects articles. Nonetheless, we hope to provide a reasonable start based on a counting of published studies in mainstream or "core" scholarly journals, because research journals have been called the "nerves of the discipline" and "the barometer of the substantive focus of scholarship and research methods most important to the discipline."

We began by selecting the five journals that have generally been considered the core journals of mass media research by scholars who have conducted content analyses of the research literature and scholars who have looked at bibliographic citation patterns: Journalism and Mass Communication Quarterly, Journal of Broadcasting and Electronic Media, Journal of Communication, Communi-cation Research, and Public Opinion Quarterly.

To these five core journals we add three more that publish mass media effects research but were too new to be included in many previous analyses:

Critical Studies in Mass Media, Communication Theory, and Media Psychology. We added five other communication journals (Human Communication Research, Communication Monographs, Communication Education, Quarterly Journal of Speech, and Mass Comm Review).

Finally we added one journal from advertising (Journal of Advertising), education (Audio-Visual Communication Review, now renamed Educational Technology Research and Development), and political science (American Political Science Review). We examined all issues of sixteen journals published in the odd years between 1993 and 2005. This included 109 journal/years (Media Psychology has been publishing only since 1999). Within each issue, all articles were coded if they involved mass media effects as defined below. We did not code editorials, book reviews, introductions to symposia, or editors' reports, but we did include articles labeled as "Research in Brief" or given similar designations.

In order to be coded for this study, an article first had to deal with a mass media effect. Mass media are defined as the channels of transmitting messages to particular audiences in a way to attract and condition their attention for repeat exposures. Thus, traditional mass media were included-television, radio, film, newspapers, magazines, mass market books, recordings, and the Internet-while telephone conversations, use of computers for e-mail, and the like were excluded. Second, the authors needed to make some claim or provide some evidence that the mass medium in question exerted some influence or a recognizable effect, whether at a macro (such as an institution, the public, society, the economy) or individual level.

Each article was coded for identifying information: journal, year, issue, beginning page, and authors' names. In addition, we coded for five key variables: medium, type of content, theory prominent, method, and type of effect. For each of these variables we began with a list of coding values but during the coding procedure, the coders added values to the list when they felt the beginning lists did not include codes to capture the essence of an article.

MEDIUM

Initial codes included all media, television, radio, newspapers, magazines, books, recordings, film, Internet, new media, and other. If an article seemed to deal with all media without specifying any one in particular, it was coded as "all." If an article mentioned more than one medium specifically, those mentioned media were all coded. For example, a study might be an experiment that compares learning from television vs. newspaper; in this case the study would be coded for both television and newspaper.

TYPE OF CONTENT

We began with three categories of content: news/information, advertising, and entertainment. As coding progressed, several sub-categories were added. During the analysis, however, the sub-categories were too scattered to report frequencies beyond the three categories.

THEORY PROMINENT

This variable essentially had two values: yes and no. In order to be coded yes, the article needed to feature a theory prominently; *i.e.*, if the name of the theory appeared in the article's title, the abstract, or in a heading or sub-heading of the article. The coder also recorded the name of the theory.

METHOD

Values included experiment, survey, focus group, ethnography, history, secondary analysis, meta-analysis, review, and theory piece. During the coding we added values for critical analysis, discourse analysis, textual analysis, and several other qualitative methods. If a study used more than one method, all were recorded.

We also added a code for content analysis. Although content analysis is not a method to generate data for effects directly, there are times when authors use data generated through a content analysis to develop a substantial argument for effects. For example, tests of the cultivation hypothesis require content analyses of patterns in the television world. Some studies conducted content analyses that focused attention more on the presumed effects of content patterns than on the content patterns themselves; however, these studies were atypical.

Another example is a study using a content analysis of newspapers that coded for story topic, use of sources, story tone, and gender of reporter. This at first appeared to be a content study, but the authors' focus was on looking for patterns in the news across gender of reporter in order to make attributions about differential socialization of reporters-thus making it an effects study; that is, how reporters were affected by their news organizations.

EFFECTS

We began with the consideration of whether the unit of analysis for the effect was at the individual or macro level. Individual level codes included attitude, belief, affect, cognition, physiology, and behaviour. Attitudes were defined as evaluations where research participants were asked for evaluations of something, such as political candidates, advertised products, elements in media content, *etc.* Beliefs were perceptions about the reality of something, such as how many people worked in law enforcement, *etc.*

An affective effect is one that shows up as an emotional reaction in the participants; mood states were also included. Cognitive effects are those that focus on changes to a person's factual knowledge or the processing of information. Physiological effects are those automatic changes stimulated in the body, such as heart rate, galvanic skin response, *etc.* Behavioural effects focus on observable actions of the participants. Macro level codes included effects on the public, effects on an institution, and effects on the media themselves. During the coding, sub-categories were developed to capture the essence of the effects in more detail.

TESTING RELIABILITY

Approximately 10 per cent of the sample was coded by both coders (the two authors of this study) to create an overlap that could be used to test reliability. First the unitizing was tested and it was found that there was agreement 92 per cent of the time with the yes-no decision of whether to include the article (this was essentially a decision about whether the article dealt with a media effect). second, we tested for the percentage of agreement on the codes assigned to the variables for the part of the sample selected by both coders. We used the initial values in the design and not the elaborations to the codebook during the coding process. Percentages of agreement were as follows: medium, 92 per cent; type of content, 91 per cent; method, 91 per cent; type of effect, 88 per cent; and use of theory, 78 per cent.

We identified 962 articles published in the sixteen journals in the seven years examined from the twelve-year period of 1993 to 2005. The journal presenting the greatest number of media effects articles was the Journal of Broadcasting and Electronic Media, which published an average of 18.4 effects articles per year. Eight other journals publish an average of more than 8 effects articles a year. This set of nine journals can be considered core to mass media effects scholarship-accounting for 87.9 per cent of all mass media effects studies we found in our analysis.

While the other seven journals published a substantial number of mass media effects studies (n = 116) and should not be ignored, the primary focus of those journals lies outside of mass media effects research. While Public Opinion Quarterly had been included in samples of many studies of communication literature in the past, it presented only 21 articles dealing with mass media effects over the seven years examined. Media effects researchers are now more likely to publish their research in newer journals (such as Media Psychology or Critical Studies in Media Communication) where mass media effects research is central to the editorial focus.

MEDIUM

Television is the most prevalent single medium examined, accounting for almost 41 per cent of all coded articles. Also, electronic media appear to be more than twice as likely to show up in the mass media effects literature compared to print media. The Internet is becoming more popular as a medium for mass media scholars to examine (12.5 per cent). Tomasello had reported that only 4 per cent of articles published in five leading communication journals from 1994 to 1999 dealt with the Internet.

TYPE OF CONTENT

We grouped content into three types: news and information, advertising, and entertainment. The most common type of content in the recent media effects literature was news and information, representing 33 per cent of studies

coded. Studies exploring the effects of advertising content represented 17.8 per cent of the articles coded, and studies exploring the effects of general entertainment content represented 16.4 per cent of all articles. Some studies (n = 100,10.4 per cent) did not focus on a specific type of content. Another subset of studies (n = 208,21.7 per cent) that largely ignored content included studies where researchers asked respondents about reactions to the media in general or their usage patterns by medium instead of content.

METHODS

Quantitative methods dominated in this sample with survey, experiment, secondary analysis, and content analysis accounting for 71.4 per cent of all articles. The single most-used method was the laboratory experiment followed by the in-class survey.

THEORY

Thirty-five per cent of coded articles featured a theory prominently. This figure is higher than found previously. Potter, Cooper, and Dupagne found only 8.1 per cent of their articles were guided by theory, and Riffe and Freitag reported only 27.6 per cent of JMCQ content analysis studies used a theory. Kamhawi and Weaver found theory in only 30.5 per cent of articles they analysed from 1980 to 1999.

We found a total of 144 different theories named in the 336 articles that featured a theory prominently. The theories cited most often were cultivation (representing 8 per cent of the 336 articles that featured a theory prominently), the third-person effect (7.4 per cent), agenda setting (7.1 per cent), and uses and gratifications (5.7 per cent). Only twelve of the theories were mentioned in more than 5 articles; the remaining 132 theories were spread out over the remaining 168 articles that featured a theory prominently.

This indicates a pattern of rather thin theory development. Kamhawi and Weaver found that only three theories (information processing, uses and gratifications, and media construction of social reality) were mentioned in as many as 10 per cent of their analysed articles. Of these, only uses and gratifications showed up as a frequent theory in our study.

TYPE OF EFFECT

Published articles were found in all seven categories of effects. Cognitive effects were the most prevalent, followed closely by behavioural, attitudinal, and macro categories.

The cognitive category was dominated by studies that examined the acquisition of factual material during a study, while the attitudinal category was dominated by studies that looked at what attitudes were formed during a study. Both of these two sub-categories of studies are characterized by experiments where the designs focused on the conditions (by medium or by content type) under which people are affected more by the media.

The behavioural category was dominated by studies that focused on patterns of media use. This literature was less likely to include studies that observed behaviour triggered during the study compared to studies that asked participants to indicate their intentions for later behaviour.

The macro effects category was composed primarily of studies that either looked at how the public (public opinion, public knowledge, or public behaviour) or the mass media themselves were affected. The belief category was composed mainly of studies that measured the beliefs participants had prior to the beginning of their study. Studies that triggered emotions dominated the affect category. Finally, there were very few studies in the physiological category.

Some early content analyses as well as bibliometric studies provided a picture of mass media research, as well as communications research, as often importing ideas and methods from other fields of study. There are indications, however, that mass media research is "breaking away" from those "parent" fields. Bibliometric studies reviewed above, for example, show a trend towards more citation of communication research compared to research from other scholarly fields. These studies identify a core set of journals for communication and especially mass media research. This was evident in the present study as well. Nine of ten mass media effects articles were concentrated in half of the sixteen journals analysed. It also appears that mass media research is breaking away from the traditional methods used in psychology, a departure from So's conclusion, based on analysis of the communication field from its early days until the 1980s, that psychology remained a strong influence over communication research. In psychology, researchers typically start with a mid-level theory, operationalize a test using a mass media message as a treatment, then run an experiment to test the hypothesized influence.

Our findings show that this is seldom the pattern with mass media effects research published in the core communication journals. Almost two-thirds of our sample mentioned no theory, and fewer than three in ten used an experimental method.

The bibliometric literature argues that it is good for communication researchers to establish a unique identity and a community of scholars who can more powerfully and efficiently focus on communication phenomena. However, it appears from our results that any move away from theories and methods that structure parent fields has not been followed by mass media researchers constructing a unique identity.

Instead, it appears that the focus of researchers has become more specialized or even fragmented. Media scholars are producing an amorphous mass of individual studies rather than constructing a field with unifying theories and methods that focus scholars' attention.

There is no dominant method used by mass media effects researchers; instead there is a wide range of methods that cover just about every social science method as well as most humanistic research methods. Also, there is a wide range of effects being explored. Taken together, these two findings

could be viewed positively, as an indication of a dynamic field, one with a willingness and ability to use many different tools to address a wide range of effects.

However, it could arguably be an indication the field is stretched thin; a wide range of effects being studied and a wide range of methods among a small number of researchers may mean fragmentation of effort, little overlap in research work, and limited programmatic study. This could make it difficult for scholars to share definitions of key terms and a "big picture" understanding of the overall field. Perhaps most indicative of the fragmentary nature of the mass media effects scholarship is the low level of theory use. Theories guide research by directing attention to certain systems of explanation that need testing; they provide consistent definitions for key ideas; they gather research findings relevant to their explanations and interpret those findings in an integrated manner. Thus theories provide an important evaluative function of calibrating which findings are valid and important, and provide an important synthesis function by integrating findings into systems of explanation. To the extent that researchers cluster around a few theories, a field shares a common focus and the results of the empirical work can be more easily integrated into larger knowledge structures and more easily shared.

To the extent that theories are ignored, researchers lose considerable efficiencies in the design of studies, incorporation of their findings into a body of knowledge, and achievement of conceptual leverage for their work. The low level of theory use also makes it considerably more difficult to educate new generations of scholars. New students who expend the significant effort needed to learn the top dozen theories we found in our study would find that this learning would prepare them for less than 18 per cent of the recently published mass media effects literature.

This study extends existing bibliometric and content analysis studies. Some of the findings of the present study give reason to celebrate, for example, the finding of a core set of common journals to publish media effects research. At the same time, some of the findings of the present study give cause for concern. The low level of theory use and the fragmentation of methods and focus, for instance, suggest a lack of cohesion and integration among effects scholars.

Communication scholars must make a better effort to consistently employ and test theories in their research. However, we stop short of arguing that media effects scholars as a group need to be less diffuse in their methods of study and exploration of specific effects. After all, one appeal of studying mass media is the number of interesting content areas (such as politics, sports, news, violence, or sex) and possible effects (attitudes, behaviour, emotions, and so on). Furthermore, the use of multiple methods may be the best way to provide the richest understanding of mass media phenomena. Therefore, scholars should continue their exploration of a variety of effects under a variety of mass media content scenarios, employing the multitude of research methods that are at their disposal.

PRESS FREEDOM-CURRENT SCENARIO

Freedom of press or rather the lack of it as an issue has gained importance in the last 2-3 years. Some of the recent incidents which have brought the issue to the forefront are as follows:

Spearheading the list is the Tehelka episode where the news portal was forced to shut down completely following the continued harassment of its [Tehelka.com's] journalists for having exposed the 'scam' in the defence department involving ex defence Personnel's and central government ministers. Another issue which created a lot of hue and cry over press freedom was the threat to expel Alex Perry of the TIME magazine which questioned Prime Minister Vajpayee's physical fitness to lead the country. Journalists working in Gujarat and Kashmir have also been susceptible to frequent attacks for reporting on the political scene there.

But the latest controversy which has brought the perennial problem of protection of freedom of speech and press from arbitrary exercise of the power of punishing for contempt possessed by the legislature, back in to limelight, is the action of the Tamil Nadu Legislative Assembly, of punishing the editors and journalists of The Hindu for publishing reports of speeches in the Assembly and for editorial comments on its action of referring those reports to its privilege committee.

The root and justification for the existence of the power of the Parliamentary Privilege given by our Constitution lies in the ancient privilege given to English House of Commons in 1689. But these powers of the house which have been referred to as "insult laws", have been condemned and scrapped in most of the nations. The powers of commitment to prison which were described in England as the keystone of Parliamentary Privilege are not longer in use. The Joint Director of International Press Institute

Parliamentary Committee recommended in 1999 that Parliament's power to imprison persons, whether members or not who are in contempt of Parliament should be abolished.

But as far as the situation in India is concerned there exists constitutional contradictions as to whether the Parliamentary Privileges are limited by Fundamental Rights. It has been held that the transitional provisions in the first part of Article 105(3) and 194(3) are provisions independent of Part III of Constitution and are therefore not controlled by Part III. But as we see, in the 'Reference Case', it has not been possible for Supreme Court to maintain this proposition in toto, as it questioned the theory that the exercise of the Legislature's right to punish for contempt was absolute and uncontrolled as it held that any action of the Legislature was examinable by the Court if it was violative of the fundamental right to freedom embodied in Article 21 [right to life and personal liberty] of the Constitution.

The result is that this uncertain situation will continue, until the Supreme Court launches into the area and clarifies its previous decisions which are conflicting and legislators come forward to codify the privileges. Mean while

the power of Parliamentary privilege can be subjected to judicial scrutiny [judicial review] as every authority or power should be exercised within the constitutional limits. As Chief Justice (retd.) P.N. Bhagwati had put it "Every organ of the government, be it executive, legislature or the judiciary, derives its authority from the Constitution and it has to act within the limits of its authority. No one, howsoever highly placed, and no authority, howsoever lofty can claim that it shall be the sole judge of the extent of its power under the Constitution."

A permanent solution is necessary as despite the Courts' earlier decisions matter has been raised again and again. The seriousness of the matter also calls for an urgent need for codification of Parliamentary Privilege as there is no other alternative. The legislators' reluctance to codify has been attributed to the reason that it would mean limiting their powers; as the Court has made it quite clear that if the Parliament or a State Legislature enacted a law under Articles 105(3) or 194(3) respectively to define its privileges then such a law would be subject to Article 19(1) (a) and a competent Court could strike down that law under Article 13 of the Constitution if it violated or abridged any of the fundamental rights.

PRESS NEEDS TO IMPROVE

It may be asked: Would this be enough to ensure that the Press is left genuinely free to carry out the functions that it must perform? Would it not be necessary to think of some other, more positive, steps to ensure that the press does not remain a hand-maid of only the powerful in the country? The inadequacies of the Indian Press need not be connived at.

There is no doubt that private business-and those who control it-are treated by most newspapers with kid gloves. This partly because of the ownership of many newspapers and therefore the philosophy of those who are appointed to senior journalistic positions. The trade union side of industrial disputes, the approach of the political parties on the left side of the political spectrum and the difficulties of the unprivileged and the dispossessed have received far less attention than other smaller but influential sections and vested interests in the vast bulk of our newspapers. It should, however, be said that the situation is changing for the better. Competitions, and also the increasing influence of professional journalists, are making it difficult for newspapers to ignore these various aspects. It is well known that the bindings at Bhagalpur, the treatment of workers as bonded servants by many landed interests, the exploitation of child labour in slate factories, or of female labour in bidi factories ore even of adult workers in asbestos factories have been brought to light not by small newspapers but by large ones which are many times dubbed by critics as belonging to the Monopoly or the Jute Press category. This tendency shows that to the extent that at least some degree of competition can be ensured in every circulation area chances are that there would be a fair degree of investigation of different types of events.

A part of the answer to the difficulties lies in making it possible for independent newspapers and especially periodicals to operate without too much handicap. But, even then, such newspapers may not be as successful as the large ones operated as capitalist undertakings. Their workers, including journalists, may have to work at a sacrifice. But unless there are elements in the country which are ready to work with self sacrifice and zeal for causes in which they believe, new and unorthodox ideas cannot develop and new political groups cannot emerge. There have been examples of such efforts such as the daily Shramik Vichar run by some trade union groups in Pune. There was even an attempt at running a paper devoted to the requirements of the district of Pune which however did not continue for long. Real entrepreneurship in this field would consist of such efforts and, except for direct and discretionary subvention, various other steps can be taken to help the whole category of such newspapers and periodicals. This would make it possible for the larger newspapers to be kept on their toes. Even though investigative journalism is fast developing in India, the quality of the Indian Press in many respects leaves much to be desired. Even though, as a result of various awards, the emoluments of journalists have considerably improved in the last few years, adequate talent is not still attracted to this field.

There is also a great deal of lethargy which leads to large scale reproduction of speeches as well as gossip from the corridors of power instead of well organized news. The tendency even of some of our top newspapers to rely on articles from the foreign Press when dealing with world affairs shows a lack of initiative in developing Indian talent for analysing world problems from the Indian point of view.

With some exceptions, there has also not been enough effort to develop interest in news, other information and comments on aspects of life other than politics, crime and sports.

Investigative news collection can be of great use in matters like the operation of Plan programmes and projects. In some newspapers, useful reports of investigations in sectors like power and irrigation have recently appeared. But this is still experimental and confined only to a few papers. Such inadequacies can be overcome only with better training, more competition and greater professionalisation. There are no short-cut remedies for this.

The most serious inadequacy relating to the Indian Press is to be found in newspapers published in Indian languages. Most of them are poorer in quality as compared to newspapers in English. This is so even in respect of Indian language papers belonging to same groups. This obviously happens because the managements of such groups continue to think that the prestige of the group depends more on the English language newspapers than on the Indian language ones.

It is quite obvious that the number of those proficient in English will not expand as rapidly as that of the literate in various Indian languages. The demand for Indian language newspapers is already expanding faster and this

trend will be further accelerated in future. As the number of legislators who understand English declines, it is essential in public interest and for the proper functioning of our democracy that the quality of the more important Indian language newspapers improves rapidly. Special steps such as the development of teleprinter services in Indian languages and support to the adaptation of the best techniques for printing Indian language newspapers should be taken by the Government so as to help.

LIMITS ON FREEDOM OF THE PRESS

The First Amendment of the United States Constitution states with majestic simplicity: "Congress shall make no law...abridging the freedom of speech, or of the press..." Supreme Court decisions over the years have interpreted this unadorned sentence to bar government generally, including state or local governments, from taking official action to abridge freedom of the press. But that same Supreme Court has been equally clear that the First Amendment is not an absolute, that in certain circumstances "freedom of the press" must yield to other constitutionally-protected values, such as national security and the right of a defendant to an unprejudiced fair trial. The history of the First Amendment's press clause has thus been one of shifting lines back and forth along the broad frontier of freedom.

There are four basic stages at which freedom of the press has been or can be limited: (1) access to information; (2) prior restraint on publishing information (censorship, injunctions); (3) liability for publishing (libel and invasion of privacy suits, fines and imprisonment); and (4) requiring reporters to testify or otherwise disclose sources or materials gathered in the course of their employment. While this fourth category technically does not abridge freedom of the press—it does not bar access or prevent or punish publications—the "chilling effect" it has upon the ability of reporters to function and to gain their sources' confidence certainly merits its inclusion.

ACCESS

Even after Richmond, infra, there is no constitutional guarantee of access to most places or information, though several justices have strongly suggested that the First Amendment would be violated by a complete ban on access to a governmental facility like a prison. And the Supreme Court has held in a series of decisions that the press has no right of special access to places or information not shared by the public generally. Houchins v. KQED, 438 U.S., 1 (1978); Pell v. Procunier, 417 U.S., 817 (1974); Saxbe v. Washington Post Co., 417 U.S., 843 (1974).

This having been said, however, the courts have also emphasized that members of the press are protected by constitutional rights to evenhanded treatment. This has been required, for instance, in decisions as to which persons receive White House passes and which do not, Sherill v. Knight, 569 F.2d 124 (C.A.D.C.; 1978); and in which an "underground newspaper" had

been denied access to police department records available to other media, Quad-City Community News Service, Inc. v. Jebens, 334 F. Supp. 8 (D. Iowa; 1971).

Legislation, of course, is one appropriate vehicle for securing access. The classic statute of this sort is the Freedom of Information Act, both state and federal, discussed elsewhere in this book. Dependence on legislation for any press right, however, is a chancy business at best. For what this year's legislature gives, next year's might take away; and the right based upon legislative pleasure is always a precarious one.

In one area, however, the courts have increasingly recognized a constitutional right of the press and public to access. That area is to the courts themselves. Since the 1980s, the law has been clear that the First Amendment guarantees a right of the public and the press to attend civil and criminal trials, Richmond Newspapers, Inc. v. Virginia, 448 U.S., 555 (1980) and pre-trial proceedings (such as probable cause hearings in criminal cases), Press-Enterprise Company v. Superior Court, 478 U.S., 1 (1986).

Before any such hearing may be closed, the court must hold a hearing on the closure motion—even if both parties to the case agree to closure—and the court must hear evidence showing why closure is necessary. The press must be given an opportunity to present contrary evidence. Closure is permissible only if, based upon evidence presented, the court makes specific findings on the record that closure is essential to preserve values higher than those underlying public access and that the closure is narrowly tailored to serve that higher interest. Press-Enterprise, supra; Globe Newspapers v. Superior Court, 457 U.S., 596 (1982).

If the "higher interest" sought to be served by closure is to ensure an accused person a fair trial, closure is permissible only if the court, based on evidence presented to it which the press has an opportunity to rebut, makes specific findings demonstrating (1) that there is a "substantial probability" (not just a "reasonable likelihood") that the accused's right to a fair trial will be prejudiced by publicity that closure would prevent (as opposed to situations where there has already been so much publicity that whatever prejudice might exist already exists); and (2) reasonable alternatives to closure—such as questioning of potential jurors, changing the jury panel, changing the date or site of the trial, clear instructions from the trial judge—cannot adequately protect the accused's fair trial rights. Press-Enterprise, supra. It is not enough for a court to find that those alternatives would be expensive or cumbersome. If they are "not beyond the realm of the manageable," they must be considered before closure can be justified. Richmond, supra. And courts have held that while an accused is entitled to an impartial jury, he or she is not entitled to one that has never heard of the accused or the charges against the accused. Murphy v. Florida, 421 U.S., 794 (1975).

The Globe case, supra, held unconstitutional a law barring the public and press automatically in all cases involving minors as witnesses as to certain

crimes. The Supreme Court emphasized that in each case closure must be decided on a record based on the facts of that particular case, after a hearing of the sort discussed above. Globe raises serious questions about the constitutionality of laws such as those that mandate closed hearings in "juvenile" cases. In addition, other courts have held that due process requires there to be some sort of notice given to the public and the press —even if it is just a written notice on the court's docket or bulletin board—alerting them whenever someone is going to try to close court proceedings. United States v. Criden, 675 F.2d 550 (3 Cir.; 1982); In re Application of the Herald Company, 734 F.2d 93 (2 Cir.; 1984).

The requirement that any closure that is ordered be "narrowly tailored" to meet the need inspiring closure means that the court must be careful to close only as much of the proceeding as the court finds access to it would harm the accused's right to a fair trial. If that means only one witness's testimony, or only a portion of that witness's testimony, that is the only portion that may be closed. Open courts are the rule; closure is the rare exception.

Connecticut has supplied the public with a unique tool to protect its right of access to court proceedings. Since 1980—even before Richmond, supra, was decided —Conn. Gen. Stat. § 51-164x has provided that the effectiveness of any court-order closing a court proceeding will be delayed for seventy-two hours; and if within that time anyone (a newspaper, a reporter, a member of the public) appeals to the appellate court, the order is further stayed until the appeal is decided. The law also provides for a speedy appeal process. Thus, in the highly unusual situation where a court has ordered closure, the factual and constitutional issues will have an opportunity to be fully analyzed by the highest courts before this extraordinary remedy is invoked.

While courts have not held that the electronic media (radio and television) have a constitutional right to record, tape or broadcast live courtroom proceedings, the Supreme Court has ruled that an accused's constitutional right to a fair trial is not violated by a court rule or statute that does allow such access. This has encouraged many if not most states to permit radio and television equipment to record and tape courtroom proceedings, usually under carefully crafted rules designed to minimize the intrusive effect of the equipment and its operation upon the proceedings. In Connecticut the "broadcasting, televising, recording or photographing" of most— but not all—civil and criminal court proceedings is authorized and governed by Connecticut Practice Book § 1-10 and 1-11.

Courts increasingly have also recognized that the public and the press have a First Amendment right of access to inspect and copy court files, including exhibits introduced into evidence; and that before access to such files can be denied, a court must hold the same kind of hearing and make the same kind of findings required for closure of courtrooms.

One reason the battleground has recently shifted to access is that it is so difficult to prevent publication. In a series of decisions the Supreme Court has

held that the press is free to publish anything it sees or hears, even if there is a law designed to prevent it from seeing or hearing the information. Here again, however, there are no absolutes. Obscenity, difficult as it may be to define, can be restrained from publication. Also, national security has been recognized as a legitimate basis for banning publications, though what the standards of this basis are (only during wartime?

The quantum of clear, certain and immediate danger required) remain murky at best. The Progressive, 467 F. Supp. 990 (W.D. Wisc.; 1979), dismissed, 610 F.2d 819 (7 Cir.; 1979); (the "hydrogen bomb case"). The situation of the electronic media with respect to prior restraints is inextricably intertwined with the fact that radio and television stations are licensed by the Federal Communications Commission ("FCC") and those licenses must from time to time be renewed.

The underlying justification for licensure—that the broadcast spectrum is limited, that it is a public resource, that its scarcity requires allocation by government to licensees who operate to further the public interest—has been found to justify two types of prior restraint by government: prohibitions on broadcasting certain types of matter and a requirement that certain other kinds of matter be broadcast. Red Lion Broadcasting Co. v. FCC, 395 U.S., 367 (1978); FCC v. Pacifica Foundation, 438 U.S., 726 (1978); National Broadcasting Co. v. United States, 319 U.S., 190 (1943).

The nature and variety of FCC restraints would take far more space than is here afforded to discuss intelligently. That FCC right, however, is not without limitation. The First Amendment does serve to place certain broadly defined parameters around the right of government to dictate content to the electronic media. Columbia Broadcasting System, Inc. v. Democratic National Committee, 412 U.S., 94 (1973); FCC v. League of Women Voters of California, 468 U.S., 364 (1984).

Once data has been published, the publisher and reporter become potentially liable for what they wrote or said. For while the public has received the benefit of the dissemination of information—thus fulfilling a major purpose of the First Amendment—people may have been hurt as a result, and the law recognizes their right to be compensated.

Criminal sanctions are rare, of course. If, however, a court has issued a gag order barring publication, a reporter or publisher can have appropriate sanctions—fine, imprisonment for contempt of court—imposed upon him or her for violating that court order, even if a higher court later finds the order was wrong. United States v. Dickinson, 465 F.2d 496 (5 Cir.; 1972); but see In re Providence Journal, 820 F.2d 1342 (1 Cir.; 1987), cert. dismissed, 485 U.S., 693 (1988) (discussing "transparently invalid" court orders).

The two primary legal remedies for illegally published material, however, are civil suits for invasion of privacy and libel. The former is treated elsewhere in this book. Suffice it here to be said that Connecticut's courts recognize all four of the separate types of invasion of privacy actions: (1) intrusion (whether

by physically entering property without permission or by bugging or secretly recording, photographing or taping); (2) publication of embarrassing facts even though truthful if the matter would be highly offensive to a reasonable person and not of legitimate concern to the public; (3) false light, if highly offensive to a reasonable person and if the publisher knew of the falsity of the publication and the false light or acted in reckless disregard of truth or falsity; and (4) misappropriation of name of likeness (e.g, using someone's photograph without permission in an ad).

By far the best known remedy is a "libel suit". A "libel" in Connecticut has been defined as a false and malicious publication concerning a person which exposes him or herself to public ridicule, hatred or contempt, or hinders virtuous persons from associating with him or her. Burns v. Telegram Publishing Co., 89 Conn. 549 (1915). Ever since the Supreme Court decision in New York Times v. Sullivan, 376 U.S., 254 (1964), however, the law of libel has become "constitutionalized;" and while libel law continues to retain great vitality, it must always be judged by its effect upon First Amendment press rights.

Specifically, no person who is a public official or a "public figure" may succeed in a libel suit against a publisher about an article relating to his or her official conduct or public figure status unless he or she proves "actual malice"—that is, that the publication was false and that when printed, the publisher did so in reckless disregard of whether it was false or not. Mere negligence is not enough fault where a public official or "public figure" is concerned.

While this standard may seem clear, it has proven to be anything but in practice. For one thing, the phrase "actual malice" is a misnomer. It has nothing to do with the traditional "malice"—hatred, spite, ill will or improper motive. A reporter can hate the subject of his or her story and write it hoping to cause hurt; but if the story is true, or if the story is false but the reporter thought it was true or tried his or her best to make certain it was true, there is no "actual malice."

In order for a plaintiff to prove "actual malice," the plaintiff must prove by "clear and convincing evidence" (not just the usual "preponderance of evidence") that the defendant either knew that the statement was false or, in fact, entertained serious doubts about its truth, or that the source on which the reporter relied was inherently unreliable. This is a very difficult standard to meet.

There has been a continuing debate in the Supreme Court over who is a "public figure." Clearly Muhammad Ali is. But is Oliver Sipple, the ex-Marine who saved President Ford's life in San Francisco and then had his private life exposed nationwide? Some people are public figures for all purposes; anything written about them is probably subject to the "actual malice" test if they sue for libel. Other "public figures" are only limited-pur-pose public figures; the mother who leads the fight to prevent a school from being closed may be a public figure only so far as the stories concern her fight for the school, but

not her qualities as a wife, mother, daughter or registered nurse. Which status a person occupies becomes important because status determines how difficult it will be for him or her to win a libel suit. The more "public" a person is, the more he or she is assumed to have taken the risk of publicity, and the greater his or her burden in proving a libel case.

A decision by the United States Court of Appeals for the District of Columbia attempts to devise some tests for who is a public figure, and what kind of public figure he or she is. Waldbaum v. Fairchild Publications, 627 F.2d 1287 (D.C. Cir.; 1980), cert. den., 101 S.Ct. 266. Usually, one who is an "all purpose public figure" (like Muhammad Ali) also has access to the media if defamed. Thus, he or she has a means of responding to defamation other than merely a lawsuit: he or she can generate publicity him or herself. Also, usually, he or she is a person who voluntarily came to public prominence (Ali, as opposed to a vacationer who leaps into the ocean to save a drowning child.)

Those who are not public figures for all purposes may be limited issue public figures—persons who "have thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved." Such a person is "an individual [who] voluntarily injects himself or is drawn into a particular public controversy and therefore becomes a public figure for a limited range of issues."

What qualifies as a "public controversy" is a ripe subject for debate. The court in Waldbaum says a "public controversy is not simply a matter of interest to the public; it must be a real dispute, the outcome of which affects the general public or some segment of it in an appreciable way."

"If the issue was being debated publicly and if it had foreseeable and substantial ramifications for non-participants, it was a public controversy." The fight to save a school from being closed would thus clearly qualify as a "public controversy." But what about debate on the best solution for the Arab-Israeli impasse? How about whether Shakespeare's works were written by Bacon, Marlowe or the Earl of Oxford? With so narrow and precise a definition as suggested by the Waldbaum court, the task becomes both more difficult and more artificial and, inevitably, subjective. One thing the Supreme Court has held in this regard, however, comes as somewhat of a surprise. It has held that publicity surrounding litigation does not by itself elevate the parties to the status of public figures even if they could anticipate the publicity, unless they are using the court as a forum for espousing their views in other controversies (*e.g.*, a crusading atheist who sues to have "In God We Trust" eliminated from U.S., currency).

Wolston v. Reader's Digest Ass'n, 443 U.S., 157 (1979); Time, Inc. v. Firestone, 424 U.S., 448 (1976), wherein a socially prominent wife of a Firestone heir, who herself held press conferences and kept a clipping service, was held not to be a public figure for purposes for an item in Time about her divorce suit.

To be a public figure with respect to a public controversy, the plaintiff "either must have been purposely trying to influence the outcome or could

realistically have been expected, because of his position in the controversy, to have an impact on its resolution," says the court in Waldbaum. Thus, presumably the leader of the protest march, but not necessarily every picket, would be a public figure (assuming that they were marching about something that was the subject of real public debate and controversy, whatever that might mean).

The haziness of these definitions becomes abundantly apparent when one reviews the Waldbaum case itself. In a five-sentence item about Waldbaum's dismissal as president of the second largest consumer cooperative in the world, a trade publication stated that the co-op had been "losing money the last year and retrenching." After elaborately explaining the need and tests for "public controversy" and active participation, the court held Mr. Waldbaum to be a public figure because "he was the mover and shaper of many of the co-operative's controversial actions. He made it a leader in unit pricing and open dating. He supervised, or at least approved, the consumer-oriented views that appeared in Co-op Consumer...He became an activist, projecting his own image and that of the cooperative far beyond the dollars and cents aspects of marketing."

However much one may agree that Mr. Waldbaum ought to have been a public figure, it is difficult to draw the conclusion by applying the court's own tests. The article in question was a five-sentence item about Waldbaum's dismissal. So far as the court's opinion discloses, this dismissal generated no "public controversy" no "real dispute, the outcome of which affects the general public or some segment of it in an appreciable way." There was no "issue...being debated publicly" which "had foreseeable and substantial ramifications for non-participants."

Waldbaum displays in one case setting the extraordinary difficulty in determining who is or is not a public figures based on these Gertz tests. Far easier, and far more intelligent in the view of many, was the now rejected test set forth in Rosenbloom v. Metromedia, Inc., 403 U.S., 29 (1971), which focused on the nature of the event, rather than the status of the plaintiff. Rosenbloom held that any plaintiff had to show "actual malice" when suing for libel about a defamatory falsehood "relating to his involvement in an event of public or general concern." The Rosenbloom justices (a plurality, not a majority) reasoned as follows:

If a matter is a subject of public or general interest, it cannot suddenly become less so merely because a private individual is involved, or because in some sense the individual did not "voluntarily" choose to become involved. The public's primary interest is in the event; the public focus is on the conduct of the participant and the content, effect and significance of the conduct, not the participant's prior anonymity or notoriety.

That view, as noted, was rejected by Gertz, which established the "all purpose" and "limited purpose" public figure categories, relegating all other non-public officials to private figure status, (though the Supreme Court later

revived it in setting standards of proof for presumed or punitive damages. Dun & Bradstreet, Inc. v. Greenmoss Builders, 472 U.S., 749 (1985)). The advantage of being a private figure is, of course, that his or her burden of proof is less in libel cases. A private figure must still prove that the statement was false and that it was defamatory, (a false but flattering statement would usually not be actionable). And he or she must still show some element of fault; the mere fact of having published a false and defamatory statement will not suffice for liability. But the degree of fault is significantly less than "actual malice." Precisely what it is up to each state, by court decision or statute, to decide. Some states have adopted "gross negligence" as a standard. Others have adopted simple negligence. Connecticut's Supreme Court has not yet had the occasion to deal with this issue, but one superior court decision has assumed that simple negligence would be what plaintiff must prove. And even damages for "actual injury" are available only where the substance of the defamatory statement warns a reasonably prudent editor of its defamatory potential.

In addition to constitutional defences such as "actual malice," a defendant in a libel case may have other defences that have developed in the common law. For example, an accurate report of the proceedings of executive, legislative, administrative and judicial bodies is absolutely privileged from liability, even if what is quoted from these proceedings is false and defamatory.

In the absence of a state shield law, a reporter can be subpoenaed to come to court and to testify or supply materials gathered in the course of covering a story under certain circumstances. Branzburg v. Hayes, 408 U.S., 665 (1972) held that reporters have no constitutional right to disobey grand jury subpoenas and to answer questions relevant to an investigation into the commission of a crime. This general holding has been interpreted to include criminal trial juries as well. The inquiry must be conducted in good faith, however, and the questions must be relevant and material and not asked for purposes of harassment or disrupting the reporter's relationship to his or her news sources.

As Justice Powell stated in his concurring opinion: If the newsman is called upon to give information bearing only a remote and tenuous relationship to the subject of the investigation, or if he has some other reason to believe that his testimony implicates confidential source relationships without a legitimate need of law enforcement, he will have access to the court on a motion to quash and an appropriate protective order may be entered. The law in this state is further amplified by Baker v. F & F Investment, 470 F.2d 778 (2 Cir.; 1972) which held that before a reporter (in a civil trial, at least) could be required to divulge the identity of his or her source, the person seeking the answer had to show he or she had exhausted other sources that could supply the same information and that the information the person sought to elicit went to the heart of the case. The reasoning of Baker was adopted by the superior court in Connecticut in Conn. Labour Relations Board v. Fagin, 33 Conn. Sup. 204 (1976).

What may be protected unless this test is met are not only the identity of a reporter's confidential sources, but his or her nonconfidential sources as well,

and also a reporter's notes, tapes and other materials gathered or prepared as part of the reportorial or newsgathering work. von Bulow v. von Bulow, 811 F.2d 136 (2 Cir.; 1986), cert. den., 107 S.Ct. 1891 (1987). When a reporter is a witness in a libel action in which plaintiff is a public figure and must thus bear the heavy burden of proving "actual malice," the Supreme Court in Herbert v. Lando, 441 U.S., 153 (1979) has held that the reporter may be compelled to disclose the "editorial process"—discussions that occurred about what to include and leave out, which source was credible and which was not, and the reporter's thoughts and impressions.

5

Effectiveness of Entertainment Mass Media Communication

There is strong evidence that mass media, particularly entertainment broadcast media, have played a significant role in a number of countries in bringing about changes in reproductive behaviour and in promoting adoption of other health measures. Radio and television soap operas in Mexico, India, Kenya and Tanzania have been documented by independent research in their massive effects on audience attitudes and behaviour with regard to HIV/AIDS avoidance and use of family planning. One of the advantages of using serial dramas, as opposed to documentaries or single-episode dramas, is that they allow time for the audience to form bonds with the characters and allow characters to evolve in their thinking and behaviour with regard to various issues at a gradual and believable pace in response to problems that have been well illustrated in the story line. Just as important, entertainment programmes forge emotional ties to audience members that influence values and behaviours more forcefully than the purely cognitive information provided in documentaries. As described in the social learning theory of Stanford University psychologist Albert Bandura, vicarious learning from others is a powerful teacher of attitudes and behaviour. Next to peer and parental role models, role models from the mass media are of particular importance in shaping cultural attitudes and behaviour.

Serial melodramas using the methodology developed by Miguel Sabido of Mexico for promoting reproductive health have been remarkable in that they have attracted no serious opposition in any country. This stems, in part, from the thorough research that has been done prior to the development of the

programmes to measure audience attitudes and norms with regard to these issues. Characters for the serial dramas can then be developed that reflect the audience, so that the show is in harmony with the culture.

Through the gradual evolution of characters in response to problems that many in the audience also are facing, soap operas can show adoption of new, non-traditional behaviours in a way that generates no negative response from the audience. Because of the bonds that have been formed by this stage between audience members and characters, and because of the commonality of problems between characters and the audience, audience members tend to accept these changes, even though they may challenge some cultural traditions. Because they deal with issues that are as sensitive as sexual relationships and reproduction, it is especially important that such programmes are designed not to build opposition or cause a backlash.

MEXICO

In 1977, Miguel Sabido, then Vice-President of Televisa in Mexico, created the first soap opera to promote family planning, named Acompaname ("Accompany Me"). As with an earlier serial he produced that dealt with the issue of literacy through the lives of illiterate characters, the programme was designed to create characters who would evolve over time to become positive role models for the audience. Acompaname showed in dramatic terms over the course of the nine-month series the personal benefits of planning one's family, by focusing on the issue of family harmony.

The results of Acompaname, as reported by the Mexican government's National Population Council (CONAPO), were:

1. Phone calls to the CONAPO requesting family planning information increased from zero to an average of 500 a month. Many people calling mentioned that they were encouraged to do so by the television soap opera.
2. More than 2,000 women registered as voluntary workers in the national programme of family planning. This was an idea suggested in the television soap opera.
3. Contraceptive sales increased 23 percent in one year, compared to a seven percent increase the preceding year.
4. More than 560,000 women enrolled in family planning clinics, an increase of 33 percent (compared to a one percent decrease the previous year).

In Mexico, to date, there have been five additional family planning soap operas, all developed by Miguel Sabido. They were Vamos Juntos ("We Go Together"), Caminemos ("Let's Walk"), Nosotros las Mujeres ("We the Women"), Por Amor ("For Love"), and Los Hijos de Nadie ("Nobody's Children").

During the decade 1977 to 1986, when many of these Mexican soap operas were on the air, the country underwent a 34 percent decline in its population growth rate. As a result, in May 1986, the United Nations Population Prize was presented to Mexico as the foremost population success story in the world.

Thomas Donnelly, then with USAID in Mexico, wrote, "Throughout Mexico, wherever one travels, when people are asked where they heard about family planning, or what made them decide to practice family planning, the response is universally attributed to one of the soap operas that Televisa has done.... The Televisa family planning soap operas have made the single most powerful contribution to the Mexican population success story."

INDIA

Following a meeting David Poindexter, now Honorary Chair of Population Media Center, and Miguel Sabido held with Indira Gandhi, and a training programme they organized for Doordarshan (Indian Television), the country began broadcasting India's first social content soap opera, Hum Log ("We People") in July 1984. The programme included promotion of family planning and elevation of the status of women through the words and actions of key characters.

Over 17 months of their broadcast, the episodes of Hum Log achieved ratings of 60 to 90 percent. Research conducted by Professor Everett M. Rogers and Arvind Singhal, then of the Annenberg School of Communications of the University of Southern California, found through a sample survey that 70 percent of the viewers indicated they had learned from Hum Log that women should have equal opportunities, 68 percent had learned women should have the freedom to make their personal decisions in life, and 71 percent had learned that family size should be limited.

Among other things, the programme stimulated over 400,000 people to write letters to the Indian Television Authority and to various characters in the programme, stating their views on the issues being dealt with or asking for help and advice.

Following a second training for a team from India in December 1986 held in Mexico City, producer Roger Pereira of Bombay undertook the creation of a second television soap opera. This programme, Humraahi ("Come Along With Me"), went on the air in January 1992. It dealt with the status of women, with particular attention to age of marriage, age of first pregnancy, gender bias in childbearing and child rearing, equal educational opportunity, and the right of women to choose their own husbands. Within four months, Humraahi was the top-rated programme on Indian television.

The estimated audience was 230 million viewers. In the series, a servant girl dies in childbirth at age 15 after being forced into an arranged marriage at age 14 by her parents. Following that key episode, the other characters lament what is happening to the young women of India and the tragedy of early marriage and pregnancy. A Rockefeller Foundation-funded study developed by William Ryerson showed that viewers, contrasted with non-viewers, changed significantly in their attitudes regarding the ideal age of marriage and the acceptability of women in the work place--two issues that were central to the story line.

KENYA

David Poindexter began working in Kenya in 1983 with the government-run Voice of Kenya, which later became the Kenya Broadcasting Corporation (KBC). After training Kenyan television and radio personnel in Mexico, he helped in the development of two programmes: a television series, Tushauriane ("Let's Talk About It"); and a radio series, Ushikwapo Shikamana ("If Assisted, Assist Yourself"). Both programmes went on the air in 1987. The programmes were aimed at opening the minds of men to allowing their wives to seek family planning. The programmes also effectively linked family size with land inheritance and the resulting ability or inability of children to support their parents in their old age. Both programmes were the most popular programmes in their respective media ever produced by the Voice of Kenya.

By the time the two series had ended, contraceptive use in Kenya had increased 58 percent and desired family size had fallen from 6.3 to 4.4 children per woman. While many factors undoubtedly contributed to these changes, a study conducted by the University of Nairobi School of Journalism at rural health centers gave evidence of women coming in for family planning saying that the radio programme had caused their husbands to allow them to come for family planning.

TANZANIA

The most extensive evaluation of the effects of a social content serial drama occurred from 1993 to 1997 in Tanzania.

There, Radio Tanzania broadcast a serial melodrama that attracted 58 percent of the population (age 15 to 45) in areas of the broadcast. By design, in one region of the country, the area surrounding the city of Dodoma, a music programme was heard instead of the soap opera during the first two years of the project (1993-95).

Then, from 1995-97, the soap opera was broadcast in the Dodoma comparison area. Independent research by the University of New Mexico and the Population Family Life Education Programme of the Government of Tanzania measured the effects caused by the programme with regard to such issues as AIDS prevention behaviour, ideal age of marriage for women, and use of family planning.

While the population of the Dodoma comparison area was more urban than the rest of the country, a multiple regression analysis eliminated the influence such differences might have accounted for. Nationwide random sample surveys of 2750 people were conducted before, during and after the broadcast of the programme. Data was also collected from the AIDS Control Programme of the government, the Ministry of Health, and the Demographic and Health Survey, all of which reinforced the finding of significant impacts on attitudes and behaviour.

Among the findings were a significant increase in the percentage of the population who perceive that they may be at risk of HIV infection; an increase

in people's belief that they can take effective action to prevent HIV/AIDS; an increase in interpersonal communication about HIV/AIDS; an increase in the belief that individuals, rather than their deity or fate, can determine how many children they will have; an increase in the belief that children in small families have better lives than children in large families; and an increase in the percentage of respondents who approve of family planning.

The study also provided evidence that the Tanzanian radio serial stimulated important behavioural changes. Over half the population of the areas where the serial was broadcast identified themselves as listeners, with more men than women in the audience. One of the key characters in the soap opera was a truck driver with many girl friends along the truck route.

In the programme he contracts AIDS. Of the listeners surveyed, 82 percent said the programme had caused them to change their own behaviour to avoid HIV infection, through limiting the number of sexual partners and through condom use. Independent data from the AIDS Control Programme of the government of Tanzania showed a 153 percent increase in condom distribution in the broadcast areas during the first year of the soap opera, while condom distribution in the Dodoma non-broadcast area increased only 16 percent in the same time period.

The programme was also effective in promoting family planning. There was a strong positive relationship between listenership levels by district and the change in the percentage of men and women who were currently using any family planning method. The research also showed an increase in the percentage of Tanzanians in the areas of the broadcast who discussed family planning with their spouses. The programme also had a significant effect in raising the ideal age of marriage for women and the ideal age of first birth for women.

In regions where the show was broadcast, the percentage of married women who were currently using a family planning method increased 10 percentage points in the first two years of the programme, while that percentage stayed flat in the Dodoma area during the time the programme was not broadcast there. Then, when the programme was broadcast in Dodoma, the contraceptive prevalence rate there increased 16 percentage points. In regions where the programme was broadcast, the average number of new family planning adopters per clinic, in a sample of 21 clinics, increased by 32 percent from June 1993 (the month before the show began airing) to December 1994. Over the same period, the average number of new adopters at clinics in the Dodoma area remained essentially flat.

Independent data from Ministry of Health clinics showed that 41 percent of new adopters of family planning methods were influenced by the soap opera to seek family planning. This included 25 percent who cited the soap opera by name when asked why they had come to the clinic, and another 16 percent who cited "something on the radio" and then identified the soap opera when shown a list of programmes currently on the air. Another family planning serial drama using a different methodology that was broadcast nationwide by Radio

Tanzania at the same time was cited by just eleven percent of new family planning adopters at the same Ministry of Health clinics. These data point to the importance of the methodology used in the design of the serial drama.

Counting all of the costs of the radio serial, the cost per new adopter of family planning was under 80 cents (U.S.). The cost per person who changed behaviour to avoid HIV/AIDS was 8 cents (U.S.).

Because entertainment programming (radio or television, depending on the coverage of each medium in any country) attracts the largest audiences, it is particularly important to utilize entertainment media for disseminating information about reproductive health issues.

PMC works to develop comprehensive media campaigns in the countries where it is carrying out projects. Because of the strong evidence of their effectiveness, social-content serial dramas are, in most instances, a centerpiece of the strategy in any country. The strategy uses the best of what has been done in the past, and builds on it in each country with intensive coverage of issues related to sexual risk behaviour. In this way, PMC intends to contribute to rapid change in the health-related behaviour of people worldwide.

PMC provides people with entertainment and information to help them make informed decisions without telling them what to do. PMC's approach emphasizes non-coercive, informed decision-making, tailored in each case to local needs and circumstances. Programmes are designed to promote human health and dignity by providing education and examples of various alternatives and their consequences.

MEDIA AND MASS COMMUNICATION RESEARCH

PAST, PRESENT AND FUTURE

The character and directions of academic inquiry are ever-changing. Old subjects evolve, their influence waxes and wanes; new subjects emerge. All as the result of many Media and Mass Communication Research different intellectual and social processes on different levels – national, regional and international. The field of Media and Communication is a relative young discipline; many of us have first-hand experience of its gestation and birth. The study of media and mass communication has evolved steadily since the 1950s. Changes in contemporary political systems, the cross-fertilization or conflict of different cultures, the development of social institutions and organizations, not to mention new information technologies, have influenced the development of the discipline significantly.

The number of scholars in the field of Media and Communication Research has increased dramatically during the last decade, and some excellent research communities have been created. But, there are aspects that arouse some critical reflections – most of which concern whether and to what extent the work in our field raises relevant questions about the relations between media and

society. An attunement of research to the agendas – and even the interests – of new systems of public grants, external financiers and, furthermore, new structures for higher education has thrust scientific inquiry into a period of change. Research tends to be more administrative, and short-term perspectives prevail at the expense of the long-term accumulation of knowledge. Too little time is devoted to academic debate and critique; there is no "career value" in such undertakings. The leeway for independence and the freedom to utter unpleasant truths have diminished – perhaps not formally, but de facto.

The pressures at play in this overall trend may well have more far-reaching consequences for a relatively "new" field of research like Media and Communication than in older and more established disciplines.

THE EMERGENCE OF THE DISCIPLINE IN THE NORDIC COUNTRIES

Modern Media and Communication Research has its roots in a variety of disciplines: Political Science, Economics, Sociology, Psychology, History, Literature and Linguistics. Within these fields, questions relating to mass media had tended to be marginalised. Serious gaps in knowledge had opened concerning how the external manifestations of media and communication related to their inner life, and to the place the institutions occupy in our societies and cultures. This, just as television was becoming an ubiquitous household fixture and computers had started their conquest. The frustration relating to these 'white spots on the map' spurred the creation of the discipline of Media and Communication Research on eminently interdisciplinary foundations. Behind the urge to create a specialised discipline was the desire to strengthen the field through the elaboration of shared concepts, theoretical starting points and methods.

Some of the scholars who were active in the 1970s and 1980s – today we call them pioneers – worked hard to establish Media and Communication as a discipline in its own right. Among the pioneer generation were researchers like Svennik Hotter and Hedge Stubby in Norway; Karl-Erik Rosengren, Kettle Nowak, Olof Holden, Stir Hadenius and Lennart Weibull in Sweden; and Frands Mortensen, Erik Nordahl Svendsen and Karen Siune in Denmark. All were aided and abetted from time to time by Kaarle Nordenstreng in Finland, where Journalism and Mass Communication had been an academic discipline since the 1940s.

Many of these researchers also founded training programmes for journalists and information officers in an era when demand for professionals in these areas skyrocketed. Other main actors were the national associations of media researchers, all of which were formed towards the end of the 1970s. These may be seen as an outgrowth of Nordic collaboration, which has a history of some 30-40 years, having first been manifested in a pan-Nordic conference for media and communication research held in 1973 at the Ovogeneses outside Oslo. That same year saw the decision to establish a Nordic documentation

center for media and communication research, NORDICOM. Clearly, Nordic collaboration in the area was a chief prepequisite to the development of the discipline in the Nordic countries. This Nordic base provided, and continues to provide, a much more conducive platform for research than any of the five countries alone can offer.

Nordic research collaboration also benefited from Nordic researchers' active involvement in the IAMCR/AIERI (International Association for Mass Communication Research) and its regularly recurring conferences in the 1970s. Nearly all the so-called pioneers were present in Leipzig in 1974, which marked a definite step in the history of the Association. And then there was Leicester 1976, Warsaw 1978... It is no mere coincidence that the Swedish association was formed on the way home from Leicester, and the Norwegian association at the conference in Warsaw. In retrospect it is interesting to see how several different factors, especially regional and international processes, coalesced to make an extraordinary national expansion possible. Still, without the entrepreneurial efforts of individual researchers it would not have happened.

And then...?

In the Nordic region, research and education in Media and Communication were finally unified in the late 1980s and early 1990s. The process took place more or less simultaneously, in a variety of academic departments, some in the Social Sciences, others in the Humanities. This was the case in Denmark, Norway and Sweden. The exception was Finland, as earlier mentioned, where Journalism and Mass Communication, and Communication Studies, respectively, had been independent and well-established disciplines for many years.

Viewed in historical perspective, media researchers in the Social Sciences and media researchers in the Humanities for many years kept their distance from one another in terms of theory and methodology. In the Humanities, the focus has often rested on the meaning of human expression from the perspective of Linguistics, Philosophy, the Arts and Literature. The social scientists have, for their part, occupied themselves more with the media institutions and their relations with other institutions, particularly those having to do with democracy, and the effects and comprehension of mediated messages. Whereas methodology has long been a pivotal concern within the Social Sciences, it has been relatively peripheral in the Humanities. For many years, a 'front line' ran through the Nordic research community, dividing those who applied quantitative methods from those who used qualitative.

New disciplines like Media and Communication Research find themselves in something of a dilemma. On the one hand, they seek to develop a discipline that merits national and international recognition; on the other, they want to remain open and nondoctrinaire in their relations with neighbouring disciplines. Often, however, the institutionalisation of a research field, particularly in its early phases, implies a risk of a block in communication with other disciplines – which occurred in the case of Media and Communication Research. The developmental phase coincided, what is more, with a new direction in work

in the Humanities known as 'the cultural turn'. The 'cultural turn' represented a development that brought social scientists and their colleagues in the Humanities closer. Scholars in the field increasingly trained their focus on the roles media play in cultural processes, on the media's potential to create meaning in a broader sense, and on the adaptation of media messages to modes of understanding commonly applied to cultural phenomena. Nowadays it is no longer always easy to tell the difference between work in the two traditions.

The concept of *text* became central in almost every sense of the word. We may speak of a process of hybridization in some regions of the field. The 'cultural turn' has had a far stronger impact on media studies than on many other fields. The outcome, however, has not been greater unity of focus, but rather the opposite, and in retrospect we may ask: In an era when issues relating to the power and morality of media institutions were more urgently important than ever before, where were the social scientists – why were they so quiet? Was it because they were busy pursuing consensus in the field, or was it because of 'marketisation'? Or, were they simply totally absorbed in the Zeitgeist?

For a young discipline in which most researchers nowadays have their background solely in Media and Communication Research and where contacts with early media research and work in neighbouring disciplines are few, "trends" can have an exceedingly strong impact and may lead to widespread conformism. Some critics have lamented the lack of historical perspectives in much of contemporary Media and Communication Research. The wheel has been re-invented, time and again. Researchers tend to develop a nose for trends and for what is politically correct. In this way it is entirely possible for a field of research to be characterised at once by conformism and multidisciplinarity or, perhaps more aptly, eclecticism.

Media and communication researchers borrow theories, perspectives and methods from other disciplines. Many doctoral dissertations of recent vintage refer – often without much reflection – to a handful of theories garnered from more general cultural and social theory. The works take their inspiration from one, often even several methodologies, without pausing to consider that methods, too, are founded on basic assumptions about the nature of the object to be explored. (Hotter 2006) Scholars in our field have always borrowed and will surely continue to borrow, due to the nature of the phenomena they concern themselves with. Borrowing in itself should not disqualify us from making the occasional contribution to the development of theory and methodology in other disciplines, but the record to date shows remarkably few such contributions. What is more, we find that issues relating to the media are today being studied in many different disciplines, independent of what has been done, or is being done by researchers in Media and Communication.

Media and Communication is variegated in the extreme, and few syntheses embrace the field as a whole. The field is broad, specialities are many, with new ones appearing from time to time. Indeed, the field can give the impression

of incoherence. Specialisation, which is not always solidly founded in theory or methodology, may cause the field to disintegrate into small groups, each a discursive community unto itself. Members' credibility within the community increases, all the while their work is marginalised in relation to the research community at large.

The burgeoning flora of journals these days mirrors the situation. Commercial publishing houses have caught the scent and flocked to the arena. New research specialities are carved out and new journal titles started up all the time. As a consequence, there is a risk that our field may become 'balkanized' to an even greater extent. Furthermore, the rapid increase in seeming diversity may well – as in many other cases of rapid expansion – result in redundant and repetitive publication. Which, in turn, implies a risk that perceptions of academic standards will continue to vary, and with them the quality of published work. Variation in standards is not to be confused with a healthy variety of interests, points of departure, concepts and methods, without which the discipline cannot thrive. Theoretical and methodological pluralism needs to be deliberately cultivated, and this requires competitive interaction between qualitative research environments.

The frantic hunt for research funding, increasing pressures to publish in international journals, and far-reaching specialisation – on a market that has become increasingly trend-sensitive – are not unrelated. Thought, reconsideration, and reflection are scarce in day-to-day academic life. Monographs, as demanding of the scholar's time and effort as they are important to our science, are not profitable ventures.

Specialisation with studies of high quality is not a problem in itself, but it can be problematic unless accompanied by inquiry on a systems level. Without these latter studies, we have no knowledge of the whole to which we can relate the various parts.

There is a risk that extreme specialisation may lose its fertility for lack of impulses and an inability to formulate new problems of relevance. Today, there is not much in the way of a media philosophy that can unite findings and theories. The lack of such a philosophy can hamper progress in our field. Media and communication researchers face some real challenges today. In the world of multilevel governance with private and public actors media landscapes and media cultures are undergoing fundamental and far-reaching metamorphoses. Not to mention the ramifications of phenomena like ICT, media convergence and global media structures.

How to bridge the digital – or more correctly – the knowledge divide is a topic of considerable attention even for media researchers. The main question is the gap between north and south. The gap between the rich and poor still prevails as a result of disparities in access to resources, knowledge and technology, especially in rural areas. But, the divide is also reproduced within virtually every country of the world and often reflects other gaps – those between income groups, the sexes and ethnic groups.

We need to better understand how media and communication may be used, both as tools and as a way of articulating processes of development and social change, improving everyday lives and empowering people to influence their own lives and those of their fellow community members (Hemer and Tufte 2005). In this digital age it is easy to marginalize traditional media as radio, newspapers, journals and books, and fail to confront critical issues such as the lack of media freedom in many parts of the world, the rising global concentration of private media ownership, the absence of media legislation and the challenges facing public service media.

We also have reason to ask questions about media with a focus on gender and the gender order. The media mirror reality, yes, but they also contribute to constructing hegemonic definitions that all too frequently are depicted as self-evident – as natural, all-pervasive and invisible as the air we breathe.

The research community also bears a responsibility for the cultivation of media and information literacy in society at large. A precondition for a good layman's understanding of the media is new knowledge and the communication of that knowledge.

Media literacy means understanding how mass media work, how they create reality and produce meaning, how the media are organized, and knowing how to use them wisely. Proponents of media literacy view greater knowledge of the media and communication in society as contributing to participation, active citizenship, development and life-long learning.

With the growing convergence of radio, TV and computer technologies, including the emergence of various hybrids and specializations, we see how a variety of electronic media, information and communication is gradually becoming common goods.

Interactive media like the Internet also imply invitations to risky behaviour in connection with media use. The time for simple media effects approaches has passed. Instead, the issues of media content and media use need to be contextualised in a multifactor, risk-based framework as concluded by several researchers (Hargrave and Livingstone 2006). Traditional media literacy is no longer sufficient.

There is a need to develop new skills and competencies that render users and consumers 'information literate". Media literacy has tended to focus on cultural expression and has a critical dimension that information literacy lacks. Recently, however, information literacy is increasingly connected to issues of democracy and active citizenship. There is a need to bring the two forms of literacy together.

THE TERMS 'MASS' AND 'COMMUNICATION'

The term 'mass' denotes great volume, range or extent (of people or production) and reception of messages. The important point about 'mass' is not that a given number of individuals receives the products, but rather that the products are available in principle to a plurality of recipients.

The term 'mass' suggests that the recipients of media products constitute a vast sea of passive, undifferentiated individuals. This is an image associated with some earlier critiques of 'mass culture' and Mass society which generally assumed that the development of mass communication has had a largely negative impact on modern social life, creating a kind of bland and homogeneous culture which entertains individuals without challenging them. However, with the advancement in Media Technology, people are no longer receiving gratification without questioning the grounds on which it is based. Instead, people are engaging themselves more with media products such as computers, cell phones and Internet. These have gradually became vital tools for communications in society today.

The aspect of 'communication' refers to the giving and taking of meaning, the transmission and reception of messages. The word 'communication' is really equated with 'transmission', as viewed by the sender, rather than in the fuller meaning, which includes the notions of response, sharing and interaction. Messages are produced by one set of individuals and transmitted to others who are typically situated in settings that are spatially and temporally remote from the original context of production. Therefore, the term 'communication' in this context masks the social and industrial nature of the media, promoting a tendency to think of them as interpersonal communication. Furthermore, it is known that recipients today do have some capacity to intervene in and contribute to the course and content of the communicative process. They are being both active and creative towards the messages that they are conveyed of. With the complement of the cyberspace supported by the Internet, not only that recipients are participants in a structured process of symbolic transmission, constraints such as time and space are reordered and eliminated.

'Mass communication' can be seen as institutionalized production and generalized diffusion of symbolic goods via the fixation and transmission of information or symbolic content. It is known that the systems of information codification has shifted from analog to digital. This has indeed advanced the communication between individuals. With the existence of Infrared, Bluetooth and Wi-Fi, cell phones are no longer solely a tool for audio transmission. We can transfer photos, music documents or even games and email at any time and anywhere. The development of media technology has indeed advanced the transmission rate and stability of information exchange.

Characteristics of Mass Communication Five characteristics of mass communication have been identified by Cambridge University's John Thompson. Firstly, it "comprises both technical and institutional methods of production and distribution". This is evident throughout the history of the media, from print to the Internet, each suitable for commercial utility. Secondly, it involves the "commodification of symbolic forms", as the production of materials relies on its ability to manufacture and sell large quantities of the work. Just as radio stations rely on its time sold to advertisements, newspapers rely for the same reasons on its space.

Mass communication's third characteristic is the "separate contexts between the production and reception of information", while the fourth is in its "reach to those 'far removed' in time and space, in comparison to the producers". Mass communication, which involves "information distribution". This is a "one to many" form of communication, whereby products are mass produced and disseminated to a great quantity of audiences.

NEWS REPORTING

In its infancy, news gathering was primitive by today's standards. Printed news had to be phoned in to a newsroom or brought there by a reporter, where it was typed and either transmitted over wire services or edited and manually set in type along with other news stories for a specific edition. Today, the term "Breaking News" has become trite as broadcast and cable news services use live satellite technology to bring current events into consumers' homes live as they happen. Events that used to take hours or days to become common knowledge in towns or in nations are fed instantaneously to consumers via radio, television, cell phones, and the Internet.

NEWSPAPERS

Most large cities had morning and afternoon newspapers. As the media evolved and news outlets increased to the point of near over-saturation, afternoon newspapers were shut down except for relatively few. Morning newspapers have been gradually losing circulation, according to reports advanced by the papers themselves.

Commonly, news content should contain the "Five Ws" (who, what, when, where, why, and also how) of an event. There should be no questions remaining. Newspapers normally write hard news stories, such as those pertaining to murders, fires, wars, *etc.*, in inverted pyramid style so the most important information is at the beginning. Busy readers can read as little or as much as they desire. Local stations and networks with a set format must take news stories and break them down into the most important aspects due to time constraints. Cable news channels such as Fox News Channel, MSNBC, and CNN, are able to take advantage of a story, sacrificing other, decidedly less important stories, and giving as much detail about breaking news as possible.

OBJECTIVITY IN NEWS

News organizations are often expected to aim for objectivity; reporters claim to try to cover all sides of an issue without bias, as compared to commentators or analysts, who provide opinion or personal point-of-view. However, several governments impose certain constraints or police news organizations for bias. In the United Kingdom, for example, limits are set by the government agency Ofcom, the Office of Communications. Both newspapers and broadcast news programmes in the United States are generally expected to remain neutral and avoid bias except for clearly indicated editorial articles

or segments. Many single-party governments have operated state-run news organizations, which may present the government's views. Even in those situations where objectivity is expected, it is difficult to achieve, and individual journalists may fall foul of their own personal bias, or succumb to commercial or political pressure. Similarly, the objectivity of news organizations owned by conglomerated corporations fairly may be questioned, in light of the natural incentive for such groups to report news in a manner intended to advance the conglomerate's financial interests. Individuals and organizations who are the subject of news reports may use news management techniques to try to make a favourable impression. Because each individual has a particular point of view, it is recognized that there can be no absolute objectivity in news reporting.

NEWSWORTHINESS

Newsworthiness is defined as a subject having sufficient relevance to the public or a special audience to warrant press attention or coverage. Normal people are not newsworthy unless they meet an unusual circumstance or tragedy. The news divides the population into two groups; those few whose lives are newsworthy, and the multitude who are born, live out their lives and die without the news media paying them any significant notice. The news has always covered subjects that catch people's attention and differ from their "ordinary lives". The news is often used for escapism and thus normal events are not newsworthy. Whether the subject is love, birth, weather, or crime, journalists' tastes inevitably run towards the unusual, the extraordinary.

The subject and newsworthiness of a story depends on the audience, as they decide what they do and do not have an interest in. The denser the population, the more global the reported news becomes, as there is a broader range of interests involved in its selection.

Only a fraction of news manages to convey the overall world development.

BASIC NEWS WRITING

Actually, it is worse than worthless; a false news story undercuts the public trust necessary for the survival of a free press. Keep in mind that the First Amendment specifically protects the press from government control so that the public can receive accurate and unbiased information. The public needs unbiased information to make intelligent choices in the voting booth. This is critical to the process of democracy in our country. If the public loses faith in the accuracy and fairness of the press, loss of faith in democracy will soon follow.

Always check numbers, spellings of names, who said what, and the other basic facts of any story. A reporter's job is to find out what is going on, then write a story that's interesting and informative. Accuracy always comes first.

Second is brevity. Each word in your story should do a job. If not, take it out. Get to the point. Say it just once. Don't be redundant. Don't say "8 a.m. in the morning," since 8 a.m. *is in the morning*. Just say 8 a.m. Or say

8 in the morning. Remember the inverted pyramid style of writing. Put the most important fact in the lead. Hook the reader's attention. Explain the lead and then go on to the next most important fact in the second inverted pyramid. And then the next. Lead up to an interesting finish. Don't just stop writing when you run out of information. Clarity starts before you write. Clarity starts with complete, competent reporting. You should understand your subject so completely that your story leaves it crystal-clear in the reader's mind. Your story should leave no questions unanswered. Avoid jargon. Explain anything that wouldn't be obvious to the average person. The more information you gather, the more you have to sift through to determine what belongs in the lead. The more you know, the harder it is to tell it quick and make it simple. It's only easy if you don't know what you're talking about. No one said good reporting is easy.

THE GATEKEEPER

Who decides what stories will be printed in the Monitor? Who picks the stories for the 10 O'Clock News on Channel 2? Journalists make those decisions, and when they do, they are performing their "gatekeeper" function. They decide which stories to let through the "gate" and which to toss into the trash.

Journalists decide which stories are important enough to run on page one, and which ones run inside.

But the gatekeeper function also affects the way we write our stories. The reader looks to the journalist to make sense out of a confusing world. It is the journalist's job to find out what's going on, then choose from a notebook full of scribbles only those facts necessary to give the reader a clear, concise picture of the most important events. Obviously, this process leaves some facts out of the story. You must be sure that your story includes the most important information.

But for you to make that judgment, you have to learn everything possible about your subject, and that means you will end up knowing a lot of less-important facts that will never make it into a news story. A good reporter loves to dig into a story. The rule is: "Write 10 percent of what you know."

THE FIVE 'W'S'

Every news story must cover the "Five W's:" Who, What, When, Where, Why and sometimes How and So What? You don't have to cover all these in the lead, obviously, but usually you will address one or two in the first graph.

The rest should come soon. Make sure they are all covered somewhere in your story.

NEWS VALUES

What is news? The cliche is, when dog bites man, it's not news. When man bites dog, that's news. Critics say, why is the newspaper always full of bad news? Because bad news is unusual, and no one wants to read about ordinary

events. "The Monitor adviser arrived on campus this morning and found things much as he left them the night before." Who cares? If the adviser finds a mountain lion waiting for the elevator in Building 5, then there's a story. With photos.

News usually has at least one of these elements:

- *Impact:* Impact is determined by the number of people affected, the number of boats that sink, the number of cars wrecked, *etc.* The more people affected, the more boats sunk, the bigger the impact of the story.

- *Proximity:* The closer your audience is to the event, the greater its news value. If a train hits a bus in Bangladesh, it may receive three column inches behind the sports section. If a train hits a bus on Niles Canyon Road, the Argus will play it on page one.

- *Timeliness:* "New" is a big part of news. If it happened just before deadline, it's bigger news than if it happened last week. Even "big" stories last only a week or so. News, like fish, is better fresh.

- *Prominence:* If it happens to the mayor, it is bigger news than if it happens to the Monitor adviser. The public cares more about celebrities than they do about people they don't know. If President Clinton goes jogging, reporters take pictures. If the Monitor adviser goes jogging, dogs bark, but no one else notices. (This is fine with the adviser.)

- *Novelty:* If an event is unusual, bizarre, the first, the last, or once-in-a-lifetime, it is has more news value than if it is something that happens all the time.

- *Conflict:* War, politics and crime are the most common news events of all. If everyone got along, there wouldn't be much news.

- *Relevance:* How does the story affect the reader? If there's no effect at all, maybe there's no news.

- *Usefulness:* How can I use this information? Home, business and leisure news sections have sprouted in newspapers in an attempt to give readers news they can really use.

- *Human interest:* A story may be weak on the other news values, but be interesting anyway. It can be as simple as an interview with a fascinating person who does unusual things. If people are talking about it, it's news, even if it doesn't meet the criteria of our other news values.

OBJECTIVITY/FAIRNESS

The reporter's job is to find out the truth and tell it, regardless of who might be made uncomfortable. The reporter's responsibility, as implied by the First Amendment, is to serve only the reader.

The public needs unbiased information in order for democracy to succeed. That means that your stories must be unbiased. Most reporters believe pure objectivity is impossible. When you select one word over another, your

judgments enter the story. But fairness *is* possible, and fairness should be every reporter's goal. Fairness requires the reporter to recognize his or her own biases in the story, and then consciously include all relevant points of view — even ones that the reporter doesn't like, personally.

Always look for the "other side" in any story. If someone or some institution is accused of something by a source in your story, you have an absolute obligation to contact the accused party and give them the opportunity to respond. This should be done in the first story, not in some later "response" story. Use neutral language. Avoid exclamation points. Don't say "our college" when referring to Ohlone. Say Ohlone. Our tone should be one of the disinterested, but honest observer. A reporter's credibility is the only guarantee the reader has of the story's accuracy. There are no policemen in the newsroom forcing reporters to be accurate. The First Amendment wouldn't allow that. If we write inaccurate or biased stories, the readers will stop trusting us. And if that happens, we all might as well go into some other field.

THE LEAD

The lead is usually the toughest part of writing a story. The lead is the first word, sentence or paragraph of the story. Sometimes it can be two or three paragraphs.

Whatever its length, the lead has several important jobs to do. First, it must interest the reader in the rest of the story. Imagine the reader as impatient, with lots of other things he or she could be doing instead of reading your story. Imagine the reader saying, "Get to the POINT! Don't waste my time! Tell me the STORY!"

If your reader were stranded on a desert island with nothing to read but your story, you could probably get away with a vague, rambling lead. But today's reader has a BART train to catch, the kids are fighting again and the TV never stops blaring. Your story has tough competition.

Surveys have shown that most people say they get their news from TV, but many then turn to newspapers for the details behind the headlines.

Your job is to write a short, punchy, informative lead to attract readers who have grown accustomed to TV's "sound bite" journalism. But then you must supply the details, the insights, the context that TV doesn't have time for.

What are the rules for a good lead?

- *Keep it short:* News writing is always tight, but the lead calls for special care. Condense your story into one sentence, then one phrase, then one word. Make sure that word is near the beginning of the lead. As a general rule, no lead sentence should be longer than 10 words.
- *Get to the point:* What is the story about? Tell the reader in the lead. Don't say, "The city council met last night." Tell the reader what the city council *did.* "Business taxes were raised a whopping 30 percent on a 6-1 vote of the city council last night." What's the story about? Taxes. So get taxes in the lead.

- *Focus on the action:* Use the "active voice." Instead of saying something happened, say who did what to who. Use the action word. If nobody did anything, it may not be a news story.
- *Hook the reader:* Put the most important, the most interesting, the most exciting thing in the lead. A novel may take 100 pages to lead up to the climax of the story; a news story puts the climax first and then explains what led up to it.

These rules are sometimes thrown out for feature leads, or "anecdotal leads" that start with a little story that sets the scene for the point you are trying to make. But the lean, punchy news lead will work best on most stories.

NEW DIRECTIONS IN MASS COMMUNICATION RESEARCH

Attempts to define the field of mass communication research have always provoked a lively debate among communication scholars. For a longtime, American scholars have viewed mass communication research as one that is concerned with the effectiveness of communication (Schramm 1963). finery *et al.* (1973) defined mass communication research simply as one that deals with the communication behaviour of human beings, usually in current situations requiring the gathering of quantitative information that includes the study of the communicators and the content of their messages; the subject matter of mass communication research is the people who make up the audiences of the different media (Emery 1973). Recent conceptions of mass communication research, however, have now broadened the scope of the field to include, for instance, perceptions of the media of communication as instruments of power that some men or nations use to exploit, oppress, or dominate others.

This notion of communication, as distinct from the all-powerful paradigm in media effects studies, is concerned with issues such as the implications of the persistent negative portrayals of certain nations for the international as well as the national images of these nations; or, how, because of the inequitable distribution of communication technology, some nations wield unfair advantages in trade, cultural, and military affairs. It is also from this notion of communication that has arisen the concept of media imperialism which describes 'the process by which modern communication media have operated to create, maintain and expand systems of domination and dependence on a world scale (Fejes 1982).

The concerns of the Third World, expressed in the form of a demand for a New World Information Order (NWIO) also calls the attention of communication researchers to begin to investigate the nature and flow of information within and across national borders, and the cultural implications for Third World countries of the deluge of Western cultural materials into these countries via the Western media. A related concept that has emerged to describe this situation is one known as 'cultural imperialism'. These concerns and concepts have provoked further Eurocentric bias as Western scholars hasten to dismiss them as vague (Fejes 1983) and irrelevant because they are not

considered to be amenable to empirical research. Further, the nearly 300 articles in the two volumes by Mattelart and Siegelaub (1979 and 1983) present a new and alternative agenda for mass communication research which address issues such as how exploited people develop their own communication practices in the struggle against exploitation, and the socio-economic and cultural factors that condition communication.

Whereas in the past what has been described as administrative research dominated, and still dominates, the literature in communication, many Third World communication scholars are beginning to see the merits of the critical research approach. For example, Ugboajah (1985), while suggesting a 'de-emphasis on communication and national development approaches of the Wilbur Schramm, Daniel Lerner, and Everett Rogers types', has recommended the use of critical research as one which would be germaine to the West African context. It is said that 'neither the empirical (administrative) nor the critical school is dominant in Latin America today, and it is possible that a kind of hybrid school may eventually develop, in which Latin American communication scholars draw upon the elements from both schools that are appropriate for the contemporary communication problems of Latin American societies'(Rogers 1982).

Whatever eventually emerges in Africa would be more than likely a hybrid of the two research traditions, with a tendency towards more critical research. For one thing, the tenets of critical research are couched upon principles that challenge the status quo and call fora reconsideration of the prevailing social, economic, and political relations within and among nations. Secondly, critical scholars call to question the role of the mass media in the imposition of the dominant values on the rest of society.

These are matters that strike responsive chords in the hearts and minds of contemporary Africans. It is partly for these reasons that some scholars call critical research a 'liberating science'.

While these various approaches may suggest new directions in mass communication research, they do not, however, yield to the compromise of a single and encompassing definition of what it is that mass communication researchers purport to study. And so one might say that they further make that task more difficult.

THE CHALLENGE TO AFRICAN COMMUNICATION SCHOLARS

What contributions have African communication scholars made to the perennial questions of definition of mass communication research or to the debates over what constitute appropriate problems or appropriate modes of inquiry for studying communication problems? As a group, the contributions by African scholars in these debates have generally been minimal. Although some creative ideas are beginning to emerge from the African group, as we shall see later, these ideas have not yet been systematized and projected into

the dominant discussions that have guided the directions of the field. In fact, African communication research has been characterized as 'epiodic, casual, serendipitous and non-systematic. Most tragically, these efforts are not informed by any identifiable philosophies, be they indigenous or foreign' (Okigbo 1987).

The late 1950s and the 1960s represent a watershed in the history of Africa, a period that signalled not only the end of an era, but also the beginning of a new one.

This new era ushered in a crisis of sorts in which African aspirations have been aimed at the total elimination of the forces of exploitation and oppression that have for so long worked against the interests of the continent. But despite political independence, colonialism has simply refused to die and has now taken on a new mask, what some call neo-colonialism.

And despite the emergence of so-called neo-political and neo-economic philosophies and ideologies, Africa still remains in the firm grip of the tentacles of external forces. But even if one concedes the dethronement or demise of the 'old order', the 'new order' is simply not being elevated in its place. In mass communication, as in politics, economics, or cultural affairs, African scholars and those sympathetic to African aspirations have vehemently berated the old and dominant paradigms that have guided the study of communication problems yet they have not quite succeeded in constructing new models to replace them.

Lerner's (1958) and Schramm's (1963) studies provoked much of the debates in the 1960s and 1970s in mass communication research over the role of communication in national development. Upon publication, Schramm's book instantly became a handbook for many African development planners who uncritically embraced its tenets in their development policy considerations. Hence, for many African nations, transistor radios and newspapers were viewed during the 1960s not only as important indices, but sometimes as if they were the primary indicators of development, as Schramm and others had espoused. By the 1970s, however, it became evident that although the works of Schramm and Lerner on development communication demonstrated superb scholarship with 'paramount academic qualifications', such works had little social relevance to the African context (Ugboajah 1985).

MEANWHILE, EVERETT

Rogers (1978), in an intellectual about face, described the demise of the old models of communication and development and the purported emergence of a new paradigm. Much of the literature on development communication by African scholars in this period constitutes what may be called reactive scholarship, in which the concerns expressed were mainly in reaction to what Schramm, Lerner, Rogers, and others had said about Third World development communication problems. Still, new models of communication and development that were inherently African in perspective as well as in orientation were (and still are) either hard to find or non-existent in the literature.

Hence, the debate over the critical-administrative approaches to mass communication research should be seen as an opportunity through which African communication scholars can influence the dominant views (or paradigms) that have guided the field of communication. Both the administrative and critical schools of thought should be seen merely as two different sides of the same coin, *i.e.*, the Eurocentric philbsophy and ideology. Drawing from the unique African cultural and historical experience, the African contribution should be geared towards generating either a hybrid approach that takes into account the operations of both the modern and traditional modes of communication, or an altogether authentic African perspective of the study of communication problems.

This elephantine task undoubtedly falls on the shoulders of the African intellectual in communication. By an intellectual in this context, we mean one who constantly apprises himself of aspects of his environment in order to impart his experience to his fellow men for the purpose of increasing awareness (knowledge) of that environment.

From the African perspective, therefore, we may identify two kinds of intellectuals:

(1) Traditional intellectuals, those without formal (college or university) education but who have acquired certain skills over time that enable them to collect, store, retrieve, and analyse certain kinds of information about their environment. In this context, the African groat would be considered to be a traditional intellectual;

(2) The modern intellectual who has acquired formal education that enables him to play the kind of roles that the traditional intellectuals play but in a formal way through the modern channels of communication. Edward Shills (1972) states that:

There is in every society a minority of persons who, more than the ordinary run of their fellow men, are inquiring, and desirous of being in frequent communication with symbols which are more general than the immediate concrete situations of everyday life and remote in their reference in both time and space. In this minority, there is a need to externalize this quest in oral and written disconrse, in poetic or plastic expressions, in historical reminiscience or writing, in ritual performance and acts of worship.

This interior need to penetrate beyond the screen of immediate concrete experience marks the existence of the intellectuals in every society. We might, therefore, consider the African musician, the African artist, the African medicine man, the story teller, the town crier and, perhaps, even the African witch doctor as intellectuals who could contribute to our understanding of African communication variables. It can be argued that these intellectuals are constantly engaged in distinct forms of communication that are peculiar to the African social and cultural milieu.

For the traditional intellectual, the primary modes of observation include authority or tenacity, where the views of authority or arguments which our

instincts lead us to consider as reasonable may be used to establish the validity of our propositions. For the modern intellectual, it is science, or the social scientific methods. Considering the inherent threats to validity in both science and authority as methods of knowing, how might African scholars reconcile these two modes in their attempts to generate a hybrid approach to the study of communication?

In using survey research and interview, for example, Obeng-Quaidoo (1986) suggests that researchers begin to experiment with interviewing family groups instead of individuals. The rationale is that in the African context, 'children and young adults are not supposed to talk when older people are talking... (and) due to the male dominance in most African societies, wives at times want their husbands to answer all questions, even those relating to contraception and family planning.' Further, it has been suggested that African scholars undertake studies involving the possible integration of folk media with modern mass media, or the effectiveness of one compared with the other (Ugboajah 1985:).

Another useful approach to the study of African modes of communication is to view communication as a form of culture, for it is culture that determines how members of a society communicate with each other and what meanings they assign to various symbols. The cultural basis for the study of communication draws our attention to, *inter alia,* two levels of analysis of the variables and constructs of mass communication research, namely, the universal and contextual levels. In this respect, we may study the agenda-setting function of the mass media, the ability of the media to determine the important issues of the day, as a universal construct from society to society and wherever forms of the modern media of mass communication are found. We may also study the same construct at the contextual level in a traditional African/rural environment where the modern media might be non-existent. In this case we may ask: to what extent do folklore and traditional media lend salience to certain issues?

The context in this case will be defined on the basis of the cultural factors that guide the channels of African communication — folklore, dance, rituals, arts, *etc.*, and the operations of African traditional media. ditionally, this cultural perspective may help resolve the contending issue of Eurocentric bias — the tendency by Westerners or Western-trained scholars to interpret non-Western phenomena from Western perspectives. Asante (1980) suggests that Africans adopt a posture of 'intellectual vigilance' towards scholarship that ignores the origin of civilization in the highlands of East Africa (1980); that they become 're-creative' intellectuals by taking the visions of our ancestors to new heights.

This evidently would require that the African intellectual goes all the way back into time and re-examines the historical facts about Africa's contribution to world civilization. That Africans were in the vanguard of scientific development, pioneers in medicine, writing and architecture has been widely documented by many African historians (DuBois 1965, Williams 1976, James 1976). One has to study that history to discover the African heritage.

As a way of determining the true African heritage, Chancellor Williams (1976) approached this problem by segregating traditional African institutions from those influenced by Islamic Asia and Christian Europe. 'In this way, and in no other, we can determine what our heritage really is and, instead of just talking about 'identity', we shall know at last what purely African body of principles, value systems or philosophy of life — slowly evolved by our forefathers over countless ages — from which we can develop an African ideology to guide us onward. In other words, there can be no real identity with our heritage until we know what our heritage really is. It is all hidden in our history, but we are ignorant of that history. Because of such ignorance, African intellectuals sometimes embrace the idea that mass communication was introduced in Africa by Europeans.

That is not so. Our history is replete with many creative uses of the drum as a form of mass communication before the advent of the modern media. Consider, for instance, the amazing feat of ingenuity by Queen Nzinga, a 17th century Angolan ruler of valor who inspired her people to continue the war of resistance against the Portuguese. Dethroned and exiled by the Portuguese, Queen Nzinga mobilized an army and orchestrated many guerilla attacks against the Portuguese, eventually winning the war and regaining her crown. Meanwhile, news of her war efforts was being simultaneously spread among her people through coded messages of the drum (Williams 1976).

Makinde (1986) makes a strong argument for the modern use of the town crier in an African context, noting that 'town criers, like the village minstrel, the drums, the gongs, and various musical devices, have been used since time immemorial as veritable means of disseminating information in rural communities'.

It is not unreasonable, therefore, to suggest that not only did the drum as a channel of mass communication exist in Africa before the advent of the modern media, but that genuine research and development in African communication must take serious interest in the drum and other modes of African communication from both historical and contemporary perspectives.

It is important to remember that conventional (Western) definition of mass communication, with its stipulation of an institutionalized source, and newspapers and the electronic media (radio and television) as channels, precludes the purely African modes of communication. For this reason, the parameters of African mass communication research do not necessarily have to conform to such obviously delimiting, and culturally influenced (Eurocentric) definition. Ideally, African mass communication research efforts should be geared towards syncretization, as exemplified, for example, in Makinde's (1986) conceptualization of the town crier for rural communication:

The modern town crier, as is being proposed for use in rural communication, would retain some of the trappings of his olden counterparts; he would be well known to the community in which he operates; he would be able to speak in the language in which his audience is versed; he would understand the culture

and traditions of his audience, and would, possibly, be a resident of the area in which he operates. He would as well imbibe the attributes of the modern communicator: fairly educated, knowledgeable of government policies, programmes, objectives, and activities and armed with government publications and a loudspeaker. He would be able to accommodate questions and measure people's reaction for eventual feedback to government. The modern day town crier would move about on four wheels which enables him to cover long distances within a short time.

Several propositions have been made tor a formulation of a philosophical foundation for African communication research.

For example, Asante's Afrocentricity, which advocates that the African heritage become the primary frame of reference for the African in his day-to-day existence, could be viewed as a philosophical treatise that can provide guidance for African communication research. For, ' Afrocentricity seeks to modify the traditional where necessary to conform to the demands of modern society rather than to abandon those systems that have lasted through the centuries' (1980). Okigbo (1987) argues for a philosophy of communication derived from the African tradition that could give meaning and direction to African communication research. Such philosophy, 'if fully articulated, developed and nurtured, will contribute immensely in improving our thinking and activities concerning our important daily problems'.

Similarly, Blake (1979) argues for the 'pedagogical bases for communication studies in Africa', that take into account 'the philosopical influences that guide our structure and practice of teaching', particularly in regard to the practical aspects of structure/content and instruction in African institutions of higher learning. Although the parameters of some of these propositions are not so well defined as yet, they are interesting and important ideas that should be a part of the African communication research agenda.

The thesis or dissertation process might seem intimidating, especially as critics harp on such seemingly trivial matters as measuring tools, study designs, statistical or interpretative procedures, tests for reliability and validity, units of analysis, metaphor, meaning, and historical significance. But theory and research, despite the fact that their qualities seem mysitcal to the initiate, are by no means extraneous to understanding the communication process—whether it be an understanding of the theoretical or applied aspects of communication.

The purpose of the thesis or dissertation exercise is to master a skill that has its own common sense standards that differ from traditional standards.

The purpose of the thesis or dissertation is more than simply to master the content. It involves learning via a mode of conceiving and conceptualizing in which hypotheses or research questions are derived from theory. The hypotheses or research questions are then tested in a manner adhering to agreed-upon standards for gathering evidence, be they quantitative or qualitative in nature. Mastering narrow and perhaps esoteric bodies of research and conducting research based on the literature has, admittedly, little value for students unless

they plan to continue in that area. But mastering theoretically based research skills are immensely valuable to the student, scholar, or practitioner who plans to generate or consume primary or secondary research in the future.

WHERE NO ONE HAS GONE BEFORE

Theory organizes and refines our ideas, like a map for exploring unexplored territories. Imagine exploring new lands without at least examining the maps and writings of past explorers to see what rivers and lands they traversed. Although we do not put complete faith in old adventurers' maps and writings, we would be foolish to ignore what others have done.

The novice researcher or the seasoned scholar, excited by a new idea while in the bath, almost always emerges from the bathroom proclaiming that "no one has ever thought of this before." That researcher is like the explorer who believes no one has ever gone, or tried to go, where he or she plans to go.

Even cursory investigation, however, usually reveals that others have gone—or tried to go—where the novice researcher plans to go. Theoretically driven research involves building and testing on the knowledge of previous explorers. In this opening chapter, we examine the link between theory and research method-ology, and integrate these two primal aspects of academic study in communication. Our approach is simple: The *research* process itself is integrated. One cannot conduct good research without theory and good theory development requires good verification.

THE COMMUNICATION PROCESS

The research process in communication begins with a good question, perhaps later developed into a hypothesis, tested in the most rigorous and appropriate way. Research, then, advances the theory behind the question/hypothesis, leading to refinements in the research, and so forth.

Few explorers discovered new lands or routes without some knowledge of those who went before them. Each explorer makes new headway for the next. But metaphors are never perfect, and the communication process studied by communication re-searchers is not exactly like finding a new land: As far as the communication process is concerned, there is no final "place" to be discovered, where a theoretical "flag" can be planted. Yet there is something to be gained by acquiring knowledge about a process that may never be completely understood. The integration of theory and research methodology and the communication process are similar processes. Each begins with information gleaned from some source, and integrates that information into a message of some form (*e.g.*, verbal or nonverbal) or some medium (*e.g.*, interpersonal or mass mediated) that conveys meaning. Information takes on different forms at different times in both processes; sometimes it merely exists, much like background noise or something noted in the environment; sometimes it consists of symbols and signs, such as the words on this page, only written in a language you may not understand.

Either way, there is no intent, it is just there. To some, to be considered communication, the information must be intentionally sent *and* intentionally received. Dittman (1972) pointed out that a message may be subliminal—not consciously received—and yet still impact our thoughts, attitudes, and behaviours.

Burgoon and Ruffner (1978) argued that communication has not occurred unless both source and receiver perceive a message to be intentional. Others (Malandro, Barker, & Barker, 1989; Hickson & Stacks, 1993) considered communication to occur if either sender or receiver perceive intent. Either way, information often leads to communication, depending on how the researcher has defined *communication*.

Perhaps the phrase *human communication* is all too often used to describe all communication. This is not feasable when it is necessary to distintinguish mass mediated communication from nonmediated communication.

The research process begins when the researcher reviews the literature relevant to the question or hypothesis of interest, yielding the *literature review*. Previous theory and research form the basis for a new approach, model, or theory that interprets communication differently. Thus, information is basic to both the communication and the theory-research process; it begins the process by pointing to something new, either in the environment (such as Newton's apple leading us to gravity) or in a specific literature (such as theories of how the brain operates coming from neurophysiological studies).

We all are familiar with the cliche that "knowledge is power." But what does this really mean? Knowedge about the communication processes has very practical applications for a variety of purposes—persuading other people to do what you want, for good or evil purposes; teaching elementary students; launching an information campaign to reduce AIDS risk behaviours; selling soap; educating the public about some important issue; brainwashing the people, aggrandizing all power and becoming an absolulte dictator; and so forth.

Thanks to our explorer-researchers, we have refined many of our ideas about human and mass communication processes. With some historical perspectives, we see that the communication process was once guided by naive theories, some as simple as those used to understand language acquisition. Language was once conceived as arising from physical exertion (*yo-he-ho*), from imitation of nature sounds (onomatopoeic, *e.g.*, *bow-wow*), or when the mouth and vocal organs tried to pantomime body gestures (Gray & Wise, 1959).

The mass communication process was once guided by a simplistic notion of a direct and universal "hypodermic-needle" effects model on a malleable and passive audience. This model, too, is now in disrepute.

Today we can look back on the earlier generation of communication researchers who gave us various language acquisition and hypodermic-needle models of communication and wonder how they could have ever been so naive. Perhaps future generations will see us in much the same way.

THE RESEARCH PROCESS

We begin our journey by fleshing out the relationship between theory and research. In exploring this relationship we focus on the asking of "good" research questions that lead to important hypotheses. We then examine how the question dictates the method-ology used to test the theoretical relationships. Finally, we examine the research process as a whole, coming full circle to understanding and predicting communication.

The research process begins by asking research questions. Research questions are drawn from the systematic study of an area of communication interest. Whereas a systematic study of the literature is necessary, "good" questions are also derived from old-fashioned common sense.

Questions can be derived either deductively or inductively. The scientific method gives more credence to the inductive process, or hypothetico-deductive logic, in which questions are induced from general principles. That is, they take a law-like approach, much like that found in Berger and Calebrese (1975) interpersonal communication model of uncertainty reduction. Deduction, on the other hand, arrives at truth and questions from rationale observation (Westley, 1958). Deduction can be as simple and elegant as the syllogism, "All humans are mortal; Judy is a human; therefore, Judy is mortal" or as complex as the rule-based, practical syllogism, "Jim wants good grades; to get good grades he must study; therefore Jim must study to get good grades." The two examples differ in their range of generality.

The former has low generalizability, it is simple logic in a lawlike manner; the latter is midrange and more practical, and it requires a mediating factor. Deduction is the way of everyday common sense and rationalism. But induction has its own logic. The logic of induction serves to restrain the dangers of total reliance on common sense that Albert Einstein warned against.

LAW OF JOURNALISM AND MASS COMMUNICATION

The Law of Journalism and Mass Communication encompasses the legal principles and regulations that govern the practice of journalism, media organizations, and communication industries. It addresses issues such as freedom of the press, defamation, privacy, intellectual property, access to information, and media ethics. Freedom of the press is a fundamental right enshrined in many legal systems, allowing journalists and media organizations to report on matters of public interest without censorship or undue interference from government authorities. However, this freedom is not absolute and must be balanced with other rights and societal interests, such as the right to privacy and protection against defamation. Media organizations and journalists are also subject to laws governing intellectual property, such as copyright and trademark laws, which protect their creative works and brands. Additionally, laws regulating access to information ensure transparency and accountability in government and public institutions. Media ethics play a crucial role in guiding journalistic practices and behavior, with professional codes of conduct setting standards for accuracy, fairness, objectivity, and integrity in reporting. Overall, the Law of Journalism and Mass Communication serves to uphold the principles of freedom of expression, transparency, and accountability in the media industry while balancing the rights and interests of individuals and society. In 'Law of Journalism and Mass Communication,' readers explore the intricate legal landscape shaping the practice of journalism and media communication.

Dr. Atul Kumar Sahuwala is associated with academics for more than 6 years. He holds the degree of B.Com, LL.B., PGDCA, DFS, MBA in (International Business Management), LL.M. and Doctor of Philosophy in Law From Tantia University, Sri Ganganagar (Rajasthan). He is a National Award winner-Business Solution Expert and National Award-IP Attorney in India. He is supervising research work in the field of Law, Assistant Professor in Faculty of Law, Tantia University, Sri Ganganagar. He has been continuously involved in research work with a bulk of publication in renowned Journals and attended various conferences and seminars and workshops to share and impart his knowledge and view. He is socially active and has contribution in nation, He is a Member of many international and national association in field of law, He is International Quality Management System Auditor.