

Right of Freedom of Speech and Public Media Power (I & II) The U.S. and China's Perspective

Mainstream Media and Organic Views
Dr. Wordman

Generally people have a quite uniform definition of 'Freedom of Speech' and 'Public Media', but when the word, 'right' or 'power' or 'influence' is added to the two phrases, then people's interpretation differs a lot, especially from the U.S. and China's perspective. This is because the political, economic and social environments are different in the two countries that have cultivated different beliefs in terms of legal and moral views. However, in today's global human society, it is the right of freedom of speech and the power of public media that are the critical concepts which must be understood not only from one's own perspective but also from other people's perspective in order to maintain a harmonic and inclusive global society. We are now living in a "bipolar world" led by the U.S. and China and influenced by the philosophy and culture of the Western world and Eastern world. For the two half-worlds to live peacefully with fair competition, one of the most important criteria is to understand and respect each side's definition of the right of freedom of speech and media power and influence. This article is tempting to analyze those definitions and differences so that we may accept and respect each other's views to live in a harmonic and inclusive world.

Freedom of speech is one of the basic human rights well defined in UN and many international declarations, some legally binding. But this concept was originated many centuries ago, in the West going back to Ancient Greek (BC510-BC323) and Roman era (BC509-BC27) and defined in modern times in the British Constitution (1689 Bill of Rights) and French Declaration (1789 Rights of Man and Citizens declared in French Revolution). Article 11 in the French Declaration stated: Free communication of ideas and opinions is a basic human right, so every citizen has the right to speak, write and print but must be responsible for using these rights. Article 19 in the UN Human Rights Declaration (1948) defined: "everyone shall have the right to hold opinions without interference" and "the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice", later with amendments stating that the exercise of these rights carries "special duties and responsibilities" and may "therefore be subject to certain restrictions". Since British poet,

intellectual, government worker John Milton (1608-1674) published essays on right of freedom of speech in multiple languages, this right has been well accepted in the West and extended to every medium, speech, print, television, and Internet not only on content and expression but also on means to search, receive, transmit and broadcast.

The evolution of freedom of speech in the East was often not understood even confused by people, especially self-claimed Human Rights advocates in the West. Freedom of speech in Asia and Africa was lost during the colonial era owing to the colonial occupation by the Western power, but the concept had long existed in the East. Limited by space, we shall limit our discussion to the Chinese history. Like the West, China was ruled by royal power until the beginning of the 20th century, then turning to Republic systems. However, China's written history is much longer than the Western; one unique feature in the Chinese history was that the royal power had to respect the independence of the historians even when they were appointed by the Kings to record history, a firm notion of freedom of speech existed ever since China had recorded history. We will let historians do the verification of the earliest time that freedom of speech was originated in China, Here we will only trace back to Chun Qiu Era (BC770-BC403), when Chinese philosophers and scholars were in a state of blossoming (百家齊放), hundreds of scholars (different schools) expressing and promoting their ideas and philosophies freely (enjoying freedom of speech). The most famous philosopher and educator, Confucius (BC551-BC471), familiar to the Western scholars, was one of those blooming scholars.

When China established her Republic nation (Republic of China 1912 and People's Republic of China 1949), their constitutions all contained clear definition of citizens' Freedom of Speech. For example, Article 35 in the PRC's constitution states: "PRC citizens have freedom of speech, print, meeting, organization, demonstration and protest". In Chinese history such freedoms have been suppressed. During Qin dynasty (BC221-207), its first Emperor (秦始皇) had ordered to burn all books and prosecuted all scholars of different schools except the "legalist" school, scholars believing in using strict laws to rule the country. Later, Han dynasty made a reversal, forbidding all schools except Confucianism, then Ming and Qing dynasties all had dark periods suppressing literature and intellectuals the emperors did not like. Even during the People's Republic period, a crazy culture revolution (1966-1976) had trampled the constitutional right of freedom of speech by applying pure political belief over academic or historical views. During the ancient Chinese dynasties, the suppression of freedom of speech

was purely for keeping the royal family in power, hence the emperors tend to suppress education and academic freedom, especially controlling intellectuals. Whereas the cultural revolution was a release of anger towards the traditions instilled by the royal power. Its outbreak was rather sad. Fortunately, that episode had been identified and interpreted as a mistake. At present time, the constitutional right of freedom of speech is rigorously upheld.

The modern China advocates people's power or citizens' power, hence the PRC government understands that suppressing education (keeping citizens uneducated) is a suicide policy in the competitive world. The Chinese government's effort in raising educational level has panned out with great achievements, not only in lifting poverty in China but also made great strides in many domains, leading in several science and technology fields such as Internet applications and space research. In today's advanced communication environment, freedom of speech received a natural boost, comparing the ancient 'blooming' period limited in speech and hand written books. Today, speech, in the broadest sense including multimedia and support evidence, has the speed of 'missile' and can target world-wide audience with no technical hindrance. Desire of expression is a human nature, thus suppressing freedom of speech is against human nature. However, human nature is not perfect without evil thoughts and sinful behavior. The policy of elevating education and advancing communication technologies are great for freedom of speech, but unfortunately, they have also inflamed the evil part of human nature as evidenced by the crimes affecting innocent people. On this serious issue, the perspectives of the U.S. and China are different loaded with misunderstanding. The U.S. government accuses China in controlling her media by restricting access and censoring content. China accuses the U.S. letting pornography and evil materials flooding the world damaging morality and social stability. Young people are misled to commit crimes, directly or indirectly influenced by bad media driven by profits. This fundamental difference in logical thinking leads to the different attitude, policy and legal control of freedom of speech and media influence.

(To be continued)

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There is no argument that media has power and influence. When a thought or opinion is broadly circulated, then it is likely to be widely accepted. In the ancient times, the broadly and the widely circulations were limited by technology, thus they were easy for emperors to exercise control. With today's technology, multi-media in speech, print, transmit and broadcast can easily gain quantity and speed advantages as well cost savings using digital media technology. So today, freedom of speech is multifaceted and amplified. so long one has funds, one can have a very broad influence through media. The funds needed are for creating content, acquiring access and maintaining a steady flow of the multi-faceted 'speech'. The U.S. is a nation governed more by law than ethics or morality. Thus the management of freedom of speech and media operation is strictly by law. Since law can hardly anticipate the advances of technology, the changes in society fabric and standards of morality, it has little preventive means to stop any misuse of freedom of speech or any budding crime except applying punishment after crimes have been committed. These punishments only generate regrets but not any solution preventing crime. China, on the other hand, has a long tradition that places morality and ethics on a higher place sometimes even above the law, especially on the power of media and its influence. Therefore, China focuses more on prevention of ill consequences both on misuse of freedom of speech as well as media influence, thinking ahead of possible crimes. Of course, any control or management method employed will definitely affect the right of freedom of speech and the extent of media power. China's logic is that if the motivation and purpose is to prevent crime for the benefit of the people, then the small sacrifice in speech and media rights is justified. This line of thinking can be seen in China's management of media in contrast to the U.S. practice.

First, let's take a mass murder case happened in a US city. It was (post-crime) determined that the crime was motivated by a 'hate website' promoting hate between society groups. The planning of the mass murder was learned from a website detailing such knowledge. The weapons were acquired through e-Commerce website facilitating loop holes for making such purchases. Although the

criminal was caught at the end but the victims were dead and all the ‘accomplice’ in the crime were protected under the freedom of speech and media law. Another example is related to election. The 2020 presidential election in Taiwan is in the heat with the incumbent (Tsai of DPP party) trying desperately to get re-elected. The media just revealed that DPP has hired an ‘Internet Army’ to acquire social media accounts to report false news to smear Tsai’s opponent. The Internet army continues to promote and comment on the fake news to make the opponent spending all his time and energy cleaning the smear. The entire paid ‘Internet army’ is protected under the right of the freedom of speech making a profitable career out of this smearing attack. The hired ‘Internet army’ also goes to the opponent’s website to dump ‘garbage’, creating a false image to influence opinion polls. Thus despite of Tsai’s ineffective administration, scandal of fake degree and dissertation, and corruption in the presidential inner circles, her opinion polls still miraculously rise over her opponent’s. Obviously, any prosecution of such a crime will be too late for saving an honest and fair election.

China’s control and management of Chinese media has always been an attack topic for the U.S. media which are owned by private corporations. China’s major media are SOEs. China seems to be taking a righteous position defending her actions regarding making regulations on freedom of speech and media behavior. Most recently, China News published a list of guidelines prohibiting a bunch of words to be used in news reporting. This is unthinkable in the U.S. but China News published the undesirable words in five categories: 1. Political and social, 2. Legal and law, 3. Race and religion, 4. Hong Kong, Macao and Taiwan and 5. International relations. What we can gather, the proposed measure was motivated from maintaining fair human rights and protecting sovereignty rights. Obviously, China News is hoping to influence the Chinese media to curb the use of ‘foul’ words which may cause social, racial and national division. In contrast, the U.S. permits very liberal rights of freedom of speech and media behavior, thus we can see news report regarding burning a gay flag as a hate crime and burning the U.S. national flag as freedom of speech. The Chinese would consider this a disrespect or even a crime against the nation just like they regard the American stand-up comedians making insulting jokes about their mother-in-laws as distasteful or immoral; and yet Americans enjoy those insulting jokes sometimes laughing hysterically. These examples can certainly illustrate the different perspectives of the U.S. and China regarding the right of freedom of speech and media behavior.

Media right and media power are the soft power of the nation. They should not be overlooked. However, the media power or influence can not be shared equally or fairly by every citizen. China can not do it, the U.S. can not do it as well. The

media power is only effective when it is concentrated and coordinated. The media in the U.S. are concentrated in the hands of a few corporations and money people. China's media are largely SOEs. As communication technologies are advanced, citizens gain more in freedom of speech as means, tools and costs are easily affordable. Citizens also receive far more information to the point individuals are not able to cope or handle them. Therefore, demanding broader freedom of speech and media access (comes with negative and damaging information and behavior) does not make any sense. Rather, the citizens should demand more regulations to prevent crime and to protect privacy which ultimately are beneficial to citizens, society and the nation. Today, citizens have adequate freedom of speech through social media and various technologies, but more vulnerable to negative forces (fake news, hackers, scams etc.) because of lack of regulation. We can expect as we move into the 5G era or soon 10G era, we shall gain more freedom of speech and media access and influence, but are we going to be safer from the negative forces? The above cited media crime examples will only suggest that more crimes will occur if we don't establish any preventive measures soon.