

Journalism in Jordan: A comparative analysis of press freedom in the post-Arab spring environment

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1. Abstract

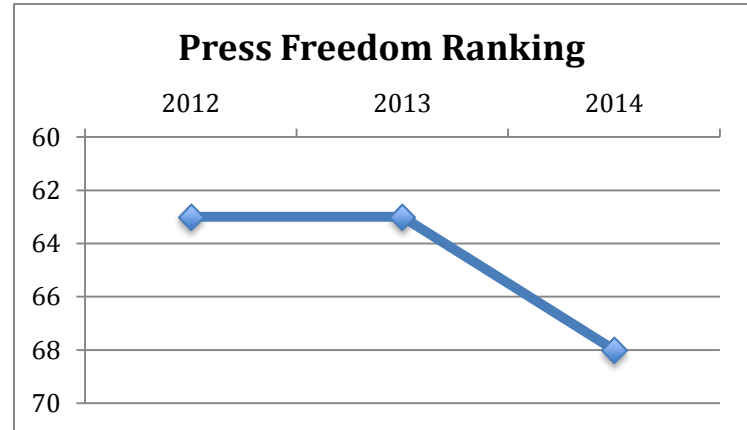
Although once known for one of the most vibrant media sectors in the Arab world, the press freedom ranking of Jordan has declined in recent years. Despite governmental assurances during the height of the Arab Spring, promised reforms in freedom of the press have failed to materialize. By studying primary and secondary sources and interviewing Jordanian journalists, the authors identify four main developments that show diminished press freedom in Jordan. These developments will be described in detail and examined in the context of international media law. The analysis finds that the Jordanian approach to media regulation is often at odds with the approach recommended by the United Nations free speech rapporteurs. The authors also examine the press system of Jordan through the lens of Ostini and Fung's press system theory.

2. Introduction

As the Arab region erupted in protests in early 2011, the king of Jordan appeared to see the writing on the wall. He fired his cabinet and called for immediate changes in the organization of his government. King Abdullah II vowed the government would take “practical, swift and tangible steps to launch a real political reform process” including expanding public freedoms (Kadri & Bronner, 2011, para. 4). His statement acknowledged that one of the many grievances of Arab audiences was the ingrained censorship of both private and public media and other excessive limits placed on freedom of expression. Despite the promise to make changes, few observers would argue that the level of press freedom in Jordan has improved since 2011. In fact, many argue that Jordan has suppressed freedom of expression more since the Arab Spring, even though evidence shows that many populations are rejecting information from state-controlled entities in favor of more-free, digital forms of communication (el-Nawawy & Khamis, 2013; Howard & Hussain, 2013; Tufekci & Wilson, 2012; Youmans & York, 2012). Data from press freedom

organizations support the observation that press freedom has gotten worse in Jordan (see figures 1 and 2.)

Figure 1: Freedom House

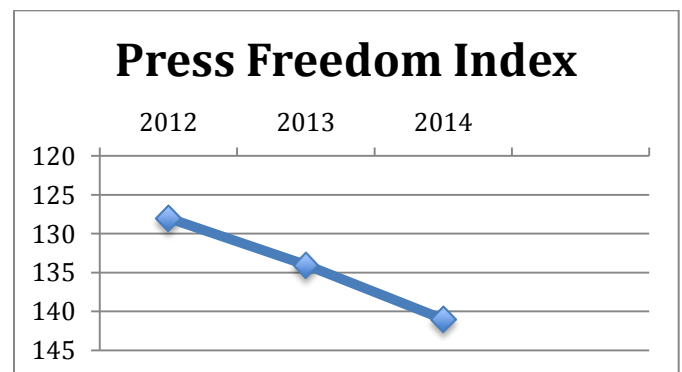


Note: Higher score equals less press freedom.

Source:

www.freedomhouse.org

Figure 2: Reporters Without Borders



NOTE: Higher number equals lower press freedom. *Source:* www.en.rsf.org

The paper examines the issues surrounding the press freedom environment in Jordan, particularly in

the wake of the Arab Spring. After a literature review and theoretical grounding, the analysis focuses on events since 2011 to identify whether the government's pledges of increased freedoms have been carried out. Interviews with two practicing journalists in Jordan help expand on the analysis. The paper concludes with a comparative legal analysis between the approaches taken in Jordan to generally accepted principles of free expression. This comparison is a notable contribution to the literature because many critiques simply end with "governments shouldn't arrest journalists" but do not explain how other countries adjudicate similar circumstances. Every country in the world balances the need for freedom of expression against the need to maintain public order and protect reputations. This paper attempts to explain the approach that might be taken in more robust free speech environments.

3. Literature review

The benefits of a free press—particularly in democracies—are widely embraced in both academic research and conventional

wisdom. The free press facilitates the flow of information between the government and the public, offers a forum for political discussion and deliberation, and watches out for abuses from powerful figures. Research has shown that an unfettered press bridges the divide between the government and its citizens (Besley, Burgess, & Prat, 2002), decreases corruption (Djankov, McLeish, Nenova, & Shleifer, 2002), encourages political participation (Leeson, 2008), fights extremism of religion (Amam, 2002), and facilitates economic growth (Roll & Talbott, 2003). Scholars at Pakistan's International Islamic University found that press freedom is linked with both economic growth and direct foreign investment (Alam & Ali Shah, 2013). To further the goals of a free press, media outlets must be allowed to examine and criticize officials and their actions and protected even if they publish incorrect information. For this reason, laws such as criminal defamation and prohibition of insults are generally disfavored because they impede the benefits of a free press by generally chilling speech (Buckley, Duer, Mendel, Price, & Raboy, 2008). Previous academic studies

of Jordanian journalism and press freedom have found a complicated environment. Najjar (1998) examined the Jordanian press from 1985 to 1998 and discovered several expansions and retractions of press freedom over the years. He remained cautiously optimistic for greater freedoms despite a 1997 law that restricted speech. He pointed to independent judicial rulings as reason for hope. In his examination of the tabloid press in Jordan, Jones (2002) found these more-sensational media outlets to be both a sign of increasing liberalization as well as constant source of conflict and contention with the government. Rugh (2004) defined the Jordanian press as “loyalist.” The press, Rugh stated, features little diversity, consistently touts the government’s point of view without seeking other sources, lacks thorough investigative reporting, and generally supports the status quo. El-Nawawy (2007) studied Egyptian and Jordanian journalists and found that many saw a gulf between what was being taught in journalism school versus actual practice in their countries. Krzysiek (2009) examined the “media free zone” set up in Amman to inculcate more robust media outlets. The

researcher found that the government used the preservation of culture and social stability as justification to retain control of media outlets in the zone via such methods as “direct and indirect censorship, structure of ownership, unclear business ties between media and state-controlled agencies, and vague laws” (Krzysiek, 2009, p. 69). Gregory (2009) noted efforts by NGOs and foreign governments to help the media in Jordan transition to greater freedom. After an analysis of recent free speech court cases, the author concluded:

... that the Jordanian judiciary is playing a critical yet perhaps understudied role in the liberalization of Jordan’s press laws. Ambiguities in Jordan’s press laws have allowed Jordan’s judges to harmonize international free speech values with the needs of a conservative Muslim society positioned in the heart of one of the most unstable regions in the world. Moreover, judges are engaging in statutory interpretation of press laws despite Jordan’s civil law system. The findings have important policy implications. The realization that Jordan’s judges are willing to interpret press laws and adopt international legal models highlights judicial independence

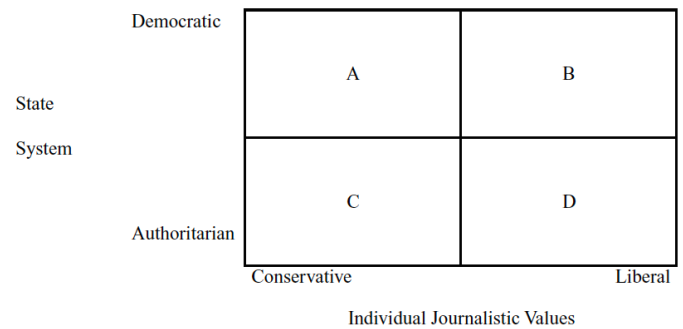
as a critical component in the process of integrating international models of free speech and democracy in developing nations. (Gregory, 2009, p. 2,524) The author criticized the focus from NGOs on reforming the press laws and suggested efforts to support a shift in judicial rulings. Gregory stressed that the education of judges about international legal norms regarding press freedom could help with the goal of expanding the rights of journalists. The author noted that these efforts were naturally restricted by “Jordanian social values and institutional constraints” (p. 2,524). The social values in Jordan (and most Arab countries) focus around family, religious tradition, and community honor as a way to protect morality, reputation, and privacy. The Western concepts that focus on the protection of individual free speech naturally create a tension when introduced to Jordanian press environment (Gregory, 2009). Theoretical grounding about a study related to press freedom naturally leads one to start—but not to finish—with the “Four Theories of the Press.” The seminal work divided the world’s media system into four categories: 1) Authoritarian systems see government-

controlled guilds, licensing, and limited censorship. 2) Libertarian systems feature a self-righting process of truth in a free marketplace of ideas or by courts. 3) Totalitarian systems tout oppressive state surveillance and outright media control from the government. 4) Social responsibility theory finds an ideal balance between the duty of a free press restricted by community opinion, consumer action, and responsible ethics (Siebert, Peterson, & Schramm, 1963). While most media systems can be situated somewhere in this array, many observers have criticized the four theories model for ignoring the larger forces of political economy and being too Western-focused, simplistic and outdated (Jiafei Yin, 2008; Nerone, 2004; Ostini & Fung, 2002).

For this analysis, the authors will follow the amended theory as promulgated by Ostini and Fung (2002). They suggested examining the interaction of political and social structural factors to more accurately categorize the press practices in the modern world. The new model doesn’t move too far from “four theories.” The authors state “as with previous models, the main structural factor that will be taken into account is

the system of government with its economic, political, and cultural subsystems” (Ostini & Fung, 2002, p. 46). No matter the model, theories regarding media systems must address the control that governments exercise over the press. Ostini & Fung operationalize government control with two ends of a spectrum, authoritarian and democratic (similar to the “libertarian theory.”) The authors of the new model suggest that another factor be considered: personal autonomy of journalists. They see a spectrum of journalist character traits that run from liberal to conservative. Liberal journalists are operationalized as adhering to their own worldview, professional codes and ethical standards. In contrast, conservative journalists are averse to rapid change and extremes and the support of the status quo. These journalists may sacrifice personal autonomy for the good of the state and its policies. The two spectrums create an array of four types of press systems: democratic-conservative, democratic-liberal, authoritarian-conservative, or authoritarian-liberal (see Figure 3.)

Figure 3: Ostini and Fung’s four types of press systems



Ostini and Fung explained the categories in this manner:

Democratic-conservative media systems are those in which the political system is democratic but the professional values of the majority of journalists are conservative—that is, the professional system(s) in which they operate emphasize support of societal status quo. Conversely, in a democratic-liberal system, dissent and free speech are values supported by both the political system and the individual journalists within that system. Authoritarian-conservative systems officially control press content and professional values within media organizations support such constraints.

Authoritarian-liberal systems are those in which official policies suppress dissent, but individuals within media organizations support social reform and display such support in their practice of journalism. A content

analysis of coverage from four countries revealed that China, Japan, the United States and Hong Kong fit into each of the four different categories. The researchers deemed China as authoritarian-conservative, Japan as democratic-conservative, the United States as democratic-liberal, and Hong Kong as authoritarian-liberal. The authors note that the four theories model would have likely lumped the U.S., Hong Kong and Japanese models together while ignoring China or placing it in the totalitarian category. Given this literature review, the authors aim to answer two research questions from their analysis:

RQ₁: How did the level of press freedom in Jordan change after the Arab Spring?

RQ₂: According to Ostini and Fung's press system theory, to what category does Jordan belong?

4. Methodology

This paper analyzes the changes in press freedom and social media discourse that have occurred since 2011. The analysis places these changes into context in the region as well as examines them from the perspective of international approaches. To conduct this research,

the authors use primary sources such as local and international news articles as well as secondary sources such as reports from press freedom organizations and other NGOs. The authors also interview two prominent journalists operating in Jordan to get their first-hand perspective. The journalists were selected because both practice online journalism, a media space under increasing strain in the country. The authors' analysis pays particular attention to the legal and regulatory environment that led to government action against journalists and social media players. In the discussion session, the authors analyze the findings and compare them to international norms including recommendations from the United Nations and other international organizations.

4.1 Findings

The analysis of free speech restrictions since 2011 finds several key actions that will be described below. These incidents are: arrests of journalists who reported on royal court influence regarding corruption charges, the update of a media law that forced news websites to register with the government, the arrest

of two journalists for posting a video deemed to be offensive to a member of the Qatari royal family, and the update of an anti-terrorism law that allows for journalists to be arrested for vague reasons. These developments will be discussed in chronological order below.

4.2 Royal court and corruption

In April 2012, the security forces arrested two journalists after they published a report alleging corruption in the royal court. The article had quoted an anonymous member of parliament who said the royal court told the chamber to not pursue corruption charges against an official. The State Security Court in Amman ordered the 14-day pretrial detention of Jamal al-Muhtaseb, the publisher and owner of the news website Gerasa News. He and the author of the article, his sister Sahar Al-Muhtaseb, were charged with “opposing the ruling system.” She was reportedly released quickly on bail of 5,000 Jordanian dinars (\$7,000). The authorities eventually dropped the charges. Observers noted that the arrests did not require convictions to ensure that, in the future, journalists would avoid reporting on

corruption of powerful and well-connected figures.

4.3 Forced registration of news media sites

In September 2012, more than a year after the government’s pledge to embark on political reforms, the Jordanian National Assembly passed a law to regulate Internet publications. The government said the new law was intended to standardize the launching of news websites (Sadek, 2012). The law required Internet sites to register with the government and receive a permit before any launch. Importantly, the legislation also required all websites to be managed by a member of the Jordan Press Association. Also, the law made reader comments and feedback considered indistinguishable from the news article posted online (Sadek, 2012).

Opposition groups criticized the new legislation. They argued that it violated free speech rights and restricted freedom of expression in blogs and other social media outlets. One international press freedom group noted that the restrictions “swept aside the reform promises that the government made at the height of the Arab Spring in 2011” (Reporters

Without Borders, 2012, para. 2). The Jordanian government, on the other hand, defended the new legislation, announcing that it was issued to regulate the administrative procedures for online media “without restricting freedom of expression” (Seigelbaum, 2013, para. 5). Jordanian authorities have repeatedly blocked one online media outlet—noted for engaging in critical journalism—that refused to register with authorities. The website 7iber (pronounced “Hiber,” the Arabic word for “ink”) has seen its website blocked three times and has had to change its address from dot.com, to dot.org, to dot.net, to dot.me. Some observers think the blocking occurred in response to particularly critical articles discussing “taboo political, economic, social and religious topics that mainstream media may avoid” (Abu-Fadil, 2014, para. 21). Lina Ejeilat, the editor-in-chief of 7iber objects to the requirement that media outlets that register with the government have a member of the Jordanian Press Association (JPA) serve as editor-in-chief.¹ The press association

membership favors journalists who work or have worked in the official news media, according to Ejeilat. “I know journalists who’ve worked with Reuters for 20 years who didn’t qualify because it was foreign,” she said (Abu-Fadil, 2014, para. 10). Other websites that have been blocked included Al Jazeera, Time Out magazine, the site of the Muslim Brotherhood in Jordan, and AmmanNet (Seigelbaum, 2013).

The government implemented the new rule forcing the registration of news websites two weeks after the International Press Institute, a Vienna-based global organization that advocates for responsible and free journalism, ended their conference in Amman (Seigelbaum, 2013). During the conference, the information minister said that the registration won’t hurt freedom of expression and is merely intended to protect online journalists. Daoud Kuttab, a Jordanian journalist and founder of the online outlet AmmanNet, disagreed:

This is a violation of Jordan’s constitution which guarantees freedom of expression, Jordan’s commitment to international conventions and a renegeing

¹ As if not onerous enough, the law requires the editor-in-chief to have

served in the press association for four years.

on the promises made by the Jordanian Prime Minister to Jordanian media and in his address to the IPI congress. This decision is a huge blow to freedom of expression in Jordan and will further compromise press freedom status. (Seigelbaum, 2013, para. 10) Kuttab was elected to the board of the International Press Institute during the conference.

In July 2013, two activists were arrested after taking part in a televised debate about the impact of the amendments to the press and publications law. The Jordanian activists Thabet Assaf, General Coordinator of the Islamic Youth Movement, and Tarek Khader were arrested in Amman while leaving the event, “The New Press and Publications Law Threatens Free Expression in Jordan.”² Authorities charged the activists with “inciting anti-regime” sentiment and sent them to prison. No further details about their case can be found, but Khader was sentenced to three months in prison in 2014 on different charges involving participation in a protest. Both activists were described as “Islamists” in media reports. Assaf was quoted as a

² The title of the event doesn’t actually sound like a debate.

spokesperson for the Jordanian branch of the Muslim Brotherhood, an Islamist organization that worries governments throughout the Middle East (France 24, 2012). Observers saw the arrests as an overt method to discourage public discussion of the amended media law.

4.4 Journalists arrested over Qatari video

In September 2013, the Jordanian government arrested two journalists for posting a video deemed offensive to the brother of Qatar’s emir. A judicial official said the journalists for Jafra News “are accused of posting a video that offends Sheikh Jasim bin Hamad al-Thani” (AFP, 2014, para. 3). The journalists—publisher Nidhal al-Fara’neh and the chief editor Amjad Mu’ala—posted a video that had been circulating on YouTube for more than a year. The video reportedly “shows a man, or men, lounging on a bed with a woman, dancing with another, and showering with a third” (Human Rights Watch, 2013, para. 5). The video title states that the man is the Qatar emir’s brother. An Amman prosecutor charged the two journalists with violating article 118 of Jordan’s penal code. The law

makes it a crime to engage “in acts, writings, or speeches not approved by the government that would subject Jordan to the danger of violent acts or disturb its relations with a foreign state...” (Human Rights Watch, 2013, para. 6). Fara’neh and Mu’ala were transferred to the military state security court, a move that critics noted violated Jordan’s press law. Article 42 of the media law states that “a judge with the Court of First Instance who specializes in press and publications cases has jurisdiction over journalists facing charges related to Jordan’s external or internal security” (Human Rights Watch, 2013, para. 8). The two journalists were held in jail for four months and then released on bail (Ghazal, 2013). In a sign, perhaps, of worry about violating the penal code, the reporter for the *Jordan Times* referred to the offended party abstractly—as a royal family member from a Gulf state. The case has seen no further developments as of January 2015.

4.5 Update to anti-terrorism laws restricts journalism

In April 2014, the Jordanian parliament approved an update to the 2006 anti-

terrorism law that gave broad powers to the security forces to enforce restrictions on the press.³ Article 3(e) penalizes “using information systems or the Internet, or any means of publishing or media, or establishing a website to facilitate terrorist acts or support a group or organization or charity that commits terrorist acts or promotes their ideas or funds it.” The law provides sentences of more than 10 years in prison. Article 3 (b) of the article criminalizes communication “acts that would subject the kingdom to hostile acts, or harm its relations with a foreign country.”

Critics noted that such language could be used to charge journalists who reported on terrorist activities or revealed information embarrassing to the government. The Paris-based press freedom organization Reporters Without Borders complained about the vague nature of the law: “Publishing or relaying reports referring to terrorist groups or activities, with the aim of providing information in the public interest to Jordanians or the international community, could potentially be treated

³ <http://en.rsf.org/jordan-king-urged-to-repeal-draconian-16-06-2014,46423.html>

under this new article as support for terrorism.” The anti-terrorism law (prior to its amendment) had been used against an editor from the Gerasa News agency on a charge that he incited anti-government protests in 2012.

In June 2014, Jordanian security forces raided an Iraqi television station in Amman and arrested about a dozen staff members. The raid shut down Al-Abasiya’s broadcast and its website. Officials first accused the station of operating without a license and then later cited a violation of anti-terrorism laws. Later an unnamed security official said the prosecutor-general of Jordan’s State Security court had charged the owner of the station and 13 staff members with “using the Internet to carry out acts that would expose Jordanians to acts of aggression.” The security official did not make clear what law was used in the prosecution, but the charge appears to be Article 3 (b) of the updated anti-terror legislation.⁴ The press-freedom organization Committee to Protect

Journalists said “charging journalists and media workers with terrorism offenses is a big step in the wrong direction for Jordan, which once was considered a leader in press freedom in the Middle East” (CPJ, 2014, para. 2) Rather than inciting terrorism, Al-Abasiya had apparently covered Iraqi politics and was known for criticism of the Iraqi government. The arrested journalists and staff members are facing up to five years in prison.

4.6 Journalist interviews

For the interview portion of this analysis, two prominent Jordanian journalists were selected and both agreed that press freedom had declined since 2011. Daoud Kuttub (mentioned above) is a Palestinian journalist who’s worked in the Middle East since 1980. He founded the Jordanian news website AmmanNet and now serves as the director general for the Community Media Network, a non-profit organization dedicated to advancing independent media in the Middle East. Lina Ejeilat (also mentioned above) is the co-founder and editor of 7iber.net, the media outlet that refused to register with the government. She also teaches

⁴ As mentioned above, the article criminalizes communication “acts that would subject the kingdom to hostile acts, or harm its relations with a foreign country.”

digital journalism and social media at the Jordan Media Institute. Kuttab said that in 2011 many people in Jordan were excited about newfound freedoms, but that “seems like a long time ago now.” He described how Jordanians were initially allowed to protest and journalists were freely reporting on them. But, he said, the government eventually grew tired of giving both citizens and journalists space. Kuttab noted that journalists would wear orange vests while covering protests so that the police would know they were members of the press. “When the tide started turning,” he said, “the people wearing the vests were the first to be targeted.” Since then, he said, more and more restrictions have been placed on the press, particularly the registration of news websites. He also mentioned the anti-terrorism law update as a worry for journalists. The law hasn’t been used widely yet, Kuttab noted, but “it’s a knife on everybody’s neck.” The result, he said, is more timidity and self-censorship (Kuttab, 2014). Ejeilat agreed that the situation in Jordan is “worse” than in 2011. “I look at some of the content that we published in 2011 and 2012, I really highly doubt that we’d be

able to get away with it today,” she said. Asked for an example, she said that they published an article questioning military spending and its lack of transparency and received no complaints from official sources. She said that she could still publish the article in 2014 but that she’d expect the military or government to take action of some kind. Ejeilat also worried about the registration of websites. While she had resisted the government directive for more than a year by changing the web address every time the government blocked the site, 7iber finally ceded and received a license in December 2014. She’s waiting to see if the government takes any overt action against the site now that it’s registered (Ejeilat, 2015).

5. Discussion

The answer to the first research question appears clear—Jordan is suffering from less press freedom rather than more in the aftermath of the Arab Spring. The developments described above show that reporting and engaging in critical journalism has become more difficult over the past few years. The press freedom rankings reflect the reality on the ground. In this section, the authors

offer a comparative legal analysis to examine actions taken in Jordan and contrast them with approaches in other jurisdictions. Countries with more protections for press freedom have dealt with similar issues but have better ensured that freedom of expression is upheld. In these countries, society sees a benefit in the role of a free press can play by providing scrutiny of the powerful and helping to combat corruption. One should note that countries that enjoy robust press freedoms are not just “Western,” but include a diverse group of nations such as Jamaica, Costa Rica, Cape Verde, El Salvador, Botswana and Ghana.⁵ Below, the authors will discuss how other countries have dealt with the balance between protecting free speech while also ensuring public order and protection of reputation.

5.1 Public figures must withstand greater scrutiny

The case of the journalists arrested for reporting about corruption charges and influence from the royal court speaks to

⁵ All of these countries ranked higher than the United States on the 2014 Reporters Without Borders rankings. See www.rsf.org

a key concept in international media law—that public figures must withstand more scrutiny than private figures. In U.S. defamation cases, for instance, journalists are allowed to make mistakes when reporting on public officials, as long as the reporter didn’t knowingly report false information. Such an environment ensures that journalists will be diligent in their coverage of government. The legal notion that public figures must withstand more scrutiny than private figures has gained acceptance around the world. In 2000, the United Nations Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Cooperation in Europe Representative on Freedom of the Media and the Organization of American States Special Rapporteur on Freedom of Expression issued a joint statement that addressed how public figures should be treated. The statement reads:[D]efamation laws should reflect the importance of open debate about matters of public concern and the principle that public figures are required to accept a greater degree of criticism than private citizens; in particular, laws which provide special protection for public figures, such as

(insult) laws, should be repealed. (OAS, 2009, para. 19) The result of this environment is an emboldened press that will uncover corruption among public officials. For instance, the *Los Angeles Times* won a Pulitzer Prize in 2011 when it revealed that local elected officials in the small town of Bell, California, had paid themselves exorbitant salaries from the city funds. The journalism led to arrests and other reforms (“The 2011 Pulitzer Prize Winners,” 2012). If the city council and other town officials had the power to arrest journalists, then the reporting would likely have never happened. In the Jordanian case, the arrest of the two journalists was aimed at protecting a public figure, rather than protecting journalists to report on public corruption.

5.2 Licensing of media outlets and reporters limits robust journalism

The updated media law that mandated online news outlets to register with the government shows the detriment of licensing journalists. In many countries journalism is simply not a profession that is licensed by the government. Courts and legislatures have reasoned that licensing media outlets gives too

much power to the government because officials could revoke the credentials of media outlets whose reports embarrass them.

The Jordanian law also mandated that the news outlets must employ a member of the Jordanian Media Association as editor-in-chief. Such a requirement effectively mandates membership in the JMA in order to legally run a news site. The Inter-American Court of Human Rights ruled against a similar law in Costa Rica in 1984. While the country had argued that membership in a professional organization would provide a public benefit, the court disagreed because of the possibility of abuse:

[G]eneral welfare requires the greatest possible amount of information, and it is the full exercise of the right of expression that benefits this general welfare ... A system that controls the right of expression in the name of a supposed guarantee of the correctness and truthfulness of the information that society receives can be the source of great abuse and, ultimately, violates the right to information that this same society has. (“Licensing of media workers,” 2013) Therefore, the mandate that news sites register with the

government and the requirement to install a media association member as editor-in-chief disagrees with international approaches toward encouraging a robust, free press.

5.3 Defamation charges should be handled with civil lawsuits

The case of the journalists who posted a video portrayed to be embarrassing to the Qatari royal illustrates the problem of handling defamation cases through criminal charges. In countries with established press freedoms, the protection of reputation is handled through civil lawsuits that result in financial punishments. In these countries, insult laws and criminal libel laws have been abolished or are simply not used. These Jordanian journalists were not charged with defamation but rather for violating a penal code that makes it illegal to publish anything that could “disturb its relation with a foreign state.” But, the incident is essentially a defamation case since it focuses on the protection of reputation of a member of the Qatari royal family.

In a country where press freedoms are more protected, the royal could not have

prodded the government to make an arrest and shut down the website. Instead, the allegedly defamed party would file a civil lawsuit alleging defamation and seeking damages and a court order to remove the content. The royal could also file a lawsuit against YouTube since the service is hosting the video. A joint 2002 statement from the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression advocates eliminating criminal libel completely:

Criminal defamation is not a justifiable restriction on freedom of expression; all criminal defamation laws should be abolished and replaced, where necessary, with appropriate civil defamation laws. (OAS, 2009, para. 22) Under long-established rules, the plaintiff can win a defamation lawsuit if he or she can prove the statement was false, disseminated and caused injury. Such a system allows both public and private figures to protect their reputations while ensuring that journalists operate with the freedom to publish information that is true yet potentially embarrassing. Ensuring that truth is a defense against a

libel lawsuit prevents individuals from protecting reputations that they do not deserve. In one of many illustrative cases, an American woman recently won a \$1 million lawsuit after radio station hosts wrongly identified her as an actress in adult films.⁶ After paying the huge fine, the hosts (if they still have a job) must behave with more restraint in the future. In another case, the U.S. newspaper *Boston Herald* paid a \$2 million fine to a judge that it accused of callousness and disregard for victims (Jurkowitz & Ranalli, 2005). In a trial, the newspaper could not prove that it hadn't knowingly disregarded the truth. These examples show that reputations can be protected without the need for criminal arrests.

5.4 Ensuring public order while protecting freedom of the press

Finally, the updated anti-terror legislation shows the detriment of laws that restrict journalism that aren't narrowly tailored. The purpose of anti-terrorism laws are obviously important to society—if national security and

public order cannot be maintained, then all of the other laws protecting freedoms are worthless. Internationally, governments have walked a fine line balancing the need to establish public order with the protection of journalism. Shutting down websites or blocking content of extremist propaganda has been seen in many countries, including the United States and other countries that hold high press freedom rankings. In 2004, for instance, the United States blocked the Lebanese television news channel Al Manar from broadcasting on U.S. satellites.⁷ A state department spokesman said the action was taken because of Al Manar's "incitement of terrorist activity" (Reporters Without Borders, 2004, para. 7). Al Manar is owned and operated by Hezbollah, the Lebanese political faction that the United States considers a terrorist organization. Reporters Without Borders criticized the move, noting that "putting this TV station in the same category as terrorist groups worries us and does not

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<http://www.kansascity.com/news/local/crime/article2260355.html>

⁷ Notably, no action has been taken to block Al Manar's website from reaching U.S. viewers. U.S. website blocks are rarely seen with the few that occur surrounding issues of copyright (e.g., file-sharing sites), rather than political content.

strike us as the best solution” (Reporters Without Borders, 2004, para. 3). Other countries have banned Al Manar as well, although these nations used other laws. For instance, France banned the channel for violating its hate speech laws and breaking a promise to eliminate anti-Semitic speech (Carvajal, 2004). The general criticism of using anti-terrorist laws to curb speech—whether in Jordan or the United States—is that such laws give broad powers to government and security forces that could be abused. In the U.S., the usual line for extremist speech is a call for “imminent lawless action.” All other speech—no matter how offensive or repugnant is protected by the First Amendment to the U.S. Constitution (“*Brandenburg v. Ohio*,” 1969).⁸ Policymakers in all countries would be better served avoiding terrorism charges for journalists (an inherently inflammatory accusation) and favor instead more definable limits on their speech such as, perhaps, any call for violence or an incitement to hatred.

As for the second research question, this research paper’s

⁸ The First Amendment declares that “Congress shall make no law ... abridging the freedom of speech, or of the press.”

methodology allows for only a subjective answer to its placement in the press system model. With criminal defamation and licensing of journalists, Jordan’s media system sits on the authoritarian end of the regulatory spectrum. As for whether the media system features liberal or conservative journalists, observers may differ. As interviews with the journalists noted, reporters and editors are practicing self-censorship, which speaks to a conservative mindset. However, several journalists did push boundaries as far as possible given the authoritarian actions from the government. Several journalists have been arrested since 2011, a sign that they stepped beyond boundaries in an effort to expand press freedoms. But, 2014 was a relatively quiet year indicating, perhaps, that journalists may be withdrawing from contentious debate and siding with the security-minded status quo from the government. The fact that most of the online news outlets acquiesced to the government registration demand may point to a conservative approach. Certainly the mainstream outlets—which rarely run afoul of the government—have largely given up on challenging the status quo.

Given the evidence, the authors conclude that Jordan best fits in the authoritarian-conservative category of Ostini and Fung's press system theory.

6. Conclusion

As can be seen by this analysis, Jordan has suffered some setbacks since the initial promise of the Arab Spring. Obviously, the government is trying to cope with a precarious situation—extremists are running rampant throughout the region and many militants use social media speech and other digital media to further their agendas. Still, Jordan and other countries in the Middle East should draw a stark line between fighting extremism and stifling legitimate journalism and dissenting speech. The current laws that restrict press freedom are often holdovers from the colonial powers that exercised control over the Middle East for centuries. Nobel Prize-winning economist Amartya Sen has noted that the British government used repressive press laws throughout their empire to subjugate the local populations (Sen, 2011). When the British left the area, they also left their approach to freedom of expression. Many observers have

noted that Jordan and other Arab countries must revise their approach toward freedom of the press and speech. The new media environment demands such a change. As Palestinian journalist Kuttab notes:

Controlling thought and opinion is impossible in today's connected world. Jordanians, the majority of whom are under 25, are able to quickly overcome direct website blockades by electronically bypassing them, but the government does not trust them to be mature enough to decipher the content of the news. (Kuttab, 2012) Kuttab points out that many efforts to censor and otherwise restrict the media Jordan's citizens consume are increasingly futile. To move forward in this new media environment, policymakers should consider revising laws around issues of criminal defamation, protecting public order, and the licensing of journalists.

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