

# **A Conceptual Analysis and Understanding of Press Freedom from Bangladesh Perspective**

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## **Abstract**

*Press freedom is a much debated topic in the world today. It is getting much attention and space in academia, civil liberties debates, political discourse and aid programming decisions. Sometimes a press freedom index is used as a lobbying tool facilitating international aid, fund disbursement, international relations, trade and business in developing countries. This article explores the conceptual dynamics of the phenomenon from Bangladesh perspective. Indicators of press freedom, developed by Freedom House and Reporters Without Borders, have been analyzed to understand the phenomenon. A multi-method approach has been used to collect relevant data through email questionnaire survey, interviews of journalists and journalism academics and from group discussions of journalism students. The article concludes that press freedom in Bangladesh is largely the freedom of media owners, not of the working journalists. Multiple actors—government, corporate bodies, and even the media owners—play key role in restricting freedom of the press in the country.*

**Key Words:** Press Freedom, Freedom of Speech, Democracy, Media Environment, Liberty , Censorship

## **Introduction**

The role of media in facilitating public debate and underpinning democracy is crucial. It plays important roles in forming a vibrant public sphere (Habermas, 1991; Eriksen, 2004); in exposing issues of public policy and concern (Sen, 2001); in disseminating diverse ideas; in providing citizens with access to and participation in the exchange of information and opinions (Hachten and Scotton, 2007; McQuail, 2005; Merrill, 1991; Price, Rozumilowicz and Verhulst, 2002; Siebert, Peterson and Schramm, 1956, and Tran *et al*, 2011). A free, vibrant and responsible media environment facilitates the expression of diverse views, ideas, debate and civic dialogue.

The issue of press freedom gets much attention and space in civil liberties debates, aid programming, foreign policy decisions and academic research (Burgess, John, 2010). Understanding the dimensions, dynamics and measurement of the press freedom is an important subject matter because it affects governance, politics and development process in developing countries like Bangladesh. Sometimes a press freedom index functions as a lobbying tool facilitating international aid, fund disbursement, international relations, trade and business (Degnbol-Martinussen, Engberg-Pedersen, 2008; Kline, 2005) in the countries. Moreover, understanding the nature, level and the dynamics of press freedom can help to comprehend media environment, socio-economic functioning, the ideal and ideology of state, political system, leadership and government.

The ‘media environment’ is a comprehensive idea that encompasses the salient features determining the relationship between the state and the media system in a society. Issues of ownership, regulation, and control; the legal framework governing freedom of expression and information; patterns of intimidation and violations are the guiding yardsticks in understanding the dynamics of the relationship. However, the role of a free and independent press can be two-dimensional – positive and negative. The free press can act as a deterrent to corruption by detecting the process (Uslancer, Eric M., 2008). On the other hand,

it may orchestrate and release false campaigns and accusations against the government if these stories are likely to capture public attention and increase audience reach. Or important equally, journalists and the press may themselves be corrupt and choose not to report against their interest.

The conceptual implication of press freedom is deep-rooted in the reality where the media operate. It is hard to measure or define something without knowing what exactly it is. So, to study the press freedom from a non-western perspective, some questions are needed to be answered. The questions are: What exactly should be measured? Does media freedom equal to freedom from government? Does it mean physical safety for journalists and lack of censorship? What is the extent of government influence on press freedom? What are the problems associated with evolving an ideal variant of the concept? Is the world heading toward more or less press freedom? How do journalists perceive threats to the press? Do they trust the law enforcement system in the country? Do their employers influence professional works? Why do their opinions matter? The answers of the questions certainly differ based upon the socio-cultural, political, and state ideological factors.

This article, however, has not tried to answer the questions directly. Rather, it attempts to explore the existing concept, notion, and philosophy of freedom, press freedom and its measurement methods from various aspects. The term “press” refers to all forms of news media including print, broadcast and online platforms. The term “freedom of the press” means the freedom of media outlets and of journalists as well.

More specifically, this article tries to analyse the concept and nature of freedom and press freedom from the context of Bangladesh. It tries to answer the following questions:

1. Is press freedom an entitlement of media or anyone’s basic right to circulate their ideas more widely than they could do simply by themselves?
2. Is press freedom a fundamental right or a derivative of other rights?
3. What are the constitutive elements of press freedom?

## **Review of Literature**

### ***Freedom***

Scholars, philosophers, and politicians have been fighting for the freedom to publish and freedom from control of authorities for centuries. The notion of press freedom is deeply rooted in the idea of freedom of expression, intellectual freedom, liberty of thought, public sphere, participation in social communication, and civil-political-religious-property rights.

Isaiah Berlin (1969) used the terms ‘freedom’ or ‘liberty’ interchangeably. He conceptualized the idea of freedom in terms of two distinct notions—‘negative’ and ‘positive’ senses of liberty (Berlin, 1969). The central ideas of Berlin’s conceptualizations are: coercion, non-interference, sense of privacy, autocracy or self government or self-control, human purposes, activities and sense of value. For Berlin, liberty means the absence of physically coercive interference or invasion of an individual's personal space and property; to be free to the degree to which no human being is interfered in his/her activity; absence of obstacles to the fulfillment of an individual’s desires; and the absence of obstacles to possible choices and activities.

The 'negative' sense is involved in the answer to the question: "What is the area within which the subject, a person or group of persons, is or should be left to do or be what he is able to do or be without interference by other persons?" While, the positive sense is involved in the answer to the question "What, or who, is the source of control or interference that can determine someone to do or be, this rather than that?" The concept of 'negative liberty' refers to the absence of interference with a person's sphere of action. While, the "positive liberty, 'refers not to liberty at all but to an individual's effective power or mastery over himself/herself or his/her environment. In the "positive" conception, liberty is not freedom from, but freedom to-- lead life in one's own way; an individual is his/her own master. He viewed the liberty from the wider perspective of equality, fairness, justice, culture, human happiness, and conscience.

Charles Taylor (Taylor, 1979) agreed with the idea of Berlin's negative and positive senses of freedom. However, he proposed two other terms 'opportunity-concept' and 'exercise-concept' to explain the idea. According to the "opportunity concept", "being free is a matter of what we can do, of what it is open to us to do, whether or not we do anything to exercise these options." On the other hand, the 'exercise- concept', considers that "one is free only to the extent that one has effectively determined one's self and the shape of one's life." He introduced another idea to the conception of freedom – 'authenticity' (Nys, Thomas R.V, 2004 ). Thomas R.V. Nys compared the theories of Isaiah Berlin and Charles Taylor to the topic of freedom. He argued that Berlin's distinction of positive-negative sense of freedom maintains a crucial tension within the concept of liberty. On the other hand Taylor bypassed the distinction by means of his concept of authenticity. The term authenticity refers to an individual's entrenchment in community, what Thomas R.V. Nys (2004) called the "re-sourcing the self". The idea of "re-sourcing the self" is rooted in an optimistic perspective of pluralism and multi-culturalism. There are different communities with different values and different ways of being authentic.

### ***Freedom of the press***

Freedom applied to the media is a complicated and problematic concept. To understand the concept some questions need to be clearly answered: whether press freedom is an entitlement of a media or basic right of anyone to circulate their ideas more widely than they could do simply by themselves; and whether it is a fundamental right or a derivative of other rights.

The dominant justification of media functioning is the the people's right to know and press rights to gather and publish information (Cummins Gauthier, 1999). The popular belief related to press freedom is that media are open space for diverse ideas and voices. Freedom of thought, of expression and of the media are vital elements in the lives of individuals as well as societies. Theories of liberalism suggest that the rights are the basic elements of the structure of any democratic system. It is argued that freedom of expression and thought are fundamental, but not absolute rights. Media are social institutions. Its freedom is not absolute as it is limited with responsibility. Journalists do not live in a vacuum. They need to follow the rules, regulations and prictices of the society they are in. There should be no special rights or opportunities other than any citizens. If they want to set themselves apart from other citizens, then it must be by agreeing to adhere to a code of higher standards of truth, honesty, balance, fairness, straight dealing and accountability. Journalists should strive "to discover the truth, or to develop a certain type of character -- critical, original, imaginative, independent, non-conforming to the point of eccentricity, and so on-- and that truth can be found, and such character can be bred, only in conditions of freedom (Berlin 1969)".

Siebert, Peterson, and Schramm (Siebert et al., 1963) summarized the libertarian theory of press as: the press is not an instrument of the government but a watchdog; a mechanism through which people can check on government. Man is a rational animal with inherent natural rights. One of these rights is the right to pursue truth. This truth is not is property of power. Rather, the right to search for truth is one of the inalienable natural rights of man (Siebert et al., 1963). Press functions to present the truth and enhance a pluralism of voices, and becomes a "free market place" of ideas and information. Authorities should not interfere in pursuing the truth. Because the government control, influence and interference hinder its desired functioning. If the press can perform its desired role, people can recognise the difference between truth and falsehood, between a better and worse alternative when they encounter conflicting evidence and alternative choices.

Now, it can be argued that freedom of the press is a derivative of other fundamental rights constituted by "freedom of expression", "freedom of speech", "right to communication", "communication right", "right to information" and "access to information".

However, the notion "freedom of expression" can be understood from two approaches -- equality of human being and interest of political liberty (Sullivan, Kathleen M, 2011). In equality view, free speech rights serve an overarching interest in political equality. And on the second view, people are entitled to make their own individual evaluations of speech, and government is forbidden to intervene for any reason.

Under its Articles 18 and 19, the Universal Declaration of Human Rights (UDHR) recognizes the freedom of expression as a basic human right. The right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers (Article 19); and freedom of thought, conscience and religion; freedom to change his religion or belief (Article 18). It is a key which ensure communication and expression of opinions, in public, private, either written or spoken, by people without the interference of the state or other actors.

Curtail of the freedom in the interests of other values and freedom itself prevents the establishment of a desirable association or organisation like press. Public participation in decision-making is essential in a strong democratic system. Citizens cannot exercise their right to vote effectively or take part in public decision-making if they do not have free access to information and ideas; and are not able to express their views freely. It is thus not only important for individual dignity but also for ensuring participation, accountability and democracy. Violations of freedom of expression often go hand in hand with other violations, in particular the right to freedom of association and assembly. The right to freedom of expression upholds the rights of all to express their views and opinions freely.

The press is a social institution (Sharma, 2006, Ugboajah, 1987). It always takes on the form and coloration of the social and political structures within which it operates (Oloyede, 2005). Oloyede argued that achieving an ideal press freedom, which is equally enjoyable by or beneficial to all members of the society, irrespective of socio-political class, is difficult, if not impossible. However, the degree of press freedom in a country can be measured or understood on the basis of two indicators -- first, whether the government takes direct action against the press through different agencies and mechanisms for certain undesirable action or whether the government sue through courts and second, whether the media may be constrained or punished for what they do not say (Martin; Chaudhury; and Anju, 1983).

However, in developing countries such as Bangladesh, press freedom is perceived as both the rights and responsibility. Media are free as long as they operate by keeping the following ethos: carrying out positive development tasks in line with nationally established policy; economic priorities and development needs of society; upholding national culture and language; give priority in news and information to links with other developing countries which are geographically, culturally or politically close. But the state intervenes in, or restricts media operations by using various devices of censorship, subsidy and direct control, in the interest of development ends. So it can be argued that press freedom in developing countries is an idea that helps to ensure collective developmental purpose of society and it is a government prerogative; and belongs to various vested interests – economic, political, ethnic or power-based (like police or military).

The practices and levels of freedom of the press varies across countries. Measuring the extent to which press exercise freedom in a country is a difficult task. Because it is a multi-dimensional phenomenon which touches the countries' constitutional provisions and legal frameworks. Press freedom also depends on the nature of the state and government, ideologies of the rulers, economic patterns, mode of production, market dynamics, nature of functioning of socio-cultural and religious institutions and civil society organisations.

The most widely cited indexes are compiled by Freedom House, the International Research and Exchanges Board (IREX), Reporters Without Borders (Reporters Sans Frontières in French initials). With huge mathematical analysis, they try to explain the entire media universe of a country. And for that they analyse the issues: libel law, censorship, news organization finances, diversity of views, languages of broadcasts and physical safety of reporters.

The Freedom House tries to articulate and assess the entire media environment and the degree of news and information diversity available to the public in the countries around the world. It assesses the level of press freedom on the basis of 23 questions and 109 indicators. The indicators are divided into three broad categories: the legal environment, the political environment, and the economic environment. For each question, a lower number of points is allotted for a more free situation, while a higher number of points is allotted for a less free environment. Each country is rated in these three categories, with the higher numbers indicating less freedom. A country's final score is based on the total of the three categories. The degree to which each country permits the free flow of news and information determines the classification of its media as "Free," "Partly Free," or "Not Free." Countries scoring 0 to 30 are regarded as having "Free" media; 31 to 60, "Partly Free" media; and 61 to 100, "Not Free" media. To head up the evaluation of a given country, it selects a writer/analyst who is considered to have deep knowledge of the country and its media. This person may be an academic or a journalist, a local citizen or a foreigner.

A key factor missing in the Freedom House ratings is cultural and religious values. With its main focus on political influence, the ratings seemed to be based exclusively on the government-media relationship. Economic and political factors are important in this analysis, but values and religious beliefs are also important when analyzing press freedom.

On the other hand, the questionnaire of Reporters Without Borders (RWB) has 81 questions. The questions consider six general criteria – pluralism, media independence, environment and self-censorship, legislative framework, transparency and infrastructure.

With the criteria, the RWB measures the degree to which the media are able to function independently of the authorities; measures the transparency of the institutions and procedures that affect the production of news and information, the quality of the infrastructure that supports the production of news and information; and analyses the environment in which journalists work; the quality of the legislative framework and measures its effectiveness. The core parametres upon which it tries to understand the issues are as follow: murder or imprisonment of journalists, ransacking of newsrooms and suppression of information for political purposes. The RWB index focuses on attacks on journalists and the media, like physical violence, imprisonment and censorship. The indicators mainly concentrate more on the journalist's freedom as an individual. It uses a questionnaire consisting of seven categories: violence and other abusive treatment of journalists and the state responsibility in these abuses; the state's role in combating impunity for those responsible for violence and abuses; censorship and self-censorship, media overview, including the diversity of news media, media legislation, judicial, business and administrative pressure and internet and new media (RWB, 2012).

A critical analysis of the indicators shows that their main focus is on state control over the press, while ignoring the constraints that the economy imposes on the press. They concentrate on instrumental rationality rather than communicative action of the lifeworld (i.e., the freedom of citizens in the lifeworld to receive and disseminate information). The Freedom House ratings use a broad and westernized approach in classifying each country's level of press freedom. Labels, such as free, partly free and not free, fail to serve as proper categories to classify the level of freedom in a country. Lee B. Becker, Laura Schneider, Tudor Vlad (2012) argued that there are some inconsistencies in the conception and methodologies of the evaluators, the Freedom House and the RWB. They found that both the RWB and the Freedom House try to understand the phenomenon on the basis of different indicators, including kinds of censorship, self-censorship, the situation of foreign journalists and media, harassment and intimidation of journalists. In measuring press freedom in a country, Freedom House focuses on institutional level, looking at constraints on the media. While, Reporters Without Borders focuses on individual level, looking at attacks on journalists coming from a variety of sources. It gives more attention to threats from actors other than the state. More variation occurs regarding legal restrictions, freedom of information legislation, advertising system (Becker, Lee B., Schneider, Laura, Vlad, Tudor, 2012).

## **Methodology**

The indicators, developed by Freedom House and Reporters Without Borders, of press freedom have been critically analyzed to understand the phenomenon from Bangladesh perspective. Both primary and secondary data have been used. A multi-method approach has been adopted to collect relevant data. The perceptions and indicators of press freedom have been understood through an email questionnaire survey, interviews of journalists and journalism academics and from group discussions. The respondents were selected purposively taking 10 mid-career journalists, 10 journalism academics and 10 journalism students of post graduate level. Of the journalists, five were senior reporters and five were senior copy editors who were interviewed through a semi-structured questionnaire, while information and insights were gained from academics through informal discussions. On the other hand, a semi-structured group discussion was arranged to collect relevant information from journalism students. However, no quantitative data have been presented for discussion and analysis. Insights and understandings have been presented in a descriptive manner.

## **Discussion and Analysis**

### **Freedom of the press in Bangladesh**

The prevalence of the freedom of expression in a country can be understood by a number of indicators<sup>1</sup> – presence of free and independent media, literature and the different form of cultural expressions, free religious institutions; scope of assembling and staging demonstration freely; scope for forming political, social, cultural, professional and other private organizations and their opportunity to bargain collectively; presence of independent judiciary, rule of law in civil and criminal matters; official, legal, social and cultural mindset to treat people equally under the law; remaining police under direct civilian control; presence of state mechanism to protect people from political terror, and from unjustified imprisonment, exile or torture; scope to hold open public discussion and free private discussion, personal autonomy; no state control to travel, choice of residence, or choice of employment; no indoctrination and excessive dependency on the state; scope to secure property, to establish private businesses without influence by government officials, the security forces, or organized crime groups; presence of gender equality; and opportunity to choice of marriage partners, and size of family.

Since Bangladesh's independence in 1971, the country's media did not enjoy freedom in true sense. Immediately after the independence, the political government banned publications of different newspapers except only four state owned ones. Between 1975-1990, Bangladesh had witnessed either military or dictatorial rule that resulted in carving of freedom of the press. Due to lack of a vibrant private sector during this period, the media were highly dependant on government advertisement for revenue. However, significant changes have been taking place in the media landscape since 90s. Major changes are: publication of more privately owned newspapers and magazines, beginning of broadcast privatization and emergence of satellite broadcasting and Internet. The driving force of the changes were government's efforts to balance the market and national media goals; adoption of free market economy, privatising state-owned enterprises and liberalising the markets. With the privatisation and liberalisation, the ownership pattern of media industry begun to be restructured. The restructuring can be understood as 'vertical integration' and 'horizontal integration'. Bangladesh's media market has primarily experienced horizontal integration. Companies involved with different types of businesses such as garments, electronics, shipping, beverage, pharmaceuticals and real estate have expanded their businesses to establishing media outlets.

The major trends in the media dynamics of Bangladesh are most of the media outlets are based in the capital, Dhaka, and limited to other major cities; widespread competition between privately owned firms, heavy involvement of party politics, tend to follow partisan lines heavily in their coverage; intermediate levels of conglomeration of private firms, and unorganised journalists' unions; high dependence on advertisements for revenue, high prevalence political content, less diverse content, and less job security of media peoples. Corporate ownership and interest, partisan journalism, tension between media and government are also some significant problems of the press freedom in Bangladesh.

The freedom of expression and freedom of the press can come under attack in a variety of ways – formal laws and informal censorship (Marx, Gary T., 2011.). The freedom and rights

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<sup>1</sup> Adapted from different sources of Freedom House [<http://www.freedomhouse.org>]; Committee to Protect Journalists (CPJ) [<http://www.cpj.org/>], and Reporters Without Borders [<http://en.rsf.org/>]

often are restricted by using different laws in the name of 'public good' and 'hate speech'. Informal censorship sometimes hinder the free professional media practices. The censorship refers to a variety of activities by public officials--ranging from telephone calls and threats to physical attacks--to prevent or punish the publication of critical material. Moreover, sedition, libel, contempt of court and extortion charges are also used to restrict press freedom.

In Bangladesh this problem can be understood from political, economic and legal aspects. The political pressures mainly come from the government, different political parties and religious organisations. The government takes actions direct and indirectly. The direct actions are taken by arresting journalists, confiscating printing, publishing or broadcasting equipment and journalistic tools; or suspending license; requiring license for launching a media venture and doing journalism, renewal of license, controlling or rationing of newsprints, providing subsidies in the form of presses inks, supply of electricity and other necessary equipment for news media operation. Denying access to government news by refusing to accredit or license certain journalist, pre-publication censorship, distribution of advertisement, content blocking, access to the Internet, violation of the right to privacy, hate speech, surveillance and the intimidation of individuals who take to the internet to voice critical opinions by the executive and judiciary are also direct actions against the media taken by the government.

On the other hand, giving license to the business or corporate houses or journalists who are loyal to the government or the ruling party is one of the strong indirect actions that affect press freedom in the country. The government bashes the media for any news report critical to it. Advising the media to be more 'objective' and report on 'factual basis' are among some other forms of indirect actions taken by various actors in the government.

The economic threat to press freedom comes from corporate houses and advertisers. Media organisations controlled by corporate houses are struggling to keep balance between their corporate interest and professional media practices. This struggle can be characterize as a suffocating situation. They are trying to remain unbiased to viewpoints and objective in content presentations, because they have to sell content to everyone. On the other hand, they are struggling for revenue generation. Most often they suppress information and news stories by compelling journalists to adopt self-censorship to protect the interests of owners and advertisers to ensure the flow of revenue.

The legal threat to press freedom comes as judicial harassment by multiple ways. Of which major charges are defamation, contempt of court, contempt parliament, sedition, copyright infringement etc. Law, acts, rules and regulations relating to the press and its freedom in Bangladesh can be categorized as follows: press laws and regulations enacted during British regime (1799-1947); Pakistan period (1947-71), and after independence of Bangladesh (1971- to date ). The dynamics in understanding of press freedom have been changed over the past two centuries. Many changes and amendments have been brought in the laws as well. But the restrictive nature and use of the laws, mindset of the political leadership have not been changed.

However, there are some laws which can help protections for the right to freedom of expression and information, including media freedom in Bangladesh. The laws are as follows: The Community Radio Installation, Operation and Broadcast Policy 2008; The Right to Information Act, 2009 and the establishment of an Information Commission; The National Policy on Information and Communication Technology (ICT), 2009; The Whistle Blowers



Act, 2011. Besides, the constitution of Bangladesh guarantees the freedom of thought and conscience, and of speech in the Section 2 Article 39 imposing some restrictions regarding state security, friendly relations with foreign states, public order, decency or morality, contempt of court, defamation or incitement to an offence. The 15th amendment to the constitution includes language that equates criticism of the constitution with sedition.

Some journalists practice self-censorship when reporting on sensitive topics like the military and judiciary as threat to their physical safety comes often from security forces, including police and military intelligence. Journalists come under attack while covering political protests or other sensitive events. The media owners put pressure on journalists to suit their political, personal and commercial interests in covering issues and events. So, the discourse of press freedom in Bangladesh is largely the freedom of media owners, not the working journalists. Greater press freedom are deeply concerned about corporate pressures on editorial integrity.

### **Conclusion**

Human existence must remain independent from any kind of control. However, the sense of freedom differs according to the social, economic, cultural, political and historical conditions of a country. The concept of press freedom is also a diverse and multi-dimensional phenomenon. It is a derivative of many other fundamental rights constituted by 'freedom of expression', 'freedom of speech', 'right to communication', 'communication right', 'right to information' and 'access to information' etc.

The existing conception and measurement methods are not applicable to a global scale, especially in non-western countries like Bangladesh, because the criteria are influenced by the western world-view, modernization paradigm and ignorance of socio-cultural factors. So, the organizations that rank the countries should consider the technical sophistication and cultural neutrality of the phenomenon.

In Bangladesh, threat to freedom of the press comes from different actors. First, the government. The government takes actions in two different ways – direct and indirect. The direct actions are taken in the following ways: arrest of journalists; confiscation of printing, publishing or broadcasting equipment and journalistic tools; or suspension of license; requirement of license for launching a media venture and doing journalism, renewal of license, citizenship for ownership of a news media; controlling or rationing of newsprints, press inks, supply of electricity and other necessary utilities and equipment for news operation; denying access to government news by refusing to accredit or license to certain journalist, pre-publication censorship, distribution of advertisement, content blocking, access to the Internet, violation of the right to privacy, hate speech, surveillance and the intimidation of individuals who take to the internet to voice critical opinions. While, indirect actions are taken in the following ways: giving license to the business or corporate houses or journalists who are loyal to the government or the party. If there is any news critical to government, it bashes and advises it to be more 'objective' and factual.

Second, the legal threat to press freedom comes as judicial harassment by multiple ways.

Third, sometimes corporate houses and advertisers also act as threat to professional independence in journalism in Bangladesh. Most often media outlets suppress news stories and compel journalists to adopt self-censorship to protect the interests of owners and advertisers to ensure the flow of revenue.

Moreover, new information and communication technologies have brought about new threats and challenges to press freedom in new forms of violence, intimidation, persecution, judicial harassment and surveillance of overall media system.

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