

Perception of the Mass Media in Nigeria Constitutional Democracy Vis-À-Vis Heidegger and Kantian Doctrines: An Explicatory Analysis

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Abstract

This study is apt to appraise the perception of the mass media in Nigeria constitutional democracy vis-à-vis Heidegger and Kantian Doctrines. Ordinarily in a democracy, those who govern must be accountable and responsible to those whom they govern. The power to govern derives directly from the votes of the electorates. These electorates expect the government to be responsible and accountable. This study focuses on the roles of mass media in a constitutional democracy (Nigeria perspective). Section 22 of the 1999 Constitution of the Federal Republic of Nigeria mandated the mass media to hold the government responsible and accountable to the people. But, chapter two of the same Constitution makes it difficult for the mass media to perform this constitutional role. This research work is necessitated on the fact that the mass media in its quest to perform this function has ended up in adversarial relationship with the government. Sources of data include textbooks, journal articles as well as workshops and conference papers. Selected data were chosen, utilized and were presented qualitatively. The findings show that from the interpretation of Section 22 of the Constitution, it appears that non-observance of such provision is not questionable in any court of law. In other words, the Fundamental Objectives and Directive Principles of state policy enshrined in the constitution are policies that are meant to act as a beacon to guide the government in steering the ship of state. While concluding that the Nigerian mass media hold the government accountable and responsible since 1999, the study recommends that constitutional democracy should be respected both by the leaders and electorates as it is seen as synonymous with the rule of law.

Keywords: Constitutional Democracy, Mass media, Ethics, Rule of Law and Constitution

Introduction

Democracy is widely acknowledged as the best form of government. Elections which represent the most modern and universally accepted process through which individuals are chosen to represent a body or community in a larger entity or government is one of the cardinal features of a democracy. This is so because in a democratic society, the authority of the government derives from the consent of the governed; this is perhaps why democracy is commonly referred to as the government of the people by the people and for the people. Usually, a democratic election would characteristically be competitive, periodic, inclusive, definitive and free and fair. Free, in the sense that there is virtually no fraud and intimidation of voters, fair, in the sense that opposition parties are able to campaign on relatively well, without being subjected to repression or harassment, and they are not systematically denied access to the media and other resources. This implies that a liberal democracy recognizes basic civil liberties including rights of free speech, free association and free access to press. One major shortcoming of young democracies in the developing nations however, is the great influence of the ruling political party on mass media. Nigeria resumed her democratic dispensation process in 1999 when it elected Olusegun Obasanjo, the former military head of state as the new president of Nigeria ending almost 33 years of military rule from 1966 to 1999. This excludes the short-lived second republic between 1979 and 1983 by military dictators who seized power in *coup d'état* and counter-coups during the Nigerian military juntas of 1966- 1979 and 1983-1998. One of the problems that Nigeria had to overcome in the attempt to return to civilian rule in 1999 and have democracy entrenched was the invigorated position of the media which was at the fore-front of championing the course for the people's government; it was the eyes and voices of the people, who aired opinions and aversions of the citizens

towards military rule. Appadorai (2006) indicated that there are three essential requisites of democracy: a well informed citizenry; participation of the citizens in the day to day governance of the society, and accountability to the citizens of those that exercise power on their behalf. Unless citizens have adequate and accurate information on all issues and problems confronting them, they will be unable to take enlightened decisions on them.

However, Heidegger doctrine reminds the mass media to ensure that their reports should better the society and promote peace and development. Though, Kantian doctrine averred that it is evident that sometimes some mass media do not subject their work to editing and proofreading by a second party like the sub editor or news editor before disseminating such reports to the target audience who depend on mass media for their information needs.

Statement of the Problem

When one looks critically at the constitutional provisions in respect of freedom of expression and the mass media in Nigeria, there is an unquestionable correlation between the pattern of media delivery and the quality of governance obtainable in a democracy vis-à-vis the obligation of the mass media, one would discover that what the constitution grants with the right hand, it takes away with the left hand. The non-observance or non application of the letters and spirit of constitutional provisions is a clear negation of the principles, philosophy and the spirit of the rule of law.

The Nigerian mass media, no doubt, have a very crucial role to play in the challenging task of building the Nigeria nation. Section 22 of the 1999 Constitution of the Federal Republic of Nigeria as amended lends credence to this assertion. This notwithstanding, the extent to which the Nigerian mass media are able to discharge this all important role depends to a very large extent on the width and depth of the enabling environment that is created and sustained by the laws of the land.

Objectives of the Study

The main objective of the study is to appraise the perception of the mass media in Nigeria constitutional democracy vis-à-vis Heidegger and Kantian doctrines. However, other objectives include to:

1. Find out the nature of democratic society;
2. Determine the roles of the mass media in a constitutional democracy.
3. Find out the extent the Nigerian mass media have discharged their constitutional obligation as contained in Section 22 of the Amended 1999 Constitution of the Federal Republic of Nigeria.

Research Questions

The following questions will be addressed in this research:

1. What is the nature of democratic society?
2. What are the roles of the mass media in a constitutional democracy?
3. To what extent have the Nigerian mass media discharged their constitutional obligation as contained in Section 22 of the Amended 1999 Constitution of Federal Republic of Nigeria?

Significance of the Study

This study is significant in many ways. Firstly, the media practitioners will benefit from this study. It will help them in the course of discharging their responsibilities to their target audience. Secondly, this study will help in widening the frontier of mass media research; it will contribute to the enrichment of literature on legal studies and mass communication. The importance of this study will go a long way to ensure that the press or journalists have peaceful understanding with the government. Thirdly, it will provide baseline information through its analysis and discussion to assist the mass media policy makers in articulating policies that will positively impact on mass media practice in Nigeria. The study will also help the members of the audience to have more understanding and appreciation of the functions of the press.

Scope of the Study

This study focuses on perception of the mass media in Nigeria constitutional democracy vis-à-vis Heidegger and Kantian doctrines. The Nigerian mass media, no doubt, have a very crucial role to play in the challenging task of nation building. Section 22 of the Amended 1999 Constitution of the Federal Republic of Nigeria as amended lends credence to this assertion.

Theoretical Framework

This study is anchored on Agenda Setting Theory. Folarin (2005) stated that Agenda Setting Theory implies that the mass media pre-determine what issues are regarded as important at a given time in a given society. It does not ascribe to the media the power to determine what people actually think; but it does ascribe to them the power to determine what people are thinking about. Lippman (1922) cited in Okunna (2002) stated that the media help "to put pictures in our heads". This explains the power of the mass media to set the agenda and raise issues of public importance. Nwodu (2006) posited that Lippman (1922) originated the idea of agenda setting, when he argued that the media shaped "pictures in our mind" while Cohen (1963) reinforced the idea and fine tuned it. He stated that the media may not always be successful in telling people what to think, but they are usually successful in telling them what to think about. The import is that there is evidence that people think about what they are told but at no level do they think what they are told.

Methodology

This study used analytical approach drawing largely from literature on the subject of study from journals, books, Law Reports and Statute books. The import is that the study is mainly qualitative in nature and focused more on print media.

Conceptual Framework

Mass Media: An Insight

Ebo (1999) stated that media is defined by the Nigerian Media Council Act Cap 316 of 1990 laws of the Federation of Nigeria as including: radio, television, newspapers, magazines, and such other channels of communication involved in the collection and dissemination of information. They are generally called mass media, and can be produced daily, weekly, monthly or quarterly as the case may be. Usually, all these channels or systems of communication have similar and equal functions to perform. They educate, entertain, inform, mould opinion, socialize and through these objectives, they satisfy the interest and aspirations of the people. Above all, media are expected to be the national watchdog. Most people spend an appreciable part of their normal day with the mass media; either at home, schools, leisure places, in the offices, farms and other places of work. Moreover, media multi-tasking has been in vogue. This includes activities such as reading a newspaper and at the same time, watching the television, or listening to the radio and surfing the internet. With advancement in technology which brought about media convergence, the mass media are increasingly becoming part of the human society. It will not be out of place to say that this duration is expected to increase each passing day.

Nwodu (2018) maintained that consciously or unconsciously, these media of mass communication are affecting the users in virtually all aspects of their lives since researches in media effects have proven that the mass media wield a lot of influence both on the individual and the society. Lippman originated the idea that the media shape pictures in people's mind. Cohen reinforced the idea and fine-tuned it thus: the media may not always be successful in telling people what to think, but they are usually successful in telling them what to think about. McCombs and Shaw tested this assumption and found strong correlation between what the media give priority attention to and what people judge as important issues. Exposure to mass media contents that tally with what audience member see in real life situation tend to increase cultivation effect by reinforcing the audience members' perception of such reality. This is called resonance. Difference in perception of reality based on audience members' demographic and social factors can at times, be wiped out by heavy viewing. When this is the case, a common frame of reference is achieved due to the leveling effect of heavy viewing. This leveling effect is called mainstreaming. Media audiences are active audience members who deliberately expose themselves to a given

media content to gratify their needs. The emphasis therefore is on audience media use pattern and the gratification they seek in exposing themselves to media content.

Agbanu (2013) indicated that Harold Lasswell, a pioneer communication scholar, identified three main functions of the mass media which assist them in influencing public opinion attitude and behaviour. These functions according to him include: surveillance of the environment, which boils down to collection and dissemination of news and information on various issues in both our immediate and remote environment; correlation of the various parts of society in responding to the environment. This involves mainly the interpretation of the raw information collected from various areas and sources and the action required on such occurrences. This is done through news, commentaries, editorials, opinion articles, features and syndicated columns; and transmission of social heritage from one generation to the next. This involves dissemination of knowledge, norms, values and culture. In performing the above functions, the mass media reach a wide, heterogeneous audience with strong and influential messages. O' Reagan added that it is through the persuasiveness of media such as television, radio and print media that messages reach their target audiences. These have been influential media as they have been largely responsible for structuring people's daily lives and routines.

Nature of Democratic Society

In its most general sense, democracy denotes a way of life in a society in which each individual is believed to be entitled to an equality of concern as regards the chances of his participating freely in the values of that society. In its limited sense, democracy denotes the opportunity of the members of the society to participate freely in the decisions, in whatever realm of life which affect their lives individually and collectively. As a theory of government in the narrowly political sense, there are two main concepts which in practice can become almost antithetical. One concept stresses the obedience owed to the people's will the other is the free participation of individual person in formation of that will. The concept begins with the obligation of obeying the enacted will of the majority either through the expression of pure or direct democracy or through representative democracy. This obligation is recognized by those who stress free participation, as long as the civil liberties of the minority are recognized so that its members can attempt to become the majority.

The nature of a democratic society is portrayed in the case of *Chief S. L Akintola v Sir Adesoji Aderemi & Ors*, where Ademola, Chief Justice of the Federation (as he then was) noted that it is of the essence of democracy that all its members are imbued with a spirit of tolerance, compromise and restraint. Those in power are willing to respect the fundamental rights of everyone, including the minority, and the minority will not be over obstructive towards the majority. Both sides will observe the principles as accepted principles in a democratic society.²³ Okoro & Okolie (2004) stated that democratic society, we must note is one that is squarely based on the noble principles and spirit of the rule of law rather than the rule of man. It is equally a mark of constitutional democracy that the provisions of the constitution ought to be adhered to in the process of applying the Fundamental Objectives and Directive Principles of State Policy. The non-observance or non-application of the letters and spirit of constitutional provisions is a clear negation of the principles, philosophy and the spirit of the rule of law.

Meanwhile, democracy as a historical reality has undergone transformations and is susceptible to distinct societal appreciation and application. Western democracy, for example stresses equality of citizens before the law, a government responsible to majority vote; and the obligations to obey law, expressing the will of the majority and ensuring that there is universal suffrage. On the other hand, Marxist view, which embodies the conception of absolute majority democracy in the form of dictatorship of the proletariat under the leadership of the vanguard of the proletariat, is that these civil libertarian elements are simply parts of the superstructure of the state, and that as long as there is private ownership of the means of production, they are manipulated in such a way as to serve only the interest of the dominant class.

Given the above, both the western capitalist states and socialist states lay claim to democratic credentials and

indeed appear to carry on governance in the name of democracy and with democratic symbols. Nevertheless, democracy must not be thought of as a completed pattern of society, of government or of an economic system. Indeed, democratic theory specifies no particular form of economy. Hence, both capitalist and socialist economies remain consistent with democracy as long as it contributes a maximum of material welfare and does not violate the superior requirements of personal and social progress.

The Nigerian political leadership is presently saddled with the onerous task of instituting political democracy that will guarantee economic freedom and enhance societal well being and popular participation in governance. The Obasanjo administration which took over from the military on May 29, 1999 had nurtured political democracy in a seemingly successfully manner. The fledgling civilian administration appeared to have successfully transitioned from military to civilian regime which had hitherto appeared like an illusive albatross. Popular participation in governance has remained illusive as few dominant elements had constituted themselves into a caste, holding the nation captive and perpetuating unsavory political exclusionism. The gap between the rich and the poor has become more than ever, elastic as social interaction and economic survival hinges on might is right. Democracy as being practiced in Nigeria today is given entirely different meanings as domestic terrorism and electoral fraud. Since blatant abuse of the law characterize and indeed shape interpersonal and group interrelationship.

Rule of law, as a cardinal ingredient of democracy, consolidates and in fact gives relevance to the principles and ideals of democracy. For Nigeria to consolidate the gains therein in democratization process and hence, accumulate substantial democratic residues in its broadest sense, the principles of rule of law must be appreciated, respected and sustained by the political leadership. This among others will guarantee political freedom, political equality; as well as economic freedom and accessibility.

Mass Media as Instruments for Assessing Government performance in a Constitutional Democracy

Historically, as societies developed and became more urbanized and industrialized, face to face communication became less efficient and constructive. Thus, with increasing need to reach more people, the use of print media has become a better means of mass communication. Mass media help effectively and efficiently to deliver information or messages to a large group of people. Overtime, the mass media have evolved to include different platforms and types that could be used in various ways to spread information to large numbers of people.

Section 22 of the 1999 Constitution and the roles of the Mass Media

Section 22 of the 1999 Constitution of the Federal Republic of Nigeria as amended stated that the press, radio, television and other agencies of the mass media shall at all times be free to uphold the fundamental objectives contained in this chapter, and uphold the responsibility and accountability of the government to the people. The implication is that the 1999 Constitution has charged the press through the mass media to discharge the task of national development and uphold the responsibility and accountability of the government to the people.

From 1999 till date, the mass media have been discharging their professional cum constitutional backed responsibility. Take for instance in 1999, it was *The News* magazine (Nigeria) that exposed what was called, "Buharigate". Alhaji Salisu Buhari, then 29-year-old was elected a member of House of Representatives in 1999 and later emerged the speaker of the House of Representatives. He claimed to be a graduate of University of Toronto. Through investigative journalism, the *News* magazine (Nigeria) discovered that Alhaji Buhari in the first case was not qualified to contest for the seat of the House of Representatives as the 1999 Constitution stipulated since eligibility to contest for a seat at the House of Representatives is the age attainment of 30-years and above (This is before the signing of the 2018 Not Too Young to Run Bill) Besides, *The News* magazine discovered that Alhaji Buhari did not attend the University of Toronto as he claimed. He accepted his mistake and resigned.

Still in 1999, the *TELL* magazine (Nigeria) discovered that there were different names that the certificate of the then late Senate president, Chief Evan(s) Enwerem bore. One was bearing, Evan Enwerem; and the other was

Evans Enwerem. This led to the impeachment of Chief Evan(s) Enwerem as the Senate president. Moreover, July 10, 2004 was a remarkable day in Anambra State. That was the day, the former governor of the state, Dr. Chris Ngige was kidnapped and taken to the Choice Hotel in Awka. It was through the continuous announcement by the Federal Radio Corporation of Nigeria (FRCN), Enugu that people knew where Dr. Ngige was taken and kept; and this led to his immediate release.

Meanwhile, in October, 2007, the mass media kept championing for the resignation of Mrs Patricia Ette, as the Speaker of House of Representatives and her deputy, Alhaji Babangida Nguroje of the House of Representatives over indictment by the Idoko panel on N628 million fraud. Mrs Ette and her deputy, Alhaji Nguroje were made to resign by the press and other forces. The press is seen as a very important organ for national development that has continued to discharge its responsibility given to it by the 1999 Constitution. The press has continued to champion for the practice of the rule of the law and corrupt free society.

Any honest search for the role of the press in any given socio-economic milieu, therefore, ought to be comprehensively linked to the mode of production, the dominant class and its values including how the press is used to perpetuate the dominant values, cultures, life-styles, and ideas of the ruling class. The search for a viable objective and subjective role of the press in any given polity ought to be located within the framework of the dominant mode of production and relations of production. Institutions such as political structures, cultural institutions and super structures of any socio-economic system, are essentially determined and conditioned by the Press. The press in any given polity is essentially aimed at reflecting and disseminating the dominant values, and at the same time subordinating secondary values, if superior to the primary ones.

One does not envisage any collective role for the Nigerian press in the search for a completely new Nigeria. This stems from one's conviction that the media in any given system essentially legitimizes and defend the dominant values. The linkage between ownership and control of the media has been long established within circles, both at the level of scholarship and in practice. However, freedom of the press starts where the fundamental interest of its ownership ends. The talk of the freedom of the press is a hoax, a farce, a propaganda ploy being bandied by the ruling class to deceive the society and frustrate the roles of the mass media. Finally, one may recall that the mass media were instrumental to the eventual abortion of Chief Olusengun Obasanjo's 'third term bid in 2006.

Ethics of Mass Media

Ethics of the Mass Media Nworgu & Nwabueze (2005) Journalists all over the world are saddled with the responsibility of informing, educating and entertaining the audience. To carry-out these duties, they search for news, which is believed to be everywhere, and makes the public aware of the happenings around them. It is imperative for the mass media to promote and preserve the national interests. Therefore, the roles of the press in the society include: carrying of ideas; presenting representative pictures of the society; classifying the values and goals of the society; monitoring the government and making it accountable to the people; informing, educating and entertaining the people; promoting the concepts of accountability, integrity, honesty, fairness and equity; giving voice to the voiceless in the society; agenda setting; fostering national unity and integration; promoting society's cultures and the moral values systems; and promoting sustainable national interests at all times. For the press to carry out these functions and many more, it has to have a guideline by which its performance can be streamlined. These templates for measuring performance are either contained in a legal document known as the law or are products of self-regulation in form of ethics of the profession.

Kamath (1999) observed that the press is seen worldwide as an important organ of national development. In carrying out its duties the press, just like any other institution, is expected to be guided by some ethical considerations. Naturally, the role of the press should be that of partners in progress not subversive forces always sabotaging government's efforts. The press has a great power. But just as an unchained torrent of water submerges a whole countryside and devastates crops, even so an uncontrolled pen serves but can destroy. Giving what sounds

like a verdict on press adherence to ethical standards. Nworgu & Nwabueze (2005) revealed that William Thomas, a former editor of the New York Times noted that the only one thing the press covers more poorly today than anything else, is the press itself. He argued further that we do not tell our readers, viewers or listeners what we do or how we do it; we do not admit our mistakes, unless we are virtually forced to, under threat of court actions, advertisers, public opinion or public embarrassment. We make no attempt to explain our problems, our decisions, our procedures of monitoring governance and making them acceptable to the public. Yet we try to put corrupt public officers on trials.

UNESCO (1980) stated that professional ethics are as important as inner directives for the individual decision-making in various situations that arise in the course of performing his professional duties. Thus, a conscientious journalist must carefully check all facts and where necessary, leave out story of doubtful or questionable source, especially when it concerns personal facts that will affect the individual's image, if published. It is arguable that the quality and performance of a system is a product of those who operate it.

Heidegger and Kantian Doctrine on Mass Media Practice

Obayi (2024) averred that Heidegger doctrine focuses on the idea of living for another or for the collective good of everyone in the society. The doctrine believed that mass media should cover and report their stories that will better the society, promote peace and development. It is in the conscious state of existing for another that the journalists are expected to have their reports reviewed by a sub-editor or news editor before their reports are allowed to pass through the gate and become accessible to the audience. This is where the professional journalism practice comes into play. Every ideal media organization is fashioned in such a way that there are editors that edit and proofread reports sent in by the reporters. And this approach ensures that the professionalism journalism practice enhance development and peaceful growth in the society. McQuail (1987) cited in Oluwasola (2020), stated that development media theory emphasizes the use of the media for development especially in third world countries and Africa in particular.

However, Otteson (2009) believed that Kantian doctrine promotes individualism which focuses on the dignity of the individual's autonomous will, freedom and self actualization. Obayi (2024) insisted that this individualistic tendency of the Kantian doctrine has made the citizen journalism to progress in error because the practice does not verify the reports before posting such to the target audience. It is evident that the citizen journalism does not subject its reports for editing and sometimes, for proofreading before sending them out for the audience consumption.

Implication of the Heidegger and Kantian Doctrines on Journalism Practice in Nigeria

The Heidegger's doctrine reemphasizes the need for team work and adherence to ethics in journalism practice in Nigeria. Agbanu (2013) stated that in the mass media, just like in a factory, information is processed by many editors that work as a team. The different players in the media business are gatekeepers who determine what pass through their individual gates. Beginning from the reporters, who go to the scene of an event to gather information and decide what to report and the other titled editors that give the final approval for the dissemination of such report to the target audience are seen as a team.

Nworgu & Nwabueze (2005) believed that news processing is a collective responsibility in any media organization. The editors and sub-editors perform complimentary roles, which are aimed at making the news products error-free. The import is that the Heidegger's doctrine encourages system theory which insists that for the media to discharge its constitutional responsibility, all the gatekeepers in media organization must work together as a team in order to ensure that the government is responsible and accountable to the people.

However, the Kantian doctrine's revitalizes the idea of citizen journalism practice in Nigeria. It is believed that no mass media have the financial strength to employ enough reporters that can cover the various news- hubs in

Nigeria and, the only alternative is to leverage on the use of technology like Android phones and other gadgets to cover such newsworthy events by non-journalists. The essence is that these non-journalists who are now the key players in news gathering are critical source of news which the mass media depend to source their news.

Agbanu (2013) stated that in Nigeria for instance, during elections, media houses such as Channels Television which has a reputation for its coverage of election matters, asked people to record and send broadcast footages of news worthy events in their localities especially where there is no reporter to cover those events. Even when such events are not sent directly to media houses, once sent on the internet, they provide a proof of what transpired during the elections. Also, no reporter was around during the killing of four University of PortHarcourt's students by villagers in a community in Rivers State of Nigeria. However, within hours of the incident, international news and media houses relied on the footage of the incident posted on the internet by an eye witness. This is citizen journalism at work.

Conclusion

In a democracy, those who govern must be accountable and responsible to those whom they govern and this is the summary of social contract theory. Kantian doctrine insisted that this enthrones dignity of the individual's autonomous will, freedom and self actualization. The power to govern derives directly from the votes of the electorates, as well as from their continuing, willingness to be governed by the elected government. Between general elections, one function of the mass media is to call the government to account for its acts and policies on a continuing basis. This requires the government to justify its decisions by giving the reasons for them. The process enables the electorates to make an informed appraisal of the government's record on their next opportunity to vote. Until then, it influences the formation of public opinion regarding the government. The mass media can only carry-out this function based on Section 22 of the Constitution through investigative reporting and stakeholders' engagement relationship. Heidegger believed that this is where the professional journalism practice comes into play. However, following the interpretation of the Section 22 of 1999 Constitution, it appears that non-observance of such provision is not questioned in any court of law. In other words, the Fundamental Objectives and Directive Principles of State Policy enshrined in the Constitution are policies that are meant to act as a beacon to guide the government in steering the ship of the state.

Recommendations

The following recommendations have been made in view of the above discussion on the perception of the mass media in Nigeria constitutional democracy vis-à-vis Heidegger and Kantian doctrines:

1. Constitutional democracy should be respected both by the leaders and the electorates as it is seen as synonymous with the rule of law.
2. The government should be accountable and responsible to the masses in order to ensure harmony and peace in the society.
3. Press freedom should be enshrined in the Nigerian constitution. This will enable the mass media practitioners to seriously engage in investigative journalism that will expose the ills of the government.
4. The relevant provisions of the Constitution should be structured as to empower the Nigerian mass media to function as an instrument of national development in the spirit of sustainable democracy.

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