

Public Interest, Procedural and Discursive Limitations

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Abstract

We discuss in this paper the ambiguity of the journalistic key-concept, “public interest”. We present a few scientifically approaches and we analyse the very comfortable misunderstanding cultivated not only by the press, but also by politicians and other social actors. This theoretical concept is in relation with another key-concept, “the state secret” and this is the most frequent and abusive, answer that the politician use for reject the press questions. As case study, we analyse the relation between Romanian president and prime-minister with the media.

Keywords: public interest, state secret, journalism, politicians, ambiguity

JEL classification: K00, I10

1 Introduction

Public interest has become a phrase that goes unnoticed by the public, a public seduced by the the tabloidisation and infotainment expressiveness and show. Although the stakes in the struggle between officials and media is public interest, yet the public seems to have nothing to say. Tom Morton & Eurydice Aroney showed that: „A more reflexive and responsible conception of the public interest for journalists, we argue, requires us to pay more careful attention to the voices and perspectives of people who are themselves excluded from participation in the public sphere”. (Morton & Aroney, 2015). Of course, this discussion is much larger and it goes to the educational role of the media too.

Public interest - in terms of media content - is defined, on one side, from

the perspective of the idealistic truth told by the media (e.g. we speak about a qualitative component) and, on the other hand, by the number of persons affected by that truth. We consider here the definition of journalism as Brock presented: “the systematic, independent attempt to establish the truth of events and issues that matter to a society in a timely way” (Brock 2013). From our perspective, not only the truth is the stakes of this dispute, but the omission. There are many categories of information sleeping under the generous phrase “state secret” and “national interest”, and the journalists, and implicit the public, don’t find them. Truth is an abstract notion, extremely difficult to quantify, and lie, when information has already reached the press, is pretty hard to accept. Many tactics and resources are available to journalists to detect the facts and the overinterpretation. A problem occurs when state institutions refuse to provide information to the press. Another aspect comes from a kind of over-interpretation: on the one hand, from the part of state institutions on what it means violating state secrecy and national interest, on the other hand, any journalist over-interpretation of the public interest.

Many researchers are leading this discussion in the privacy, usually they say, over-interpreted by the journalists. (Morton & Aroney, 2015). From our point of view, it is not yet clear where the public's right to be informed ends. How much of the privacy of an official, for example, must be hidden and how much unveiled to the public or, in the case of options at the international level, how much from what affect social life is hidden. We can build a sophism, we can mirror the reverse: if journalists misusing the term “public interest”, the public institutions abuse the phrases “national interest”, the “public interest,” “state secret”, “privacy”. Which of these slippages have the most serious consequences? What can happen if the political authorities are abusing the name of “national interest”? What can happen (as it happened, moreover, in the case of Dominique Strauss-Khan) if the media passes over the behavioural or medical problems of those who decide in a society? As shown both the deontological codes, as well as many international legal acts, the public has the right to be informed, and the press is obliged to inform him. Therefore, researches on this topic have led to full acceptance of the supervisory role which the press is obliged to exercise it in a democratic society. The public's right and the obligation of the press converge in the administrative forums obligation to correctly inform the media on the decisions that they adopt. Up to the situations that can be judged as right or wrong, we cannot say that the media has access to sufficient information to

provide the public, so as to consider it well informed and, in particular, to take decisions knowingly. As it turned out in many cases, not enough information release more than enough. Another professional duty of journalists is to supervise, to control the Establishment. The public expects the information received to be real, selected, ranked, and properly contextualized. The public does not exercise control over the media role and its interest is necessarily based on the ability of the press to provide the specifying information that the public can use to improve quality of its life. The public, therefore, cannot have the same access as media has to the information sources. In the dispute between the media and public institutions, the press is, we believe, the right and the only representative of the public and it can only seek to obtain as much information for the latter.

Brock shows that the public interest is justified, above all, the collective identity over the individual identity. Public interest means also benefits immanence, preventing evil. Brock also referred to a fair proportion, a balance between access to information and the need to limit communication (Brock, 2013). Public interest is defined from public benefit perspective, but mostly, we would add, from the perspective of prevention of evil. So “truth”, correct information, relativistic said, means defending and improving the quality of life of the person. Who defends press and whose help (and we are not referring here only to the individual but to the community following Brock) these are approaches or criteria that removes the journalist from an institutional information.

Another problem of this socio-communicational requirement is the passivity of the actors involved. Often, both journalists and state institutions accept - even develop - a semantic ambiguity, resigning in the hermeneutical games. This resignation, this acceptance conceal, however, the immense temptation of the media to manipulate, to dominate the audience – against the public and dialog, on the one hand; on the other hand, public institutions seek to gain as much leeway, without control, without press supervision.

A key concept intervenes here, one which public can hardly evade: “moral panic” (Thompson, 1998). Panic means power of the issuers, it means control. As the quoted researcher show, beyond the inevitable sources panic (although here it can lead discussions about both the role of the media and of the institutions), there is one more hidden, “moral”, as he calls it: “something held sacred by or fundamental to the society” (Thompson, 1998). As the British sociologist Stanley Cohen show, since 1972, the periodicity is an intrinsic feature of moral panic. These types of affect institutional handled (or mediatic or otherwise) take some of the mechanisms of *fait divers*, too: changes in the frames, mundane, domestic, and

extremely predictable. Moral panic arise from disturbances appeared in immediacy, in well-known space. The threat, the bizarre - like the *fait divers* - insinuated in the banal offers both actors analyzed in this article some extraordinary control areas (Cohen, 1999). Apparently, the press has benefited from this strong disorder of society. The major advantage is a cheap audience. In the long term, however, the press lost enormous: lost trust. Beyond those few minutes or clicks is publicly grip and sensitivity, that once eroded, they are extremely difficult to rebuild. But, regarding public institutions, in what it concerns policy makers more accurately, things are different. We know that public attention deviation from a subject to another is a very used technique of communicators. Behind moral panic generated by politicians, there are hidden decisions affecting the life of the entire society, not just the up and down game of a few audience points.

Therefore, we can say that this type of communication is an informal but powerful way to block the road of the media to the public information, to truth, to correct information. As it is shown in the volume of studies coordinated by Bob Franklin, beyond legal, ethical, the public interest should be linked to concepts such as reputation, intimacy, and privacy: "This term is used specifically in legal contexts, and in a wider sense in media contexts of ethics, communications policy and social responsibility. It can denote specific criteria by which the usual legal rights of an individual or organization, e.g. to defend their reputation, or protect confidential matters, privacy or copyright, are justifiably over-ridden by the need for information to be published to benefit society, e.g. to help it understand events or scrutinize people in the public eye (Franklin, 2005).

Public interest in Romania is currently legislated not only very poor, but little understood, both at institutional level, but even at employers and the public one. In fact, in Romania, we speak rather about the importance of free access to information and far less about public interest. Law talks about limiting access as an exception, requires public institutions to communicate *ex officio* certain categories of information, establish bureaucratic procedures for public information, specify - in paradox - the limited access to information, except in legitimate categories of information. By law, by the public information, the law signify 'any information related to or resulting from the activities of public authorities or public institutions, whatever their medium, form or way of expression of information (art. 2 lit. b).

2 The public interest in media discourse and in major Romanian politicians

An official report of the US State Department shows that Romanian press has gone through extremely tough battles, politicians controlling the media, and journalists being intimidated in their work: “Threats against journalists personal and professional undermined press freedom. A characteristic of the Romanian public discourse is seemingly schizoid structure. Between statements and action there is almost invariably an insurmountable syncope.

For example, on the occasion of the press anniversary, Romanian politicians declared their support and especially understanding for the mission of the press, which is to act in the name and spirit of the public interest. In the last decade, however, the relationship between the press and government institutions has become not only highly conflictual, but media content became even campaign theme (see Many of Basescu’s presidential campaign), but also permanent everyday speech politicizing. Former President of Romania, Traian Băseșcu, addressed a tactic of demonization, on the one hand, media ownership (Vântu Voiculescu), and of ridicule of individual journalists, having apparently as a strategy for discrediting the field of public space.

Right from the beginning of its mandate, the President expressed his concerns to the media sense, but especially his incompetence in decoding “public interest”. We will not reproduce in this study the vulgar speech practiced by president on the news. We emphasize just this inability of the Romanian highest state official to understand the role of the press and the actions which must be carried out in the name of public interest. We will limit ourselves to the sequence in which Basescu “appointed” jukeboxes “on journalists whom he considered subservient”. We will now discuss the polarity that defines today’s Romanian press.

The end of mandate brought only a confirmation of themes and the communication tactics used: “President Traian Basescu says Wednesday at his campaign headquarters that” the moguls “behind Johannis are like sharks, revolve round December 6 because “they find their prey is there” and that he would defend the Romanian of their greed”. As the FreeEx report notes for 2014-2015, even at the end of term, the Romanian president continued to threaten, to mock, to insult the media.

When he was leading the opposition, the current Prime Minister of Romania, Victor Ponta, public militated against such practices, degrading both the presidential institution and the press, he said. Today, however, the same

person, Victor Ponta, which is found in the position of prime minister, so on top of administrative power, former president continued the same strategy, taking it to the generalizations.

In a first phase, the strategy of the public discourse of the politician Victor Ponta assumes only a contradiction of the statements of President Basescu. Eventually, advocate for things that could not handle: "I think it is good to come now begin to say that the press is allowed to write and not" he decided in the context of a public debate on a law to improve media. The same person, however, as Prime Minister, has refused to answer questions from some journalists, arguing that media institutions from which they come have not paid taxes to the state, making public information in its possession the nature of its function currency.

We note, another slippage of the Romanian prime minister that undermines the media discourse in its entirety: "So I do not know whether to laugh or cry when I hear so many fools who publish news, but, well, that's it, you're used I think, in the two and a half years, with all kinds of things like that. "The comment came in response to information published in the press on the ethnicity of one of his close associates. Victor Ponta has not considered public this information and therefore used appellation quoted. The same prime minister called them "mujahedin" MEDIAFAX reporters.

On another occasion, he tempered his tone, but he didn't abandon irony: "I haven't news, bad luck" said Prime Minister Victor Ponta to journalists after he went to greet the president Klaus Johannis, during reception at Cotroceni Europe Day". In many occasions, the Prime Minister - like many other politicians with public responsibilities - refused to answer media questions regarding his actions. In the context of a press conference, as it is shown in the FreeEx Report, Victor Ponta left Petrescu Ioana (then Minister of Finance) to answer questions from journalists. The moment appeared uncomfortable questions, coming from journalists and media institutions belonging to hostile - at least apparently - Government microphone was turned off, and the minister left the room: "I wanted but made signs to the technical discontinue microphone Petrescu took it on and ran with it. I went after them and told them: That jerk! I consider the gesture as simply CENSORSHIP ". Not only microphones were cut, but also the speaker sound system for fear not to support any uprising journalists.

After violently expressed distrust in the press, Victor Ponta sent on 3 May 2015 (on the celebration of the values promoted by the media) to "colleagues in the media," including those who criticize him success in business: "on the

occasion of World Press Freedom Day, I wish all my colleagues in the media, including those who criticize me no matter what I do, success in their work! We got together to raise debt to help Romanian society, including the quality of public debate, and you can count on me in building a constructive public agenda with respect to arguments and citizens” wrote Victor Ponta on his Facebook page.

Many other politicians have publicly expressed offensive on the quality of the press or, of course, refused to provide information. In March 2014, Mihai Neamțu, politician, former president of the New Republic right party, attended with 500 people at a gathering of boycotting the Voiculescu family television (Antena 1, Antena 3). For about two hours, Neamțu was core of a group participant of the rally, chanting messages critical of television, CNA, Dan Voiculescu's Victor Ponta. Moreover, Neamțu advocated closing the antennas and chanted: “Open your eyes close the antennas.”

3 Conclusions

The public interest and the right to information are notions far from finding a procedural matrix not only in Romania but also in traditional democracies. The absence of laws to protect the citizen, to ensure the inviolable right to information, will be covered by discursive practices that feed other interests than those of the community. Moral panic is not just a stylistic image of vocabulary, proxemics, but rather, a sign of a dissimulation extremely dangerous to society. Public interest information should be removed from the limited and subjective interpretation of politicians who does not hesitate to turn it into money, as should be removed from the interpretive media sphere, to avoid becoming a suitcase concept.

Notes

For the case study we used following web sources:
http://www2.cji.ro/userfiles/file/Resurse_opportunitati/Studiu%20final%20IPP_informatia%20de%20interes%20public%20octombrie%202009.pdf

<http://stireazilei.com/sua-in-romania-politicienii-controleaza-presa-iar-jurnalistii-sunt-intimidati-victor-ponta-este-dat-exemplu/>

<http://www.ziare.com/victor-ponta/premier/victor-ponta-personal-nu-cred-ca-trebuie-un-control-mai-puternic-al-presei-1216327>, 02 Februarie 2013

www.reportervirtual.ro Ponta, o nouă agresiune publică împotriva jurnaliștilor de la guvern, Laurențiu Ciocăzanu, 13 iunie 2014

<http://www.gandul.info/politica/n-aveti-stire-ghinion-marea-obsesie-a-premierului-ponta-dupa-trei-ani-de-guvernare-stirea-despre-el-insusi-14185673>

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