

BOOK REVIEW:
DAVID FLINT – MALICE IN MEDIA LAND¹

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In early 2005 I was asked to launch David Flint's *Malice in Media Land* in Perth. The launch was held at the Acacia Hotel in Northbridge on Tuesday, 19 April 2005. My remarks have remained unpublished until now. However, when rereading my remarks at the end of 2011, I decided that the message communicated so eloquently in this book still resonates with people today. Hence, I am delighted to publish my comments in *The Western Australian Jurist* for the purpose of enabling a greater number of people to acquaint or reacquaint themselves with this important and perennial book.

Professor Flint, Mr Chairman, Ladies and Gentlemen

I am very pleased to have been invited to launch *Malice in Media Land* written by Professor David Flint. It is an honour to launch this book because it passionately, yet rationally, discusses the importance of freedom of expression and a responsible media for Australia. On a more personal level, I am delighted to promote this book because I have known David for a long time, indeed since the early 1980s and, at various times, I have been his colleague or collaborator.

¹ David Flint, *Malice in Media Land* (Freedom Publishing Australia, 2005).

Malice in Media Land compellingly describes how the media has dismantled and limited the right of Australian people to freedom of expression. Yet, freedom of expression is essential to the healthy functioning of democracy in this country. But before I say more about this remarkable book, I would like to highlight some of the achievements of its author, Professor David Flint.

Measured by any standard, David's career has been as remarkable as it has been prominent and controversial. For those of you who may not know about his achievements, I like to mention that David has been the Dean and Professor of Law at the University of Technology, Sydney, Chairman of the Australian Press Council, Chairman of the Australian Broadcasting Authority, and National Convenor of the Australians for Constitutional Monarchy, to name only a few of his functions. David, in his long and distinguished career, always had the courage to publicly discuss controversial and sensitive issues without fear or favour, even if it meant that he would be ridiculed by the elite, which he so eloquently discusses in his previous book *The Twilight of the Elites*.² I believe that courage to speak your mind is an outstandingly rare characteristic in any person, but even more so in high achievers, who are prominent in public life. Indeed, most people appointed to important positions lack the courage to criticise the weaknesses of governments and institutions. Once appointed, they immediately speak the language of the appointing authority. These people often become ineffectual, not because they are naturally ineffectual, but because the perceived or real importance and social recognition associated with their positions acts as an impediment to criticising entrenched, yet odious, practices. David's courage, richly evidenced by his decision to

² David Flint, *The Twilight of the Elites*, (Freedom Publishing Australia, 2003) (Foreword by Tony Abbott).

write and then publish *Malice in Media Land* tells you a lot about the strength of his character. However, it is sad that in this society, courageous and imaginative people are often ridiculed by the elite, who impose their usually leftwing and liberal views on Australia. David Flint himself has been called a “Cockalorum”, which means a ‘self important little man’. This should not worry us; in fact it increased my active English-language vocabulary, but it indicates that the elites often attack the person, not the arguments developed by that person.

The elite are policy-makers and trendsetters who are usually found in the media, politics, universities, and even in the judiciary. They are the people who want to open our borders to asylum-seekers brought here by people-smugglers. They are the people who want to replace our constitutional Monarchy by an ill-defined and untested Republic. They actively facilitate the dissolution of Australia by advocating the adoption of a treaty by Australia with our indigenous population. Often, these are the people who favour ‘social engineering’ legislation, such as pro-euthanasia legislation and same-sex marriage. In short, they want to overturn the values and institutions upon which the prosperity of this country is based.

As mentioned before, those of us, like Professor Flint, who question the received wisdom of the elite, are likely to be ridiculed. An example, involving Professor Flint, will suffice to make this point. In 2002, the XVIth Congress of the International Academy of Comparative Law was held at the University of Queensland and I was the President of the Organising Committee, whose job it was to organise this important bilingual event. I was assisted by an Advisory Board, consisting of judges and University officials, the members of which provided advice (but did not make decisions) on who should be invited as keynote speakers. I had invited David to be one of the keynote speakers. The Media and the Law

was obviously a most important issue at the time, as it is now, and David graciously accepted my invitation. However, at one of the subsequent meetings of the Advisory Board, two prominent Queensland judges, whose names I need not reveal here, objected in the most strenuous, obnoxious and derogatory manner to the selection of David. Their objection was based on their unequivocal hostility to everything David had accomplished or said in the past. The attack on his character was vitriolic, to say the least. I always expected judges to be dispassionate, respectable, fair and impartial members of a relatively conservative profession. The judges referred to him as ‘that man’. This inevitably reminded me of Bill Clinton’s reference to ‘that woman’. If ‘that man’ is invited, they said, ‘we will have nothing to do with the Congress and we will actively campaign against it’. I was incredibly shocked and ashamed, I was ambushed, but more importantly, a good man was effectively prevented from participating in the Congress. The blow to freedom of expression, however, was the greatest casualty of this incident.

This book, *Malice in Media Land*, reveals Professor Flint’s concern for the preservation of freedom of expression. He agrees that a responsible, effective and unbiased media has a most important role to play in the preservation, and indeed promotion, of freedom of expression. David discusses this theme in a logical and rational manner, which makes his ideas amenable to all those who are interested in public affairs and the future of this country. As Professor Flint correctly argues in his book, the media, and the elites in general, do not tolerate differences of opinion, but instead hate or disregard all views, which are incompatible with their agenda. The media embraces a philosophy of paternalism, which involves attempts to impose their views on the silent majority. To paraphrase Mike Secombe, although the media may not regard all those who disagree with

them to be stupid, most stupid people are certainly those who entertain views that are different from those of the elite media.

Professor Flint's book is about freedom of speech and the role and the impact of the media in this country. He accurately describes and analyses the importance of freedom of expression. He discusses the extent to which freedom of expression is implied in our Constitution. He deals admirably with attempts to impose on Australians the use of gender-free non-sexist language, reform of Australia's defamation law, the impact on freedom of expression of religious vilification laws. David argues that the demonstrable paternalism of the elite stifles freedom of expression, and therefore prevents legitimate discussion in our society of the great issues of our time. He accurately describes how this climate has led to self-censorship in that many people, who would otherwise be able to contribute to society, find it convenient and safer to keep quiet. That in itself is dangerous, because it deprives society of a variety and diversity of views, which therefore cannot be tested in the market place of ideas. Instead, the media imposes their ideology or philosophy on the people of Australia. It focuses on rights, or selected rights of some preferred classes; yet they hardly mention obligations. I would think that even at my own University, it would not be wise to publicly develop arguments against some issues, like same-sex marriage, or the ordination of women, even though the Catholic Church has clearly stated views on these issues.³

In his book, David highlights the fact that many journalists do no longer report, but offer opinions, and therefore the distinction between the reporting of facts, on the one hand, and comment or analysis becomes blurred.

³ At the time of the launch, Professor Gabriël Moens served as Head and Professor Law at the University of Notre Dame Australia.

Ladies and Gentlemen, this book should be read very widely. *Malice in Media Land* offers the reader an excellent overview and analysis of important events that are taking place in Australia today. Those who have an interest in good government, responsible media or merely want a compelling analysis of recent events in Australia, for example, the media campaign against Dr Hollingworth, the Governor-General, the children overboard affair, the frenzy with which the media attacks people and denigrates the right to property, should read this book. It also offers seven (7) principles of good broadcasting, which, in my opinion, should be studied closely in our schools of journalism.

I commend this book to all of you. You will find that it is a well written, balanced and rational discussion of issues related to good government, freedom of expression and a responsible media.