THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES

Freedom of Expression and Socio-Moral Debate: the Convergence and Divergence of Journalistic Ethics and Islamic Etiquettes

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Abstract:
In the recent history, many sacred concepts and ideologies, especially Islamic, are either directly attacked or mocked through cartoons by the Western media of Mass Communication especially the print media. Freedom of Expression has always been the argument of the apologists of this trend of offending billions of human beings around the world. This paper uses social responsibility to argue in favour of self-censorship in dealing with concepts and ideologies in journalism. In comparison with the Islamic etiquettes, the paper argues that journalistic ethical values, lack the power to provide the willpower to exercise self-restraint while practicing. While Islamic etiquettes seem potential to do the magic, the set of values relating to the profession of Mass Communication remains as some generic principles that need to be developed and codified by the Islamic jurist for proper application.

Keywords: Journalism, ethics, etiquettes, Islam

1. Introduction
Freedom is central to human life. To contend the guaranteeing of freedom to human being and to contemplate the extent of the human freedom is necessarily a discussion which is based on a deeply seated historical and cultural backlog of the denial of that freedom. This is regardless of whether the subject involved is a corporate body, a journalist or an ordinary citizen. In the context of media of Mass Communication, the discussion of Freedom of Expression has its roots in the history of the relationship between the Church (especially the Roman Catholic) and the secular world (Hasan, 2014). This history was inherited by the European governments after the invention of the first printing press by Johann Guttenberg in 1456, which gave birth to the first normative theory of the press; Authoritarianism.
Authoritarianism became an important theme in the discussion of what should or shouldn't be published in Europe down to the new land which became the United States of America after the 1776 declaration of independence. Several constitutional amendments and communication acts set Mass Communication free from the shackles of the inherited authoritarianism in USA and many countries around the world followed suit. Naturally, this left us with the question of adequacy of the free media in the modern society mostly characterized by diversity and often conflicting views, values and rights. In search of answers, this paper intends to play to the gallery of Islamic teachings with the view of finding some correlations with Journalistic ethical values.

2. Research Hypothesis
The journalistic Ethical values can benefit from Islamic Etiquettes in creating sense of responsibility along the line of exercising Freedom of Expression by journalist.

3. Limitation of the Work
The scope of this paper is Freedom of Expression and socio-moral responsibility debate. The paper focuses attention on the possible contribution of Islamic public communication etiquettes system to the development of the debate of journalistic ethical values.

4. The Structure of Journalistic Ethics and the Debate of Enforcement
Although Freedom of Expression is a hard won feast, "there is no such thing as absolute freedom" (Hasan, 2014). Hence, a conscious effort to establish reasonable limitation of press freedom, in form of socio-moral responsibility, has always been a source of concern by interested groups and stake-holders alike long before the establishment of Hutchin's commission in 1942. It is not surprising that

the apartheid ridden South Africa for example felt the pain of the inadequacies of media resulting from lack of social responsibility and the apparent media bias. Expressing this reality, Mandela (1994) recollects his experience in the 1950s:

- Although I read a variety of newspapers from around the country, newspapers are only a poor shadow of reality; their information are important to freedom fighter not because it reveals the truth, but because it reveals the biases and perceptions of those who produce the paper and those who read it.

Even in Nigeria where we can hardly think of media bias in the sense of economic selectivity similar to that of South African apartheid, ethnic and religious biases in media coverage can be even more devastating and can be compared only to ownership and control under the military junta in the history of media coverage in Nigeria (Yusuf, 2012).

It is therefore, morally justifiable for the concerned individuals and bodies to begin to enquire into whether what we need in the civil society is actually adequate media rather than free media.

This was justifiably publicised after the 1942 establishment of Hutchin's Committee by the publisher Henry Luce. Yusuf (2014) posits that the idea behind the commission was to discuss the circumstances of failure and successes of the United States' free press. Since the attainment of Press Freedom, the work of the commission marks a landmark for determining the need for intervention to the Press Freedom. The beautiful thing about Hutchin's commission was the fact that it was a civic effort to introduce the theme of responsibility into the Press Freedom without any interference by any form of authority. According to Yusuf (2009):

- ...the public interest was shifted from the notion of free press to that of adequate press; the one which is responsible and whose work is to provide full, truthful, comprehensive and intelligent account of the day's event in a context which gives them meaning and benefits the society (Yusuf, 2009).

The polemics on the socio-moral responsibility could be said to have boosted the development of journalist professional ethics in different societies and by different associations of media practitioners. For easy understanding, journalistic ethical values can be imagined as a quadratic cycles with each inside a bigger one.
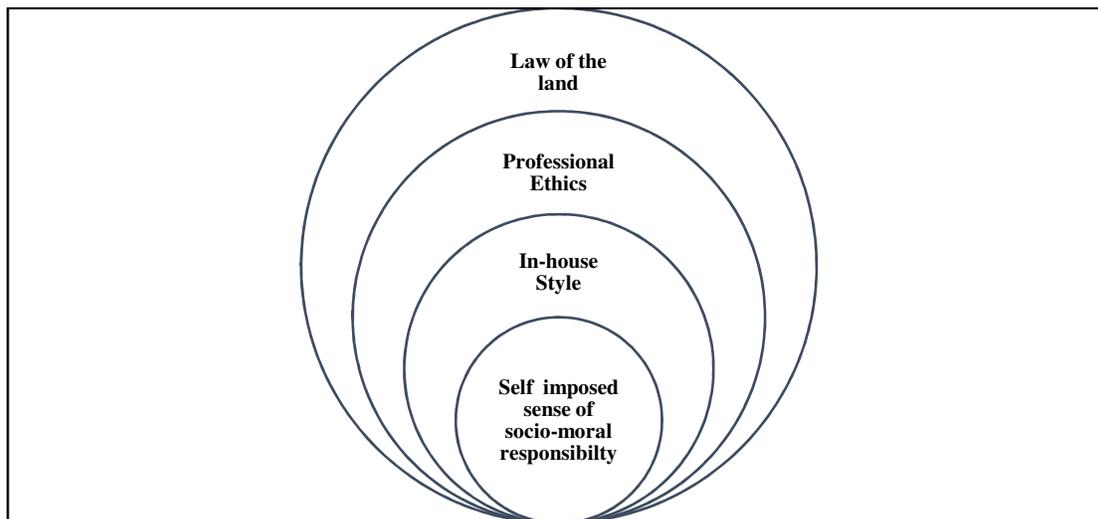

Figure 1

These cycles symbolised different levels of imposing socio-moral responsibility of journalism in the society. Different governments around the world have different approaches. While some governments enact laws that criminalize certain harmful practices in journalism, others take more charge by enacting laws that provide general principles of journalism practice, including the relationship between a journalist and his employer (media organization). Examples of these include Indian Press Objectionable Matter Act of 1951 and Copyright Act of 1957 (Hasan, 2014). This trend has been so pervasive in the last century that it became the standard practice across the world democracies. Whereas the major advantage of these acts is the fact that there is government authority behind them, which guarantees their enforcement, their demerit is the fact that they are escapable since they are mostly loosely worded ordinances, offering general principles and guidelines.

Journalistic ethics on the other hand, are not meant to be imposed in the very first place. They may be more precise than the principles of many governments' communication acts and laws, to their own credit, but there has never been a stipulated punishment for going against professional ethics. In this respect, the enacting associations can only go to the extent National Union of French Journalist went to by describing the individual journalist who sees professional ethics as binding on him as "a journalist who is worthy of his name" (rji, 2015). Part of the reason is that, they did not originate from an authority. Rather, they emanate from various journalists' associations to which an individual journalist has the right to belong or not. Sometimes one wonders where journalistic professional ethics belong to, on the continuum that has legality and legitimacy on its two extreme ends with issues as diverse as laws, acts, censorship, gate-keeping and self-imposed censorship along the continuum.

Generally speaking, different journalists associations across the globe itemize similar issues they consider sacrosanct in their journalism practice. These issues include accuracy, fairness, right to privacy, independence, conflict of interest, transparency, promise to sources, diversity, accountability and application of the same rules while dealing with digital media and special issues (Caj, 2014).

In-house style is another form of restriction of press freedom imposed on an individual journalist through his media organization. Sometimes emanating from sense of responsibility towards the society and mostly serving some vested interests, in-house style can help prevent clashes when properly directed. To its advantage, an individual journalist is willing to go by in-house style at least, to retain his job. In most cases, ownership control is masked in the attire of in-house style. The effect on the society can be as devastating as that of government censorship for political rather than moral reasons.

Self-imposed sense of socio-moral responsibility will naturally make an individual journalist cautious about the material he provides for public consumption. He feels responsible to feed the society with an intelligent account of events in ways they will produce a healthier society. This arises "from an unwritten understanding between media and the society" (Hasan, 2014).

Why would an individual journalist want to keep such an agreement that burdens him without a return remains a source of concern. Why wouldn't he publish libellous or slanderous material if he can get away with it? The point here is that avoiding such materials for fear of prosecution doesn't amount to self-imposed sense of responsibility. Real self-imposed responsibility has to be practiced devoid of any external pressure. To achieve this, an internal mechanism has to be in place for an individual journalist to remain motivated. In the current modern secular system which monetizes all incentives, self-imposed responsibility is hardly attainable. It may be temporarily supported by a cultural backlog before a stronger motivation collides with it. Many examples of this around the world show devastating effects of hundreds of deaths, casualties, broken economies, protests and boycotts. Denmark 2007 cartoons, French Hara Kiri 2005 cartoon and 2006 mockery of De Gulle, Nigerian Daily Times Beauty Contest, French Charlie Hebdo 2010 and 2015 cartoons are cases in point.

5. The Structure of Islamic Etiquettes and the Question of Application in Journalism

Etiquette is the humane way of doing things. In Islam, etiquettes are dealing with those things that are outside of the realm of obligatory and prohibited. Naturally, it deals with large chunk of human dealings including communication at interpersonal and public levels since they form neither part of obligatory nor prohibited. To get it straight, when Quran was revealed 1400 years ago, there was no such thing as "Mass Communication" or "Journalism" as we know them today. Not even in comparison with Qur'anic revelation, even among the branches of social sciences, journalism is a baby profession. It therefore, amounts to hubris to assume that there is such a thing as Islamic Journalism as you would find some writers are fond of putting it across. At the same time, I will be quick to say communication as part of public life has always been part of human society regardless of the period of time or place. This human feature has always been guided by different principles in different communities. The attempt this paper is making is to revisit those principles of public communication in the earliest days of Islam; at the very time when Islam was taking shape. Whether these principles can contribute constructively to the development of the professional ethical values of journalism is what the subsequent pages of this paper are trying to find out.

There are a number of Qur'anic verses that draw attention to the sanity of human expression in general and public communication in particular. At a glance, these texts seem to provide general principles of dos and don'ts while engaged in a public conversation. But when deeply analyzed, these texts put lie to that assumption. Beyond that, they contain some specific principles that are applicable to the modern profession of journalism. In fact, some contextual analysis of the surrounding circumstances of the texts, using the principles of Islamic Jurisprudence makes it clear that these Qur'anic texts if harnessed can contribute constructively to our understanding of human nature in public conversations and what needs to be done to produce a healthy public communication for the betterment of the society at large. Additionally, the Qur'anic approach to the issue introduced a number of themes such as personal sense of morality in contrast to the journalistic sense of responsibility. However, the approach has introduced the concept of audience critical participation to which the debate of professional ethics of journalism has not been paying attention.

6. Islam vs Sensationalism and Obscenity

While sensation may be anything that arouses unnecessary anxiety and panic in the society, obscenity is any material that stimulates sexual feelings. Without sensation, many media houses today especially the tabloid newspapers will have to shut down and get out the market. However, sensationalism and obscenity are frowned at by ethics of journalism around the world, they maintain their presence and they are very much in circulation in the media materials. The Islamic take in the issue is very much summarized in Quran: 16: 90:

- Lo! Allah enjoineth justice and kindness, and giving to kinsfolk, and forbiddeth lewdness and abomination and wickedness. He exhorteth you in order that ye may take heed (Pikhtall, 1930).

The word "lewdness" in the above quotation precisely means obscene language (Al-Khazin, 1976). Quran is making it clear that obscene language is unacceptable in public communication. As the Muslim caliph under Umayyad dynasty, Umar Ibn Abdelaziz epitomized the application of this commandment by eliminating the newly invented vituperative part of Friday sermon, being the peak of public communication then, and replacing it with the citation of this particular Qur'anic verse. Beyond the lesson of replacing the obscene with just and kind words as enlisted in the commandment and applied by Ibn Abdelaziz, the debate of the journalistic ethics should benefit from the fact that self-monitoring triggered by strong belief in a supreme being is what guarantees journalists' respect for those ethical values. This reality is captured by linking the last with the first segment of the verse; "He (Allah) exhorteth you in order that ye may take heed."

7. Islam and Libel

Libel may be referred to as defamation of character. Beyond the professional ethics, defamatory writing in journalism made its way to the crime den and became a punishable offence in the laws of many countries around the world. Defamation is very serious and sensitive. It deals with a situation where a person's character is demeaned by a journalist. While in the broadcast it is called slander, its

intensity in the print had to do with the durability of the printed word beyond the broadcast. However, this explanation can hardly be valid anymore. With the current technological advancement, all information; whether printed or voice-recorded can be adequately kept and retrieved at will. To avoid this, the Qur'anic condition is that a practitioner has to be a believer. As a matter of fact, Qur'an gives the impression that writing or printing defamatory material can be used as a yardstick to know whether a person is a believer or not. It reads:

- O ye who believe! Be not as those who slandered Moses, but Allah proved his innocence of that which they alleged, and he was well esteemed in Allah's sight. O ye who believe! Guard your duty to Allah, and speak words straight to the point; He will adjust your works for you and will forgive you your sins. Whosoever obeyeth Allah and His messenger, he verily hath gained a signal victory (Pikhtall, 1930).

Beyond the journalistic sense of responsibility to the society, the beauty of the verses above should be seen in that they spoke of a sense of duty to the Supreme Being, from whom comes the reward of fair dealing in public communication. That is to say that once the pre condition of faith is fulfilled, the society can be rest assured to have decent journalists who try to deal with the society fairly and justly in anticipation of a reward greater than what they gain from their unfair dealing.

8. Islam and Mockery
Generally speaking, mocking persons can conveniently be classified under libel. But this classification may not be as convenient when the same is directed to the group of people especially for believing what they believed or living their life the way they deem fit. The Qur'anic approach to this is to be very direct and straight to the point. The stance this approach has taken is that material wellbeing, the reverse of which often, is the rationalization for the mockery, is not a valid reason. Thus, Quran 49: 11 has given the details of that:

- O ye who believe! Let not a folk deride a folk who may be better than they (are), nor let women (deride) women who may be better than they are; neither defame one another, nor insult one another by nicknames. Bad is the name of lewdness after faith. And whoso turneth not in repentance, such are evil doers (Pikhtall, 1930).

In this sense, mocking individuals and groups or nicknaming them in a way not acceptable to them, regardless of their gender and status leads to producing an evil ridden society.

9. Islam and Right to Privacy
Three different human rights are in a heated competition for domination. These are right to privacy, freedom of press and freedom of information, especially when it has to do with the public right to have information about public figures. Hasan (2014) stated that World Association of Press Council (WAPC) stressed reconciliation between these rights in its 1998 conference. In the Qur'anic sense, this can be achieved through avoidance of suspicion and unnecessary spying. To make it work, Quran has criminalized these acts and summarized them in a beautiful and illustrative analogy in Q49:13:

- O ye who believe! Shun much suspicion; for lo! some suspicion is a crime. And spy not, neither backbite one another. Would one of you love to eat the flesh of his dead brother? Ye abhor that (so abhor the other)! And keep your duty (to Allah). Lo! Allah is Relenting, Merciful (Pikhtall, 1930).

10. Dealing with Sacred Topic
- O ye who believe! Be not forward in the presence of Allah and His messenger, and keep your duty to Allah. Lo! Allah is Hearer, Knower. O ye who believe! Lift not up your voices above the voice of the Prophet, nor shout when speaking to him as ye shout one to another, lest your works be rendered vain while ye perceive not. Lo! They who subdue their voices in the presence of the messenger of Allah, those are they whose hearts Allah hath proven unto righteousness. Theirs will be forgiveness and immense reward. Lo! those who call thee from behind the private apartment, most of them have no sense. And if they had patience till thou camest forth unto them, it had been better for them. And Allah is Forgiving and Merciful. (Pikhtall, 1930).

11. Audience Critical Participation
O ye who believe! If an evil liver bring you tidings, verify it, lest ye smite some folk in ignorance and afterward repent of what ye did (Pikhtall, 1930).

12. Limitations of the Right of Reply
- Revile not those unto whom they pray beside Allah lest they wrongfully revile Allah through ignorance. Thus unto every nation have We made their deed seem fair. Then unto their Lord is their return, and He will tell them what they used to do (Pikhtall, 1930).

13. Conclusion
Thus far, this paper established in contrast to the journalistic ethical values, the richness of the Islamic text in the postulation of the general principles of socio-moral responsibility. The Islamic stance of non-mockery with the sacred, non defamatory non-libellous, non-sensational and the general fair dealings in the process of public communication is unequalled by the journalistic professional ethics. Albeit, the pedigree of the set of Islamic principles should be seen in their ability to set an internal monitoring mechanism which cater for the willpower of the journalist to be responsible in his dealings with the society.

This paper therefore, recommends that this rich principles should be harnessed, reinvestigated by serious minded Islamic scholars with the view of reinterpreting them in ways implementable by practicing journalists who are willing to live up to their sense of responsibility towards their immediate host community and the world at large.

To drive the point further home, it is not out of place, this paper opines, for the department of Islamic Studies in collaboration with the department of Mass Communication to organize a conference on Freedom of Speech and Social Responsibility from both journalistic and Islamic perspectives. This will provide for the first time, a template in form of a Conference Communiqué and proceedings, for the Islamic Ethics of Journalism, which can be adopted by interested parties and individuals alike.

14. Note

"The Meaning of the Glorious Koran," An Explanatory Translation by Mohammed Marmaduke Pickthall, a Mentor Book Publication. (Also available as: "The Meaning of the Glorious Koran," by Marmaduke Pickthall, Dorset Press, N.Y.; Published by several publishers since 1930).

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