

## **The Myth of Media Freedom in Lebanon**

Nabil Dajani

### **Introduction**

In the late 1970s, efforts to establish a more equal and balanced flow of information and communication between developed and developing nations were embodied in the New World Information and Communication Order (NWICO). Supported and promoted by UNESCO, its recommendations were adopted by the UN general assembly. Although not legally binding and far from implementation, the US withdrew from UNESCO over the issue, claiming that NWICO sought to restrict freedom of the press through regulation. This example of the West protecting the rights of corporate media and private sector dominance of the flow of communication brings to mind the history of media and mass communications in Lebanon where a uniquely unequal and imbalanced flow of information exists to serve mostly corporate and sectarian interests in the name of freedom of the media.

The Lebanese media, often hailed as the freest in the region, have in fact failed to contribute to national development. None of the hundreds of Lebanese media institutions or outlets speak for all Lebanon; instead, each medium operates as a voice for a political or sectarian faction, reinforcing and encouraging divisions in society. Much as the tenets of NWICO sought the equalization of the flow of information between nations, so must there be an effort within Lebanon to establish a balance among public, private and government interests, between the rich and the poor, the ruler and the ruled, the powerful and the weak, and the minorities and the majority.

### **The Media in Lebanon**

It is often stated that that the Lebanese media are the most free in the Arab region, yet I will argue that this is a myth.<sup>1</sup> Freedom of the media in Lebanon is restricted, as it is in other Arab countries, but the difference is that the restrictions have their origins in Lebanon's sectarian and financial structures rather than in the government. The Lebanese media are relatively free from government interference because Lebanon does not have a "real" government but rather a coalition of tribal-sectarian "bosses" or financiers. The power and influence of these bosses is usually greater than that of government institutions.

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<sup>1</sup> This is an edited and condensed version of a talk delivered on December 11, 2012 at the conference "Bioethics in the Media," sponsored by the Salim El-Hoss Bioethics and Professionalism Program at the American University of Beirut.

While Lebanon has relatively liberal laws regulating its media institutions, the application of these laws is selective. The print media still operate under a 1962 law, with a few later amendments, that was introduced by President Fuad Chehab. This law provided the press with a level of freedom with minimal formal state censorship. It established the limits within which the freedom of the press might be exercised. The actual implementation of these limits, however, was determined by the unique confessional nature of the Lebanese system of government.

Because of the sectarian nature of Lebanon and its media, the various media institutions usually focus exclusively on issues relevant to a particular religious sect rather than on those relevant to the larger Lebanese society. Furthermore, the total population of Lebanon is in itself too small to allow for the financial self-sufficiency of the 110 licensed political newspapers and a multitude of radio and television stations. Given the lack of financial self-sufficiency and the low salaries of the average newspaper journalist, media professionals and institutions are forced to seek outside subsidies.

The audiovisual media operate under a 1994 law that established a Higher Council for Audiovisual Media. This council is ineffective as its decisions are merely advisory and its ten members (five of whom are appointed by the Council of Ministers (i.e. the cabinet) and five of whom are elected by Parliament) are selected more for their sectarian affiliation than their media experience.

The serious problems affecting the Lebanese media are thus not related to excessive government controls. These media have always managed to “outsmart” the government by going around regulations and maintaining their freedom to operate. The main defect of the media lies in their inability to serve the genuine interests of the overall Lebanese society given the particular societal structures that regulate their organization, management and financing.

The historic tendency of Lebanese journalists to speak for specific sectarian groups and to promote sectarian interests led media institutions to concentrate more on commentary and opinion than on news and facts. This gave outside powers and interests the incentive to play active roles in the affairs of Lebanon through the media. Each media institution came to be looked upon as a representative and spokesperson for that group. Thus, Lebanese media institutions have accentuated differences in society. This characteristic became particularly apparent during the civil war and is obvious today in the media’s coverage of the fighting in Syria and its effect on the conflicting Lebanese groups. Any claim to objectivity made by the Lebanese media is to be viewed with skepticism.

The predisposition of the Lebanese media to speak for certain social, political and sectarian groups is reinforced by the structure of the media system. Lebanon has 110 licensed political publications serving a population of about four million. While circulation and audience figures are carefully guarded secrets, the assumption is that none of these publications sell more than 10,000 copies a day. The vast majority of Lebanese publications therefore cannot support

themselves from circulation and advertising revenue alone. The situation is similar with the audiovisual media. Since both print and audiovisual media outlets are not financially self-sufficient, they are predisposed to accept financial assistance from outside sources, including foreign entities, in exchange for editorial support.<sup>2</sup> This allows foreign and business interests to use the media as a vehicle by which to present their agendas and exert influence on internal and regional affairs. Indeed, handing out bribes to newspapers and journalists is commonly accepted as normal, and even justified by some on account of the poor salaries and lack of benefits available to journalists.

There are many examples of journalists and editors mounting spirited defenses of this system. A leading Lebanese publisher once announced at an open forum on media affairs that “the publisher who does not take bribes is an ass.”<sup>3</sup> At a conference in 2002 on the need for a code of media ethics, prominent journalist and current managing editor of the newspaper *al-Mustaqbal*, Faysal Salman, challenged the point of imposing a code of ethics on journalists in a fundamentally corrupt system. He said:

I’ve read the proposed code of ethics offered to Lebanese journalists, and by extension to the Arab world, and which we’re here to discuss and endorse. I’ve read it more than five times. And every time I felt my anger increasing a bit and decided to let you in on what occurred to me. I became convinced—and I may be wrong—that what we’ve listed in the code’s clauses has made us prophets or missionaries and we’ve written commandments, which we’re prepared to preach. I ask you, and ask myself to be more modest, and urge you to be objective and rational and to simplify matters and understand the reality we live in Lebanon and every Arab country....

We’re not here to one-up each other. We’re responsible men and women. Therefore, let’s be up to the challenge, and not go too far in dreaming up what’s unattainable... Why do you want me to fight the dragon? I won’t be able to defeat it. I first want to provide a plan to face the dragon, so where is the plan?... I urge you, once again, to review these clauses that I find insulting to journalists... Not everyone working in the media is guilty. We’re talking about all journalists here... Where’s the logic of having a journalist’s pay set at \$200 and you ask him to be an angel from heaven? This isn’t in defense of deviation, but a call for rationality, of objectivity.<sup>4</sup>

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<sup>2</sup> Baha’ Abu-Laban, “Factors in Social Control of the Press in Lebanon,” *Journalism and Mass Communications Quarterly* 43, no. 3 (1966): 514.

<sup>3</sup> Gibran Hayek, editor and publisher of *Lisan al-Hal*, a leading afternoon Beirut paper, at a seminar “Freedom of the Press in Lebanon,” Club of the Alumni Association of the American University of Beirut, January 24-25, 1974.

<sup>4</sup> Q & A session at the conference “Professional Ethics, Media Legislation and Freedom of Expression in Lebanon,” Lebanese American University, March 1-2, 2002.

Responding to Salman, the late president of the Lebanese Journalists Association Melhem Karam said, “What my colleague, Mr. Faysal Salman, said was frank. He said what every journalist must say.”

A more revealing (and recent) example of the attitude of some journalists came in the wake of the assassination of General Wessam al-Hassan, head of the Information Branch of the Internal Security Forces (I.S.F.) in October 2012.<sup>5</sup> Charles Ayoub, editor-in-chief of *Al-Diyar*, a newspaper generally aligned with Syria and Hezbollah, published a front-page account in which he described accepting financial assistance in return for taking a middle line in his paper’s coverage of two political alliances, the March 14th movement (Western-backed, anti-Syria) and the March 8th movement (pro-Syria). Here is an extract:

One day, the late Gen. Wessam al-Hassan called me to ask if my newspaper *Al-Diyar* could take a middle line between the March 8th and March 14th movements. I replied in the affirmative, so he asked me what March 8th would do [as a result of the paper’s shifting its loyalty]. I said that I stand by my principles as long as this doesn’t cause friction for me with March 8th. At the same time I can take a solid stand with you regarding March 14th. Prime Minister Hariri brought his hand to his chest and said “I will pay \$150,000 per month [for you] to advance the news of the Future Party [the largest member of the March 14th movement] and to not attack the March 14th movement in *Al-Diyar*.”

Of course, people talk about payments [to journalists] but they do not bear in mind that this is actually a kind of exchange that allows the publisher to pay salaries and cover the cost of paper and printing.

General al-Hassan...then informed me that Sheikh Saad Hariri is honest and that the amount will be lowered from \$150,000 to \$100,000 in return for truthful and positive news about March 14th to be extended over six pages in the newspaper.

Later, General al-Hassan called to ask me to come to the General Directorate of the Division of Information. He informed me that he had been in Paris and had met with Hariri and that they had decided to cancel the assistance. I asked why, but was given no answer except that Saad Hariri’s financial circumstances were tight. But [I said] *Al-Diyar* had honored its commitment to take a middle line between the two movements, and as a consequence its distribution dropped by two thousand copies. *Al-Diyar* had respected its deal to publish news of March 14th, and followed, to the word, General al-Hassan’s request to be a Christian “middle of the road” paper and not to oppose March 14th. This is what happened.

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<sup>5</sup> Al-Hassan was widely known for his ties to former Saad Hariri and his anti-Syrian coalition known as the March 14th movement.

I told [General al-Hassan] that I was surprised by the cutting off of funds since we had made no mistake. He said “It’s not matter of you having done the wrong thing. On the contrary, you were right. The issue is that Saad Hariri is in a difficult financial position.” I told him I was not convinced, and that [he] and Prime Minister Saad Hariri, as well as a third party that created conflict between us, were responsible for stopping the subsidy. You will see now what it feels like to have *Al-Diyar* opposing you [I said].

[This is how] I started my press campaign against the Future Party, Saad Hariri, and General al-Hassan, to make them comply with what they had agreed with me.<sup>6</sup>

This account should not be surprising, for Lebanon is essentially a country of services. Its historic economic role was, and continues to be, that of a middle man who provides a service transporting consumer goods from the West to Arab markets and participates in exploiting these markets. The prosperity of Lebanon after independence was neither the result nor the cause of genuine national development; it was the result of servicing interest groups. Lebanon’s role as an economic or political intermediary is still reflected in the country’s mass media (particularly the print media) which inevitably take on the agendas of those financing them.

Media institutions that advance interests other than their own sacrifice credibility for material profit. The chronic absence of a national consensus in Lebanon is to a large extent exacerbated by this state of affairs. Financial assistance, or other forms of subsidies, pours into Lebanese media from foreign embassies, companies and business firms and local groups, as well as the Lebanese government.<sup>7</sup> In return, the recipient institution is expected to propagate and support the policies of its subsidizer or patron.

The services rendered by Lebanese newspapers to their patrons can be classified into three general types: 1) complete editorial commitment and news slanted in favor of the patron, whether a country or group; 2) planting articles or “news” items that support and defend the patron or attack and defame its opponents, whether a group, country, policy, or official;<sup>8</sup> and 3) promotion of policies, often by holding contracts with more than one patron to promote more than one policy.

Subsidies for Lebanese papers come in a variety of forms. One consists of the patron government or group effectively renting out the entire publication for a yearly or monthly fee. Under this arrangement, the patron pays all production costs as well as staff salaries during the period of the contract.

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<sup>6</sup> *Al-Diyar*, November 3, 2012, “Who Governs Lebanon? Security officials or State or justice officials? A security source threatens revenge and says let he who has ears to listen.”

<sup>7</sup> This author had access to an official Ministry of Information list of secret payments made to several journalists and a payment voucher in the early 1970s for a prominent journalist.

<sup>8</sup> Punishment for libel is extremely mild in Lebanon.

Another form of subsidy is through payments to promote specific programs or causes. The amount of such payments depends on the patron but can be quite handsome, as was revealed during a 1967 press conference held by the former president of the Lebanese Publishers Association, Zuheir Osseiran. Osseiran was announcing his resignation from the presidency because of a disagreement with his cabinet members over a payment of one million Lebanese pounds (at that time worth \$200,000) that he had received from the late King Saud of Saudi Arabia. Osseiran claimed that the money was paid to him personally in return for promoting the image of the deposed king in the Arab world and that he would not share it with other members of the association. Osseiran also revealed that he had earlier distributed to Lebanese publishers another payment—which he claimed he could document—of \$100,000 from the former king.<sup>9</sup> Commenting on this incident at the time, the English daily newspaper *The Daily Star* remarked: “What was shocking about the million-pound deal is that none has questioned the principle; the outcry centered on why hasn’t the amount been shared among the various newspapers....”<sup>10</sup>

A similar public admission about a subsidy was made in 1962 when a publisher of a leading magazine reported that he had turned down an initial payment of \$200,000 from an Arab country to establish a newspaper in the first issue of which an exclusive interview with the president of that country was to appear. The publisher wrote that the initial payment had been delivered to him through that country’s embassy in Beirut, but that he had returned it “because daily journalism was not his specialty,” not because it was unethical. Instead, he recommended that the president in question give the money to another Lebanese publisher. “I am your soldier,” he reported telling the president, “but I prefer the work of weekly journalism.”<sup>11</sup>

Subsidies to journalists are also given indirectly through gifts of equipment or paper or in the form of salary payments; in some cases, payments are made to employees directly and without the knowledge of the media institution. This happens particularly when the institution is supposed to be neutral, as in the case of the government-run radio station and the government-supervised television station. These kinds of payments were exposed by another former president of the Lebanese Publishers Association, the late Riad Taha, at a press conference in 1973. Taha reported that “there are contracts and secret deals which link certain television announcers and non-Lebanese parties to promote the news of other countries,” thus insinuating that the Lebanese state is biased in its Arab and foreign policies.<sup>12</sup> Taha said that he had presented evidence of this to the government and television authorities, but no official statement was made in reply, nor has any action been taken by the authorities since then.

Yet another form of subsidy occurs through directing the advertising budgets of business firms toward papers of favorable political, sectarian or ethnic background. Most Lebanese newspapers

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<sup>9</sup> *An-Nahar*, March 1, 1967.

<sup>10</sup> *The Daily Star*, March 4, 1967.

<sup>11</sup> Lawzi, Salim, *Mabadi' Said Frayha al Wataniyyah* (“The Nationalistic Principles of Said Frayha”) *Al-Hawadith* 18, no. 882 (1973): 28.

<sup>12</sup> *Al-Anwar*, September, 7, 1973.

have large financial expenditures which can only be met through relatively large advertisement contracts or through high circulation figures. At a public forum in 1990, the Lebanese Minister of Information Ahmed Albert Mansour suggested that “concentrating” advertisements in a particular paper entitles a political group or personality to request the support of that paper in return.<sup>13</sup> Many companies selectively advertise on the basis of a paper’s editorial policy and the political identity of the editor.<sup>14</sup> Additionally, political and religious factions as well as interest groups pay newspapers to keep silent about certain issues or events deemed unfavorable to their image.

The Lebanese Publishers Association itself has reinforced the commercial and politicized nature of the media due to its conceptual roots in journalism as a means to gain political power or financial success. Prior to the 1962 press law, a commonly circulated statement about the state of affairs of Lebanese journalism was: “Lebanon is full of journalists, but does not have journalism.” The profession was saturated with people for whom journalism was a means to an end, not a profession conducted for the civic good of society. An Associated Press official told me that shortly after AP began its operations in Lebanon, a well-known journalist walked into his office and said to him, “I’ve been following your wire service and I like it. How much would you pay my paper for using your copy?” Most of the present holders of licenses for media institutions cannot objectively be classified as professional journalists.

When the 1962 press law gave newspaper publishers the power to manage the affairs of the Publishers Association, they introduced restrictions which made it more difficult for the better, successful newspapers to develop into large national papers and to develop a readership that crossed confessional, political, and socio-economic boundaries. To protect the weak papers that could not compete in a free professional market, the association also controlled newspaper size and pricing, as well as editors’ ability to publish Sunday supplements, forbidding papers from appearing seven days a week.<sup>15</sup> For example, newspapers were not permitted to increase in size without increasing their price. These and similar measures hampered the growth of the successful, professional papers and gave disproportionate protection to smaller papers that catered to sectarian interests, thus increasing the fragmentation and disorientation of Lebanese public opinion.

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<sup>13</sup> Mansour’s remarks took place during a discussion following the presentation of a paper by Talal Salman, editor and publisher of *as-Safir* newspaper, titled “The Role of the Lebanese Press in Protecting Freedom and the Dangers of the Politicization and Monopolization of Advertising,” at the international forum “Gateways to Reconstruction” organized by the Lebanon Chapter of the International Advertising Association, in Beirut, September 19-20, 1990.

<sup>14</sup> Abu-Laban, 514.

<sup>15</sup> Some newspapers have circumvented the law by purchasing or renting an additional license and publishing under it once a week.

The Lebanese media generally do not take into consideration accountability to the people when producing media content. What is lacking is not only the reliable communication of information, but also the ability of the media to impartially contribute to the flow of socially and politically constructive ideas and analysis. What we see in Lebanon is a social system that gives opportunities and advantages to people on the basis of their wealth and seniority within a tribal, sectarian system. Needless to say, media ownership in this kind of system carries with it the potential for damaging the democratic process. Another serious problem is the aversion of media gatekeepers to releasing information that contradicts either their views or those of their financial backers. The media workers, for their part, spend more time trying to avoid information that displeases their gatekeepers than in seeking objective facts about issues of general public concern. These practices reinforce Lebanon's confessional polarization, and the "ghetto" mentality of its various factions.

Lebanese media pay little attention to the development of genuine dialogue between the government and the public on the one hand, and among people themselves on the other. The media sector is dominated by a market mentality culture that gives little thought to social responsibility. As a consequence, the freedom of the media to propagate tribal or sectarian dogma or to seek material profit is confused with the freedom of the media to inform the people.

Lebanon's media problem is not an issue of censorship or the lack of a free media environment. Rather, the fundamental problem of mass media in Lebanon is its distorted understanding of the meaning of freedom in which private interests are excessively protected in the name of freedom and take priority over social responsibility. The concept of "freedom of expression" is exploited to give the media a special status that places it above social regulations and institutions, making the term "freedom of information" one of the most misused phrases in the Arabic language.

The claim that the media merely reflect reality and that the responsibility for any negative political atmosphere in the country falls on politicians is inaccurate. While it is true that the media derive their content from the people and government, it is also true that they play an active role in selecting and shaping the content of their messages. The media set the agenda of events and consequently they play a major role in determining what issues are should be debated by the public.

All international human rights covenants and democratic conventions require that the media serve the public, not the reverse. Yet in Lebanon today the media exists to gain the citizen's political or sectarian allegiance rather than to serve his or her interests and rights. The citizen must be the focus of attention, instead of the opinions of a media outlet or journalist. Media protection does not automatically imply the protection of an individual or society. There need to be checks to guarantee access to the media for those who have no media representation. Freedom of the press thus becomes a legal right only inasmuch as it guarantees the right of the citizen to receive truthful information about public issues. The media cannot demand the freedom to report if their practice violates the public interest by transgressing the right of the individual to obtain



accurate information and play an active role in building a proper and enlightened civil society. Public interest should be placed ahead of the private rights of journalists and the media. The state needs to legislate and facilitate setting up public service broadcasting that can serve as a counterweight to the private media.

In conclusion, in Lebanon the censorship paradigm does not adequately address the subject of freedom of expression. It is rather a human rights issue—the right of the citizen to improve the quality of life through communication, the transparent exchange of ideas and the practice of true democracy. True democracy requires the active participation of citizens in public debate as well as involvement in decisions that concern public affairs. Freedom of expression of the media in itself will not bring about democracy unless all Lebanese groups have access to all media channels. True democracy cannot be achieved when the media serve as advocates, limiting access and information to some factions and denying access to others.

*Nabil Dajani is a professor of media studies at the Department of Sociology, Anthropology and Media Studies at the American University of Beirut in Lebanon.*