

Privacy and The Press Islamic and American Views

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After the army coup in Pakistan on 12th October 1999, the army found some objectionable material from the reserved room in the Prime Minister house for former chief minister of the Punjab. Detailed news item appeared in Urdu press. The English press also published the same. English weekly "The Friday Times" published sensational news with a humorous caricature.¹

It is general impression that this is an unethical and negative journalism. Press should not interfere in the private lives of individuals.

In the press history of Pakistan, there are many precedences of such news. During his regime, Zulfikar Ali Bhutto was very much annoyed with English weekly' report "Larkana by night". The report was about the secrets of ruling family. Eminent press historian Zamir Niazi wrote in this connection.

"Press consulative committee of Bhutto government summoned the editor of English weekly to appear before it and discussed the alleged violation of the press code of ethics".²

In our society, many political figures demur for damaging their reputation caused by publishing news about their private lives.

There are many examples in the developed countries also such as the recent Clinton-Monica case and lady Diana's accidental death case. The latter is even more an aggravating case showing the direct involvement of the paparazzi - the press photographer's chasing the car that crashed in the subway. Press and privacy issue was on the peak in the media all over the world at that time. In this age of information, the citizens of "global village" are very keen to know about the private affairs of the world fame personalities. At that time, some critics objected on this attitude of the press. Then, the debate reopened what is privacy and what role should be played by the press on such events? This is very crucial and sensitive issue but Islamic teachings guide us very clearly in this regard.

Islamic Views

Islam is universal religion and also guides us about this issue. Allah advises the *momaneen* in the Holy Quran:

"Enter not houses other than your own, until you have asked permission and saluted those in them: that is best for you, in order that you may heed (what is seemly)³

In another Surah Allah says:

".....Spy not on each other....⁴

But the Holy Prophet (PBUH) said about the rulers in an Islamic state that:

“If the rulers try to find the suspicious in the people then this act may lead to destruction”.⁵

Besides these theoretical teachings of Islam, we know practical implementation in the regime of Hazrat Umar Farooq. During the regular routine round, Caliph Umar Farooq listened a woman wailing. He called across the wall and asked the reason of her grievances. She replied to the Caliph “I am alleged for one crime whereas the Caliph of the *momaneen* is now alleged for three crimes. Firstly you have not knocked at the door of my home; you are calling me across the wall and lastly, you have interfered in my privacy.” As a result, we can say that individual privacy has distinct importance in Islamic system.

In the light of above mentioned teachings and event quoted such actions including spying network by government, deputing intelligence agents behind the citizens, installing the sensitive instruments into the houses and offices of the people, recording the telephones, censoring the letters, getting them copied / typed and penetrating into the privacy, are prohibited.⁶

If we analyse our society minutely, we feel that we are not acting upon these Islamic teachings. This is an amazing controversy in our society. Any government could not introduce and impose any law of privacy till today. These trends are not only existing in our society but modern countries are facing the same dilemma. American views and practical condition of this issue can also be studied in this regard.

American Views

The editors of 'International Encyclopaedia of Communication' has mentioned the meaning of 'privacy'.

".... In the context of changing modes of communication between and about individuals, privacy also means the right to exercise control over information about oneself".⁷

An American professor of journalism and prominent editor Bruce M. Swain admits in his book that:

"American journalism has a long history of 'dirty tricks', including misrepresentation, eavesdropping and using stolen documents."⁸

With the passage of time and with the communication revolution, the United States law reformers had to expand the legal concept of privacy. This issue became more sensitive. They observed that:

'The development of mass media (newspapers, magazines, and television) led to the development of a privacy right against intrusion into personal affairs and against unwanted publicity. New forms of communication such as the telephone led to laws protecting personal communications from unwarranted interception by government of individuals. And the advent of the computer and the computerised DATA

BASE made it necessary to give individuals control over the collection, use, and dissemination of personal and public information held by government and business. New communications technologies continue to pose privacy issues that are yet to be resolved.⁹

These law reformers elaborated the background and the importance of this law of privacy in the details.

"Instantaneous photographs and newspaper enterprise have invaded the sacred precincts of private and domestic life; and numerous mechanical devices threaten to make good the prediction that "what is whispered in the closet shall be proclaimed from the house-tops."

The press is overstepping in every direction the obvious bounds of propriety and decency.

Gossip is no longer the resource of the idle and vicious, but has become a trade, which is pursued with industry as well as effrontery.

To satisfy a prurient taste the details of sexual relations are spread broadcast in the column upon column is filled with idle gossip, which can only be procured by intrusion upon the domestic circle. Man under the intensity, complexity of life, and the refining of influence of

culture, has made him more sensitive to publicity, so that solitude and privacy have become more essential to the individual; but modern enterprise and invention have, through invasions of his privacy, subjected him to mental pain and distress, far greater than could be inflicted by mere bodily injury".¹⁰

They concluded that they should be given property owners, the right to protect their houses and lands from trespassers should give all persons the right to protect themselves from intrusion into their private affairs.

American journalist Ken Metzler also discussed this issue and wrote that:

Privacy is a vague area of law comparatively to the law of libel defamation in writing as opposed to defamation by the spoken word (slander)."¹¹

Emerson offered his keen observation in distinguishing between privacy and libel:

"Communication that invades the inner core of personality, assaulting the dignity of the individual by expose matters of a wholly personal and intimate natures, may be subject to government control. Under existing legal doctrine, if such a communication contained matter that was false and defamatory, the law of libel would govern it, if the matter was not

false, it would be subject to a privacy action."¹²

According to Fred Felder:

"Privacy the right has been defined as to be left alone".¹³

If you knock at a door says Edith E. Asbury of the New York Times, say you want to talk about a murder and they tell you to get lost, they are perfectly within their rights.¹⁴

According to Bruce's book "Reporter's Ethics" journalist Richard Reeves agrees:

"This is question that why anybody even talks to a reporter. Certainly people have the right to tell reporters to go to hell."¹⁵

Melvin Mencher defines privacy in depth, he writes:

"...Invasion of privacy is said to occur when an individual is exposed to public view and suffers mental distress as consequence of the publicity...."¹⁶

The authors of "Uncovering the news" defined simply:

"Does the information you gather and publish, establish truthful but embarrassing or hurtful facts about someone - fact not seen to be in the

public interest? If so, you may face an invasion of privacy lawsuit...." ¹⁷

The journalist faces a dilemma that there is a difference between privacy and public's right to know. In any open and democratic society, every citizen wants to know about the private life of rulers. Every citizen whether a reader or listener or viewer, he or she has the right to know about events and persons.

Melvin Mencher pinpointed about this:

"This balance must be struck by the court, between the public's right to know and the individual's right of privacy."¹⁸

The writer of the "reporter's ethics" explains:

"Whereas the law of libel protects primarily a person's character and reputation, the right of the privacy protects primarily a person's peace of mind, spirit, sensibilities and feelings."

The right of privacy is relatively new and like the nation's libel laws, requires courts to balance two conflicting values, newspaper's right to gather and report the news, and citizen's right to protect the unwarranted and unauthorised publications of facts about the private lives." ¹⁹

We can conclude this issue in the American society with a judgement of Justice Philip Conley who classified as under:

“A consideration of the limits of the right of privacy requires the exercise of a nice discrimination between the private right ‘to be let alone’ and the public right to news and information; there must be a weighing of the private interest as against the public interest.”²⁰

Conclusion and Recommendation

After knowing two different views and various facts, now we can mention the violation of ethics about privacy through press is existing even in a developed country. It is difficult to draw a line between public interest and private interest, but theoretically it is narrated that both views of different schools of thought are in favour of ethics of privacy. In America, the law of privacy is existing and some journalists are facing many lawsuits day today. The number of such cases is increasing. But there is no law of privacy in Pakistan, which could be claimed to convert society according to 1973 constitutional Islamic clause. There is a need to constitute such laws. This is also an important requirement of our information society that public should not be deprived from any information which is necessary for them in the form of freedom of information act. Government of Pakistan should legislate such laws.

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Status of Woman in Various Civilisations and Religions An Overview

Faiza Latif

Before the advent of Prophet Muhammad ¹ peace be upon him (PBUH), woman had lost her true status as well as her natural role in society. Woman was dishonoured, degraded and tyrannised in all societies before *Islam*. She was the victim of the tyranny and oppression of man. Women were bought and sold like chattels or the ordinary things of daily life in the market. Men not only used them as a means of gratification of their sexual desire but also got richer by means of forced prostitution. These practices were common in all tribes, regimes and countries at that time. (Naseef, 1987).

Arabia (BEFORE ISLAM)

Before *Islam*, the status of woman in general was very low; she was regarded as a special creation between the human being and the beast. She was meant to serve her master and give birth to children. This is why the birth of a female child was considered a disgrace for the parents and for the family. Some people even buried their female children alive soon after their birth, because they could not bear the disgrace. The *Qur'an*² describes the state of mind of a man who hears of the birth of a daughter, in these words: