

Essay on freedom of the press

[Philosophy](#), [Freedom](#)



CONSTITUTIONAL GUARANTEE

Teodoro, et al on the book *Freedom Of Expression And The Media In The Philippines* Chapter I: History of Freedom of the Press demonstrated how the commitment to free speech and expression, the right to information and press freedom, with which the leaders of both the 19th century Philippine Reform Movement and the 1896 Revolution were familiar, was continued in the Malolos Constitution of the First Philippine Republic, this was nearly 115 years ago. These provisions did not only survived, but were expanded, in the country's subsequent Constitutions. The freedom of speech and expression, the right to information and press freedom were guaranteed in the Philippine Constitution as follows: The Malolos constitution guaranteed that no Filipino would be deprived of " the right to freely express his ideas or opinions, orally or in writing, through the use of press and similar means".

The guarantee of the 1987 Constitution in Section 4, Article 3 (Bill of Rights) which says that " No law shall be passed abridging the freedom of speech, of expression, or of the press or the right of the people peaceably to assemble and petition the government for redress of grievances." Section 7 also states that " the right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development shall be afforded to the citizen, subject to such limitations as may be provided by law" Another relevant provision is on Section 28, Article 2 which says that " subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest."

In the same article, section 24, the constitution also says that “ the State recognizes the vital role of communication in nation building.”

PRESS FREEDOM (PLUS RIGHT TO INFORMATION) EQUALS TO FREEDOM OF SPEECH AND EXPRESSION

Clearly, you cannot talk about freedom of the press without mentioning the freedom of speech and expression and the right to information. In an article on Human Rights Issues in Criminal Justice, it stated that “ the concept of freedom of speech is often covered by the same laws as freedom of the press, thereby giving equal treatment to spoken and published expression.” Most have concluded that freedom of the press derives from freedom of speech.

According to Chief Justice Warren E. Burger of the United States Supreme Court, conferring special status on the press requires that the courts or the government determine who or what the press is and what activities fall under its special protection. Burger further concluded that the free speech guarantees of the First Amendment (of the US Constitution) adequately ensure freedom of the press, and that there is no need to distinguish between the two rights, simply “ Because the First Amendment was meant to guarantee freedom to express and communicate ideas, I can see no difference between the right of those who seek to disseminate ideas by way of a newspaper and those who give lectures or speeches and seek to enlarge the audience by publication and wide dissemination.”

IMPORTANCE OF EXERCISING FREEDOM OF SPEECH AND EXPRESSION, RIGHT TO INFORMATION AND PRESS FREEDOM TO THE FULLEST EXTENT

With relation to guarantees or assurances in the constitution, it is therefore essential that these freedom, the people of the Republic of Philippines enjoy must be exercised to the fullest extent as provided by the Philippine Constitution for the following benefits: 1. Individual's unlimited access to the ideas of his fellow men in " a free and open encounter". John Milton's (an English civil servant for the Commonwealth of England under Oliver Cromwell) central argument was that " the individual is capable of using reason and distinguishing right from wrong, good from bad", and that to be able to fully exercise this ration right is that " he must have unlimited access to the ideas of his fellow men in ' a free and open encounter'". It is in Milton's pamphlet *Areopagitica* and other writings that the concept of the " open marketplace of ideas" was developed. This is the idea that when people argue against each other, the good arguments will prevail resulting to good judgment and decisions.

2. Well-being of the society and its creation to becoming a good society. According to John Stuart Mill (an English philosopher, political economist and civil servant) with his 19th century utilitarian viewpoint that " a good society is one in which the greatest number of persons enjoy the greatest possible amount of happiness". And that attaining this amount of happiness is " to apply the general principles of liberty to freedom of expression". Mill further stated that " if we silence an opinion, we may silence the truth".

As expressed in his book *On Liberty*: " If all mankind minus one, were of one opinion, and one, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind". In the words of the

Committee to Protect Journalist: " Without a free press, few human rights are attainable. A strong press freedom environment encourages the growth of a robust civil society, which leads to stable, sustainable democracies and healthy social, political, and economic development."

3. Attainment of information from a diversity of sources, Decision making, and communication to the government. Rather than having the government establish and dictate the truth, freedom of speech enables the truth to emerge from diverse opinions. Concurring in *Whitney v. California* (1927), Justice Louis Brandeis wrote that " freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth."

4. Facilitation of Majority Rule.

On a communal level, it is through talking and gathering information that we encourage consensus, that we form a collective will. Whether the answers we reach are wise or foolish, free speech helps us ensure that the answers usually conform to what most people think. As stated by the World Association of Newspapers: " We have seen repeatedly throughout the world, that censorship and control of information serves the interest of a privileged few; the rule of law is negatively affected, human rights ignored and impunity and corruption unchecked. In contrast, a free, diverse and responsible media promotes transparency and accountability, informs public debate and helps to ensure governments address the concerns and aspirations of all citizens."

5. Improvement of the Means of Participation.

On an individual level, speech and gathering information is the vehicle through which individuals debate the issues of the day, cast their votes, and actively join in the processes of decision-making that shape the polity. Free speech serves the individual's right to join the political fray, to stand up and be counted, to be an active player in the democracy and not just a passive spectator.

6. Embrace of the aspect of individualism

In the words of Justice Thurgood Marshall in the 1974 case *Procunier v. Martinez*, " The First Amendment serves not only the needs of the polity but also those of the human spirit - a spirit that demands self-expression." Freedom of speech is the right to defiantly, robustly and irreverently speak one's mind just because it is one's mind. Freedom of speech is thus bonded in special and unique ways to the human capacity to think, imagine and create. Conscience and consciousness are the sacred precincts of mind and soul.

Freedom of speech is intimately linked to freedom of thought, to that central capacity to reason and wonder, hope and believe, that largely defines our humanity. (NOTE: The US First Amendment states that " Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or 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.")

WITH GREAT POWER COMES GREAT RESPONSIBILITY

On a recent article on lincoln. edu about “ Freedom of the Speech and Freedom of Press” it stated that “ the freedom of the press, like freedom of speech, is not absolute. Notwithstanding the limitations placed on it, the press exercises enormous power and influence, and is burdened with commensurate responsibility”. Because journalists generally have access to more information than does the average individual, they serve as the eyes, ears, and voice of the public. Some legal scholars even argue that the press is an important force in the democratic system of checks and balances. The job of a free press, the article added; is to “ keep an eye on the government”, to make sure it stays “ honest and responsive” to the people of the country.

A free press also has an important role in government. Sometimes called the “ Fourth Branch of Government” (as well as the President, Congress and the Supreme Court) the press does not simply report events. Teodoro, et al. further stated that the press and media have “ had an increasingly influential impact on public policy, governmental decisions and popular attitudes”. And by all means, I’ll end with: FREEDOM CAN ONLY SURVIVE IN A SOCIETY THAT DEMANDS IT! THOSE WHO STAY SILENT WILL FOREVER BE HAUNTED BY ITS GHOST THAT FADES IN THE LIGHT OF FEAR AND BLIND CONFORMITY.