

Chapter 4

Freedom of the media

JEAN-PAUL MARTHOZ

European Director of Information,
Human Rights Watch, Brussels,
Belgium

This chapter was written by the author in his personal capacity. The views expressed do not necessarily reflect the official views of Human Rights Watch.

PARADOX

The emergence of any new form of technology inevitably gives rise to euphoric hopes or dark fears. The development of information and communication technologies (ICTs) is no exception to the rule. On the one hand are those who promise us an increasingly democratic global village, and on the other, those who announce a new era of domination and dogmatism. The paradoxes are numerous. ICTs, for instance, have produced an unprecedented profusion and diversity of media, but they have also opened up territory where the most powerful media are in cut-throat competition, and risk either crushing the weakest actors under their weight or leaving them jobless by the wayside. The reason is that the control and use of these new technologies require capital and capabilities of such enormous scale that, on the wealthiest of the consumer media markets, they inexorably lead to further concentration. The economic stakes are obvious: the 1997 sales figure for the largest communication group in the world, Time Warner, was \$24,600 million. Sales for the second largest corporation, Disney, stood at \$22,500 million, \$6,500 million of which were generated by television and magazines.

Another paradox, however, is that this concentration is occurring just when thousands of new and independent media are bursting into disorderly life, in contrast with the previous era of one-party systems and the state-controlled monopoly of information. In Africa in particular and in the countries of the former Soviet Union, the stranglehold of the state on the media has been broken, at least in the written press. There is a paradox within that paradox. In countries where until recently only one party predominated, the transition to democracy has been propitious for the media, whereas the return to democracy in the countries of the Southern Cone, and the end of apartheid in South Africa, have seen the disappearance of many titles that used to support the fight for freedom. It may be that periods of transition

are more auspicious to pluralism and media diversity than the advent or return of democracy.

'Communication without borders' is an equally contradictory notion. The transnationalization of media groups complicates the task of certain regimes that seek to hide the 'opposite point of view' from their people and merges together a number of cultural, political and journalistic models. Despite the fact that the new media in many countries have played the role of contradicting the party line, their globalization has not necessarily introduced the worldwide adoption of the values (human rights, freedom, tolerance) that their most ardent supporters believed they represented. Indeed, in certain countries, 'media interference' has, on the contrary, provoked even harsher reactions from authorities or countries with an identity crisis.

While the objections of authoritarian regimes are fairly easy to overcome in the name of the principles of freedom, those put forward by democratic countries on the fundamental conception of freedom of expression – and above all on its limits – are worthy of particular attention. The debate between the champions of free speech, based on the model of the First Amendment to the Constitution of the United States of America, and those who wish to impose stricter limits on the freedom of expression in the name of the struggle against racism, discrimination or war, lies at the heart of the information revolution. In this respect, technology has contingencies of its own, for the freedom of speech specific to one country is not necessarily that of other nations, who may define this notion by other norms. 'We need to think carefully about these differences', notes the American jurist Rodney A. Smolla, 'because the new technologies that increasingly knit the globe into one giant electronic village will tend to create an international marketplace for free speech, which will in turn create enormous pressures towards uniformity in free speech policies [author's italics]. There will be pressure from one direction on the rest of the world to adopt notions

of free speech more like America's. There will be corresponding pressure from the opposite direction for America to water down its free speech principles to conform more closely to the rest of the world's' (Smolla, 1992, p. 352).

Freedom of expression is precisely one of the issues concerning labelling and filtering systems for Internet sites which are supposed to protect the public, and especially children, against inappropriate messages. 'The categories established by labelling convey value judgements which are essentially subjective and which vary from one culture, and even from one individual, to another', notes Jean Chalaby, a researcher at the London School of Economics. 'Consequently, systems such as these may be harmful to the cultural diversity of cyberspace. Since the most influential labelling agencies are established in the United States, the filtering procedures will obey North American moral values and beliefs' (Chalaby, 1998, p. 39).

THE INTERNET: A NEW MEDIUM

Against this background the Internet has a decisive role to play, because it escapes the technical and legal barriers set up by governments far more easily than the satellite television programmes picked up by dish antennas. The Internet is both a medium with its own audience, and a source of information for the other media. It is also a 'creator' of information flows, since it enables individuals and groups hitherto marginalized to become involved. Oppressed or isolated ethnic communities, underprivileged social groups, local social movements, banned political parties: all find in the Internet a means of entering onto the world stage, of presenting their situations in their own words, of expressing their claims independently of governments and the channels laid down by the large media groups. This role of the Internet is reinforced by e-mail, which also forms a new broadcasting medium. 'Virtual communities' have therefore

become – a reality. The Internet also enables contact to be made with a new, younger audience, already prepared by experience with video game interactivity to plug into the cyberworld.

These features have led some observers to the rather hasty conclusion that the Internet is the antidote to the dominant power of the media giants, the absolute weapon against state control and censorship, and the instrument of a new, more participatory form of citizenship. New technology, however, does not eliminate conflictual relations or financial considerations. The large and most frequently visited Internet sites are already the prerogative of the established media groups. The communication giants present in the other media have purchased access providers or data banks. In most of the countries in transition, the costs of computer equipment and access subscriptions continue to be major obstacles which de facto exclude a large majority of the population from using the Internet.

THE CHANGING FACE OF THE CENSOR STATE

Corresponding to this explosion in the scope of knowledge and scale of communication, are the new forms of state censorship. With limited success, governments have multiplied measures to prevent the media from crossing borders by banning dish antennas or foreign radio broadcasts. They even hope to dampen the liberating or contentious repercussions of the Internet by erasing 'hostile' sites using labelling and blocking systems, sanctioning access providers which tolerate them, and multiplying administrative or financial obstacles (registration with post offices, application of prohibitive tariffs, and so on) in order to limit the number of users (Human Rights Watch, 1996). Democratic states are not necessarily the least repressive. 'How else do you explain,' wonders Jeffrey A. Perlman, 'the fact that in Beijing you can go to an Internet café and read many U.S. newspapers on-line, but at a public library in London, Virginia, some of

them are blocked because they contain articles on AIDS or gay rights?' (Net Censors, 1998). (See also Chapter 8.)

The new media also offer new methods of information manipulation, which is the other face of censorship. Counselling by international public relations agencies, masters in the art of abusing information and communication techniques, authoritarian governments or large corporations with controversial business activities turn these new media around and use them against those who saw in them no more than an instrument of freedom. China has created its own site specializing in human rights. Another country has even set up a site which 'pirates' that of an organization designed to defend human rights.

THE PRIVATIZATION OF CENSORSHIP

Censorship is also going through a period of 'privatization'. In many countries, it is not the state which poses the greatest threat to the freedom of expression, but the 'new powers', non-governmental organizations which are taking over the work of state violence, either against it or with its connivance. In recent years, an increasing number of journalists have been the victims of mafia groups, paramilitary gangs and extremist religious factions. Increasing areas of the globe under the control of such groups have once again slipped out of range, thereby limiting the capacity for data collection at the source. The new technologies are a poor weapon when armed gangs seal off an area and terrorize its people. More and more private individuals and public corporations are bringing court actions for slander or damages against even the most respectable programmes and publications, thereby attempting to intimidate them. Some of these lawsuits are legitimate, because freedom of speech must be balanced against other rights such as non-discrimination, respect for privacy, or for a person's reputation and honour, but they are increasingly seen as a means of harassing the media

and limiting public debate. In the United States, they have been given the eloquent name of 'slapp', for strategic lawsuits against public participation.

The privatization of censorship is also occurring at the distribution level. Closely supervised by self-appointed guardians of morality, or ethnic or religious groups, certain chain stores refuse to display and even sell certain books, videos or CDs. Internet access providers exclude sites deemed to be dangerous or harmful, and some public libraries, at the risk of blocking legitimate sites, have installed filtering software in order to prevent their younger customers from having access to obscene products. But the use of keywords enabling 'obscene' sites to be detected can just as easily block access to sites fighting pornography, defending the rights of women and children, or describing violations of human rights.

Technology in these instances is simply a new battlefield for groups which have always defended censorship in the name of morality, nationalism or religion. Now that the media have become commercialized, they worry about damage to their public image and try to avoid publicity which might keep them from being seen by general audiences. Censorship – self-censorship – may therefore be the result of the supposed reactions of consumer groups or lobbies which are the noisiest and best organized. This situation also leads producers to steer clear of topics which are too sensitive or too controversial, thereby limiting the public space necessary for genuine debate and diversity. Hence a truly new paradox: just when technology is capable of pushing back the frontiers of censorship virtually to infinity, society is redefining the 'acceptable' limits of freedom of expression, through legislation or by adopting speech codes which are sometimes extremely strict, thus outlawing points of view which are deemed politically incorrect.

HORIZONTAL AND VERTICAL CONCENTRATION

In recent years, powerful media groups have grown still more powerful, not only in the countries of the North, but also in many countries of the South. The number of these media groups with their different levels of influence, ranging from global to regional, to national, to local, is in itself decreasing from year to year as a result of various mergers, takeovers and alliances. Concentration is horizontal, combining different media (the written press, television, etc.) and/or vertical (ranging from film studios to television channels and cinemas). It also sanctions a convergence of content (information and entertainment) and technology (the same content simultaneously supplies the written press, the audio-visual sector and the Internet). In certain countries, sometimes more than half the national circulation of daily newspapers is controlled by just one press group (Ostergaard, 1997). In most countries, local monopolies are the rule, and in these cases the newspapers are often part of powerful national or international groups, such as Gannett or Knight-Ridder in the United States or the Hersant group in France. Backed by their press power, these local enterprises usually extend business activities to the audio-visual sectors, as well as to publishing and advertising, and in so doing engulf neighbouring countries: instances include the German press in Austria, the French press in Belgium, and the Swedish press in the Baltic countries. Rupert Murdoch's News Corp. is an edifying example of the trend towards vertical and horizontal concentration, because the company is present in practically every media form (the written press, television, the Internet, book publishing, etc.), and covers the entire information chain: News Corp. has bought not only the exclusive rights for broadcasting sporting events, but also the subject of the information itself, i.e. the sports clubs, to ensure a more prestigious content and therefore a captive audience for its sports channels.

Alliances aimed at controlling both the production of content and every type of medium for transmission have become virtually the rule for the information and entertainment industry. Partnerships between cable-operators, programme producers, software manufacturers and similar actors have increased, resulting in the setting up of multimedia mega-groups such as Time Warner/Turner, Disney/American Broadcasting Company (ABC), News Corp., Bertelsmann/CLT, and others. Not only is the number of large-scale players decreasing, but competition between the majors is lessened by cross-holdings. Seagram, which controls Universal, is a shareholder in Time Warner; Latin America Pay TV is held by News Corp., Universal, Viacom and Metro Goldwyn Mayer (MGM); Home Box Office (HBO) Asia, the frontline competitor of Star TV (News Corp.), combines the forces of Time Warner, Sony, Universal and Viacom (Rose, 1998, pp. 42–54). Disney is linked to Time Warner and Sony via HBO Olé and HBO Brazil, to General Electric (GE) in the Arts and Entertainment (A&E) Network, to Telecommunication Inc. (TCI) in Entertainment, and to News Corp. in Entertainment and Sports Programming Network (ESPN) Star Sports. The groups want to share the risks on markets which are promising but have yet to be proven profitable, and at the same time prevent any one of their competitors from gaining a decisive lead in one of these markets, by involving them in their own strategies. The history of Cable News Network (CNN), faced with lukewarm competitors like Fox News or MSNBC, demonstrates that the pioneer in a new medium is difficult to overtake once its information product has imposed itself as a reference brand.

As may be seen in Chapter 1, concentration of this kind exists not only in the field of the media, but also in the sectors on which they depend: telecommunications and distribution. 'The emergence in the audio-visual sector of new distribution technologies in competition with one another', writes Nicholas Garnham,

far from serving as a basis for widening the field of the competition by diversifying products, has encouraged a concentration of competing distribution circuits that make use of the technology, not only through cross-ownership when it is not forbidden by legislation, but also by carefully staggered cascade marketing of the same range of products through every distribution circuit: in this way a film will move from the cinema to cable TV and so to video recorders, then to satellite TV and finally to syndicated television (Garnham, 1944, p. 39).

When a product is a hit, profits snowball. However, there are two sides to the coin: when the product is not a success, the whole network suffers a setback, with television stations or cinemas losing part of their audience and hence a share of their profits. The cumulative effect is not always a pleasant one.

The consequences of concentration are tangible. Book publishers find themselves faced with a handful of mega-distributors who have the ability either to neglect or to refuse outright the distribution of books deemed to be irrelevant, difficult or controversial. The integration of all the business activities involved, from production to distribution, poses an acute problem in terms not only of the saturation of the available media space, but also in terms of the cost of the 'entry fee' to the world of the information or communication giants, thereby limiting the possibilities for pluralism or disagreement.

Concentration of this kind is also a global phenomenon: in Latin America, groups such as Televisa (Mexico), Cisneros (Venezuela) or Globo (Brazil) each have a dominant position in their own country based on horizontal and vertical integration. But the phenomenon is particularly noteworthy in the United States of America, and is of even greater interest because the US information and entertainment industry exports its products and its concepts worldwide, adapting if need be to the language and specific features of the local culture or religion. One example is CNN's launching of a Spanish-language television channel in conjunction with the Hispanic press group

Prisa. Another is Music Television (MTV), which provides a different broadcasting programme for each of its markets. Partnership of this kind between concentration and diversity is known as 'glocalization'. The adaptation of messages and programmes to the language, culture and tastes of different audiences, or to the wishes of their governments, may technically mitigate the 'globalization' of worldwide mass communication, but it can also provide new weapons for censorship. Some international networks regionalize their programmes so that all references to politically upsetting topics are removed for certain authoritarian countries; these same topics are then broadcast in countries where greater freedom of speech is permitted.

The trend towards vertical and horizontal concentration is undeniable, but the emergence of a 'media-industrial complex' as well as its impact on journalism are tempered because they are both counterbalanced by a large number of factors:

- the persistence of competition between the large-scale media, such as the rivalry between CNN in Spanish and Eco (Televisa), or between CNN International and the BBC World Service;
- the creation of international networks on a linguistic or cultural basis, such as the French-language channel TV5;
- the existence of alternative media, a community press and public service media, which still represent a significant dissenting voice despite a relatively weak presence;
- access for the media of the South to the international scene, thanks to the same new technologies, such as the Middle East Broadcasting Centre (MBC);
- the backing of many governmental, inter-governmental, non-governmental or private organizations for the independent and pluralist press in countries in transition;
- the proliferation of 'opposition' groups (defence of the environment, of human rights, of small shareholders, etc);

- the implementation of restrictive national or regional legislation;
- society's independence of the dominant views expressed by the media, as is regularly illustrated by election results or the emergence of powerful social protest movements. In many countries, too, the most prestigious media with the greatest influence on political decision-makers often belong to press groups which are independent of the 'mega-groups'.

INDEPENDENCE AND THE THREAT OF CONGLOMERATES

Increasing numbers of media groups are being taken over and merged with powerful industrial conglomerates. Subsequently they usually find themselves not only at the mercy of a rationale which is essentially financial, but also torn by conflicts of interest which, in certain instances, can compromise the independence and quality of the journalism they produce. Westinghouse has bought out Columbia Broadcasting System (CBS), and now controls National Broadcasting Company (NBC). In Colombia, where the daily newspaper *El Espectador*, for many years the symbol of independent journalism, has fallen into the hands of the Grupo Empresarial Bavaria, the most powerful business group in the country; in France, a majority share of the equity in *Télévision française 1* (TF1) is held by the Bouygues civil engineering group, and Hachette has connections with the Matra arms manufacturing group. 'Media concentration', exclaims Ted Turner, the founder of CNN, 'is a frightening thing. You have two of the four major networks owned by people that have huge investments in nuclear power and nuclear weapons. Both GE and Westinghouse. What sort of balanced story are they going to give you on the news about the nuclear issues?' (Hazen and Winokur, 1997, p. 8).

Such a mixture of interests, when combined with concentration in the advertising market – a major

source of funding for the media – has resulted in a reduction in editorial choices, since the quest for the greatest number of consumers tends to attenuate the coverage of disturbing or ‘unsellable’ topics. Pressure from advertisers is difficult to identify because it is either very discreet, or else made unnecessary due to the precautions taken by editorial staff. In 1997, however, the *Wall Street Journal* revealed that a few major advertisers were inquiring about the exact content of forthcoming issues before deciding whether or not to place their advertisements (McCheysney, 1998, p. 103). Another example is that of a major European car manufacturer which refused to place advertisements in magazines dealing with controversial subjects or containing texts criticizing its country. More generally, the borderline between the editorial policies and the commercial and advertising policies of the media is becoming increasingly blurred, precisely at a time when the predominant international role of transnational corporations would seem to require better definition and more distance between the media and these new actors. The increasing use of sponsorship to produce programmes or media events is creating areas of ambiguity which risk subordinating the requirements of independent information to the interests of a handful of large corporations or institutions.

The diversity of the ‘non-media’ interests of these groups also places them in an ambiguous position in relation to the political authorities which hold the power to grant them favours and contracts. How, for example, can a television channel equitably cover events in an authoritarian country which is negotiating with one of the group’s industrial subsidiaries? When forced to choose between two loyalties – freedom of the press or corporate profits – the leaders of conglomerates may be tempted to sacrifice the former. One example is News Corp., which chose to eliminate BBC World Television from its Asian satellite programming stream and to terminate the publishing contract between the former governor of

Hong Kong, Chris Patten, and the HarperCollins publishing firm, in order not to upset the Chinese authorities.

Some of these media groups have strong political viewpoints and even agendas. News Corp., supported Margaret Thatcher’s Conservative party for many years before opting for Tony Blair’s New Labour party during the 1997 elections. The group of the late Robert Maxwell defined itself as Labour-oriented. O Globo, in Brazil, has systematically campaigned against the left-wing candidate, while Televisa in Mexico has carefully played along with the party in government for many years. But the control of enormous amounts of broadcasting power gives the media groups the means to exert political pressure, which they then use to obtain their main objective, which is always the maximization of profits. Many of these groups even find themselves in tricky situations of conflict of interest when they finance electoral campaigns so as to win the good graces of future governments and thus protect themselves in advance against potential regulation policies.

The motivation of large media groups, being essentially financial, has equally important consequences for the type of information which is disseminated. The aim to achieve the highest ratings or readership or to reach prime target audiences, like the concern not to irritate certain financial interests, often results in silence and self-censorship, when it does not result in the promotion of certain causes or governments, although this is admittedly a less frequent occurrence.

The pressure to maximize profits and reduce costs is therefore as important as technology explosion in the definition of editorial priorities. Pleasing core targets or the largest possible audience affects the audacity and independence of editorial staff as well as the choice of topics and how they are covered. The current crisis in investigative journalism is an indicator of the will not to upset received wisdom and to reduce costs to a minimum. However, this type of

journalism lies at the heart of any public service mission, and often constitutes the role of the opposition in a democratic system (see Chapter 5). This phenomenon, linked to that of 'neighbourhood journalism', results in a reduction in the scale and scope of coverage of certain events, topics or groups deemed to be disturbing or unprofitable – a less innocuous form of self-censorship than it may appear at first sight. More than ever, censorship is affected by such 'silent zones'. As one professor of communication at the University of California, Ben Bagdikian puts it: 'Don't ask what's in the news, ask what isn't'. The quasi-invisibility of certain social groups and the unduly low coverage of certain topics stand in stark contrast both to the attention focused by the 'mod and mob press' on celebrities from the world of politics, sport, television, the cinema or business, and to the uncritical unanimity with which they are usually treated.

REDEFINING THE ROLE OF THE STATE AND NEW CITIZENSHIP

Every technological change has encouraged renewed creativity from those who attempt to break through censorship. Audio cassettes have carried the voice of the opposition into places where the scrambling of international programmes by authoritarian regimes had become too effective. At the beginning of the 1980s, the widespread use of video cassette recorders, in Latin America in particular, enabled people to get around the official television programmes controlled by military regimes, or those commercial stations insensitive to the coverage of social issues or cautious in relation to political questions. Satellite television – symbolized by dish antennas – makes party-line information or dominant viewpoints appear ridiculous. Satellite television thus stands for a more general notion of 'the right to interfere' necessary for the development of a transnational civil society, and which cannot exist without an extraordinary capacity

for collecting and disseminating information. It encourages the emergence of non-governmental actors and their power to exert pressure on the state.

Some writers believe that the way to electronic democracy lies through the keyboard or the modem of interactivity. A 'wired' population might at last dialogue with the authorities, react to them, or even vote (see box 8.1, Teledemocracy). If certain authors see in the Internet the coming of a 'digital democracy', and a means towards increased involvement in the life of the community, others on the contrary are concerned about the impact of these new technologies on society and politics. For these techno-pessimists, the multiplication of the media (the explosion in numbers of television channels, websites, etc.), made possible by digital technology, cable television, satellite broadcasting and data compression, has fragmented the supply of information and led to the emergence of niche and made-to-measure media replying to specific needs, which will not be without consequences for the social contract. Michael Kahan, professor of political science at Brooklyn College, New York, observes that the points of convergence are vanishing. Fragmentation puts a serious strain on the state: being scattered over a considerable number of new locations, the public is increasingly difficult to apprehend; having no point of convergence, it becomes impossible to govern (Kahan, 1998).

Who will referee this planetary game? High-technological developments and large-scale financial manoeuvres are occurring at a time when the state, the traditional force for regulation or coercion, has lost much of its legitimacy and a number of its prerogatives (see also Chapter 8). ICTs have exploded the legal frameworks through which the media formerly operated, changing the tools of political decision-making, modifying the relations between governing and governed and strengthening 'democracies of opinion'. Although in many cases in the past the state was synonymous with political regimes of censorship and the 'party line', there is nothing now

to prove that the withdrawal of the state will open up new horizons of greater diversity and freedom, especially in democratic countries where the 'State' was identified with a public audio-visual service and often upheld the written press in the name of the protection of pluralism. 'Only a strong, creative and competitive public service – one that people watch,' warned Hervé Bourges, Chairman of the Conseil Supérieur de l'Audiovisuel in France, 'is capable of giving viewers an assurance that television will prove to be constantly attentive to their diversity; the public sector is both a landmark and an area of calm at the heart of an audio-visual system which is diversifying to the point of disintegration' (Bourges, 1997, p. 13).

THE PRACTICE OF JOURNALISM

In societies where the concept of a public service once prevailed, pluralism of information was formerly guaranteed by the unique status of radio and television and by policies of indirect or direct support for the written press. Today, media independence is usually thought to mean the freedom of publishers or broadcasters to print or transmit. The concentration of the media and their absorption by diversified industrial groups now means that the definition of this concept of independence must be revised. Accordingly, editorial offices have adopted charters of publishing independence that theoretically protect them from undue pressure from the authorities or their own management boards. The reinforcement of the independence of editorial staff within large media groups, based on the highest professional principles in terms of independence and pluralism, is one such protective measure promoted by journalists' associations. The Milan Declaration on Editorial Democracy in European Media, adopted by the International Federation of Journalists (IFJ) in March 1995, states that 'apart from measures aimed at safeguarding pluralism in the media in general, there is need for securing pluralism inside the publishing houses and

broadcasting stations. There is need to secure editorial independence.'

The convention signed by the Australian Journalists Association and the publishers of the Melbourne daily newspaper *The Age* indicates that 'the Board of Directors acknowledges the responsibility of journalists . . . to report and comment on the affairs of the city, state, nation and the world fairly and accurately and regardless of any commercial, personal or political interests, including those of any shareholder, director, manager, editor or staff member'.

THE BALANCE OF THE INFORMATION FLOW

The control by the North of the new information technologies is likely to increase still further the quantitative and qualitative imbalance in the production and circulation of information between industrialized and developing countries. At the level of infrastructure – there are more telephone lines today on the island of Manhattan alone than on the entire African continent; only half the homes in Southern Africa have electricity, etc. – the disparities are increasingly flagrant. The fracture lines, however, are not only North-South. The technologies for television production and satellite broadcasting are controlled by groups originating in countries such as Mexico, Brazil, India or Saudi Arabia, all of which export their productions. Furthermore, the development of freedom of expression in many countries formerly under one-party rule has changed the nature of the information circulating between North and South. No longer are authoritarian states in control of national information, and no longer are the special correspondents from the Northern press the only people offering an independent viewpoint on these countries, because they now have to compete with a new generation of home-grown journalists.

Improving the equilibrium between the sources of information remains an important objective, but proactive measures in this area will be no substitute

for more balanced economic development. Changes in the press coverage of the South have occurred over the last few decades as a specific result of the emergence of the newly industrialized countries. These have become standard subjects for the media majors of the North because of their economic and political weight. They have siphoned off some international correspondents, and in most cases have considerably developed their own media industry.

LEGISLATION, REGULATION AND CODES OF CONDUCT

The history of the last few years has been marked by both liberalization and concentration, and the multiplication of channels counteracted by the standardization of the programmes shown. This has led some to suggest that it is urgent to create a media system by means other than the 'invisible hand of the market' alone. Such a system should be capable of providing more effective guarantees of pluralism, and access to and involvement in information, and of affording greater space to opinions and events outside those dictated by market forces. Faced with these phenomena, attempts at democratic regulation, which should be distinguished here from censorship, are omnipresent. Some believe that, with so much power in the balance, freedom will begin to oppress and the law to set free, and that democratic states indeed express legitimate concerns when they worry about how cartels control both media and mentalities, when they emphasize their 'cultural differences' or when they express concern about the role played by media in racial discrimination, sexual trafficking and crime.

National legislation comes up against a number of obstacles, however, such as the difficulty of applying domestic legislation to the circulation of 'intangible' information on networks which are transnational in nature, or to the new rules of international economic relations fixed by the World Trade Organization.

Regulations may yet turn out to be less significant than the reactions of society or other power bases. In recent years, organizations defending the freedom of speech, such as the International Freedom of Expression and Exchange Network (IFEX), which centralizes information on infringements of that freedom, have been considerably strengthened. Although their mandate usually restricts them to denouncing state censorship or the violence of mafia groups, leaving unexplored the much less well-charted territory of the 'privatization of censorship', they have a real role to play as opposition. Some individuals in the business world and international financial institutions are also concerned about the phenomenon of concentration and conglomeration and the danger of giving a dominant position to the holders of media power. Others are irritated by a form of media ownership or the practice of journalism which leads those involved either to accept the censorship of authoritarian regimes or to leave unchallenged the validity of their statements or statistics. The impact of the recent Mexican and Asian financial crises has been such that top financiers are blaming the occurrence and the seriousness of the two slumps to some extent on censorship, government secrecy and manipulation, not to mention the conformist euphoria of a certain brand of journalism. The reaction can be seen even more clearly in the impressive explosion in the number of 'media critics', who cut through the 'newspeak', thereby setting one opposition group against another.

Despite the impressive power of Cybercitizen Kane, the game is far from over. In these times of transition, when the difference between the rising and the setting sun is difficult to determine, the only constant factor is the uncertainty about the nature of the changes to come. This interlude, however, is a time for thinking about the fundamental principles that should govern the new technologies to be adopted and the policies to be followed. For there is no fatalism where technology is concerned. 'If, then, technology

is to make a political difference', said the political scientist Benjamin Barber, 'it is the politics that will first have to be changed' (Barber, 1997).

REFERENCES

- BARBER, B. 1997. The New Telecommunications Technology: Endless Frontier or the End of Democracy. *Constellations, An International Journal of Critical and Democratic Theory*, Vol. 4, No. 2, October.
- BOURGES, H. 1997. Pour une régulation économique de l'audio-visuel. *Le Monde*, 25 August.
- CHALABY, J. K. 1998. Protéger l'humanité contre la poursuite de faux dieux: un point de vue sociologique sur l'histoire de la censure. In M. Paré and P. Desbarats (eds.), *Liberté d'Expression et Nouvelles Technologies*. Collectif Orbicom, Isabelle Quenin Editeur.
- EUROMEDIA RESEARCH GROUP. 1997. *The Media in Western Europe, The European Media Handbook*. London, Sage Publications. 274 pp.
- GARNHAM, N. 1994. Impact of New Information and Communication Technologies on Information Diversity in North Africa and Western Europe. *New Communication Technologies: A Challenge for Press Freedom* (Reports and Papers on Mass Communication, No. 106). Paris, UNESCO.
- HAZEN D.; WINOKUR J. (eds.). 1997. *We the Media*. New York, The New Press.
- HUMAN RIGHTS WATCH. 1996. *Silencing the Net: The Threat to Freedom of Expression On-line*. New York. 24 pp.
- KAHAN, M. 1998. *Libération*. 24 September 1998.
- MCHEYSNEY, R. W. 1998. This Communication Revolution is Brought to You by U.S. Media at the Dawn of the 21st Century. *Censored, The News that Didn't Make the News*, by Peter Phillips and Project Censored, New York, Seven Stories Press. 367 pp.
- Net Censors: The New Control Freaks. *Online Journalism Review*, 6 May 1998.
- ROSE, F. 1998. There's No Business like Show Business. *Fortune*, 22 June.
- SMOLLA, R. A. 1992. *Free Speech in an Open Society*. New York, Random House. 429 pp.