

Symposium on Media Ethics

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Journalism and Press Freedom as Human Rights

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ABSTRACT This article defends journalism and press freedom as human rights on the basis of a 'naturalistic' approach to such rights. Three fundamental human interests – in education about current affairs, legitimate authority, and a voice in public debate – are identified as grounds for a human right, held by each and every one of us, that journalistic communication be engaged in for our sake. The journalist's role-based rights to communicate are argued to be themselves of high-priority importance because of their tight protective relationship to these universally held human rights to education, legitimate authority, and voice. Journalists' communicative rights are therefore not simply instances of the more general right to communicate held by everyone, and the article shows that their particular basis in education, legitimacy, and voice supports special protections for journalism and also implies limits to these protections.

1. Human Rights for the Right Holder's Sake

The idea that journalistic freedom is a human rights matter is prevalent in popular imagination and law. Free access to media, and freedom to participate in media, are mentioned or implied by several of the human rights lists and instruments.¹ Taking journalism and a free press as human rights is a way of marking their distinctive moral significance. There are other ways of doing this: for example, by making journalistic freedom a high-priority goal, or by making it a 'non-human-rights' legal right whose violation incurs severe penalties.² But if journalism is a human right, it has a distinctive moral importance. This is true on any plausible conception of human rights: in recent literature we can distinguish a 'naturalistic', a 'political', and a 'pure legal' conception. The naturalistic view regards human rights as pre-legal moral rights grounded in fundamental features of each human; the political view defines human rights by their relation to state sovereignty, as rights that are of concern to the international community; the legal view takes human rights to be a set of international, regional, and constitutional legal institutions, documents, and practices.³ On any these views, human rights hold a distinctive role, and there are important questions about journalism's relation to this role.

I will work with a broadly naturalistic conception developed elsewhere. According to this view, a human right is either (a) an important pre-legal, recognition-independent moral right grounded primarily by the individual right holder's good, respect for which is morally demandable by anyone on the right holder's behalf, or (b) a legally or socially created right that is central to giving effect to such a pre-legal right.⁴ This is a controversial

view, and where necessary I explain alternative views' differing implications. The primary aim is to examine the place this naturalistic conception of human rights gives to journalism: the special protections it implies for journalistic activity, and their limits. A secondary aim is to show the fruitfulness of the naturalistic approach.

According to the view outlined, human rights (in both law and morals) protect aspects of a right holder that are of moral importance sufficient largely on their own to ground moral duties.⁵ The right holder's autonomy, her core interests, needs, and freedoms are examples of such duty-grounding aspects of the individual. Such features of the individual ground moral duties to their protection and respect, independently of whether these moral duties are socially or legally recognised, and largely independently of whether the duties in question serve goods beyond the relevant features of the individual right holder.⁶ These individual-grounded duties constitute 'natural' recognition-independent moral rights of the individual in question. Their moral grounding in her important features makes them rights that exist for that right holder's sake. On this view, a right's existing for its holder's sake is one hallmark of its being a human right. (A second hallmark, which gets less focus in this article, is that human rights must be 'everyone's business', in the sense that respect for them is something that anyone anywhere can insist on.)⁷ Later (Section 6), we will see that legal and other rights that cannot plausibly be seen as existing solely for the right holder's sake also qualify as human rights if they play an appropriately central role in protecting rights that exist for the right holder's sake.⁸

Why believe in the naturalistic picture? Why take it as a necessary condition on a right's being a human right that it either be morally grounded for the right holder's sake or legally/socially protect a right so grounded? The idea of rights that exist for the right holder's own sake is attractively radical. It goes beyond bare lists of duties like the Ten Commandments which, in surface form, simply require behaviour while entailing only that 'wrong' is done if the behaviour does not occur, without entailing that somebody is thereby 'wronged'.⁹ It also goes beyond the idea of a system of duties each of which is owed to a right holder, but which is justified because the system as a whole is good for the community: compare the classical liberal view of property in Hume, Smith, and Hayek, in which the duty not to use a given item is owed to you because a system of duties of this type serves the common good.¹⁰ Rather, the idea of rights that exist for the right holder's sake is a version as I see it of the same idea Rawls tries to capture by referring to the 'separateness of persons'.¹¹ The idea is that each human person, simply by possessing autonomy, important interests, needs, and freedoms, thereby in themselves generates duties requiring behaviour that serves or respects the relevant aspects of that person – largely independently of whether such duties might serve others beyond the person in question. This idea that each person's central important features can be sufficient on their own to play the primary role in generating duties protecting that person, independently of their interaction with the important features of others, is a distinctive and significant idea. It is, I suggest, the radical heart of both the natural rights tradition and the naturalistic idea of human rights.

Several authors notice that this approach raises questions for our understanding of those rights whose moral ground is primarily the good of parties other than the individual right holder.¹² The role-based rights constitutive of press freedom – e.g. rights of journalists and media organisations not to reveal their sources, to launch 'sting' operations, and to be free from government interference – appear to be examples of this type.

As Raz puts it, ‘The rights of journalists (however qualified) to protect their sources are normally justified by the interests of journalists in being able to collect information. But that interest is deemed to be worth protecting because it serves the public. That is, the journalist’s interest is valued because of its usefulness to members of the public at large’.¹³ It is ultimately for the good of the public that we hold moral duties not to force journalists to reveal their sources, rather than primarily for the good of the individual journalist. Legal duties operationalise these moral duties whose grounds are not the good of the individual journalist. Such duties (both moral and legal) seem to constitute role-based rights for journalists, and their non-individualistic ground (in the good of parties other than the journalist) seems to make them sharply distinct from human rights on the naturalistic view. What is the relation between journalists’ role-based rights and human rights?

In this article, I will outline how the individualistic conception of human rights – as based on the good of the right holder – fits with the view that journalism and press freedom are human rights matters. We will see that rights protecting journalistic practices are distinct from our general human rights of communication. Instead, rights protecting journalism are best conceived as derived from the human rights of individual members of the public to education about current affairs, to legitimate government, and to political participation. On this picture, journalists are akin to doctors or teachers: people who have chosen to make it their business to fulfil general duties generated by ‘positive’ human rights to assistance held by members of the public. Journalists’ rights are rights to be able to fulfil this role; their role-based rights have a distinctive human-rights-type importance in virtue of their close relationship to the logically prior human rights – to education, political participation, etc. – that journalism serves. And it will turn out that one can take on or find oneself in the journalistic role independently of whether one works for an institutionally recognised news provider. For example, one can take on the same role, protected by journalistic rights, if one is a whistleblower even if one has no place within a media organisation. Further, it will turn out that their distinctive base in universal human rights to education, legitimate power, and political participation justifies notable special protections for and limits to journalists’ rights to pursue their role.

2. Human Rights to Communicate and to Receive Communication

Before filling out the details of the picture sketched, we should tackle a rival alternative: the view that subsumes journalistic rights under general human rights of communication. If a censorship office orders a journalist not to publish a story, is this morally similar to its preventing an ‘ordinary person’ from discussing a particular matter? In both cases, is it the general human right to be allowed to say what one wants (within the familiar vague limits posed by hate speech and dangerous speech) that is at stake?

In response, I say ‘yes but ...’. Journalistic communication is of course itself communication and as such is subject to rights protecting all communication. The ‘but’ is that by taking on the role of ‘journalist’ (whether intentionally or not), one makes one’s communication subject to extra protections generated by the values the journalistic role serves: e.g. protection for ‘sting’ operations that would not be permitted to ordinary citizens. But these extra protections are limited: if one’s communication purports to be

'journalistic' but fails to serve the values and rights for which the journalistic role exists, then it will be subject only to whatever protections attend all communication – which, in some cases (e.g. lying, deliberately misleading) is very limited.

In Sections 3 and 4, I explain the journalistic role and its justification. First, in the current section, I give a brief overview of our general journalism-independent human rights to communicate and to receive communication, as implied by my naturalistic approach. We can distinguish four ways in which communication in general is of duty-grounding importance for a person:

- As speaker
The speaker – qua initiator of communication – has important duty-grounding interests in expressing herself and in communicating important beliefs and knowledge.
- As listener
The listener – qua recipient of communication – has important duty-grounding interests in learning what others think and in learning truth about the world via testimony.¹⁴
- As part of the nexus of speaker and listener
Human communicators, whether speaker or listener, have an interest in taking part in the form of connection that communication constitutes: an interest in connecting with another site of subjectivity, in which both parties recognise each other through the 'I-you nexus', rather than simply conceiving each other third personally.¹⁵ And as Shiffrin notes, communication, whether in speaker or listener role, is essential for thinking and, I would add, for participating in genuinely joint action.¹⁶
- As third party
Each of us has an interest in living in an open society in which our peers are well informed, educated, and able to express themselves. This interest is distinct from our interest in participating as communicators ourselves within such a society.¹⁷

Each of the interests listed is in most contexts sufficient on its own to ground some important moral duties in others, duties which constitute important pre-legal moral rights of the interest holder. Further, the relevant rights are morally demandable on their holders' behalf by anyone and hence qualify as naturalistic human rights on my account. These claims might seem hasty. Critics will observe that to establish the existence of a human right on the naturalistic account, it is not enough simply to show that certain important interests would be served by it. We need to show specifically that the interests or good of the right holder are sufficiently important largely on their own morally to ground universally demandable, weighty-but-defeasible moral duties, where 'sufficient importance' means that the interests or good in question successfully ground such duties across a wide range of possible situations.¹⁸ But it seems to me that a little reflection on the interests above – on their centrality to a good human life, and on the plausibility of demanding respect for them on behalf of the interest-holder across a wide range of scenarios – is enough to establish that these interests have right-grounding weight. Communication is

so central to human life that we do not need a detailed cost–benefit analysis, precisely weighing the costs to duty bearers of letting and enabling a person to engage in communication, in order to see that the interests listed ground important, demandable, weighty-but-defeasible moral duties.

This apparent duty-grounding importance is absent, I believe, in cases of manipulation, deception, coercion, misrepresentation, or endangerment of speaker, listener, or others.¹⁹ But except in such cases, we get human rights to be unimpeded and enabled as speaker and listener, to be communicated with, and further human rights that society organise itself for open free expression. These rights, and the duties constituting them, are potentially defeasible, but the key point within my naturalistic picture is that in most contexts the interests listed, borne by an individual, are sufficient to make it the case that some relevant defeasible duties exist.

Note that the human rights here include ‘positive’ rights ‘to goods and services’, as well as ‘negative’ rights ‘to liberty’: e.g. there are human rights to be communicated with as well as to communicate: one’s interest in being communicated with is sufficient to ground moral duties on others to communicate with one. Note also that this picture leaves a vast amount of philosophical work to be done: somebody who is totally ostracised clearly has their human right to communication violated, but what of somebody who is subject to communication limited to barked orders? Somebody whose own communication is limited to a narrow range of topics (e.g. domestic matters) clearly has their human right to communication violated, but what of somebody who can mostly communicate on any matter but is sometimes arbitrarily silenced? Is the human right to communication here violated, or some other human right?

I will not tackle these questions. I have aimed to outline how the individualistic view of human rights as ‘existing for the right holder’s sake’ would account for the communication rights of ordinary humans. With this at hand, we turn to the different values and rights served by the distinct practice of journalistic communication.

3. Media Organisations and the Role of Journalist

One thing that might seem striking about media communication is its corporate nature. But journalistic rights are not corporate rights. We should distinguish the writings of an author in her role as journalist from the communications made by her corporation’s advertising department or from the communication constituted by her newspaper’s signing a contract.²⁰ The latter two cases involve communication by the corporation. In my view, the rights of corporations are metaphysically and morally sharply distinct from the rights of individual humans (or indeed from the rights of natural human groups). This is because a corporate entity’s good (its interests, needs, freedoms) lacks moral importance in itself. The corporate entity’s good only matters insofar as serving or respecting it serves individuals or important groups. So a corporate entity’s good cannot itself be sufficient to ground moral duties in others. A corporate entity can only hold rights created for it, rather than pre-institutional moral or ‘natural’ rights. And any rights created for it cannot be justifiably created primarily for its sake, but rather for the sake of others whose interests really matter.

Now – to anticipate the argument of Section 5 – I allow that some corporate entities’ rights might have the same high importance as human rights if they are closely related to

the protection of the uncreated or ‘natural’ moral rights of individual humans, that is, if the relevant corporate rights are closely involved in protecting rights constituted by individual humans’ good working largely on its own to ground moral duties. Perhaps some media corporations’ legal rights sometimes have this status, such as the rights that legally protect media corporations’ investigation of state corruption. Such corporate rights, we will see, have broadly the same status as the rights journalists hold as journalists: in both cases they are rights whose moral justification is, ultimately, the protection of the human rights of individual members of the public. I return to this in Section 5. The main point so far in the current section is simply that most corporations’ rights will not qualify as or be as important as human rights, because a corporation cannot hold rights ‘for its (the corporation’s) sake’.

The rights of journalists to engage in communication are, I believe, also not rights that they hold for their own sake, to echo the point in the quotation from Raz in Section 1. So, what are they? To get this clear, I sketch the role of journalist. Like many roles, journalism is defined by constitutive norms, norms that explain the role’s point, purpose, and limits. If one’s behaviour is governed by these norms (in some difficult-to-specify sense of ‘govern’), then one is a journalist – even if, as a bad journalist, one regularly violates the norms. The relevant norms are, I suggest:

- A. A journalist aims to bring truth (descriptive and sometimes evaluative) that is of public interest, and that is relatively specific and current, to the audience.
- B. Journalistic communication’s audience is open and public.
- C. Because of the moral importance of (A) and (B) in context, journalists are sometimes permitted to use means to obtain the truth that the ‘ordinary citizen’ is not permitted to use (e.g. ‘sting’ operations), and they are duty-bound to protect their sources in ways that are not required of ‘ordinary citizens’.²¹

As employees, journalists also have constitutive duties to obey their managers. Communication compelled by managers is communication by the organisation and is subject to the considerations outlined at the start of this section. But managers do not always tell journalists what to say, and when they do, we should question whether this is really journalism.

The human right to journalism and press freedom, for which I argue in the next section, is a right that one’s society allows and enables some people to engage in the practice constituted by (A)–(C). Of course, it does not require that anyone who wants to be a journalist be allowed to become one. But it is violated by states and communities that fail to recognise and institute protections for people engaged in the practice, including protections for the special exceptional practices outlined in (C).

4. The Naturalistic Grounds for Human Rights to Journalism and Press Freedom

Someone who takes on the role defined by (A)–(C) – whether by working for a familiar journalistic institution or simply as ‘citizen journalist’ by investigating corruption or whistleblowing, and whether intentionally or not – has thereby taken on a role that is tightly related to the protection and serving of three fundamental human rights borne by all individuals.

The first of these is the human right to education, specifically about current matters of public interest. Each human's interest in or need for education about such matters is, I contend, of duty-grounding importance, importance sufficient to place the world at large under moral duties to supply the relevant education. Each of us needs to know what is currently going on in the world in order to make informed choices about how to live. I need access to this knowledge even if I have decided to live an insulated life that does not depend on it: I still need such access to allow me to choose to reengage in the wider world if I wish. We should add that each human also has a right-grounding interest in or need for her peers to be similarly educated about current matters of public interest, so that we each live in a well-informed community. Because these interests are of duty-grounding importance, they underpin a human right to the education both of oneself and one's peers. In the case of one's peers, one's own interest is only sufficiently important to ground moral duties, borne by the world at large, to inform them about matters of vital importance; it would ask too much of one's own interest to claim that it grounded as extensive rights that others be educated and informed as it does for oneself. Nonetheless, I believe it grounds some limited rights to others' education along with less limited rights to one's own education.

The broad idea is that when something of public importance is taking place of which I should be aware (perhaps corruption or evil, or events constituting strong evidence of corruption or evil), then I have interests of sufficient importance to ground moral duties that I be told about it and, to a lesser extent, that others also be told about it. This constitutes a 'natural' moral 'positive' right against the world that I and the relevant others be told. This right is generated by my interests largely independently of the costs of the existence of this right – although while existing it might also be defeasible. By calling it 'natural', I mean that it exists as the person's right whether or not anyone recognises this. Journalism, as outlined by (A)–(C), involves taking on the job of fulfilling the moral duties correlative to this form of human right, duties borne initially by the world at large. (I recognise that this idea of duties borne by the world at large will seem strange; I return to this at the end of the section.)²²

A second human right of ordinary people that journalism serves is the right not to be subjected to illegitimate power. What exactly legitimacy requires is of course controversial, but I will assume that corruption, deceit, and lying by a body that claims authority diminish that body's legitimacy, especially if the lying or deception is aimed at or hides things from those over whom the body claims power. I would want to explain this as connected ultimately to Rawls's 'liberal principle of legitimacy': that 'exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason'.²³ The kind of corruption revealed by classic journalistic exposés – Watergate, the British MPs' expenses scandal, the Mossack Fonseca 'Panama papers'²⁴ – involves a failure of power to live up fully to this liberal principle of legitimacy: a failure of the constitution determining the relationship between power (political or economic) and its subject (citizen or economic agent) to be justifiably endorsable by the 'common human reason' of those subject to it. Each human has a very important – duty-groundingly important – interest in or need for the legitimacy of any body to whose power they are subject. This interest or need is the basis of a human right against illegitimate power. Because legitimacy is a matter of degree and maximum legitimacy demands a lot, we should not take this to be a human

right that any power to which one is subject must be maximally legitimate. But the right is violated by the kind of illegitimacy evidenced in the scandals mentioned above.

Like governments, media organisations also wield power, as do individual authors, journalists, commentators, and investigators. So do non-media corporations. The forms of power are different, and each is subject to distinct legitimacy standards. All humanly created power is subject to such standards, which demand that the relationship between power and those subject to it is acceptable to the latter. The human right against illegitimate power is thus served by media and other corporate regulation, just as journalistic practice also serves it. Regulation, for example, to limit media deception through mis-framing, to ensure social media platform providers satisfy a duty of care for their users, or to ensure media diversity, could in context all serve the human right against illegitimate power, in this case illegitimate media domination of the public sphere.²⁵ Of course such claims need careful specification.

A third human right of ordinary people that journalism – or cognate activities – serves is the right to a voice in public debate, a branch of the right to political participation. For each human, there is a powerful interest in or need to be able to have a say in how her community is run. It is not that each person must actually participate in public political debate, but she must be able to do so, through intermediaries if need be. I would argue that in the modern world of mass democracies, such participation is often served by journalism and, perhaps more so, by ‘commentary’ or ‘opinion’ expressed in the media. When a person lacks power or confidence, they nonetheless have right-grounding interests in their important, reasonable views entering the public sphere. These ground a ‘natural’ positive right against the world, that their views be communicated publicly on their behalf. Journalists and commentators, amongst others including politicians, make it their business to satisfy this right.

In Section 3, I sketched a conception of journalism as a role. In the current section, I argued that journalism on this conception is tightly related to the fulfilment of three important naturalistic human rights: to education about current affairs, against illegitimate power, and to a voice in public debate. As in Section 2, my argument for the existence of the relevant naturalistic human rights does not engage in precise cost–benefit analysis, but works simply by drawing attention to the fundamental human importance of the interests in question: in education, legitimate power, and political voice. Note that while the first of these makes journalism’s role primarily epistemic, the other two reveal that journalism also plays important moral roles that go beyond the epistemic. And each of these rights is what is sometimes called a ‘positive’ human right, or what O’Neill calls a right ‘to goods and services’ rather than a mere liberty right that can be fulfilled through universal non-interference.²⁶ Elsewhere I develop my own version of Wringer’s controversial view that a person’s fundamental ‘positive’ human rights entail duties borne by humanity at large, where these might include a duty to ensure that that person does not starve (correlative to that person’s human right to subsistence), receives health care (correlative to their human right to health), and so on.²⁷ There are alternative naturalistic theories of ‘positive’ human rights, which allocate pre-institutional correlative duties to particular individuals and groups rather than humanity at large.²⁸ My account of journalism as a human right does not depend on my controversial ‘humanity’s duty’ view, but only on the more widely accepted claim that there can be ‘positive’ naturalistic human rights. These include the rights – to education about current affairs, against illegitimate authority, and to a voice – that I believe journalism serves. People can choose to serve these rights as their journalistic vocation, just as medical and educational professions similarly involve the taking on as one’s own of duties entailed by

human rights that must be fulfilled by someone or other. The journalism role is appropriate to, and I would say partly defined by, the three human rights outlined.²⁹

5. The High Priority of the Journalist's Role-Rights

Suppose the picture sketched so far is correct. Each human has interests, needs, or freedoms sufficient largely on their own to ground pre-institutional defeasible moral duties to engage in the journalism necessary for the relevant human's education about current affairs, necessary for the legitimacy of those in authority over her, and necessary for the relevant human's being given a voice in the public sphere. These moral duties correlate with human rights to the provision of (good) journalism for the human in question. What does this naturalistic picture imply about a journalist's own role-based rights to engage in her practice?

In this section, I argue that the journalist's core role-based rights hold high-priority moral importance because of their relationship to the human rights they serve. In order to count as respecting and supporting the human rights for which journalism is necessary, states, individuals, and communities need to create, protect, and support a system of role-based rights constituting a free press in which journalists are protected in investigative activities in the public interest, including activities that would be justifiably prohibitable if performed by an ordinary citizen.³⁰ States, individuals, and communities must give the same sort of priority to support and respect for journalism that they give to the human rights journalism serves.

This is because of the modally tight relationship between the relevant human rights groundable for the right holder's sake (to education, legitimacy, and voice) and the role-based rights and duties constituting journalism. Someone has to engage in public interest investigative and communicative journalism, if our duty-grounded important needs (educational, legitimacy-based, and voice-based) are to be fulfilled. And such engagement has to be relatively unimpeded, for example, with 'sting operations' permitted when in the public interest and protections against revealing sources, if journalism is to guard against illegitimate power. A world anything like our own but without journalistic activities, or with such activities forbidden, would necessarily leave our human rights unfulfilled. Journalistic activities in this sense might well be achievable within radically reconfigured media institutions and technology, for example, by 'citizen journalists' working online without any 'old media' news titles or broadcasters. But without journalism in the broad sense – encompassing any work characterised by Section 3's (A)–(C) – some in a mass democracy would be left without enough knowledge of current affairs, some without a voice, and all subject to illegitimate power. Indeed, there seems to be a conceptual rather than purely causal link between journalism and legitimacy: legitimate power conceptually requires the kind of openness to dispute and challenge that journalistic activity constitutes.

This modally tight relationship between journalism and the human rights it supports marks an important contrast with how some other roles and institutions serve human rights. For example, British planning law gives me legal rights to be notified of building works on properties adjacent to mine. These legal rights seem to help protect my fundamental liberties in important ways, but surely rights in planning law do not themselves have very high-priority human-rights-type importance. Similarly, teachers have role-based rights that pupils sit quietly, but these do not hold anything like the same priority

as the general human right to education – even though the right to well-behaved pupils is important for serving the pupils' human rights to education.³¹ The difference with journalism is that while the planning law duty (to notify about building works) helps serve some of our important rights, a world like our own but without this duty would not involve necessary major moral wrongs. Similarly, rights to well-behaved pupils and to have work handed in are not necessary – or, I might rather say, are much less necessary – for the fulfilment of human rights to education than are journalistic freedoms and protections for the three human rights outlined in Section 4.³² It would be rare if forbidding the disciplining of pupils, or discarding planning-notification laws, made education or other human rights impossible to achieve: alternative educational and planning systems can work well. But forbidding or doing nothing to support journalistic activities does seem to make the three underlying human rights unachievable. The central aspects of the journalist's role, captured by (A)–(C) in Section 3, are required for people's minimal education about current affairs, legitimate power, and political voice, in any world roughly like our own.

General rights theory finds a glitch in the idea of role-based rights grounded by what they do for people other than the role holder. It can seem obscure why violating rights held by a role bearer (journalist X) that are justified by their protecting the rights of some other person (citizen Y) counts as wronging X rather than simply Y. If Y's good is the moral ground for X's rights, why is their violation a wrong to X? Why are the relevant duties really rights of X at all, rather than simply rights of Y?³³ To explain this, we need to see the wrong to the role-bearer X as an artefact of the role bearers' status as a right holder: the wrong is logically downstream from rather than antecedent to the existence of the right in question. In the case of journalists, this reasoning runs as follows: because the journalist's role is so essential to serving ordinary citizens' human rights, we should deem the legal and moral duties protecting journalism to be role-defining rights of the journalist, and it is because of this – i.e. because of our decision to deem the protective duties 'rights' for the journalist – that violation of these protective duties wrongs journalists *qua* journalists.

The line of reasoning just outlined depends on a theory of rights as creatable at will wherever we wish them to correlate with a given duty – rights we can 'deem' to correlate with duties, thereby at will creating right-holder status for a party independently of that party's good. And it depends on the thought that rights so created, if morally justified, will be such that their violation genuinely wrongs the right holder, but only by setting back a status interest created by the right, rather than by setting back the right holder's independent interests. I defend these controversial claims in rights theory elsewhere (including rejection of the standard interest and will theories as general accounts of rights – though I retain an interest theory account of recognition-independent 'natural' human rights). Given the prevalence of role-based rights justified by their serving values other than the good of the right holder, a move of the kind I outline must be defensible.³⁴

6. Human Rights to Journalism or Human Rights for Journalists?

My argument so far implies, among other things, that censoring a journalist violates her human rights 'as an ordinary person' (i.e. the communicative human rights that she holds like everyone else, defended in Section 2) and that it also violates her potential addressees' human rights that journalism be engaged in for them (for the sake of their education, legitimate subjection to authority, and voice – see Section 4). Section 5 tells us that journalists'

role-based rights to do their job have high-priority importance, given how necessary journalism is to the three fundamental human rights it serves. None of this yet implies that imprisonment or censoring of a journalist would constitute a violation of specific human-rights-to engage-in-journalism held by that journalist herself. In the current section, I tentatively explore this controversial possibility that expands the reach of the human rights concept to encompass journalists' role rights as themselves human rights.

I can see some attractions to the expansive idea that journalists' role-defining rights constitute special 'journalists' human rights': human rights to be free (within limits) to pursue their practice. There are notable costs to this expansive approach: it deviates from the view that human rights are held universally by everyone; it also muddles the distinction between human rights and role-based rights. On the other hand, it seems to me that silencing a journalist has a distinctive character as a wrong to the journalist qua journalist, a character that depends on journalism's relation to human rights and is conceived insufficiently seriously as violation of a professional role right. In addition, we will see that naturalistic theorists have independent reason to take an expansive approach in order to accommodate any legal rights as genuinely human rights. As explained below, I do not see how naturalistic theorists can plausibly avoid this step, and once taken, it opens the door to some special journalists' human rights.³⁵

For reasons given in Section 1, we should see human rights as fundamentally protecting rights that exist for the right holder's sake – where the latter are 'natural' (i.e. recognition-independent) rights constituted by moral duties groundable primarily by what they do for the individual. But naturalistic theorists might add that rights that appropriately and tightly protect such 'natural' moral rights can include legal and other rights that are not themselves grounded for the right holder's sake. These protective rights that do not exist for the right holder's own sake might be allowed to inherit human rights status from the status of the individualistically grounded moral rights that they protect. Naturalistic theorists seem to need to make this move in order to justify any legal human rights.³⁶ For legal human rights are essentially held by many: the British legal human right to vote, secured by various pieces of legislation including the Human Rights Act³⁷, cannot be morally justified primarily by my participation needs alone, as Buchanan observes.³⁸ It takes more than just my needs and interests morally to justify setting up and maintaining this law, given the costs involved in such a wide, broad social institution. Legal human rights do not plausibly exist for the sake of specific individual right holders. But naturalistic theorists should want to avoid concluding from this, absurdly, that legal human rights are not really human rights. Instead, naturalistic theorists can allow that legal human rights are human rights because they give important real and symbolic protection to rights that do exist for the right holder's sake, such as my moral right to political participation. On this picture, we take the 'human rights' concept to encompass rights that protect and institutionalise moral human rights that exist for the sake of the right holder. This is the best way to make sense of human rights law. But note that it allows that people's human rights will vary with legal jurisdictions and allows that some human rights (the legal ones) need not be grounded by what they do for the individual right holder.

Having made this move, it might seem that the theorist could readily add that in addition to the familiar legal rights in international human rights law, further rights can also qualify as 'human rights' – including the specific rights, whether legal, conventional, or moral, that journalists hold in particular jurisdictions to engage in those aspects of their practice which are really vital to journalism's educational, legitimacy-securing, and

voice-providing role. Take, for example, the public interest exceptions to data-protection regulations in the European Union. As a journalist, and hence as aiming to publicise information in the public interest as sketched in Sections 3 and 4, a person holds legal rights (in the relevant European jurisdictions) to engage in some data dissemination that would otherwise be prohibited. The interests of any specific journalist to engage in such activity are unlikely on their own to justify creating and sustaining the broad institutional public interest exception that constitutes a legal right here. But the relevant legal right is clearly morally justifiable, and partly on the ground that it helps secure everyone's moral human right to the provision of journalism (of the kind defended in Sections 3 and 4). We could hold that somebody who the state prevents from communicating such data despite its public interest importance has had one of her human rights violated – a specific human right she holds as a journalist. On this view, the legal exception qualifies as her (legal) human right because it gives legal form to, and is tightly related to the protection of, the moral human rights all hold to the provision of necessary journalism, as argued in Section 4. The journalist's legal human right is not justifiable for her sake, but it is a human right nonetheless because of its close protective, operationalising relationship to rights that are justifiable for their holders' own sake. Note that moral as well as legal rights protecting journalists' performance of their role for the sake of others could be seen as journalists' human rights on these grounds.

Now, a naturalistic theorist might try to find a principled way to accommodate many legal human rights without also ending up classifying journalistic role-based rights as human rights. One such approach would be the 'mirroring view' that Buchanan criticises, which insists that to qualify as a human right a legal-institutional right must have the same content as a natural right grounded by what it does for the right holder.³⁹ Another approach might stipulate that for a right to be a human right it must be held universally at least across a given jurisdiction, not confined to a particular group. But this would problematically rule out the possibility of human rights specific to important groups, such as distinctive children's human rights.

Whether to search for routes like this – in order to allow legal human rights to qualify as genuinely human rights, while avoiding expansively accommodating journalists' role-based rights as 'journalists' human rights' – depends partly on the political context. If people were to start referring to journalists' role-based rights as special 'journalists' human rights', I would be very wary of resisting this, given the political dangers in any conceptual claim that rights of undoubted moral importance are not really human rights. Such moves risk being misread as dismissive of the rights in question, giving political ammunition to powerful anti-rights voices. This is especially dangerous when, as in our case, support for the relevant rights (journalists' rights) is necessary for respect for rights that are unquestionably human rights (the rights to education, legitimacy, and voice outlined in Section 4).⁴⁰

7. The Limits of Journalists' Human-Rights-Based Duties and Rights

I will not press the position in the previous section. My primary aim has been to defend the points established in the other sections, which paint a human-rights-based vocational picture of journalists' rights: a journalist takes on as her business moral duties, borne 'originally' by humanity in general, entailed by everyone's human rights to education about

current matters of public interest, human rights to the legitimacy of authorities, and human rights that one's views be voiced. These moral duties give the journalist morally justified role-based rights to pursue her practice, which at the very least share much of the high-priority importance of the human rights they protect. Whether the journalist's role-based rights are themselves human rights is not an issue I shall tackle further. Instead, I focus now on the limits of journalists' rights and their relation to the limits on journalists' moral duties. These include some of the limits on communication in general, outlined in Section 2: there are no moral human rights to manipulate, deceive, or coerce. But there are further limits built into the specific moral duties journalism serves.

Before outlining these limits, I note their moral character. Even if, as I will argue, the moral duties that justify journalism are not served when journalists promulgate obviously false, dangerous, or incoherent messages, it does not follow that legal protection should follow morality here. The limits and dangers of power can often generate strong moral reasons legally to permit what is morally unjustified or even morally prohibited. For a trivial example, suppose – given my children's interests and aptitude – that I have a moral duty to clear my garden to allow my children to do football training; there are nonetheless strong moral reasons not to make this a legal duty on my part, but rather to leave me with a legal right to continue as a morally suboptimal parent who prioritises flowers over football. Much less trivially, even though a journalist has no moral right *qua* journalist to publish obviously false information, in some cases there might be powerful moral reasons to refrain from legal restrictions on such publication. This does not make the points below irrelevant to law and policy. Media law and policy should be designed to reflect both the moral limits on journalists' human-rights-based role and the moral limits on legalising and regulating those limits.

First, I examine limitations springing from journalism's educative and legitimacy-securing roles. In both of these roles, the journalist's job is to fulfil the addressee's human right to be informed about matters of public interest. This is what Shiffrin refers to as a 'listener-based' approach to journalistic freedom of speech, and while Shiffrin does not focus on journalism specifically, the limits she summarises for listener-based approaches to communicative liberty apply here as elsewhere.⁴¹ Shiffrin notes that such approaches imply no protection for communications that are of no benefit for the listener, and among such communications she lists redundant messages (e.g. messages that do no more than repeat what has previously been communicated), incoherent messages (whose incoherence makes them fail to communicate anything to the listener), and unimportant messages that the listener does not need. I think Shiffrin's core point here is correct: communication that really does not add anything for its recipient cannot contribute to the fulfilment of her right to be informed. And truly redundant, contentless, or trivial messages fall into this category.

But it is not clear to me how often journalistic communications are like this. Unwanted messages might require frequent repetition before they are fully grasped: e.g. communications about the risks of climate change. Even if the same message about the dire consequences of a 2° rise in global temperature, derived from the same official source (e.g. IPCC), is constantly reiterated, such repetition could still serve listeners' right to be informed if the repetition is necessary for the message to be fully grasped in its severity. Similarly, surface incoherence is not the same as contentlessness, and some communications that are incoherent in direct meaning – e.g. assertions that a public figure both is and is not of a certain character – can carry further messages of value for the listener. Unimportance

is even more difficult: truly trivial communications (e.g. about the number of blades of grass in my garden) do seem unprotected by the idea of a right to be informed, but what counts as trivial is highly context dependent. Together, these points add up to the conclusion that despite the principled limitations Shiffrin lists for listener-based approaches, in practice it will often be hard to argue that these limitations have been reached.

There are further limitations to journalism-as-education and journalism-as-securing-legitimacy. These aims are not served by demonstrably or obviously false communications, nor by deceptive or manipulative messages. Such communications work against these aims. So the human rights to education and legitimacy secure no moral protection for obviously false, deceptive, or manipulative journalistic speech.⁴² To my mind, there will be more cases that clearly fall under this category than under those in the previous paragraph (redundancy, contentlessness, and unimportance). Examples might include racist political programmes or flat-earth-ism. But ‘demonstrability’ or ‘obviousness’ is important here: communications that are apparently false but actually true are of course among those most central to education and the securing of legitimacy.

Note that journalism’s educative and legitimacy-securing roles also entail some moral duties requiring journalistic engagement in and publication of particular investigations.⁴³ There are moral duties to ensure that citizens learn about particular instances of corruption or deception by those in power, and journalists are morally duty-bound to do their best to uncover these things, and when they do uncover them to ensure that they are publicised.

The duties and the limitations sketched above – the fact that the importance of education and legitimacy can require particular investigations and their communication, but cannot secure special protection for communications that are redundant, contentless, unimportant, or obviously false or deceptive – spring from journalism’s educative and legitimacy-securing roles. Journalism’s voicing role generates different (though related) duties and limitations. The human right to a voice, which journalism’s voicing role serves, is the right to a voice in political matters, a say in one’s community’s decisions about how to live together and act collectively. Powerful parties will often have such a voice without needing the support of journalistic communication. For example, politicians, corporations (with their own advertising departments), those ‘close to power’ or with high ‘cultural capital’ (including by having many followers on social media), or simply those with great wealth who could use it to amplify their voice, are much less in need of the support of journalistic voicing communications than those who are powerless.⁴⁴ The ‘voice’ ground for journalists’ human rights offers no special moral protection for the voicing of views that are already powerfully represented in the public sphere and not under threat. It favours journalistic voicing of under-represented views and favours political plurality among communications (subject to the limitation sketched in a moment). Indeed, it generates a duty to ensure certain views are represented, if this is necessary for people to have a fair voice in the public sphere.

But it seems to me that there is no human right to participate in political decision-making through demonstrably or obviously false, deceptive, or manipulative messages. As with the educative and legitimacy-securing grounds for journalistic communication, the ‘voice’ ground again does not imply special protection for such obviously false or deceptive messages. One might think that each person has an interest in getting their views into the public sphere, even if these are demonstrably false or deceptive views. But I would suggest that the moral importance of this interest is vitiated by such deceptiveness: the

interest loses its duty-grounding importance in this case. So journalists' role-based rights to voice people's views – rights that inherit the importance of the human right they protect – do not include a right to communicate relevantly obviously false or deceptive messages.

8. Conclusions

I have argued that the special legal and moral rights which protect journalism play a necessary and important role in protecting every person's human rights to education about matters of public interest, to the legitimacy of the power to which she is subject, and to her views being voiced in the public sphere. On this model, journalists' role-based rights are akin to the rights of doctors or educators, and as in the latter cases (where people can find themselves in a caring or educative role without working for medical or educative institutions), people can find themselves in the journalistic role without being formally related to journalistic institutions. Examples include whistleblowers and ordinary citizens who have stumbled across matters of public interest.⁴⁵

In the previous section, I showed that this model implies limitations on the special role-based rights of journalists. They hold no special rights to engage in genuinely redundant, contentless, or unimportant communication or communication that is demonstrably false, deceptive, or manipulative. Nor does their 'voicing' role give them special rights to amplify views of those already powerfully represented in the public sphere. Further, journalists' special rights rest on special duties too: to investigate and publicise relevant matters and voice underrepresented views. But these moral limits on (and duties for) journalistic rights should not be taken to justify mirroring legal limits and duties. Law and public policy – including choices about publicly funded, reader-funded, speaker-funded, and advertiser-funded journalism – should be shaped to respect the relevant limits and requirements in a way that is sensitive to the huge power and rights-violating potential of law, of the state, of corporations, of property interests, and of journalism itself. Shaping law and public policy in this way is a context-sensitive task. But getting the philosophical, moral foundations clear is a necessary step: while founded on important human rights of all citizens, journalists' role-based rights are distinct from ordinary human rights of communication and bring their own moral limits and duties for policy- and law makers to respect.

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Acknowledgements

Many thanks for discussions with my colleagues on the Norms for the *New Public Sphere* project: Natalie Ashton, Jonathan Heawood and Fabienne Peter. Thanks also to participants in the 2019 Leiden workshop on Debating Media Accountability, including Emanuela Ceva, Lisa Herzog, Jeffrey Howard, Judith Lichtenberg, Dorota Mokrosinska and Paul Wragg.

NOTES

- 1 See especially the interpretation of free speech law as protecting journalism, via Article 19 of the Universal Declaration of Human Rights and Article 10 of the European Convention.
- 2 On goals and rights, see Nickel, James W. 2013. "Goals and Rights - Working Together?" In *The MDGs and Human Rights: Past, Present, and Future*, edited by Malcolm Langford, Andy Sumner, and Alicia Ely Yamin, 38–48. Cambridge: Cambridge University Press.
- 3 For the naturalistic view, see Griffin, James. 2008. *On Human Rights*. Oxford: Oxford University Press and Tasioulas, John. 2015. "On the Foundations of Human Rights." In *Philosophical Foundations of Human Rights*, edited by R. Cruft, S. M. Liao, and M. Renzo, 45–70. Oxford: Oxford University Press. For the political view, see Beitz, Charles R. 2009. *The Idea of Human Rights*. Oxford: Oxford University Press; Lafont, Cristina. 2012. *Global Governance and Human Rights*. Amsterdam: Van Gorcum; Rawls, John. 1999. *The Law of Peoples*. Cambridge, MA: Harvard University Press; Raz, Joseph. 2015. "Human Rights in the Emerging World Order." In *Philosophical Foundations of Human Rights*, edited by R. Cruft, S. M. Liao, and M. Renzo, 217–31. Oxford: Oxford University Press. I take Buchanan to adopt the legal view: see Buchanan, Allen. 2013. *The Heart of Human Rights*. Oxford: Oxford University Press.
- 4 See my Cruft, Rowan. 2019. *Human Rights, Ownership, and the Individual*. Oxford: Oxford University Press, Chapters 7–10.
- 5 Cruft op. cit.; compare also Sangiovanni, Andrea. 2016. "Are Moral Rights Necessary for the Justification of International Legal Human Rights?" *Ethics and International Affairs* 30(4): 471–81. This conception of human rights is closely related to Raz's conception of rights in general as duties grounded in a person's own good (Raz, Joseph. 1986. *The Morality of Freedom*. Oxford: Oxford University Press, Chapter 7). But what Raz sees as distinctive to rights in general – that they are duties groundable primarily by the individual's good – is, I argue, better conceived as a central hallmark of the fundamental 'natural' moral rights that human rights law protects and operationalises. My less important rights (e.g. property rights in my garden shed) and rights protecting social roles (e.g. rights that my students submit un-plagiarised work) do not protect nor are constituted by duties groundable largely by what they do for me.
- 6 Consider your right not to be tortured: your interest or need not to be tortured is sufficiently morally important on its own to make it the case that others have duties not to torture you: these duties are generated by your interest or need independently of whether the duties serve others beyond you. This point can seem especially plausible when we note that the duties in question might sometimes be justifiably infringeable. It is the existence of the duties, rather than respect for them, that is groundable largely by the right holder's own interest or need. Further, a moral duty can be groundable in this way – by the right holder's good working largely on its own – while also being groundable in other ways, for example, by how it serves the common good. The hallmark of human rights is that they protect duties groundable primarily by the right holder's own good; this leaves open the possibility that they are also groundable in other ways (Cruft op. cit., pp. 124–5).
- 7 So not every right protecting duties groundable by what they do for the right holder is therefore a human right: not those that are 'private'. See Cruft op. cit., Chapter 10.
- 8 Compare Sangiovanni op. cit.
- 9 Thompson, Michael. 2004. "What Is It to Wrong Someone? A Puzzle about Justice." In *Reason and Value: Themes from the Moral Philosophy of Joseph Raz*, edited by R. J. Wallace, P. Pettit, S. Scheffler, and M. Smith, 333–84. Oxford: Oxford University Press.
- 10 For this interpretation of the classical liberal case for property, see my Cruft op. cit., Part III.
- 11 Rawls, John. 1971. *A Theory of Justice*. Malden, MA: Blackwell, p. 27.
- 12 Buchanan op. cit.; Sreenivasan, Gopal. 2012. "A Human Right to Health: Some Inconclusive Scepticism." *Aristotelian Society Supplementary*, Volume 86(1): 239–65; Raz, Joseph. 1994. "Rights and individual well-being." in his *Ethics in the Public Domain*, 44–59. Oxford: Oxford University Press.
- 13 Raz 1986 op. cit., p. 179.
- 14 See Mill, J. S. 1991 [1859]. "On Liberty." In *On Liberty and Other Essays*, edited by J. Gray. Oxford: Oxford University Press.
- 15 See Thompson op. cit.; Cruft op. cit., Chapter 4; Jay Wallace, R. 2019. *The Moral Nexus*. Princeton, NJ: Princeton University Press.
- 16 Shiffrin, Seana. 2014. *Speech Matters: On Lying, Morality, and the Law*. Princeton, NJ: Princeton University Press, Chapter 3.

- 17 As Raz puts it, 'If I were to choose between living in a society which enjoys freedom of expression, but not having the right myself, or enjoying the right in a society which does not have it, I would have no hesitation in judging that my own personal interest is better served by the first option' (Raz 1994 op. cit., p. 54).
- 18 Cruft op. cit., pp. 120–25.
- 19 Is it defeated simply by the communication's being false? I will not assess this here. On dangerous communication, see Howard, Jeffrey. 2019. "Dangerous speech." *Philosophy and Public Affairs* 47(2): 208–54. See also Watson, Lani. 2018. "Systematic Epistemic Rights Violations in the Media: A Brexit Case Study." *Social Epistemology* 32(2): 88–102.
- 20 Of course, I recognise that there is often no sharp distinction between a media institution's corporate decisions and its editorial decisions; but if there were no such distinction discernible at all, the institution could not claim to be journalistic in the manner sketched in the main text; its communications would be merely corporate communications.
- 21 Compare the conceptions of journalism in McBride, Kelly, and Tom Rosentiel. 2014. "New Guiding Principles for a New Era of Journalism." In *The New Ethics of Journalism: Principles for the 21st Century*, edited by Kelly McBride and Tom Rosentiel. Thousand Oaks, CA: CQ Press/Sage and Wyatt, Wendy N. 2014. *The Ethics of Journalism: Individual, Institutional, and Cultural Influences*. London: I. B. Tauris. Compare also the many insights on media speech in O'Neill, Onora. 2013. *Speech Rights and Speech Wrongs*. Amsterdam: Van Gorcum.
- 22 The relevant human right here is sometimes conceived as a 'right to know'; I am unsure about this because knowledge entails true belief, while the human right in question seems to me to be a right to be educated about matters of public interest for which there is good evidence even if this evidence turns out to be misleading.
- 23 Rawls, John. 1996. *Political Liberalism* New York: Columbia University Press, p. 137. I take 'constitution' more broadly than Rawls.
- 24 Note that not all of these involved investigations by journalists, in the sense implied by the phrase 'investigative journalism'. Some did (e.g. the Panama Papers), but sometimes non-investigative leaking of information is sufficient for the relevant exposé, as in the MPs' expenses scandal.
- 25 For critical discussion of one such proposal, see Woods, Lorna. 2019. "The Duty of Care in the Online Harms White Paper." *Journal of Media Law* 11(1): 6–17.
- 26 O'Neill, Onora. 2000. *Bounds of Justice*. Cambridge: Cambridge University Press, p. 105; see also O'Neill, O. 2015. "Response to John Tasioulas." In *Philosophical Foundations of Human Rights*, edited by R. Cruft, S. M. Liao, and M. Renzo, 71–8. Oxford: Oxford University Press, p. 77.
- 27 Cruft op. cit., pp. 152–62. Compare Wringer, Bill. 2005. "Needs, Rights, and Collective Obligations." *Royal Institute of Philosophy Supplement* 57: 187–208.
- 28 For discussion of principles proposed by Barry, Kamm, Miller, Stemplowska, Tasioulas and Vayena, and Wenar, see Cruft op. cit., pp. 156–62.
- 29 A reviewer wanted to characterise journalism independently of these human rights, simply in terms of the 'contractual right to report information without being impeded'. But a simple contractual right will not protect journalists who break the law to serve the public interest, as in sting operations. Nor is it clear what media consumers are contracting to receive when they go online, switch on the radio, or buy a newspaper. In my view, we would all still hold human rights to the provision of journalism-serving-education/legitimacy/voice, and the state would be duty-bound to respect those who take on the journalistic role, even in the absence of consumer demand for it.
- 30 See Section 7 for some limitations: a 'free press' supporting human rights does not mean an unregulated press dominated by those with power.
- 31 Thanks to a referee for pressing the teacher example.
- 32 For more on tighter and looser linkages between different human rights, see Nickel, James W. 2008. "Rethinking Indivisibility: Towards a Theory of Supporting Relations between Human Rights." *Human Rights Quarterly* 30(4): 984–1001.
- 33 Compare my Cruft, Rowan. 2013. "Why Is It Disrespectful to Violate Rights?" *Proceedings of the Aristotelian Society* 113(2): 201–24.
- 34 See Cruft 2019 op. cit., Chapter 5. An alternative approach might focus on the individual journalist's interest in performing her role. Isn't this role-based interest of moral-duty-grounding importance all on its own? (see Mullins, Robert. 2019. "Rights, Roles and Interests." *Journal of Ethics and Social Philosophy* 16(2): 95–115) On inspection, it is not: the journalist's interest in performing her journalistic role depends crucially for its moral importance on the interests of the wider public in the existence of journalism. For a different and attractive theory of rights with roles at the centre, see Wenar, Leif. 2013. "The Nature of Claim-Rights." *Ethics* 123(2): 202–29.

- 35 A different way to accommodate journalists' role-based rights as themselves human rights would be to switch to the 'political' conception of human rights: suppression of journalism is plausibly of international concern even if journalists lack individual pre-legal moral rights to engage in their practice (see n. 3) There are problems for the political approach – e.g. it seems to make human rights dependent on the existence of a world of states – but in any case my aim is to work within the naturalistic approach.
- 36 This is an implication of the argument central to Buchanan op. cit.
- 37 In which the right to vote is – oddly in my view – justified as an implication of the right to freedom of expression (Protocol 1, Art. 3), rather than on grounds of the distinctive importance of political participation.
- 38 Buchanan op. cit., pp. 63–4.
- 39 Buchanan op. cit.
- 40 Griffin's denial of human rights to babies and people with severe mental health problems is to my mind an example of such a politically dangerous move, despite his assurance that this is a merely conceptual/theoretical point that leaves the human-right-less parties with plenty of further moral protection (Griffin op. cit., p. 95).
- 41 Shiffrin op. cit., pp. 83–4.
- 42 Indeed, these look rather like violations of audience rights; for defence of this claim, see Watson op. cit.
- 43 In their contribution to this symposium, Ceva and Mokrosinska point out that there is no legal right to journalistic work serving the public's education about particular matters of public interest, and they discuss Schauer's and Dworkin's point that journalists would resist legalising such a right. But for reasons outlined in Section 4, I believe there is a moral human right to be informed about matters of public interest that gives journalism one of its guiding purposes. Whether this moral right should give people legal recourse to insist on journalistic communication in particular cases is a further matter. (See Ceva, Emanuela, and Dorota Mokrosinska. 2022. "Failing Institutions, Whistle-blowing, and the Role of the News Media." *Journal of Applied Philosophy* 39(3): 377–92. <https://doi.org/10.1111/japp.12476>.)
- 44 As Dworkin notes in a different context (Dworkin, Ronald. 1979. "Does the Public Have a Right to Know?" In *Ethics Advisory Board, Appendix: The Request of the National Institutes of Health for a Limited Exemption from the Freedom of Information Act*. Department of Health and Human Services, p. 21).
- 45 In this respect, my claim is similar to Ceva and Mokrosinska op. cit.: anyone might be subject to whistleblowing or journalistic duties to disseminate matters of public interest, independently of whether they have chosen to or hold an institutional role. But unlike Ceva and Mokrosinska, I think such a duty rarely follows directly from membership in a well-ordered society: sometimes it does, when the matters to be disseminated are really important and one has stumbled across them – and perhaps most whistleblowers are like this. But more often, one chooses to 'take on' general journalistic duties as one's own by making others' human rights to education, legitimacy, and voice one's business.