

THE JUSTIFICATION FOR PRESS FREEDOM IN NIGERIA

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INTRODUCTION

Communication is the fundamental social process and man in society is not basically a political animal as Aristotle held, but a communicating animal; for politics, like every other activity in society, is based on communication. Communications are much more than the "nerves of government" as Karl Deutsche argued in an influential work that goes by that title, they are the nerves of society itself as Albert Schaffle insisted.

— Olatunji Dare

I can find no better description of the unique importance and peerlessness of communication to society than the above extract. I also wish to establish from the genesis that the press (or the news or mass media) are the only agents of mass-communication and, in concordance with Robert Baker, "the central institutions in the process of inter-group communication".

Since the invention of the movable type (the printing press) by Gutenberg in the mid 15th century, the press (mass media) has continued to play enormous and indispensable roles in the education, information, entertainment and socialisation of man.

Mowah submits that:

The significance of the development of printing in the mid 15th century was that it did not only swing the balance from long centuries of spoken first hand communication towards the sharing of information on a larger scale, but, more importantly, it extended learning beyond a privileged few.

Wilbur Schram also finds out that:

Shortly after the development of printing, the printed media became tools of political and social change.

He contends that both the revolution in Europe and the development of public schools would have been most impossible without the print media.

The world today has acquired new vistas and has become more intricate in structure and more advanced in technology and industry. More information are therefore needed and more are communicated. As a result of this, better and quicker means of disseminating mass information have been devised. The rotary press, the radio, the motion picture,

video - cameras and the television, all provide bases for simultaneously reaching vast and heterogeneous audiences.

Mowah has also pointed out that:

The mass media have a particular importance in human history. They are the great multipliers of information. Just as the machines of the industrial revolution were able to multiply human power with other kinds of energy, so also are the communication machines of the communication revolution able to multiply human message to a degree previously unheard of.

Faure (1972) also posits that:

The role which the mass media play in the transmission of information and culture is generally beyond question.

Mass media, he contends:

Make news of events and activities available to the widest possible audience. In performing this task, it feeds the people with information about what was, what is and what will be, thus making it possible for individuals and communities to adjust themselves in ways best suited to their environment.

He further affirms that:

The mass media facilitate the complete fulfilment of man in all the richness of his personalities, the variety of his forms of expressions and his various commitments as an individual, as a member of a family, and of a community, citizen and producer, creator of techniques and creative dreamer.

The world is changing rapidly... notes Alfred Opubor, one function of the mass media is to document the changing environment and also to interpret change and make it comprehensible. And the Credo of the Chicago Tribune sees the mass media as:

an institution developed by modern civilization to present the news of the day, to foster commerce and industry, to inform and lead public opinion and to furnish that check upon government which no constitution has been able to provide.

The mass media are, in fact, the life wire of society, the social neural system, according to Blackely, on which the new capabilities of science and technology rest.

Radojkovio, writing on the indispensability of the mass media to society, concludes that:

Any modern society today is hardly imaginable without a specialized sub - system which disseminates information, internally within that society and externally between societies in the world as a whole.

Encroachments on Press Freedom

That the press is powerful, peerless, invaluable and indispensable to society is indisputable. In fact, the justification for the existence, fostering and omnipresence of the press has never been in doubt. Every member of society agrees that its existence is, at the worst of circumstances, necessary and, at ordinary times, compulsory. What has not always enjoyed such a unanimous resolution and definition is whether, in existing and operating, the press required freedom and, if it does, how much freedom? Is it necessary to tamper with this freedom? If so, when and how?

In a very limited number of countries the press enjoys almost total freedom; in an average number, it enjoys relatively average freedom, while in most political entities, the press is sadly always, almost in chains,

Albert Camus, author of Resistance, Rebellion and Death, has observed that the freedom of the press:

... is perhaps the freedom that has suffered the most from the gradual degradation of the ideal of liberty.

While press freedom is usually piously guaranteed in the constitution and statutes of most countries, its application is never so. The freedom of the press, in most of the countries where guaranteed, operates on the whims and caprices of the political and legal machineries (i.e the ruling elites, the police and the judiciary) of such states. The guaranteed freedom is either totally removed, mutilated or encroached upon on the flimsiest of excuses or factors. Such factors or excuses include:

- i. the misconception by rulers and occupants of the judicial apparatus that the press is a government institution and, as such, it is the prerogative of the government rather than the province of citizens to regulate and temporise societal expressions as well as direct the mode of public opinion;
- ii. the cloak or pretext of maintaining public peace when-

ever there is any popular agitation to which the press gives vent;

iii. the mis - notion that press freedom belongs to, and is the exclusive monopoly of, the journalists, rather than of the citizens, thus making journalists to be too powerful in their mis - contention; and

iv. what they often tag the recklessness and irresponsibility of journalists.

It was Governor MacGregor's erroneous belief that it was the right of government to direct the mode of public expression that led him to introduce the newspaper ordinance of 1903 which real purpose was to limit the positive proliferation of newspapers published in the then Lagos colony and to reduce the spate of public criticisms of his colonial government. The ordinance failed to abate the criticisms.

It was also under the assumed right of government to direct the mode of public oppression and the pretext of maintaining public peace that Governor Walter Egerton enacted the Seditious Offences Ordinance of 1909. The aim, of course, was to stop the frequent expression of indignation by literate Nigerians in the then local press on the policies and personalities of the colonial administration. The mounting wave of protests and criticisms of the government continued unabated after the enactment of that ordinance.

It was again for these same reasons that we inherited and still wrongly maintain the often - misused, often - mis - applied Official Secrets Act in our statute.

The Second Republic's National Assembly under the control of Shagari's NPN defended its enactment of National Advisory Council provision in the Electoral Act, 1982: on its perceived recklessness and irresponsibility of journalists. The interfering provision placed the control and operations of government mass media under appointed representatives of political parties and the then Federal Electoral Commission (FEDECO), rather than on media professionals, three months before and a month after the 1983 elections.

The Buhari administration also employed the same pretext to enact the dreadful and infamous decree No. 4 of 1984 which legislated the publication of truth an offence should it embarrass any of the governments - federal, state or local - of the federation or any of their functionaries.

The calculated encroachment on the much persecuted freedom of the press is not limited to Nigeria alone. L.K. Jakande points out that in the Republic of Cameroun under ex - president Ahmadu Ahidjo, there was a censorship statute which obliged publishers to submit their manuscripts to a government agent for vetting before publication. In Dahomey (Republic of Benin), the situation was not different. The country's press law was based directly on the outdated

French press laws of 1881 which provides that 2 copies of every edition of every newspaper, film or record be submitted to the police and the Ministry of Internal Affairs at least two hours before publication.

On Tuesday March 11, 1986, The Guardian reported that Liberian newspapers failed to appear on newsstands the previous day and would continue for two more consecutive days in protest against restrictions on press freedom. In South Africa, the press and journalists are wantonly persecuted while the situation of the press remains subtly and sometimes overtly same throughout Africa and elsewhere. Even in the U.S., the self acclaimed global sentry of fundamental human rights, there are people, statesmen and all, who would want to tamper with the country's adequately guaranteed press freedom for one flimsy excuse or the other if they have their way. Spiro Agnew, a former U.S., Vice President and those in his school of thought, for instance, believe that journalists wield too much power and would want their editorial independence and freedom curtailed. Giving a speech at Des Moines, Iowa, on 13th November, 1969, Agnew attacked journalists of the T/V networks in America, and, inferentially, all journalists, thus:

... they are the men who wield a free hand in selecting, presenting and interpreting the great issues in our nation... They decide what 40 - 50 million Americans will learn of the day's events in the nation and the world ... these men create national issues overnight... They can elevate men from obscurity to national prominence within a week. They can reward some politicians with national exposure and ignore others... The American people would rightly not tolerate this concentration of power in government. Is it not fair and relevant to question its concentration in the hands of a tiny, enclosed fraternity of privileged men, elected by no - one and enjoying a monopoly sanctioned and licensed by government?

We have ascertained the power and the invaluableness of the press to society. We have also established the fact that its freedom, where partially or almost totally guaranteed, is often mutilated or encroached upon on the flimsiest of reasons. We have seen, in the words of the Rand Daily Mail, a liberal South African newspaper forced to close down by the apartheid system in May 1985:

the steady accumulation of a mass of legislation hedging the press about with one restriction after another and subjecting journalists to the threat of severe penalties for transgression.

The effect, according to the paper :
is often to make newspapers (and, similarly,

the press) hesitant about publishing and sometimes even investigating matters of clear public concern.

The modes, techniques and strategies employed in the suppression of press freedom are numerous and are either subtle or overt - in nature. They range from the enactment of retrogressive legislations against the press to compulsory acquisition of the mass media. Retrogressive legislations against the Nigerian press, for instance, include Governor McGregor's Newspaper Ordinance (1909), the nebulous Official Secrets Act (1962), Section 120 of the Electoral Act, 1982 and Buhari's dreadful and infamous Decree 4 of 1984.

Concerning acquisition of the media by fiat, the New Nigerian was compulsorily acquired by the Federal Military Government of Nigeria in 1976 while the same government acquired 60% share in the Daily Times.

Other suppressive methods usually employed against press freedom are, (i) the restriction of the purchase and allocation of newsprint (as applied by the Buhari / Idiagbon regime); (ii) the appointment of loyal and / or political friends as heads of media establishments instead of media professionals; (this was exemplified during the 2nd Republic, particularly in Shagari's appointment of an historian, Walter Ofonagoro, to the director - generalship of the N.T.A), (iii) the restriction of media ownership as entrenched in the proviso relating to the ownership of television and wireless broadcasting station in Section 36 of our partly suspended 1979 constitution; and (iv) the threat and actual closure of media stations. The banning of New breed by the Obasanjo regime is a ready Nigerian example.

Despite the seemingly plausible explanations always given by governments which, and individuals who, encroach on press freedom, this study is highly convinced that they simply do not understand the meaning, the nature and the overriding societal need for the much cherished press freedom. Rosalinda Pineda Offrene has observed that: "Freedom of the press... like many of the concepts enshrined in the Bill of Rights, (American) is something that the people automatically enjoy." (But) It can only be real if it is exercised; it can only be exercised to the extent that the people perceive the necessity for the instruments of democratic expression and participation that will reflect their needs and aspirations. Only then will they take it upon themselves to create their own press for their own ends in the freedom that they themselves made real.

The 1972 U.S., 20th century Ford Task Force has also noted that:

A free society cannot endure without a free press and the freedom of the press ultimately

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rests on public understanding and trust in its work. The public as well as the press has a vital interest in enhancing the credibility of the media and in protecting their freedom of expression.

Herein lies the rationale for this paper.

What is Press Freedom?

Like happiness, freedom of the press is an emotive concept which is universally advocated but less often defined. The term was first used in 1644 by John Milton in his "Areopatica" to the parliament. He says:

And though all the winds of doctrine were let loose to play upon the earth, so truth be in the field, We do injuriously by licensing and prohibiting to misdoubt her strength. Let her and falsehood grapple; whoever knew truth put to the wars in a free and open encounter.

Freedom of the press is an outgrowth of the freedom of speech of the citizens. Both are, in fact, synonymous. Press freedom, like Justice Holmes held of freedom of speech, "does not only mean free thought for those who agree with us but also freedom for the thought we hate"

According to Afolabi A. Faramade, freedom of the press simply means:

the right of individuals to print and disseminate information and opinions including criticisms of the government without any sort of interference whether governmental interference or any other form of interference.

As to the freedom of the press, submits Yansley Andrew Fadason,

It generally extends to an atmosphere of liberty to perform, as a means of livelihood, the duties of informing, entertaining and educating. It means the capacity and ability to work or perform without influence or the fear of victimization and molestation.

In spite of his lieutenants' overzealous encroachment on press freedom, a la Mineri Amakiri, Gowon, through his 1968 press freedom Committee, bequeathed to Nigerians a comprehensive definition of press freedom. According to the committee, press freedom is:

the freedom to gather information, to publish the information gathered, to protect the sources of these information, to inform, edu-

cate and entertain society without direct or indirect control, to serve as a forum for the free expression of opinion; to circulate freely without let or hinderance, to publish newspapers, periodicals or operate other media without licence or similar restrictions and to resist or respond to pressures from political, economic and other interest groups according to its light.

Other classical definitions of press freedom have, however, not been so generous and unrestrictive. They seem to contend, and rightly so, that press freedom needs to be exercised in a lawful environment which, I believe, is the reason why the individual, as well as press freedom, is logically restricted by ethics, the legal protection of the individual against privacy invasion and defamation and the government's right for protection against espionage.

Lord Mansfield (England, 1783) submits that: the liberty of the press consists in printing (and, I add, publishing) without any previous licence subject to the consequences of law.

Blackstone, a renowned English constitutional lawyer, also contends that:

press freedom consists in laying no previous restraints upon publication and not in freedom for censure of criminal matter when published.

He argues that:

Every man has an undoubted right to lay what sentiments he pleases before the public: to forbid this is to destroy the freedom of the press but if he publishes what is improper, mischievous or illegal, he must take the consequences of his own temerity.

Freedom of the press, as conclusively encapsulated by Alexander Hamilton:

is the right to publish, with impunity, truth, with good motives, for justifiable ends, though reflecting on government, magistracy or individuals

The Nature of Press Freedom

Most of those who usually oppose or encroach upon press freedom sometimes justify their obnoxious acts on occasional lapses in terms of conscious and unconscious publications of half truths or untruths by the press.

The concept of press freedom as well as freedom of speech operates on the principle of free - market place of ideas.

According to Walter Lippman:

The theory of a free press is that the truth will emerge from free reporting and discussion, not that it will be presented perfectly and instantly in any one account.

The Justification for Press Freedom

I may not agree with what you say, but I will defend to heaven your right to say it. (A paraphrase of Voltaire's 'Think for Yourself and let others enjoy the privilege to do so'.)

Soared by the enormous power of the press, a Russian politician and philosopher, Nikolai Lenin, asked in Moscow in 1920:

Why should freedom of speech and freedom of the press be allowed? Why should a government which is doing what it believes to be right allow itself to be criticised? Why should any man be allowed to buy a printing press and disseminate pernicious ideas calculated to embarrass the government?

(The same views, I presume, were held by Buhari/ Idiagbon and their lieutenants in 1984(Nigeria) and dictated the promulgation of Decree No. 4.)

Today, this misplaced conception of press freedom has been revolutionized. As established earlier on in this paper, majority, if not all, of the countries of the globe, irrespective of their political ideologies, and irrespective of whether they do, in reality, fully exercise such guarantees, have entrenched press freedom guarantees in their constitutions. Nigeria, for instance, has a section 36 in her operative constitution. The section unequivocally declares that:

Every person shall be entitled to freedom of expression including freedom to hold opinions and to receive and impart ideas and information without interference.

The United States, apart from guaranteeing press freedom in her 1787 but still operative constitution, has gone further to create special safeguards for the freedom. In her first Amendment to the 1787 Constitution (1791 Bill of Rights), she categorically states that:

Her congress shall make no law... abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

Apart from this, at least 26 of her 50 states have recognised the right of journalists to professional secrecy. A right which Ojelade Idowu has convincingly established as "an integral part of the concept of press freedom".

The same applies to Austria and Switzerland, which, apart from guaranteeing press freedom, have also fully and nationally recognised the shield law.

The former USSR also had a press freedom provision in her Constitution and Article 10 of the Universal Declaration of Human Rights has it entrenched that:

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

All these point out to one fact: the established fact that in spite of constant ignorant and self - serving encroachments on and autocratic aberrations and derogations from press freedom, the principle of press freedom has been rightly piously accepted and has become religiously cherished by the whole world.

Rather than ask the type of questions a Nikolai Lenin of 1920 Moscow and a Buhari or an Idiagbon of 1984 Nigeria would ask, the questions which this paper would set for itself and attempt to answer are: What is there in press freedom to justify its global acceptance, entrenchments and defence? Why should the arrest of journalists and all other disseminators of information and progenitors and propagators of ideas and opinions send ripples throughout society? Why should whole national and international communities be always ready and promptly united to stoutly reject the incarceration of ideas and their propagators? Why...?

The Free Press: A Forum for Free Expression of Opinions and Ideas

The answers to these questions are not far-fetched. One is the fact, as Albert Camus points out, that:

Freedom preserves the power to protest and guarantee human communication.

Freedom of expression is a right that the people naturally, automatically enjoy. It is obviously a birthright. The philosophy of power of communication of thoughts and opinions held as far back as 1794 by L.C.J. Eyre holds that:

Power of communication is the gift of God, and the freedom of it is the source of all science. the

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first fruits and the ultimate happiness of society; and therefore, it seems to follow, that human laws ought not to impose, nay cannot interpose, to prevent the communication of sentiments and opinions in voluntary assemblies of men.

Justice Bickett, while directing the jury as to the law applicable in the English sedition case of *Reo V. Caunt* in 1947, also submits a similar view. According to him:

A man may lawfully express his opinion on any public matter however distasteful, however repugnant to others... for instance, if he thinks that either a despotism or an oligarchy, or a republic or even no government at all, is the best way of conducting human affairs, he is at perfect liberty to say so. He may assail politicians, he may attack governments, he may warn the executive of the day for not taking a particular course, he may seek to show that rebellious, outrages, assassinations and such likes are naturally the deplorable, the evitable outcome of the policy which he is combating

"The right to speak", notes *The Guardian* in its editorial of Wednesday, December 18, 1985, "is meaningless without the ancillary right to be heard". The press is a forum for the free expression of opinions and ideas. Press freedom is therefore the freedom of the people, a synonym of the citizens' right of free speech and a direct institutional exercise of the Freedom of Expression. "A denial of the freedom of the press", as Yansey Andrew Fadason holds, therefore, "is a denial of the freedom of speech of the citizens."

Press Freedom: Universal Bearing and Application

A second factor in the global reverence and defence of press freedom is its universal bearing and application.

The freedom of the press, an American magazine by the title of *Voice* has pointed out:

belongs not to some selected few but to all because freedom of the press is part of every individual's right, to speak and write freely.

This point is also ratified in the UNESCO Mass Media Code of Ethics which contends that:

The communication of information especially through the agency of the mass media... is not and should not be regarded as the monopoly of any section of the community whether the group be national, ethnic, religious, ideological, political or economic.

This universal bearing and stand-point of press freedom explains three phenomena or causes: one, it explains, as Kingsley Osadolor sensitizes us, why the arrest of journalists is like:

a weighted object dropped into a body of water, always sending ripples through the profession, through the market the press serves, and, eventually, through society itself.

Two, it explains the fact, as *Voice* holds, that:

the licencing of journalists and other restrictions on the press creates the opportunity for others - whether government or press associations - to deny others the right to free expression.

And three, it rationalises why real freedom-lovers always defend freedom for others and not only for themselves. The reason, as John Merrill logically explains, being that:

... When only some have freedom, they are tyrants and autocrats... or at least they have the potential within them. When all have freedom, at least everyone has the power to counteract tyranny and autocracy or to escape from it through his own freedom.

Free Press: A Safeguard of the People's Right To Know

A third justification for the general existence and mammoth defence of press freedom is that it is a safeguard of the people's right to know. The right to know, which has been described by Ray Ekpu, a seasoned and veteran journalist, as the right that makes the difference between existing and living, is an integral part of the individual's right to free expression. And the basis of governments being the opinion of the people, the very first object should be to keep that right.

A self governing people needs not only to know what its public officials are doing as Harold Nelson, an authority on media law in America holds, it needs to know what everybody in the community or society is up to. Joseph Pulitzer underscores the need for a self-governing people to know what is going on in the society when he says:

... there is only one way to get a democracy on its feet in the matter of its individual, its municipal, its national conduct and that is by keeping the public informed of what is going on. There is not a crime, there is not a dodge, there is not a trick, there is not a swindle, there is not a vice which does not live by secrecy. Get all these things out in the open.

describe them, ridicule them in the press and sooner or later, public opinion will sweep them away.

T.O. Elias also underlines the same fact when he maintains that:

a society without a lively responsiveness to the facts of public life and without a concern for the welfare of the community would collapse and be ruled by an oligarchy. To get this lively responsiveness, the community must be informed or enlightened, for the will of the people forms the basis of a democratic society.

The people can only adequately know what is going on in the society through the press, an institution which serves as the eye, the ear, the nose and the mouth of the citizenry.

Walter Cronkite has succinctly declared that:

When we fight for the freedom of the press, we are not fighting for our rights to do something; we are fighting for the people's right to know. That is what freedom of the press is. It is not a licence to the press. It is freedom of the people to know.

He further propounds:

How do they (the people) think they are going to know by putting television news or newspapers or any other news sources under government control?

Free Press: A Channel of Ensuring Public Responsibility and Accountability

Another defence for the most cherished freedom of the press is that it is a channel for ensuring public responsibility and accountability. All enlightened politicians not only hold that it is the natural right of the governed, and of the press, to ensure the responsibility and accountability of the governors to the governed, they also enshrine the ideal in their political order. Section 21 of the partly suspended 1979 Nigerian Constitution, for instance, obligates the Nigerian Press to:

ensure the responsibility and accountability of the government to the people.

The reasons for this obligation on the part of the people and the press are not far-fetched. One, it is the governed who should know how best their interest can be served and, secondly, people in authority are not supposed or expected to be, nay cannot possibly be, repositories of all noble ideas and knowledge. Edmund Burke, the distinguished 18th Cen-

tury British Statesman once stated:

In my course, I have, and according to my measure, have co-operated with great men; and I have never yet seen any plan which has not been mended by the observation of those who were much inferior in understanding to the person who took the lead in the business.

Olatunji Dare holds the view, and I agree with him, that it will be hard to make a stronger case for (free) discussion and debate at every level of public policy process.

The citizenry and, inferentially, the press, employs two tools - advice and criticism - in ensuring the responsibility and accountability of governments. In applying these weapons, both the people and the press require freedom otherwise the two weapons of public responsibility and accountability will not be effective. This is the insight that dictates Levy's submission that:

Central to the concept of a free press is freedom of political opinion and at the core of that freedom lies the right to criticise the government. That right is inseparable from self-government. When any avenues of political expressions are closed, government by consent of the governed may be closed.

Justice Brandeis, an American jurist, also affirms that:

Those who won our (American) independence believed that the deliberate forces should prevail over the arbitrary. They valued liberty both as an end and as a means. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery of political truth.

Another jurist, a former American Chief Justice, Hughes, writing in 1937 also concludes that:

it is imperative to keep inviolate the constitutional rights of free society, free press and free assembly in order to maintain the opportunity for free political discussion: to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means.

As to criticism as a weapon of public responsibility and accountability, enlightened minds and societies believe in its positive usefulness. They believe, as I once posited, that: "criticisms, whether temperate or intemperate, serve to foster the sensitive mind".

As such, they also believe, as voiced by Justice S.M.A. Belgore, J.C.A., in *State V. Onagoruwa*, that:

Those who occupy sensitive posts must be prepared to face public criticisms in respect of their office so as to ensure that they are accountable to the electorate (people). They should not feel that they live in an ivory tower and therefore belong to a different class...

Pandit Jawaharlal Nehru, a late Indian Prime Minister makes the point more pungently expository, he says:

Persons in authority should be subject to criticism, careless criticisms - I hope friendly criticism - but criticism as strong as you like. To my mind, the freedom of the press is not just a slogan... It is an essential attribute of the (democratic) press. I have no doubt that even if the government dislikes the liberties of the press and considers them dangerous, it is wrong to interfere with the freedom of the press. Therefore, I would rather have a completely free press with all the dangers involved in the wrong use of that freedom than a suppressed or regulated press.

Justifications Peculiar To Nigeria

All along, we have been discussing, analysing and establishing the general justifications for the existence, the watering and the shielding of press freedom in all democracies of the globe. Every nation has its own geo-cultural, socio-political and historio-economic peculiarities. Since the introduction, omni-presence and indispensability of the press are rooted in the peculiarities of the modern society, the press is bound to have some special relationships with every country based on the country's multi-dimensional peculiarities and realities.

The special relationship between the press and the socio-cultural political realities and peculiarities of Nigeria is a manifestation of three additional justifications for press freedom in that country. Two of the special justifications are the fact that: one, Nigeria is a developing country and, two, it is, to an average extent, an illiterate geo-political entity.

The role of the press and the justification for its freedom becomes highly enhanced and more pronounced in an averagely illiterate or averagely literate and developing socio-political set-up. The press is, therein, expected to perform the role of the informant, the teacher, the interpreter, the historian, the touch bearer and then foster rapid national socio-cultural and economic development all at the same time. No where, better than this type of polity does the press require total freedom in order to effectively perform its

duties.

The third special justification for press freedom in Nigeria is the reality of the pre-eminence of the military in her political administration as well as the general autocratic nature of military regimes.

It is a historio-political fact that since her independence, Nigeria has been governed more by military regimes than by civilian administration. Out of 42 post-independence years, the military had ruled the country for 30. Military regimes, by their nature, are autocratic and dominating. There is therefore a special necessity and an enhanced need for the Nigerian press to be free so that it can administer some checks and balances on the military governments.

Having analysed Decree No. 4 of 1984 as an assault on the freedom of the press, *The Times of London* moves on to say that:

It is particularly deplorable in Nigeria because a country with an autocratic military regime needs a free press to administer some checks and balances.

A former civilian governor of Lagos state and a veteran journalist, Alhaji Lateef Kayode Jakande, has expounded a powerful theoretical justification for a free press under military governments in a language of lucid elegance and pungency.

He declares:

It is not generally realised that a military regime needs a free press more than a democratic administration. Under a democratic administration, political parties with their constituency organisations, parliaments and all its committees, pressure groups of all colours are the usual means of communication between the government and the governed. These channels are kept constantly open and the communication flows steadily to and from the government through them. They ensure that the government is, at all times, very close to the people it governs. And this lightens the burden of those in authority. But these channels are not available to a military regime. The gap left by the abolition of parliament and the dissolution of political parties can only be filled by the press

He further submits that:

Under a military government, the press not only becomes the parliament of the nation, it is also an inadequate substitute for political

rallies, party organisations and constituency meetings.

He therefore contends that:

It is in the interest of any military government to guarantee the freedom of the press.

It will be difficult to establish a more pungent justification for a free press under a military government.

CONCLUSION

Contrary to Aristotle's widely held postulation that man is basically a political animal, man, Dare, has affirmed, is, fundamentally, a communicating animal.

While the individual man and two of his likes serve as agents of intra- personal and interpersonal communications in the society respectively, the press (the mass media) is the only credible, powerful, peerless, omnipresent and indispensable agent of mass communication.

The invaluable, priceless and unquantifiable role of the press in the modern society is variegated, hydro-headed and multi-dimensional. Apart from effectuating and catalysing the introduction of public education and the early positive revolutions in Europe, the press has been, and still is, the most powerful agent of mass information, mass education, mass entertainment and mass socialisation. It is the primary historian, interpreter and mass opinion leader. It has the unique obligation, paraphernalia and insignia of upholding the fundamental objectives of societies and the responsibility of governments to peoples. It mirrors societies, serves as a forum for the free expression of opinions, sustains the court of public opinion and is the sentry and the tribunal of the people. It is a catalyst to development, a mass mobilizer, a veritable agent of social change and the light of society.

In performing all these important, unique and indispensable functions, and in correctly analysing the society, the press has to be truthful so that it can be credible and effective. Her great leverage, it has been established, is knowledge in the form of the consciousness and awareness of the people and her weapon is the truth and correct analysis of societal situations.

In employing this weapon for the constitutional and legal service of the nation, the press requires total, unequivocal and unalloyed freedom.

Most autocratic governments want the press to enter into an "unholy alliance" with them, either ignorantly contending that such is in the best interest of society or deliberately wanting to protect some selfish interests above the public good. When they fail, they resort to press suppression, thus undoing society.

John Delane, 1852, editor of the Times of London, writing on the doctrine of press freedom, has educated humanity on the ideal relationship between the government and the press. He pens:

We cannot admit that a newspaper's (and press's) purpose is to share the labours of statesmanship or that it is bound by the same limitations, the same duties and the liabilities as the Ministers of the Crown. The purpose and duties of the two are constantly separate, generally independent. Sometimes diametrically opposite. The dignity and freedom of the press are trammelled upon from the moment... it accepts an ancillary position. To perform its duties with entire independence and, consequently, to the utmost public advantage, the press can enter into no close or binding alliances with the statesmen of the day.

That the press should be totally free has been the main theme of this study. The premise as well as the justification for the rational contention is rooted in the fact that press freedom is a sentry of the people's right to freedom of expression and to freedom of knowledge. Press freedom is a channel of ensuring public responsibility and accountability and a peerless vehicle for mankind's progress. It is a safety valve for peaceful change, a protector and guarantor of all other human freedoms, a moderator of society's psychic equilibrium, a barometer of justice and, above all, a measure of the maturity of a nation.

The study also establishes that the effective performance of the roles ascribed to a modern press requires freedom, that press gagging is a national insult and that a free press serves the national interest far better than a regulated or suppressed one.

Moreover, the study also establishes three special justifications for press freedom in Nigeria. These special justifications are: the reality of the country's developing status, her average literate nature and the historio-political peculiarity of the military's pre-eminence in her governance.

REFERENCES

- A Free and Responsible Press. *Report by the 1972 US 20th Century Fund Task Force.*
- Agnew, Spiro. (a former U.S. vice-president), *Speech at Des Moines, Iowa, 13th November, 1969.*
- Alexander, Hamilton. "*Counsel for Crosswell in the*

Bayo Oloyede

- American case of State V. Crosswell.* 1804, N.Y., Supreme Court, 3 John's Case 337. Cited in Onagorwa, Olu G. *Press freedom in crisis: A study of the Amakiri Case.* Ibadan, the Sketch publishers Co., Ltd.
- American Justice Holmes, "Quoted by Odoh Christopher: Liberal or Ideological Journalist," *National Concord*, Thursday October 13, 1983.
- Baker, Robert K., "Functions and Credibility" in John C. Meril and Ralph D. Barney (Eds), *Ethics and the Press*. N.Y. Hastings House, 1975.
- Blackstone's commentaries. Bk. IV, P. 152.
- Blakely, Robert J., "The People's Instrument - A Philosophy of Programming for Public Television", *Public Opinion Quarterly*, Vol. 37, 1973.
- Camus, Albert. *Resistance, Rebellion and Death*.
- Camus, Albert. *The Rebel*: N.K Alfred Knopf Inc. and Rand House, Vintage Books, 1954.
- Cronkite, Walter. "The whole Society is Watching": *Public Broadcasting Laboratory Broadcast*: Dec. 22nd 1968 script.
- Dare, Olatunji. "Communication and Leadership" Address at the course in Accident Prevention and First Aid Organised by St. John Ambulance Service of Nigeria at the Lagos University Teaching Hospital on July 26, 1985.
- Decree No. 4, *Federal Republic of Nigeria Official Gazette*, No 18, vol. 71, Lagos, 4th April, 1984.
- Eyre, L.C.J., *Hardy's Case*, 1794.
- Fadason, Andrew. Yansey. "Letter to the Prisoners of conscience" *Punch*, Mon, Oct 5, 1984.
- Faramade, Afolabi. A., "Nigerian Journalists; Victims of self Censorship" *sunday Sketch*, Oct. 9th 1983.
- Faure, et al. *Learning To Be: The World of Education*, Today and Tomorrow, Paris: 1972.
- Gowon's Committee on Press Freedom, 1968
- Harold, Nelson. "Cited in Evinson Ebi: Official Secrets Act and Journalists"; *Sunday Sketch*, Oct. 30, 1983.
- Jakande, L.K. *The Role of the Mass Media in a Developing Country; Lecture delivered at the University of Ife, 15th March, 1947, Faculty of Arts, Lecture Series 4, Ife : Unife Press.*
- Merill, John C., "The Apollonian Journalist" in Merrill C. John and Barney D. Ralph (eds), *Ethics and the Press* N.Y. Hastings House, 1975.
- Mowah, N. A. *Children and Mass Media Use (A case study of the mass media in Socialisation: Paper submitted in partial fulfilment of the requirements of the B.Sc. Mass Comm., Unilag: June 1978,*
- Ojelade, Idowu. M., *Journalists and The Shield Law*; Paper submitted in (401) Media Law; Part fulfilment of the Award of Higher National Diploma (HND) in Mass Communication, May, 1985.
- Opubor, Alfred E., *Journalism Education in Nigeria: Mass Communication forum. (A dialogue series on contemporary issues) Department of Mass Communication, Unilag, 1974.*
- Osadolor, Kingsley. *The Guardian*, January 3, 1985.
- Pulitzer, Joseph. Quoted in Morrison John: *The Media Men* (Batsford)
- Radoj, Kovio. M., "Political Participation and the mass media in Yugoslavia": *Gazette*, Vol. XXI, No. 1973.
- Section 21: *The Constitution of the Federal Republic of Nigeria: A Daily Times Publication, 1979*
- Section 36, *The Constitution of the federal Republic of Nigeria: Daily Times*, 1979
- Section 120 of the Electoral Act, 1982: *Federal Republic of Nigeria, Official Gazette*, No. 38, Vol. 69, Lagos; 11th August, 1972.
- Schramm, Wilbur. "What The Press Can Do" *Mass Media and National Development*; Stanford Publishers; 1964.
- State Security and the Press; *Nigeria Press Law*; Edited by Elias, T.O.
- The credo of the Chicago Tribune, *Reproduced in Curtis D. Macdougall: Interpretative Reporting (7th Edition)*, N.Y. Macmillan Publishing Co.

Inc., 1979.

The First Amendment to the 1787 Constitution (1791 Bill of Rights).

The Guardian, "Police and Demonstrations" Editorial, Wed., Dec. 18, 1985

The Guardian, Tuesday March 11th, 1986.

The Rand Daily Mail: 7th Feb., 1985, preparatory to its closing down in May 1985, after 82 years, as a result of incessant government legislation and interference and continuous heavy financial losses.

Turner, J. and A. Armitage., *Cases on Criminal Law*: London: Cambridge University Press, 1953.

UNESCO mass media code of Ethics and Councils: A comparative International Study on Professional Standards: Paris: UNESCO Press, 1980.