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Deontological Aspects of Freedom of Speech

Ph.D. Thesis SUMMARY

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## Introduction

Freedom of speech is one of the main rights of human being and is a component of more general right to freedom of information and basic human rights. This right includes expression (verbally, in writing, using means of mass information) of own ideas freely in public. Legislation and court practice of democratic countries consider certain limitations in order to avoid malicious use of freedom of speech. First of all this concerns appeals to overthrow the legal government, disclosure of legally protected information, provoking national, racial and religious discords, offence and slander, violation of social ethical values; but besides legal regulation there are mechanism of self-regulation, created by journalists themselves that once again proves interrelationship and indivisibility of issues of freedom and ethics.

**Topicality of the issue.** The issue of freedom of speech and journalist's ethics is conditioned by many factors. First of all, by the fact that the rate of democratic development of the country is evaluated by the leading western countries and international organizations based on the rate of protection of human rights and particularly of freedom of speech. This issue is discussed much on the highest level meetings, international conferences and workshops. This problem is very topical everywhere, especially in the countries of the post Soviet space, where the freedom of means of mass information is still one of the most vital issues.

The three important factors define topicality of the issue. Out of them the first one is that construction of orderly state, democratic reform of the political and economical life of the society and participation of all layers of the society in these processes that currently take place, depends on the effective functioning of the Media.

This result can be reached only when the informational policy regards the Media as a part of civil self organization of the society: the Media unconditionally is in the service of the society, protects its interests and does not serve only the private ambitions of politicians or businessmen. Media activities are directed towards making governmental activities transparent, understandable and controlled by the society.

The condition that freedom of information first of all means the right of citizens to use the existing resources of information unlimitedly can be named as the second factor. That is why still topical is the issue of availability of information and informational resources. The beginning of the third millennium was indicated by the fact that the overall concept of information availability became the main support of the civil society.

The third and the most important factor is that the information is of vital relevance for each member of open, civil society since welfare of every person mainly depends on it. Of

course, economical and legal factors are to be taken into consideration when speaking about freedom of speech, but degree of freedom, due to the above mentioned trends, first of all, depends on the civil position of a journalist. Journalist's inward responsibility to the society and his perception of it is the main guideline when seeking and presenting information.

**Scientific novelty of the topic.** Based on the fact that during the history of journalism there always was going a debate about necessity of freedom of speech, many articles and researches were written and conducted in Georgian as well. But it is to be mentioned that nobody has made this topic in regards of philosophy, the object of a large scale scientific research like this. Based on the philosophical theories and analysis of freedom of speech as a philosophical category of recognized necessity, this is the first try to prove necessity of freedom of speech and overall view of difficulties of this problem.

**Aim of the research.** The main goal of the work is to establish through the research deontological essence and depth of freedom of speech, its historical, philosophical, ethical and legal aspects, their relation and mutual influence; also definition of freedom of speech as a factor, indicating how democratic is the country, its role and importance in development of educated, open society and construction of democratic, progressive State.

For such complex and deep research and study of the issue, it was defined:

**Objective I – Historical Aspects of Freedom of Speech.** The most important historical events and the documents that were created after them, indication of their logical, cause and effect relations that are still actual today and making conclusions based on the received results are interesting for the full evaluation of the contemporary attitude to freedom of speech.

**Objective II – Philosophical Aspects of Freedom of the Press.** In the theory or practice of journalism, freedom of speech is considered in many aspects and the philosophical one is one of the fundamental concepts. Based on the fact that Media has a huge influence on the human mentality and world outlook, philosophical theories developed on the freedom of the Press are of special importance for implementation of general values and establishment of system of values in journalism that reflects on the society and each member of it. That is why, searching of the philosophical sources of freedom of speech as one of the main democratic values causes a great interest. These philosophical treatises were created after long lasting Euro-American revolutions that had Freedom of the Press as one of their main slogans, that is why we use the term "Freedom of the Press" when we speak of them, since the contemporary understanding of freedom of speech was equal to freedom of the printed Media in the past.

**Objective III – Contemporary Aspects of Freedom of Speech.** It must be mentioned here that study of the trends of freedom of speech in the countries of the post Soviet space is very

important for the deep study of the issue. The topicality of this issue is conditioned by the fact that Media that was freed from the tyranny of the Party ideology now has changed the form of dependence and that is why Media researchers speak now about mythology of freedom and its limitation... On the contemporary step of Media development it is very interesting, what is the influence of economical aspects on the rate of freedom of speech, how the relations between Media and State are regulated as well as what levers of influencing Media are there and how it becomes a mean of influence itself.

**Objective IV – Legal and Ethical Aspects of Freedom of Speech.** Issue of relations between means of mass information and State are also very important and that is why it is interesting what the legal and ethical norms are that regulate these relations, whether the State uses the Media for its own interests as one of the most important means of influence on the human mentality and whether journalists realize the responsibility that lies on them and obligations that they have.

**Methodology of the Research.** For the deep study of the issue I deemed it to be necessary to analyze empiric data and work with relevant scientific literature. That is why based on the analysis of the most important trends of the history of fight for freedom of speech and document data created on this issue in the 17<sup>th</sup> and 18<sup>th</sup> centuries, prominent examples of the fight for freedom of speech and against censorship in the European countries, namely England and France and in the United States of America are reviewed and generalized. Out of materials studied in terms of the topic of the Theses, special attention is paid to the work of British Media researcher John Keane “The Media and Democracy” that reviews historical development of freedom of speech from authoritarianism till democracy and correspondingly accentuates challenges existing in the past and present.

When considering contemporary trends of freedom of speech in the post Soviet space I deemed a multi-aspect work of Russian Media researcher Vladimir Voroshilov “Journalism” that brings together all the vital and problematic issues that were faced by the Media freed from the tyranny of the Party in the new reality to be interesting. The most important out of them are the Media in the conditions of transition to market economy and intervention of the private capital into journalism that actually created a precedent of the new – economical relations in the world of Media in the post Soviet space.

In regards of Media ethics very interesting are “Media Ethics and Systems of Accountability” by Claude-Jean Bertran, professor of French Press Institute and “Media Ethics: Cases and Moral Reasoning” by American Media researchers Clifford Christians, Kim Rotzoll and Mark Fackler. These works can be considered as fundamental studies in this field. They

focus on the deontological aspects of Media functioning, study of ethical problems and mechanisms of self-regulation that can be considered as the most important issues of the modern development of journalism.

The Theses is the complex and multi-aspect research of the issue. Important fundamental researches about this topic are generalized and summarized here. As a result of reviewing of each aspect of freedom of speech corresponding conclusions are made and are given ways of problem regulation. For example, based on the reality of the post Soviet countries, main problems of the modern journalism, corresponding factual data are reviewed and the works are analyzed around the problem of the Theses that represent synthetic research of empiric or theoretical data. So, the traditional methodology is used for the research: analysis, synthesis, comparative analysis, observation.

**Structure of the work.** The summary of the work consists of Introduction, six Chapters and Conclusions. Enclosed to the work is also the list of references in English and Russian.

# Chapter I

## Historical Aspects of Freedom of Speech

Global system of mass communications, established in the 20<sup>th</sup> century made a miracle of the past century. Informational-cultural sphere underwent radical changes in the post Soviet space and numerous independent Media means were established; the audience also changed and, accordingly, its priorities, values and demands changed too.

The process of renovation and alteration of Media still goes on within the new informational space. At the same time it triggers and initiates many social processes and events that even more increases accountability and responsibility of Media. Power of Media as of the Fourth Estate even more strengthens in such conditions. This power can help destruction and building of a political system, damage or protect personal reputation, refuse old stereotypes and establish new standards... Taking into account that the role of Media today is not just providing society with information, more is the related expectation, since the society feels real power of Media, feels its actual ability to be the Fourth Estate, make cardinal changes and create a pre-condition for social life.

Based on this power, Media has a great role in revival of country that has chosen democratic way of development. It is possible to fulfill this role successfully only when Media, as a guard of society, awakes, does not allow legislative, executive and judicial authorities, created for social service to relax. It is impossible to fulfill this function properly without adherence to ethic norms and appropriate professional skills as well as giving unlimited freedom to it. For example, when we speak about protection of somebody's honor and dignity, then, logically, we mean limitation of freedom of speech of other person; this in general and at the same time does not purport mean infringement of freedom of speech. If we word this other way, we have to declare that personal freedom ends where another person's freedom starts, and border between them lies depending on how responsible we are towards not only our own freedom but other's freedom as well and how much we recognize and protect not only our rights but our obligations towards others.

Before we start speaking about contemporary system of accountability and responsibility, from the point of view of deontology, it is necessary to find out what was the way of the slogan of freedom of speech starting from Middle Centuries to present days, what changes it underwent through different historical times and how it was implemented.

It must not be that surprising that the slogan of freedom of the Press acquired special meaning since Middle Centuries, because it represented interests of progressive bourgeoisie, its fight against feudal lords and priesthood. According to the social-political situation of the State the relationship towards the press changed as well. Events going on in the country affected not only development of newspaper business, but also increased demand for freedom of press.

It must be said that by the end of 18<sup>th</sup> century the Press of the “commons” – bourgeoisie was as progressive as this social class itself was progressive; but if progressive mind fought censorship, sometimes unacceptable ways and methods were used for it. The classic example is events that took place during the French Revolution.

The society under the old regime had no ability of respect freedom and other’s freedom of mind, that is why the revolutionary Press facilitated increase of overall anarchy that, after all, resulted from destruction of the existing regime, misfortunes of people, worried gossips and efforts of counterrevolution. All the radical editions that reflected the mood of the society and gossips stressed the situation even more. They spoke badly of political adversaries, blamed specific people and groups of citizens and propagandized violence in the roughest way. Revolutionaries wanted to prohibit the Press and propaganda freedom for clerics. Frequent became facts of burning of clerical newspapers and brochures... For example, in summer of 1790, crowd broke in the printing house and destroyed 1200 copies of the newspaper “Les Actes des Apotres” (“Acts of Apostles”). Clerical “Gazette de Paris” (“Paris Newspaper”), pastorals, papal bulls and catechisms were burnt. Machines were destroyed in Francoten where undesirable materials were printed (Домнич. 1960).

Similar ways of fighting used the newspapers that got subsidies from the Court. They often forced adversaries to keep silence, offended printing houses and editors, made auto-da-fe of newspapers in front of a building, where there political adversaries gathered. Of course, there are many opposite examples too. The newspaper “Revolutions de Paris” wrote about insurrections that counterrevolution will be a merit of clericals only. Since aristocracy has no influence on the people, it is impossible to mercy them. The same newspaper demanded to abolish confession, since it was used for political purposes.

Of course, the above facts cannot diminish the meaning and importance of the Great French Revolution. The revolutionary mood of people and long-lasting efforts of bourgeoisie to keep the achievements resulted in Declaration of the Constituent Commission “On the Rights of Human Being and Citizen”. This important policy document published in August 26, 1789 was based on philosopher-enlighteners principles of the natural human right to freedom of speech, person, and conscience.



The ideas of this Declaration were greeted with enthusiasm in France and other countries. It was to make a preamble for the future Constitution (Робеспьер, 1965).

This Declaration once more proves the historical meaning of the French Revolution despite the fact that the practical implementation of the rights declared, namely right to freedom of printed word was often achieved with unacceptable methods...

The demand of that time for the freedom of press meant change of the dominant opinion with more progressive ideas that were irreconcilable to everything except the own considerations. The Press, as a fighting tool and a mean of expression of the interests of this or that social group, was biased based on these interests. In today's understanding, the freedom of press means existence of various opinions and respect of different ideas. And this is not surprising, since contemporary understanding of the freedom of the Press is based on the centuries-long experience, lessons learned and development of the social life...

The demand for the freedom of the Press is the common characteristic of Europe and North America, this principle was established there. That is why not accidental is the fact that the two documents of the epochal meaning – the Declaration of Human Rights and the Amendment to the American Constitution were accepted there at the end of the 18<sup>th</sup> century. This was critical event in the history of fight for the freedom of speech and not only established the basis for but even more strengthened contemporary principles of the freedom of expression.

Even today in the United States of America the primary legislative guarantee of the freedom of speech is this very part of the Constitution which says that the Congress has no right to pass the law that in any way means limitation of the freedom of speech and the press. The President of America Abraham Lincoln expressed very interesting opinion in connection with this issue. He said that he is ready to sacrifice his life in order to give his adversaries opportunity to have freedom of speech. Much earlier, in 1787, Thomas Jefferson said: "Since the people are the base of my Government, the protection of freedom of speech is my primary goal and if I was to decide what is better – Government without newspaper or newspaper without Government, I would immediately prefer the latter" (Keane, 1991, p.2). In his opinion, the freedom of the country depended on the freedom of the press and limitation of it would mean complete destruction of the press. It is the merit of Thomas Jefferson to declare constitutional freedom of press in the State of Virginia in 1776. Before that, in 1776, the Declaration of Independence, written by Thomas Jefferson was accepted that declared establishment of the United States of America. The first amendment to the American Constitution was aimed to give broad space for free sharing of ideas, but as we saw on the example of the French Revolution, the practical implementation of ideas is always connected with huge difficulties.

Fight for the freedom of speech in the USA was much more painless compared to the European continent and this fact was due to the objective factors. The reasons for it are to be found in the history of America itself. The war of colonies of North America for independence was the first bourgeois revolution on the continent that provided conditions for development of Capitalism. This was much more free society; this was the country where no absolute monarchy and limitations connected to it existed. This was the country where care for freedom of the Press was taken in the very process of the establishment of the State.

## Chapter II

### Philosophical Reasoning of Freedom of the Press

Wording of the first question about freedom of the Press can be like this: how much is the state interested in existence of free Media?

Long lasting European-American revolutions that had demand of free Press as one of their basic slogans, especially in the 18<sup>th</sup> century, developed innovative considerations of limitation of censorship. These philosophical traditions are paid less attention today, to tell the truth, they are forgotten or remembered just occasionally. One cannot find these philosophical treatises in the books devoted to Media functioning and political science, despite the fact they contain noteworthy ideas. The first argument for necessity of limitation of governmental censorship is based on various and versatile philosophical considerations. In Great Britain, where the modern principles of freedom of the Press were established, at least four theories were created. They substantially differ from each other but the main thing is that they prepared a background for development of the contemporary political theory...\*

I. Religious Theory considered governmental censorship as one of levers to limit rights given to human being by the God. This theory was the most spread and successful during the Civil War, and was expressed in the work of Henry Burton “A Vindication of the Churches Commonly Called Independent” (1644), Henry Robinson “Liberty of Conscience” (1644) and William Walwyn’s “The Compassionate Samaritan” (1644). Basic provisions of Religious Theory are in the most convincing way explained and interpreted in John Milton’s book “Areopagitica” (1644). This theory was developed in Milton’s work.

John Keane, Media researcher, when speaking about Milton’s world-view, says that he opposes the necessity of freedom of the Press to government’s demand of licensing and censoring of books as expression of love to God and a mean of bloom of the soul to a human being with free will. Milton says that full suppression of freedom of the Press is hopeless and cannot be achieved. The author says that the efforts of government in this direction are like actions of narrow-minded person who wants to lock excited crowd in the room. First of all, censorship is unacceptable because it limits free thought and choice.

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\* Years of the first publication are indicated for the works listed at the beginning of reviewing of each theory.

Censor who has image of “infallibility and uncorruptedness” (Milton, p.13)\* cannot decide how people will live. God gave people ability of reasoning and making the right choice through this ability, making difference between evil and good based on their conscious. God trusts people to read or not this or that book based on their desire and make their own conclusions. That is why Milton is against limitation of reasoning ability. In his opinion, person’s abilities and virtues have to develop by the way of discussion with other people having different views and experience. Dignity is not based on the innocence while evil and good exist next to each other: “it is not possible for man to sever the wheat from the tares, the good fish from the other frie; that must be the Angels Ministry at the end of mortall things” (Milton, p.32). Tolerance to different and opposite opinions shows person’s dignity and reasonableness: “that which purifies us is trail, and trail is by what is contrary” (Milton, p.11).

Milton was not a supporter of full freedom of the Press. He said that books propagating fanaticism and blind faith should be unacceptable for true believers. While fighting for morality people should show irreconcilability to such editions and destroy them. Milton demanded to pass an appropriate law that would impose an according penalty for malicious use of freedom of the Press. Milton thought that suppression of free thought and limitation of it by means of the Press was evil. The author considered the idea that people have to pay tax for ability to differ evil from good to be erroneous. Such attitude lowers their dignity and people seem to be superficial, lecherous and sinners. Limitation set by government – censorship refuses a divine gift – ability of reasoning. This is one of the forms of murdering of common sense: “who kills a Man kills a reasonable creature, God’s Image; but hee who destroys a good Booke, kills reason it selfe, kills the Image of God, as it were in the eye (that is reflected directly in the human mind)” (Milton, p.4).

Consideration, that any impact on the press must be focused on the principle of protection of natural human rights, is given in the work of John Locke “Epistola de tolerantia and clurissimum virum” (1689) and is deeper developed in the book of John Asgill “An Essay for the Press” (1712). Similar ideas are developed in the work of unknown author “An Essay on the Right of Every Man in a Free State to Speak and Write Freely, in Order to Defend the Public Rights, and Promote the Public Welfare: and on Various Great Occasions for the Present use of it” (1772). This idea became even more popular after implementation of Constitutional changes that followed American and European revolutions. Natural human rights are discussed in Tom

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\* No year of publication of the work is indicated when quotation, since electronic version of the book is used in the text.

Paine's work of political character "Rights of Man" (1791-1792) and Mary Wollstonecraft's "Vindication of the Rights of Women" (1792).

II. The idea of freedom of the Press as well as the Theory of Natural Human Rights was first clearly given in Matthew Tindal's work "Reasons against Restraining the Press" (1704). Tindal refuses the substantiation given to necessity of freedom of speech by the religious theory. In his opinion, those who desire theocracy are fraudsters and liars; they want to return mankind back to slavery by erroneous understanding of Christianity. Tindal, like Milton, thinks that human beings as reasonable creatures are gifted ability to differ correct and erroneous considerations, but Tindal goes further and gives different direction to this consideration. He thinks that the natural right of each person is to make own conclusions on religious issues. Limitation of press in any way opposes human rights: "The noble art of printing, that by divine providence was discovered to free man from the tyranny of the clergy they then groaned under,... ought not be made a means to reduce us again under sacerdotal slavery" (Keane, 1991, p.14).

Tindal extends the Theory of Natural Rights, and from religion goes to the political field. He reproaches actions of churchmen, who are eager to get into the government. All over Europe all governments try to conceal their dark activities by means of court and their subjects. They are ready to justify any unacceptable behavior. State uses all efforts to present a deed that may be harmful for people as attractive as possible. People can use natural rights against the willfulness of the Government. Free expression is among them. The independent press gives possibility to timely inform the society about expectable threat. This is kind of a guarantee against being a slave of a Government, against deception and mockery from politicians. Freedom of speech has an important role in establishing of the fair state, based on the respect of the natural rights. In such a state citizens will live in full accord together with elected representatives to ruling organs under the Supreme Law.

III. Utilitarian Theory considers censorship, established by the Government as one of the factors, facilitating despotism, one of the best means of taking away the happiness from the people. "Inquiry Concerning Political Justice" (1798) by William Godwin and "Liberty of the Press" (1811) by James Mill discuss some provisions of this theory.

The idea of free public debates is seen in the Letters to the Spanish reader of Jeremy Bentham – "On the Liberty of the Press and Public Discussion" (1820-1821). According to Bentham the best government is the one that tries to give the People as much joy and happiness as possible. The main political problem is to establish non despotic state system, legalization and performance of legislative activities that aims to people's happiness.

Reasonable political system shall be distinctive mainly by two aspects: first of all this concerns the establishment of the governing system that via civil society and economics, based on the supremacy of the Law, will aim to the welfare of the people. Another aspect is protection of people against willfulness. Bentham states that any government always is drawn by the personal interest. Nature of those people who are in power is very simple. Whatever unworthy they behave they are not concerned with what people think or say about it, or how will it be evaluated in future. Their cares and thoughts are limited with the present day only. According to Bentham, such behavior is most of all characteristic for Spain and England, i.e. in the countries, where the aristocracy was allied with monarchy against the interests of the people. There is only one way to fight against such despotism that can be called “eager for power, based on violence”, that was many times used in the United States of America. This is the right of people, granted by the government – establishment of the mechanism of secret vote and frequent elections. In this regard the free Press has a great role as a mouthpiece of electors to express their desires and opinions. Without it periodical elections will be like a farm, where “eight months in the year all sheep dogs were to be kept locked up, and the sheep committed during that time to be guardianship of the wolves” (Keane, 1991, p.16). Based on this, the Utilitarian theory means that the free Press, as the best tool to control the governing class, necessarily shall fight the despotic State. It also shall support the development and adoption of laws that will ensure fulfillment of the interests of the majority.

The free Press does not only watch behavior of the governors, watch their merits, but also discloses their dark, concealed activities and makes them respect, serve the people. It increases possibility of making reasonable decisions by providing comprehensive information to the society. The free press keeps its eye on the bureaucracy and this way interferes with appearance of protectionism among legislators and administrators.

Like Erskine and his numerous predecessors, Bentham refuses the consideration that the free press may lead a country to disturbance and civil war. Misfortune cannot be an offspring of the free Press: “In all liberty, there is more or less danger... and so there is in all power” (Keane, p.17). The press, caring of people provides the society with the criticism of the Government and in case of need gives ways of its effective removal.

The free Media also tries to serve the interests of people and maximally fulfill their needs. In political life the formula of happiness is as follows: the more has the governing minority, unhappy are the majority of people.

IV. The fourth theory of freedom of the press means establishing the truth by public and unlimited debates among citizens. The philosophical theories, developed recently in England

lead us to this idea. Among them Leonard Busher's "Religion's Peace: or, a Plea for liberty of conscience" (1614).

As it was mentioned, the arguments, proving the need of freedom of the Press were developed in England in the 18<sup>th</sup> century and were very popular. The work of Joseph Priestley "An Essay on the First Principles of Government; and on the nature of political, civil and religious liberty" (1768) is the clear example of it. The most renowned and in future most disseminated version of this idea was developed in England in the 19<sup>th</sup> century by the work of John Stuart Mill "On Liberty" (1859). In this essay dissatisfaction is expressed about the fact that the Utilitarian Theory of freedom of the Press is too symptomatic for the century (in this case Mill aims at Thomas Carlyle), it lacks trustworthiness and is full of skepticism. The Utilitarianism is based on the consideration that not a rightness and correctness of ideas are important for people, but their profitableness. The Utilitarian Theory speaks more of profitability and advantage of opinions rather than about their rightness. However at the same time we have to take into consideration that profitability of opinions itself means seeking for truth. Based on this we have to conclude that rightness of opinions is the main part of their practicalness. According to Mill freedom of expression is vital for personal development, education and, in general, for the welfare of mankind.

His statement is based on the three submissions: Any consideration that is unacceptable for the Government and a certain part of the society due to its so called untruthfulness and unworthiness is always true and good for people. Those, who try to put potentially truthful society under the censorship, actually refuse its truthfulness. Censor wants to make personal opinions overall, while expressing his opinion he takes into consideration what party, sect, religion or social class he belongs to. Under the mask of innocence, a censor suppresses the truth. Existence of the censorship itself means finding of truth based on certain considerations that exclude opposite opinions. Censor thinks that the fact that he considers to be a truth shall be perceived as truth by others as well.

Another submission: any lie contains a little bit of truth. This or that widespread and recognized consideration very rarely is the full truth. Based on this only by collision and opposition of contrary opinions is possible to find out the truth. During public activities the truth requires to get used with opposite considerations, consent and coexistence side by side. "When there are persons to be found, who form an exception to the apparent unanimity of the world of any subject, even if the world is in the right, it is always probable that dissidents have something worth hearing to say for themselves, and that truth would lose something by their silence" (Mill, 1977, p.254).

By the end Mill concludes: in case if the overall accepted truth does not change over time, it will soon degrade and turn into a superstition, a dead dogma: “The fatal tendency of mankind to leave off thinking about a thing when it is no longer doubtful, is the cause of half of their errors” (Mill, 1977, p.250). This mistake is made more by historical epochs, rather than individuals. Despite this, individuals are inclined to create overstated image and recognize dead, false considerations. That is why mankind is doomed to suffer from mistakes of ancestors: “It is certain that many opinions, now general, will be rejected by future ages, as it is that many, once general, are rejected by the present” (Mill, 1977, p.230). The truth turns to superstition only when it is not tested and corrected by the opposite opinion.

It comes to difficulties, when superstition is stated as an overall truth that interferes with mental development of a person. Practice of understanding, learning and deepening into another person’s considerations must be acceptable. The recognized views dull mind and have negative impact on person’s virtues and ethical values. Constant training of mind is necessary for life to progress and develop. Mill’s understanding differs from definitions, given in works of art, works of political or ethical character. Their main goal is to praise, reproach or inspire. In Mill’s work “About freedom” consideration is refused that indefinite number of opposite opinions shall exist and they cannot coexist peacefully. For example, elimination of the influence of sectarianism is possible only by careful and prudent discussions that exclude possibility of swearing and offence. Limitation of sectarianism is also acceptable by prohibition of opinions that damage welfare of the society. “No one pretends that actions should be as free as opinions. On the contrary, even opinions lose their immunity when the circumstances in which they are expressed are such as to constitute their expression a positive instigation to some mischievous act” (Mill, 1977, p.259). At the same Mill prejudices consideration that the truth always wins. The history has plenty of examples of suppressed and refused truth. It has no inherent ability to avoid limitations and censorship. The truth needs freedom of the Press as its faithful supporter and ally. No law can limit dissemination of progressive ideas by newspaper, magazine and book. Only the independent Press improves the habit of correction of opinions, since only it is a sound guarantor of victory of the truth over the lie.

So, the theories, created in England that provide the first sound argument on the State censorship give interesting material for studies of the history of fight for the Freedom of Speech. As it was already mentioned, unfortunately they are already forgotten, and today, when the issue of freedom of the Media and legal regulation of it by the State, when in the process of constructing democracy huge attention is paid to the natural rights including freedom of speech, they do not lose topicality and even gain special significance...



Familiarization with this theoretical considerations not only will widen mental outlook of a journalist, but even more deepen the feeling of responsibility that representative of this profession have to the society.

## Chapter III

### Trends of Relationship between Media and State in the Post Soviet Space

From the day of creation the printed word was one of the most effective means of influence on the human mentality. After newspapers, with appearance of radio, cinematography and, finally, television the rate of influence continuously increased. Many researchers call means of mass information “the Fourth Estate”, but this opinion is disputable in some cases. In order to have the Fourth Power, it is necessary for other types of power – legislative, executive and court to exist and this is typical only for democratic forms of management. In conditions of dictatorship all the power is concentrated in one instance. On the other hand, means of mass information are and always were tools of influence on human mentality for those people who possess and control it. This statement does not need any evidence. At the same time it is indisputable that influence of the Media on the mood of the listener, spectator, and reader is possible as much as these people may pose themselves under the any influence. Clarification of the details of this point is the field of sociology and psychology; but if the above mentioned considerations are worded in a different way, we’ll come upon the idea that means of mass information always, in all times and countries were conductors of ideas of their owners and grantors and, accordingly, expressed their considerations and desires. In conditions of dictatorship Media was a mouthpiece of the Party and the clear example of it is the recent Communist regime.

Legislators invented a very good mean to limit state machine, power, eradicate corruption – that means limitation and distribution of the right of management. Based on this, it is necessary to decrease governmental control, in order to solve problems that we face and for democratization of means of mass information.

For the democratic development of the country, to take worthy place in the World Commonwealth it is necessary not to make a trend of the fact that government and officials involve themselves into the functioning of means of mass information. This must not be a direction based on the real facts of the country development. Based on the trends of the post Soviet space the reality shows that the Government not only does not protect fundamental rights and freedoms, namely right to freedom of expression, but in order to protect its own interests, uses plenty of means to influence the Media.

What is the primary characteristic of these trends? First of all it is to be said that the government is maximally inaccessible for the society. Governmental structures are closed in

terms of information and are not transparent. Efforts of the means of mass information to obtain information or develop own version of event and make analysis, cause negative reaction of according Governmental Agencies. In such cases Media tries to obtain information from the State magazines and newspapers and TV channels, or appeals to the Court in order to reestablish justice. Rather effective and fruitful is economical influence on the Media. This affects the position of editions, Tele- and radio channels, contents of publications and television broadcast programs. Common ways of influencing Media are the following:

- Establishment of allowances or, on the contrary – taking them away;
- Financial press (taxes, tariffs, financial checks, etc.), use of privities and rent;
- Ways of legal influence performed by subordinate legislation and sue that means basis that is not covered by regulative legislation.

All the above mentioned damages freedom of speech and proves once again existence of the censorship. There are two mutually exclusive considerations about relationship of the Media and government:

- Journalist, Media cannot work effectively and reach any professional success if governmental limitations of the functioning are not taken off;
- Another consideration is that due to low development of the civil society and its institutions the government sets certain priorities and each member of the society has to respect them.

Domination of the second consideration causes increase of influence of the government on the Media and, accordingly, relations between the Media and law enforcement agencies worsen. Despite the fact that the Constitution and acting legislation of the country guarantees freedom of speech, the government still manages to execute control over the Media. Officials often make informal recommendations to journalists on the contents of to be published and reported materials. Clear example of this is the statement of journalist Koka Khandiashvili in days of 2003 Rose Revolution that preparation of the program was influenced by the directives and guidelines that came from “above”.

Government is always interested to look civilized in the perception of international community and population, especially of its educated part. The idea of self censorship that is also often called responsibility is based on this. To say it shorter, we can make the following logical conclusion: control yourself and everything will be well. Does or does not a country where the huge imbalance is between freedom, responsibility of means of mass information, liberalism, democracy and government have future? Of course, no, but not the one who stands on a certain

political platform can require Media to exhibit self censorship and responsibility. It, first of all, should mean establishment of the new order in the world of Media and not unconditional sharing of governmental policy. Generally, how reasonable is it that the Press and means of mass information choose some political position based on personal decision. In this case issue of their impartiality is disputable, and even if they are big supporters of development of democratic processes in the country, they still cannot avoid bias.

Freedom of Media and equipping it with responsibilities means that this or that organ of the press can make important decision and choose a certain position. When a certain political freedom is addressed, first of all occupation of the political position of officials is meant. Let us remember the offended tone of the ex-President of Georgia Eduard Shevardnadze at the governmental meeting, when he expressed his reproach to the Georgian Media and stated that at no other place in the World the Press and television do not speak about the President so negatively and do not criticize policy of the government as in Georgia. He called journalists reasonability and responsibility. Another case took place during events of November 2003, when the President Eduard Shevardnadze criticized the State TV channel and said that the Governmental television should share the official position. It was unclear for him who supported the Governmental channel. It seems that the President did not take into consideration the fact that the free Media is impartial and equally covers positions of both parties – position and opposition.

Attitude of the Government of that time towards Media is clearly seen in the opinion of the ex-President Eduard Shevardnadze: “If the Press is the supporter of the Government and likes its position, it has to facilitate formation of the social opinion, i. e. be impartial. If it is not impartial, it will exist only today or tomorrow. If you make an oppositional newspaper, you should criticize in the way to be impartial and your reasoning should be rich with arguments and facts”. (Shevardnadze, 2002, p.3).

Due to cause-and-effect relation, one of the reasons of the crash of the Shevardnadze Government can be considered its attitude to the society and the Media as a medium and mean of communication with it. There is an opinion, expressed in the research of Georgian Media of 90-ies, published by the initiative of the UN Development Program that Media was not a mean of communication, but the main attribute of power for the Government. The main thing for it was to express its position and not whether the society would or would not understand this position. The informational position of the Government was based on the agitation and propaganda, instead of public relations that should be considered as a reincarnation of the Communist regime of 90-ies. This is why the society was distrustful to the activities of the definitely biased and preconceived propaganda machine – the State Television that increased mistrust of the Government even

more. “The mental inertness is the reason of artificial survival of the State Press. It has its roots deep in the high echelons of the power. The Government got used to have its own Press. Officials avoid reporting news, make themselves blind to problematic issues and mainly limit with Governmental chronicles”. (Bokeria, Targamadze & Ramishvili, 1997, p.10).

In the countries of transient democracy, when the country is performing radical reforms in order to establish democratic institutions, it is unimaginable to have deficiencies even in the field of freedom of Media. On the initiative of the new Government the Law on Freedom of Expression, one of the most liberal laws in Europe was created in Georgia, there no more is the tool and support of the previous Government – the State Television that was the First Channel; on the base of it the Public Broadcaster was established and, fortunately, the Parliament of Georgia does not adopt any more regulations on the way of reporting events in the means of information, that seems really unbelievable today. All these are the results of pacing forward and progress that is achieved through fight and errors.

## Chapter IV

### Economical Aspects of Freedom of the Speech

Impact of economics on the functioning of Media is issue of great importance when discussing the range of problems of freedom of speech. In accordance with recently spread opinion – journalism must be a profitable business and allegedly one of indicators of freedom of the press is how profitable is a newspaper. But if a newspaper can exist independently, this can be just economical freedom. According to the opposite impartial opinion, the main thing is journalist's legal freedom, since freedom of the Press does not mean just free business of independent production of newspaper.

Freedom of the Press is possible only when it is not owned by monopoly by the State. What about the fact that in western countries newspapers are owned by big monopolies and companies, this can be explained by the fact that newspaper production is a profitable business, however as it was mentioned, impartiality of periodicals must not be sacrificed to the interests of their owners. If no impartiality is kept, the material and the whole edition are biased, and then freedom of the Press is limited.

V. Mathews, one of the owners of “Trafalgar House-Investments”, who bought Newspaper Empire “Beaverbrook Newspapers” in 1977, stated: “Our organization is commercial. This is information business and our goal is to have as much profit as possible” (Пронин, 1980, стр. 10). However, it is improper to focus only on the profit and sensation and it produces definite deviations. Existence of private initiatives facilitated and facilitates establishment of periodical edition by a group of persons or organization and propagate even radically different opinions.

Purchasing of different companies and creation of big newspaper monopolies is a common event in the West. As I have mentioned, this is a contemporary trend of Media development that does not mean that the press is not free in the West. No one can start proving that, for example, newspapers of the empire of Rupert Murdoch betray principles of freedom of the press. But one thing is indisputable – absolute freedom of the press is unachievable as well as unachievable is absolute freedom, since it is limited by ethical categories...

All the above must not be understood as if there is a spontaneous process of buying newspapers and magazines and establishment of huge monopolies in the West. In many countries there is a legislative base that regulates these processes. For example, laws are adopted

in France and Germany on those business deals that cause concentration of the Press in hands of one person; in Australia, Canada, Norway, Great Britain, USA there are limitations about ownership of different types of Media. In France it is prohibited for foreigners to buy more than 20% of shares of Media companies.

Significant changes were made in the field of Media in the post Soviet space after crush of the Communist ideology. Variety of opinions was established, dictatorship of one party was over, but in conditions of political and economical reforms, new problems erected and after receiving political freedom the Media faced market requirements. Problem of economical vitality appeared and gained importance.

As Russian Media researcher V. Voroshilov (1999) says, in the post Soviet space there are the following models of Media financial functioning:

- 1) By the invested primary capital: State, depending on the private capital, independent, joint ownership (editorial office and leadership);
- 2) By the organizational structure: limited special partnership, limited society, closed joint-stock company, open joint-stock company, holding, editorial house, concern (p.9).

The main profit of the Media became advertisement of activities of the state and commercial enterprises that caused indirect dependence of means of Media. The trends, listed above are the most clearly seen in Russian Federation.

In the opinion of the editor of "Moscow Times" Dirk Sauers "The Golden Age started for Russian journalism that during decades was under the control of the Communist Party in the beginning of 90-ies. Discloser of efforts to abuse power in the highest echelons, elimination of tabooed topics are common events now. However, financial difficulties same way limit Media now as the Party control in the Past" (Cayepc, 1999, July 8, p.5).

Freedom of the Press is limited in the conditions of the economical crisis, when the Press is influenced by big financial groups and becomes a mouthpiece of their interests. If in the Communist period the State owned means of Media as a monopolist, and freedom of the Press was associated with the abolishment of the Governmental control, one censor was changed with another in the Post Soviet space. Editorial offices that have no own money and not enough financing from the Government ask commercial structures for help that is natural in such conditions. The result is that often they are under the influence. And the commercial structures use the purchased edition in the political fights against their competitors and for pressure on certain individuals.

Russian Media researcher Vladimir Voroshilov (1999), when speaking about steps of development of Media in recent years references consideration of the founder of the newspaper

“Obshchaya Gazeta” Igor Yakovlev, and says, that in this regard the three stages can be identified: “the first one is the period of “Glasnost” (1985-1992), when Media played a strategic role in the struggle against the Communist regime. The second one is the step of freedom of speech (1992-1996), when, together with possibility to write about everything, the economical crisis started. Bankers, who in the past were not allow to enter a hall, were asked for financial help. And they, without delay, used the situation and started purchasing magazines and newspapers. The third period is a period of distribution of Media between big financial groups that is characterized by ignoring of a “fair play” rules and interests of journalists” (p.220).

As it was already mentioned, much is spoken that in the countries of the Post Soviet space Media changed the form of dependence, i. e. means of information that were freed from political press found themselves economically dependent on sponsors, owners and all the private persons and organizations that supported them financially. However, in often cases all of them used means of Media under their dependence for political aims. That is what Gia Lomadze, the Chief Consultant of the President of Georgia for relationship with public organizations and Media, wrote in 2002: “You will probably agree that it is difficult to call free the means of Media that are financed by different political parties, business-groups or individual persons. Of course, today nobody will give money to anybody for just “pretty eyes” and “pure altruism” – the one, who pays money, pays it to achieve a definite reason and since Media is one of the means of reaching influence in the society, the influence reached this way on the people in a democratic country, eventually turns into political power” (Lomadze, 2002, 13 March, p.4-5).

Small size of the market can be named as one of the factors, impairing the information business in Georgia that decreases probability of investments. For example, activities of Media companies established for political reasons (“Omega-Group”, “Imedi”) and end of their existence due to political reasons, once more proved the fact that it was impossible to make newspaper-magazine business profitable without strong financial support. In Georgian reality it is still a difficult task to gain profit together with keeping existence only by number of copies and advertisements. The small statistics will reveal the following: average number of copies of Georgian editions reached 3000 in 1897, while the number of population of the country was 1919,2 thousands. Then the number of population increased approximately three times, while average number of copies of printed Media was still same 3000 in 1997 (Bokeria et al., 1997). There are several reasons for it. We shall speak about these reasons later, but it can be said here as a conclusion that without improvement of Media infrastructure and development of its economical aspects, functioning of Media and keeping of its vitality is impossible in the century of information. Of course, Media that is financially independent and equipped with



contemporary technologies still may face the problem of freedom of speech, since... The one, who finances, sets the tone and direction of an edition and with this makes journalists face another deontological problem. On the other hand – complete independence (political or financial) and lack of finances can cause alliance of editions with political or business groups and this will cause also deontological problem of another type.

Low quality and, due to this – small amount of professional personnel, caused by lack of finances established the reality of contemporary Georgian Media.

It is written in the conclusion of the organization Freedom House of 2007 that despite the small size of the country itself, there are plenty of electronic and printed Media editions in Georgia. 200 independent newspapers and 8 independent or private owned TV companies are functioning in the Country. Out of these 8 – 5 companies are broadcasting all over the territory of Georgia. The majority of newspapers are not financially stable and, in addition to this, the printed Media does not enjoy tax benefits starting from January 2007 (The Freedom House, 2007).

When we speak about different forms of independence of Media, we have to keep in mind that dependence of Media on the private capital is possible by advertisement too. This happens in the case when advertisement is the main source of income and the money received for advertisement is low. It is natural that editorial houses have to take into consideration the taste, ideas, complaint of the customer.

Advertisement is one of the forms of the marketing communication. Advertisement boom that took place in recent years is a result of development of marketing, growth of commercial structures and privatization of enterprises. In the strict conditions of business competition of the information market, a newspaper's editorial office has to think not only about the quality of journalistic product but also about the realization of this product in order to get maximum profit. Those editions that pay special attention to the marketing deal with financial problems comparatively easily. To avoid difficulties, marketing is the best mean for satisfaction of the needs of customers by means of share.

Most often research of the actual audience and increase of the need for the product are used out of marketing means. Performance of certain calculations aimed on profit-loss prognostication is closely connected with marketing. For the editorial office this can be detection of the size of audience and the number of copies. That is why, marketing researches have special meaning for increasing and keeping financial independence of editions.

In 2001, researches, conducted within the three year program of the International Center of Journalists – “Promedia-Georgia”, for example, Media-marketing Study Project, revealed that

the reason that newspapers are not sold in Georgia is not conditioned only by the economical problems. The goal of this research was to define interest of the society for reading newspapers and its relation with the printed Media. 1,695 people as well as 77 advertising agencies and companies were interviewed for this, and this made clear that it is impossible to attract reader with “bought” materials; lack of realization and small number of copies, first of all are conditioned by the unreliable information on the everyday life issues that are interesting for readers. These results would, of course, be unpleasant for editors, but they demonstrated that there undoubtedly was a request of the reader audience to receive impartial, checked information as well as request of advertisement customers to cover this very audience (International Center... (ICPJ), 2001). The results of the research also made clear that there is a miserable situation in terms of Media management in Georgia.

Based on the principle of the direct proportion, the low quality and lack of professionalism condition financial problems whereas wrong management and business planning condition unsuccessfulness, low interest of readers, low quality and, correspondingly, lack of professionalism again. Due to these intertwined problems we can conclude that only through the complex approach to the issue is possible to improve the general state of the Media, since one problem causes and defines the other.

In 1999, when the implementation of the Project started, there were neither associations of journalists nor editors in the traditional understanding that is another necessary condition of Media development, since editors’ associations mainly focus on the production and issues connected with it, namely Governmental acts, tax policy, etc., whereas journalists’ associations are focused on the freedom of the Media and issues of the professional development. Same way, there were no editors’ associations and editors themselves neglected principles of market economics, need of advertisement, marketing and business plans that brought them to the miserable condition. They opposed each other and tried to win favor of political sponsors, since this was the only source of financing for them (ICPJ, 2001).

It is interesting that foreign experts, involved in this Project provide as a recommendation that all the following programs implemented in the field of Media, in order to reach real success, should work on issues of Media management, marketing, advertisement and financial independence as well as be accompanied by trainings, aimed on improvement of journalists’ professional skills and growing up of honest staff or reporters.

Approximately the same consideration is expressed in the evaluative document of Media Innovation – the three year program based on the financing of the Agency for International Development of the United States of America – and international research and exchange

programs. In the opinion of the experts of the Program, Georgia provides special opportunities for development after the Rose Revolution and the Georgian Media (with support of IREX and other donor organizations), compared to other CIS countries, makes important progressive steps towards development of the market principles oriented Media (McClear & Koenig, 2004).

Despite such evaluation, based on the Media Sustainability Index (that is a tool of USAID and IREX for general evaluation of the Media development), Georgian Media suffers serious problems in the field of business management and that is why it was given the status of “unsustainable” in this category. It is also written in the above mentioned document that one of the main goals of the Program is to support Media managers, in order to make their newspaper business more successful, profitable and sustainable. Experts think that the tool to achieve this goal will be to train managers, editors and journalists, to make them permanently study interests of the audience and readers and use results of newspaper development researches (McClear & Koenig, 2004).

For example, based on the results of the Intermedia/OSC research of 2006, only 29% of population read newspapers weekly (Robertson & Jasinski, 2006). Television is the main source of information in Georgia, accordingly, broadcasting companies cover about 75-90% of the population. The interest towards newspapers is low that in some way is conditioned by the cost (IREX Media ... (MSI), 2005).

Income sources of Georgian newspapers are made of money received from selling and advertisement, in some cases this makes about 90% of income. But newspapers manage to attract only 10% of advertising market of Georgia, whereas television holds a lion's share – 60% of the advertising market (BCG Research in IREX MSI, 2005).

After 2003 the advertising market of Georgian TV companies considerably increased. Based on the USAID data (that implemented the TV companies ratings project), the advertising market grew from 3,5 million USD in 2001 to 7 million USD in 2004 and made 10.5 million USD in 2006 and 13.5 million USD in 2007 (Robertson & Jasinski, 2006). The fact that financial situation of broadcasting companies improved is recognized by owners of companies themselves. But, of course, this is still far from financial welfare: “In Georgia, several national television channels are well equipped. Although regional broadcasters are now able to generate more income through better, profit-oriented management and more advertising, their finances are only enough to purchase basic equipment,” said Tristan Tsutskiridze, director of the Borjomi television company and chairman of the Georgian Association of Regional Television Broadcasters (IREX MSI, 2005).

USAID rating research project started in Georgia in 2003 and was replaced in 2005 by the project called AGB Nielsen Media Research Georgia. The project implemented the research by the people meter all over the country. TV rating system uses the two main techniques of the audience research. The first one was used in Georgia till July 2005 by IPM Media and was based on indication of TV shows that were watched by the audience every day. Another one is the above mentioned technique of people meter that means automatic recording of the most watchable TV programs by special electronic device. In 2005, on IREX initiative, based on the audit, made by the consulting company KPMG it was identified that the research of new TV ratings system complied with international standards. In addition to this the project makers connected the growth of the TV advertisement market in Georgia with the implementation of this new ratings system (*Georgia's New TV...*).

Together with the growth of the advertising market in Georgia, incomes of TV and Radio companies increased too. For example, income of TV and Radio companies officially declared for 2005 made 31.729 million GEL, whereas it was 25.9 million GEL for 2004 and 9.9 million GEL for 2000 (IREX MSI, 2006/07). In accordance with the Law on advertisement adopted in 1998 and the Law on broadcasting, broadcasting companies are prohibited to show advertisement for more than 12 minutes per hour. Also advertisement must not make more than 15% of the broadcasted material. Control on the compliance of broadcasting companies with these rules is the task of the National Communications Commission. Limitations also are set for a certain category of programs, advertisement of tobacco and alcohol (Robertson & Jasinski, 2006).

The Public Broadcaster can increase its incomes by advertisement, but in this case, in comparison with commercial TV companies, more strict requirements are set for it. For example, it is prohibited to show commercial advertisement on prime time and holidays, and airtime of advertisement must not exceed 30 minutes per day.

And, finally, in order for all Media means to be successful and able to exist by self financing, they must have income from advertisement and selling to attract professional journalist and pay them accordingly. This, as it was already mentioned, is impossible without good business planning and taking results of marketing research of audience into consideration. Finally, the Media that is financially stable and depends only on itself will be able to avoid any other type of dependence.

## Chapter V

### Legal Norms of Freedom of Speech

Freedom of expression is the main value that democracy is based on and of the most important legislative reforms of recent years that passed in this field in Georgia. The EU Monitoring Commission positively evaluated variety of printed and electronic Media in Georgia. According to the Commission, public debates and discussions facilitated variety of opinions and pluralism in the country.

After the Rose Revolution it was the legislative innovations, connected with Media that preconditioned open, critical and fair debates in the public society. The new Law on Freedom of Expression was passed on July 2004 and it says in Paragraph 2 that “interpretation of the Law shall be made in accordance with the Constitution of Georgia, international obligations of Georgia including European Convention on Human Rights and basic Freedoms and Human Rights European Court of Case Law”.

International experts and lawyers recognized this Law as one of the most liberal laws in Europe. “Despite the fact that adoption of the Constitution in the country and ratification of International Legislative Acts in 1995 created a base for legislation based on the contemporary liberal values, insane judicial practice put issues of refinement of controversies and specification of legal norms on agenda. It can be said that the new law that is kind of Constitution of freedom of speech and expression and is initiated by the Institute of Freedom, entered significant corrections into the existing legal space and corrected shortcomings that were numerous in the Georgian Legislation and negatively influenced controversial judicial practice” (Kintsurashvili, Ramishvili & Kotetishvili, 2005, p. 19).

The Parliament of Georgia passed the law, developed by the Institute of Freedom that, as it was mentioned, achieved decriminalization of defamation. After this, cases, connected with defamation are tried only at civil law court. According to the new law defendant is made to answer for intentional damage of reputation of a person based on false statement, not on mere mistake. By this the Law creates convenient conditions for free debates and discussion. Differing of public and civil persons was made according to the all over accepted principle that public person, due to social status have to accept and share criticism more than common citizen. Burden of evidence and accusation lays on claimant, instead defendant. And this will make a suit against Media even more difficult to win. According to the Law those public or civil persons, who

damaged the society, or those civil persons, whose actions are within the scope of attention of the society, have to prove whether the Media actions were intentional or based on thoughtless dissemination of false information that eventually caused misrepresentation of true information.

It is written in the document of evaluation of freedom of information in South Caucasia of British nongovernmental organization ARTICLE 19, that the Law on Freedom of Speech and Expression adopted in 2004 is one of the most progressive laws over the World and is based on the best examples of the world practice. It protects freedom of speech and expression, right to seek, receive, keep and disseminate information, prohibits censorship, and gives journalists right to protect confidentiality of the source of information and confidentiality of a person who disclosed it (ARTICLE 19, 2005).

In the evaluative document of ARTICLE 19 (2005) are also given those controversies that journalists in the mentioned region meet while obtaining information:

- Lack of mechanisms of availability of information and procedures connected with it;
- Lack of familiarization of journalists with their legal rights;
- Soviet like attitude of officials to secrecy and confidentiality;
- Lack of solidarity and low professionalism among Media representatives;
- No tradition of protection of own rights of Media at a court that is based on the skepticism to legal management and prolonged proceedings;
- Using of unreliable sources of information by journalists when they fail to obtain information from official sources.

Abolishment of Television controlled and financed by the Government may be considered as one of the most important among successful changes in the field of Media in recent years. In 2004 Government stopped financing of newspapers and adopted the Law on Broadcasting, according to which the Public Broadcaster was created on the base of the State TV Radio Company. This was recognized by international community as a successful step towards ensuring of protection of freedom of speech in the country.

Amendment was made to the Law on Broadcasting in December 2006; in accordance with it broadcasters shall solve all the issues, connected with professional standards and ethical norms by self regulation. The Law strictly prohibits involving Court, Georgian National Regulation Commission and other Governmental Agencies in resolution of similar issues.

Since financial independence is still an unresolved problem for many Media editions, the issue of financing remains a subject of disputes and discussion. “At present, one of the main issues of concern on freedom of expression in Georgia is how the overlap of media ownership and political interests might affect media independence and diversity”, – is said in the evaluative

document of the Nongovernmental Organization for human rights and free opinion monitoring (ARTICLE 19, 2005).

There were made some changes in Tax Code in order to facilitate development of Media and its financial independence. According to these changes the printed Media is exempt from surtax for profit from selling and advertisement. But one is to create a progressive legislative base and another is to implement it in practice. There is an uneven picture in regard of legal protection of the right to freedom of expression in recent years. There are cases when journalists oppose the Government or, on the contrary, the Government opposes journalists. However it also happens that journalists oppose journalists and sometimes the cases are tried and sometimes opposing parties limit themselves with just threatening each other with suing. This case is a clear example of how important is for a journalist to know legal norms to protect own legitimate rights regardless of what is the sentence of the court and regardless of how defective and inappropriate is the legislative base.

Of course, list of conflict situations due to journalistic activities may be very long, but looking at just few of them gives enough material to learn about tradition of legal protection of freedom of speech and familiarization of journalists with legal aspects of Media in Georgia; also to understand what kind of conflict situations may arise due to journalistic activities and how ready are Media representatives to protect their own rights, since decisive is not only to adopt democratic laws but also to use them in practice and interpret accordingly. Creation of practice of legal protection of rights guaranteed by law depends on journalists' readiness to protect their own rights.

## Chapter VI

### Range of Ethical Problems of Journalistic Activities

Effectiveness of means of mass information activities supposes its influence on the audience, definition of its activities – when social institutions undertake certain measures as a result of Media influence. Effectiveness of means of mass information depends on precise fulfillment of functions of journalism, adherence to its principles, loyalty, compliance with ethical norms and professional skills.

Media has a great role in perception of the World, in establishment of dynamic relationship between society and individual and keeping of social balance, but at the same time it has a dramatic strength since it can become an asset of manipulation with minds. Market realities impact contemporary journalism (this is fight for survival, that causes competitiveness) and globalization of informational processes, when due to the influence of increasing informational industry national singularity is being lost, common and every day practice become wheeler-dealer activities, chase for sensations, lack of principles and mass culture (art that is trivial and easy for perception and understanding), when border between real and ideal, available and permissive is lost...

Based on the fact that protection of freedom of Media as an indivisible part of democratic society is of great importance and considering huge influence that it has on the society, more and more important becomes the issue of Media ethics and self regulation. It is here that the balance between its freedom and regulation of it; it is unimaginable without understanding of interrelation between freedom and responsibility. This is primarily responsibility of journalists to execute the main function of journalism – service of society in conditions of freedom with recognized necessity i. e. responsibility.

Issues of professional ethics belong to the fundamental problems of means of mass information. This supposes answering questions of great importance like: what are the goals of journalism? What is the role and responsibility of a journalist? What shall be a critical information? etc.

Trends that are there today in contemporary journalism make us think more about the responsibility of a journalist. While executing the professional responsibility, Media workers must understand that ethical issues are primary. Performance of the Press and Media functions



depends on this. Without this freedom will turn into anarchy and influence of journalism in establishing of social opinion will decrease.

While speaking about ethical problems it is to be defined who is a journalist primarily responsible to: editorial office, social group or an individual? When making conclusion we have to keep in mind all the burden of responsibilities that is divided into five categories by American journalist and the Press ideologists:

1) Responsibility to each other. In this case all have to act according to their conscience; we have to remember that careerism makes people to act following their personal interests;

2) Responsibility to subscribers. Journalist has to take into consideration those people who support the edition and pay a certain amount of money as subscribers. Here is another issue – does a journalist has less responsibility to the part of audience that do not pay for this or that type of Media?

3) Responsibility to the organization or firm. It often happens that the policy of a company is unjustified and its bearers act in a wrong way, but in any case, journalist's behavior has to be ethically acceptable... Young Media worker has to adhere to the regulations of editorial office, but primarily he has to be in accordance with legal norms; however, acting like this he may oppose the company leadership and specific individuals. In the West, responsibility of a journalist to firm, organization or company is primary and above other responsibilities – meaning responsibility to private individuals or justice.

4) Responsibility to colleagues. The primary responsibility of journalists is not only preparation of reportage on the highest professional level, but adheres to ethical norms of relationship with colleagues.

5) Responsibility to the society. Issue of confidentiality is connected with the desire of the society to know as much as possible about this or that person. “Right of the society to receive information” became a slogan of journalism, advertising agencies have to keep in mind while advertising tobacco the damage to people's health that it causes. It is natural, that responsibility of these firms to the society is very high.

Often the term “Social responsibility” is understood in a wrong way. For example, when speaking about the society connected issues that require responsibility the following aspects are to be considered: status of children, rights of minorities and demands of citizens. Of course, market principles intrude into Media field too and demands and interests of customers are to be paid more attention to. So, social, as well as ethical responsibility includes also commercial part. Today Media has realized the social responsibility that they have to the society. It is seen in news, advertisements, entertainment programs, public relations, etc.

When speaking of ethical principles first of all we have to take into consideration what social group or individual take part in resolution of a disputable situation and what ethical norms do they adhere to. The decision maker can be any leader – editor or responsible secretary who is in control of reporters, or producers of entertainment programs who often forget about their responsibility to the society when preparing their programs. Naturally, the question will arise: interests of what part are more important and how will this interests be taken into consideration? Who is to take more responsibility a person or a society? It is not arguable that burdening all the responsibility on just one person or group is unjustified. Each individual is a member of a society and has certain responsibilities. A separate firm and social institution also are bearers of their share of responsibility. Individuals are always to be considered in a social context since they unite in definite organizations and have to bear responsibility that these organizations have. Eventually, as observation has shown, individuals are punished for irresponsibility. We meet ethical problems in every day life. Environment impacts our behavior since being determines our consciousness. Day-to-day reality has its own demands stressed activity rhythm makes us to make quick decisions in crisis environment. How ethical are we today? How much do we take into consideration interests of those around us and think about our behavior? Means of mass information that form social opinion have to gain trust of people. Is the decision that Media makes ethically justified? How ethical and objective is a journalist to a respondent? If journalists just cover gossips and make sensations to gain popularity than the Media authority is significantly decreased.

Journalist's ethic includes certain rules and prohibitions. Violation of norms of behavior based on professional ethics and ethical principles is reproached by social opinion. "Based on the universal ethical principle and due to labor distribution and peculiarities of each profession professional ethics is established that includes regulations for the field of relationship where a person's professional activities lie. The main idea of this is that people should provide the better possible performance within their profession" (Gagoshidze, 1996, p. 146).

Besides journalistic ethics there is medical, pedagogical and legal ethics. They are not officially recognized and make unwritten law on the norms of behavior. Journalist's own conscience is the primary controller and evaluator in addition to legal laws. Here we deal with the professional ethics, i. e. the Code of Honor.

"From Norway to South Africa, from Japan to Turkey, from Canada to Chile – in most of the countries where the political regimes are not dictatorial, there is at least one ethic code of the Press. Ethic codes have different titles in different countries. These are: Code of Honor, Code of Behavior, Code of Practice and Deontology – in Latin countries; in some countries it is

referenced as Law of Journalism, Journalists Charter, List of principles, Declaration of Journalists Rights and Responsibilities, etc.” (Bertran, 2004, p. 57). These ethical codes regulate professional activities of journalists, their relationship with colleagues, governmental representatives and other members of the society. Another question is how accurate are they in adherence to these rules and laws that have no legal force. What are the ethic codes focused most of all?

In terms of familiarization with European practice of self-regulation mechanisms the work of the Institute of Freedom “Journalistic Ethics and Mechanisms of Self-regulation” published in 2003 is to be mentioned. In this work annotation of Ethic Codes acting in European countries and basic provisions that unite them are given. These are separation of information and comment, justice and equity, accuracy of facts, source of information, correction, respect of different opinions, privacy, secret records, under-age issues, judicial proceedings, criminal news, personal profit, conflict of interests, copyright, advertisement, interview, photographs, titles, social opinion research, etc. Accordingly we can imagine about range of ethical problems that European journalists have and the issues that journalists have to pay attention in their professional activities. Also we can get familiar with the Declaration of the International Federation of Journalists on the principles of behavior of journalists that says that primary obligation of journalist is respect of truth as well as respect of the right of society to receive the truth. All the provisions are based on this basic one and neglecting of it makes the above list (*Journalistic Ethics... 2003*).

In terms of history of self-regulation mechanism in Georgia it is to be said that in 1998 the newspaper “Dilis Gazeti” received its own Code of Ethics that imposed more responsibility on journalists during their professional performance. On the last page of the newspaper there was a statement of the editorial office that said: “the authors of articles published in the newspaper are responsible for the accuracy of brought facts, citations, names, economical-statistical and other data as well as for the publishing of materials that might be unreasonable... In terms of discussion the editorial office may publish letters that it does not agree with the opinion of authors” (Editorial Statement, 2000, p.24). This statement itself indicates the circumstance that the newspaper shifted all the responsibility to journalists and increased their responsibility in terms of accuracy of facts, checking the source of information and keeping variety.

Today, how surprising this can be, no large-circulation newspaper published in Tbilisi has own Code of Ethics. It is not a legal requirement for the printed Media, however, several regional newspapers do have Code of Ethics, for example, newspapers “Batumelebi”, “Guria

News” (the Code of Ethics of this newspaper is given on the second page of each edition), “Chemi Kharagauli”, “Akhali Gazeti” (Kutaisi), “Guriis Moambe” and “Samtrediis Moambe”.

The process of development of Codes of Ethics by periodicals is still going on. For example, in November 2008, Center of Social Sciences held a working meeting with regional journalists that aimed for development of ethical norms. One of the organizers of the meeting, Media expert Ia Antadze stated: “the Law is very liberal that grants advantages to journalists. On the one hand this is good, but on the other hand it is necessary that responsible journalists establish a mechanism and voluntarily limit their rights in order to gain more trust from the society. Based on the fact that the issue of responsibility of regional journalists is important, they were the initiators of working on the establishment of ethical principles” (*Regional Journalists Develop...*, 2008). By the end of the meeting, journalists accepted the text of appeal to colleagues and asked them to take part in establishment of norms of ethics.

Speaking of issues of professional standards and Media ethics also went on at another meeting held with regional journalists in Signaghi in October, 2008. The matter of discussion was rhetoric of hatred used by journalists when reporting of conflicts expressed in the phrases like following: “separatist Ossetians”, “aggressor Russians”, “robber and monkey Northern enemies” that deepen the conflict even more. Journalist Thea Tedliashvili said: “Years ago, when the editorial office of “New York Times” burned in the United States, the journalists of this newspaper wrote article based only on the evidence received from the citizens, who witnessed it and information received from police. Journalists of “New York Times” managed to bring witnesses of different people to make their news more trustworthy. By the way, more than a half of the journalists of this newspaper were eyewitness of the fire, but none of them were mentioned in the article. This example shows that a journalist has to do the best to support the brought facts with as many evidences as possible” (Tsitsikashvili, 2008). We can bring many examples of non ethical language of journalists, or a “Yellow style” as Givi Tevzadze calls it. When speaking of ethical norms of Georgian Media and steps of development of printed Media, he says that “... there were articles of different style and excitement next to each other in on and the same newspaper – starting from analytical and ended with completely “yellow” style of writing... Different was the style not only within the newspaper but within one article” (Tevzadze, 2003, p. 21). Clear examples of it are the two materials published in the newspaper “Akhali Taoba” on January 14, 2001: “How did Guram Absandze steal kilograms eggs, wheat, sugar and furniture” with subtitle – “Who is “the hoofed” – Guram Absandze, Loti Kobalia or the Prosecutor’s Office?” (Meparishvili, 2001, p. 7) and “A Georgian has never been a slave, we have eternal values” with subtitle – “One can feel the past reserved at the theatre” (Pridonashvili,

2001, p. 8). It is to be said that these two articles were published on the two pages of one and the same sheet and different journalistic language, emotion, style, starting from the title through the contents clearly proves the above mentioned trend.

What about the broadcasting companies, today only Public Broadcaster has accepted the Code of Ethics that is a legal obligation. Primarily the public channel adopted the “Media Professional Standards”, developed by the Institute of Freedom the main provisions of which are: separation of information, opinion and comment; source of information; right of response and correction; discrimination; privacy; under-age issues; obtaining of the information; judicial proceedings; criminal news; personal profit/ lucre; conflict of interests; copyright; advertisement; social opinion research; photographs (*Media Professional Standard*, 2002).

As it is seen, the Institute of Freedom used basic provisions given in the Codes of Ethics of European countries when developing this document.

Speaking about guaranties for protection of Freedom of Speech and ethical obligations of Journalists to the society, great interest was always caused by opinions and evaluations of those international experts who established their opinion based on relationship with the source of origin – Georgian Media.

For example, Director of the Project “Promedia-Georgia” Robert Ortega stated that the International Center of Professional Journalists started to work in Georgia when the level of journalism here was “below zero” that primarily was expressed in the lack of the basic skills, neglecting of Media ethics norms and responsibility to the society. All this was mixed with so called “bitter Georgian reality” that gave Georgian journalists possibility to justify common low level of Media development (ICPJ, 2001).

Theresa Thielen, who was the Executive Director of the project, before Robert Ortega would come to Georgia, characterized Georgian journalism and its vulnerabilities to him in the following way: "It's professional will, or more precisely, the lack of it. In working with young and not so young reporters and editors I have sadly concluded that the motivations for becoming a journalist that we in the West take for granted – the desire to expose the truth, to give the public accurate information, to write about things that are important - are fundamentally lacking in many Georgian journalists. An appalling number of young reporters work at newspapers because they think it's easy, it feeds their ego, or they can't do anything else... Good journalism is not highly rewarded yet in Tbilisi. Rumor-mongering is. This is a huge hurdle to achieving Western-style professionalism" (ICPJ, 2001, p.3).

For understanding of how foreign experts involved in this program characterize Georgian Media, opinion, expressed in the final part of the Project report is enough. By their opinion,

Georgian Media was a deal, often times financial, between journalist, Media edition and some public official or wealthy sponsor having convenient information to spread. In this case the society was completely neglected and the main goal of journalism – service of society – was unknown for Georgian Media. According was the trust, to say better, distrust of the society...

“Barometer of readers’ trust in Georgia is still those 50 tetri (may be more or less), that customer pays for newspaper. Finally, each 50 tetri define number of copies of the edition and the number of copies is not high in Georgia that should be a primary signal for Media to start care for establishment of professional Standard and self-regulation; take into account not only those, about whom they write but also those, for whom they write” (“Journalists’ Ethics...“, 2003, p.3-4). This distrust intensifies range of problems of Media ethics, underlines necessity of increasing of professional standards and also of creating of a system of responsibility and obligations to the society. This negatively affects Media – low quality causes distrust that conditions low demand; i.e. quality defines economics and on the contrary, and finally everybody are damaged – Media, society and government; for no one to be damaged, there should be a continuous increase of journalists responsibility, especially this will increase trust of journalistic activities from the society and the government.

Need for existence of Codes of Ethics themselves and mechanisms of self-regulation indicates the intensity of the problem. Contemporary journalists pay more and more attention to the ethical problems, think about the effect of each word and action realize what journalists’ ethics means and how important it are the problems connected with it for the modern journalist.

Journalists have to purposively and thoughtfully think about their mission, since caring for settlement of the ethical problems will promote establishment of the positive image of Media and increase of trust. May be overcoming of this difficulty is connected with many obstacles, since for journalists who are focused on their ambitions and satisfaction of their personal desires and think only about their welfare, it is very difficult to realize that the excusatory phrase “society has the right to know” sounds too cynical in comparison with the mission that has each representative of this profession. If Media turns to be the main ideologist of the country – it has to obey certain rules and laws; if it wants to have a role of a judge – it has to know that it means accountability to certain institutions; if it wants to speak in name of people – it has to prove that it deserves respect of the people.

And, finally, achievement of desirable result is only possible when journalists as representatives of united group take a break when working on “invented-created” stories and think for a second that academic journalism means respect of ethical principles.

## Conclusions

**Historical Aspects.** It is necessary to find out what was the way of slogan of freedom of speech starting from the Middle Centuries till present, what changes were made to it on the different stages of history and how it was implemented, in order to study deontological aspects of freedom of speech and before we start speaking about contemporary system of accountability and responsibility. Based on the research of actual and theoretical data, it becomes clear that despite permanent actuality and acuteness of this problem and taking into consideration that Media always have had and has at present an important role in development of social life, there were different approaches to this issue in the past and at present.

Reviewing all the above mentioned questions and taking into consideration experience gained in a fight against censorship, we conclude that the demand for freedom of the Press of that time meant to change the dominating ideas with more progressive ones, that was intolerant to anything except own considerations. The Press as a fighting tool and a mean of expression of interests of different social layers was biased based on these interests. Whereas in contemporary terms freedom of speech means existence of different ideas and respect of different opinions; and this must not be surprising since contemporary attitude towards freedom of speech is conditioned by centuries old experience, consideration of mistakes and development of social life.

Philosophical treatises about freedom of the Press that prepared a base for establishment of the contemporary political theory of Media once again prove the truth that it is impossible to research the contemporary problems without review of historical events and document data. That is why it is important to show examples of those countries where the fight for the freedom of the Press was the most powerful and introduce works and polemical letters that were created as a result of this fight.

**Philosophical Aspects.** Philosophical perception, definition and explanation of freedom of speech are connected with its historical aspect. Long lasting Euro-American revolutions that had Freedom of Speech as one of their main slogan, especially in the 18<sup>th</sup> century established innovative considerations of limitation of state censorship that are given as philosophical treatises. As it was mentioned in the Introduction, we use the term “Freedom of Press” when we speak of them, since the contemporary understanding of freedom of speech was equal to freedom of printed Media in the past.

It is important to familiarize with the first substantiated arguments for the need of limitation of censorship. They base on various and different philosophical views and what's

important – they prepared a ground for establishment of the contemporary political theory of Media...

Before establishment of philosophical theories of freedom of the Press very interesting works were created about subject of freedom in general and about freedom as philosophical category of recognized necessity. On the base of these philosophical views we can say – the freer is a reasoning of any issue, the more it should be connected with necessity. Irresponsible, unreasoned action and decisions are in objective regularity harmful not only for a person but for the whole society as well, especially in cases when it comes to professional duties of journalists. That is why they have to fully share the idea that they have huge responsibility to the society. Absolute freedom is possible only when it fully involves responsibility and only activities of a person who shares great responsibility can be called free.

Discussion of the basic provisions of philosophical theories developed in England in the 18<sup>th</sup> century and at the same time reviewing theories of the Press that were developed by contemporary Media researchers and then the theory of social responsibility, added to them, makes clear the fact that it is impossible to speak about the freedom of speech without taking its deontological aspects into consideration. That is why the historical facts and documents, and contemporary approaches based on those and existing relevant problems, make unified complex picture and once more prove the need for high professional standard for journalists.

**Economical Aspects.** It also has to be mentioned here that it is very important to study the existing trends connected with the freedom of speech in the countries of the post Soviet space for better understanding of the issue. The topicality of the issue is also conditioned with the fact that Media that was freed from suppression of the Party ideology changed the form of dependence and that is why researchers now speak about mythology of freedom and its limitation... In accordance with the existing myth about freedom, Media is as free and independent as possible and acceptable in the developed political cultures.

Research of modern aspects of freedom of speech logically brings us to the spectrum of issues as wide as levers of influence on Media and economical aspects of freedom of speech as a mean of influence on the Media, Post Soviet space trends of relationship between Media and State.

The fact that the means of mass information have always been and are now a tool of influence on human mentality in the hands of those who own and control them, does not need to be proved. At the same time it is indisputable that the influence of Media on the mood and mentality of a hearer, spectator or reader is as possible as these people can be influenced... But if we word the above consideration in a different way, we come up to the idea that the means of



mass information always in any time and country were conductors of the ideas of their owners and sponsors and accordingly expressed their considerations and wishes.

Based on this we conclude that to limit power of the State Office, eradicate corruption and weaken dependence of Media on its owners, it is necessary to limit and distribute the right of management and the development of Media management is added to it. This, first of all, is necessary for the solution of problems that we face and for democratization of means of mass information. In opposite case we shall have a substitute freedom of Media where Media just changes the form of dependence.

**Media and State.** In the conditions of dictatorship Media was a mouthpiece of the Party dictatorship, the clear example of this is the Communist regime of recent years. While in democratic countries freedom of speech is a guarantee of civilized and democratic state and the State itself – a guarantor of protection of this freedom. This relationship defines mutual responsibility between Media and State that finally is reflected as a responsibility to the society. Even in the most democratic country, freedom of speech does not free any layer of the society from moral responsibility – neither Media that can fully function depending on the rate of freedom, nor Government that has to be its primary protector.

Solution of the multi-aspect objective while deontological research was conditioned by the objective reality that in the nearest past fight for freedom of the State was reflected on the freedom of speech and they became nearly identical... These processes were more or less painful everywhere but still there are alike trends in the post Soviet countries. The review of these trends and their adaptation to the reality of Georgia, speaking about collisions between Media and the State, bringing together issues of the history and philosophy of freedom of speech and legal and ethical norms, gives possibility of scalable review of the topic. And this gives the right to say that only the Media that functions in conditions of recognized necessity, complies with high professional standards, has accurate knowledge of legal and ethical norms, will be able to play a role of the Fourth Estate and “control” the Government in order to protect the interests of the country and the society.

On its own side, the State, as a guarantor of the democratic development of the country shall create a legal base where freedom of speech is accordingly protected and the rights of journalists are inviolable, since free functioning of Media and security of professional activities of journalists must be a part of the State interests.

Even in case of existence of unified system of mutual responsibility and accountability, as a result of such collaboration of the both parties of the social agreement – Government and Media will be in the service not of their private, but of public, even more the State interests that

can be considered as an ideal model of such relations. Only this can be desirable prospect of future development of Media when besides accurate knowledge of the regulatory mechanisms there is a demand of Media for self-regulation and willing limitation of freedom. Increase of professional standards and service of the society are the expected results of this.

**Legal and Ethical Aspect.** Political control is changed with legal regulation in the conditions of democracy. That is why when speaking of deontological aspects of freedom of speech the legal norms that regulate the functioning of Media are to be taken into consideration, whether these are international documents, the Constitution of the country or other legal acts. The way that a society passes during democratic transformation clearly reflects the logical development of a country in terms of respect of freedom of speech as well. This is primarily reflected in the much more perfect legal norms. And in Georgia this trend was implemented as the most liberal Law on Freedom of Expression in Europe.

The jurisdiction on the freedom of expression in Georgia offers many examples of realization and interpretation of the Law and gives an idea of how well do journalists know the legal norms that regulate their activities that in often cases makes an inauspicious picture; since not only passing of democratic laws is of decisive importance but also their practical use and according interpretation. Creation of legal protection of the rights guaranteed by the Law, first of all depends on the readiness of journalists to protect their own rights.

Research of the deontological aspects of freedom of speech is unimaginable without study of ethical problems of journalists' activities and mechanisms of self-regulation. Not only full impartiality and equal availability of Media makes a challenge of democracy in the developing countries. Issue of journalists making decisions according to the professional standards and based on their conscious that means general professionalism, is still a problem. Freedom of sharing opinions means a dialogue with selves, listening to each other and civilized conversation and not an incorrect, or as it is often worded, malicious use of freedom and unlimited use of rights given by liberal legislation. A journalist must be on the head of position and the value of his word must as big as convincing this word sounds for the public.

The rate of trust for journalists is high only in the case if there is an ethical frame based on the voluntary treaty with the society that finally protects not only the interests of the society but also of journalists themselves. Limitation of the rights given by the Law by the ethical norms and using of these very rights by journalists increases trust towards media and makes journalist's word more convincing. In opposite case journalists are distrusted by those, whom journalist should primarily provide with information that makes their main function and goal of activities.

Based on these very factors I deemed complex discussion of freedom of speech and journalists' ethics to be necessary in this work. It can be said as a conclusion that the primary obligation and social function of Media that means protection of the interests of the society and providing it with the objective information also includes social responsibility. Familiarization with historical and contemporary realities, with difficult fight for freedom of speech and present challenges makes clear that responsibility equalized with freedom of Media and functioning with recognized necessity – accountability and duty gives it the true freedom. In this very case will Media be able to make its own input to the evolutionary development of the democratic, open, educated country based on justice and oriented on the universal values.

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