

## Section Four

### The Press as a Political Instrument



## **Chapter Fourteen:** **Democracy and the Media: A Social Contract Dissolved?**

*Jesper Strömbäck, Mid Sweden University*

### *Introduction*

There has always been a close relationship between democracy and the freedom of both speech and of the press. As ideas they were born together; hence, some might say that if they do not live together, they will die together. From such a perspective, a democratic regime without freedom of speech and of the press is a contradiction in terms. A regime is not democratic save for freedom of speech and of the press alongside the right to vote, the right to assemble and associate, the right to seek information, inclusive citizenship and rule under the law. At the same time, democracy is a prerequisite for freedom of both speech and the press. Democracy requires a free press, and a free press requires democracy. Together they stand, together they fall, and separate they are unthinkable.

This depiction of the relationship between democracy and the press certainly has much truth to it, and at least in theory appears to be rather non-controversial. From this follows the implication that the fight to protect or expand the freedom of the press is simultaneously a fight for democracy, while all attempts to circumscribe or regulate the freedom of the press are simultaneously and by definition attempts to circumscribe democracy.

However, such a conclusion begs a number of questions: Exactly why are democracy and freedom of the press so closely intertwined? Are regulations or restrictions to the freedom of the press always unacceptable from a democratic perspective, and if so why? What exactly is meant by freedom of the press, and should it be perceived as unconditional or conditioned by some kind of responsibility on the part of the press?

The number of too seldom discussed questions is actually quite paradoxical, considering the writings of the great philosopher John Stuart Mill in his classic treatise *On Liberty*, which has, directly or indirectly, influenced most thinking since on the subject of freedom of speech and of the press. There are four reasons, he argued, as to why it is so essential to have freedom of both opinion and of speech (Mill 2002, 54).

First, if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true. To deny this is to assume our own infallibility. Secondly, though the silenced opinion be an error, it may, and very commonly does, contain a portion of truth; and since the general or prevailing opinion on any subject is rarely or never the whole truth, it is only by the collision of adverse opinions that the remainder of the truth has any chance of being supplied. Thirdly, even if the received opinion be not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension or feeling of its rational grounds. And not only this, but, fourthly, the meaning of the doctrine itself will be in danger of being lost, or enfeebled,

and deprived of its vital effect on the character and conduct: the dogma becoming a mere formal profession, inefficacious for good, but cumbering the ground, and preventing the growth of any real and heartfelt conviction, from reason or personal experience.

Never again has someone defended freedom of speech so elegantly, and this alone makes it worthwhile to quote him. However, this is not the main purpose of quoting him: the main purpose is to suggest the possibility that the thesis of the close relationship between democracy on the one hand, and freedom of speech and of the press on the other, has not been sufficiently contested, with the end result that for many, it is “held in the manner of a prejudice, with little comprehension or feeling of its rational ground”: the thesis has, for many although not all, become a “dogma” and “a mere formal profession, inefficacious for good”.

Against this background, the purpose of this chapter is to critically examine and elaborate upon the relationship between democracy on the one hand, and freedom of the press or the media on the other. The main argument will be that unless the press and defenders of press freedom understand the deeper meaning of this relationship, and the responsibilities that follow from the freedom of the press, this will undermine the legitimacy of press freedom and cause there to be an opening for policies that would restrict this freedom in a manner that would endanger democracy.

As democracy is ultimately the most important rationale for freedom of both speech and of the press, the next section will discuss and analyze this multifaceted concept.

### *Democracy: A multifaceted and contested Concept*

If freedom of speech and of the press ultimately concerns democracy, then a thorough understanding of democracy is a pre-requisite for an understanding of the relationship between democracy and freedom of the press. At the same time, democracy is a multifaceted concept: A brief look at democracies around the world quickly reveals that democracy can exist in many different shapes and forms. Three examples might suffice in this context: Some countries have proportional elections whereas other countries have majoritarian or mixed systems. Some countries emphasize separation of powers and the importance of an independent judiciary – with the right to overrule political decisions if they are found to be unconstitutional – whereas others do not. And while all democratic countries give their citizens the right to vote, some have compulsory voting whereas others do not.

In addition to differences such as these, there are conflicts and differing views with regards to, for example, the democratic importance of a high turnout, an informed citizenry, a high level of citizen participation in politics and a high quality of democratic discourse. Likewise, some see a major democratic problem whenever financial resources can be translated into political power, some when the realms of political decision-making become too extensive, and some when evidence suggests that political participation is unequal across social, cultural or economic groups in society.

Not only is the concept of democracy surrounded by conflicts and ambiguities; this is also true with regards to political freedom versus press freedom. In fact, looking at Freedom House's annual survey on *political rights and civil liberties*, they characterize 90 countries (47 %) as free – and hence democratic, 58 countries (30 %) as partly free and 45 countries (23 %) as not free (Freedom House, 2007a). In addition, Freedom House's annual survey on *media freedom* categorizes 74 countries (38 %) as free, 58 countries (30 %) as partly free, and 63 countries (32 %) as not free (Freedom House, 2007b). Thus, 16 countries are considered to be free with regards to political rights and civil liberties – but not with regards to media freedom.

Underlying conflicts and ambiguities such as these, one can identify at least two common misunderstandings. The first is a tendency to think about democracy as a one-dimensional concept, where, in fact, it should be considered as a complex and multi-dimensional concept. The second is the failure to make a clear distinction between two, conceptually speaking, separate issues: the first issue concerns how to define democracy as such, and the second concerns different normative models of democracy.

What then are the basic characteristics of a democratic country? According to most observers, a country is democratic if its political officeholders are elected in free, fair and recurring elections and if the basic democratic (or human) rights are respected. These include the right to vote and run for office, freedom of speech, freedom of the press, freedom to assemble and associate, freedom to gather information, religious freedom, and rule under the law (Dahl 1998, 1999; Hadenius 2001; Karvonen 2003; Sartori 1987). Thus, the fundamental concern of democracy is a pre-defined set of institutions and procedures. However, of equal importance is that it is not about the outcome of different political decisions – providing that these do not undermine the democratic institutions and procedures – nor is it about whether or not people choose to make use of their democratic rights.

While it is highly probable that the majority would agree that democracy basically concerns the aforementioned institutional and procedural arrangements, many would nevertheless argue that this is a very “thin” definition of democracy. Surely citizen participation, or the quality of democratic discourse, or how political office-holders are held accountable, must also matter?

This is exactly when the discussion shifts from being about the definition of democracy to being about different normative models of democracy. Stated in a slightly different manner, the question is then no longer “What distinguishes a democratic country from a non-democratic country?” but rather becomes: “What determines the quality of democracy?”

As is well known in political science and political theory, several complementary or competing normative models of democracy exist (Elster 1998; Fishkin and Laslett 2003; Gutmann and Thompson 1996; Held 1987; Manin 2002; Sartori 1987). Four of the main models of democracy are: Procedural democracy, Competitive democracy, Participatory democracy and Deliberative democracy (Strömbäck 2004, 2005. See also Gilljam and Hermansson 2003; Oscarsson 2003). As each has different normative im-

plications for the media and journalism as well as for the freedoms of speech and of the press, a brief description of each will now follow.<sup>1</sup>

### *Procedural democracy*

The basic idea of the procedural model of democracy is that democracy ultimately concerns the institutionalization and respect for the democratic institutions and procedures previously discussed. While people living in advanced and affluent democratic countries might take these democratic institutions and procedures for granted and thus not consider them as normative but rather as value-free descriptions of democracy, proponents of this model argue that it must be remembered that the basic democratic institutions and procedures in essence are normative. When viewed from a global perspective, this is rather obvious and should act as a warning that these should not be taken for granted. Instead, democracy as a number of institutions and procedures must always be defended as a matter of principle. As long as these institutions and procedures are in place, protected and respected, all is well. Whether people actually choose to make use of their democratic rights is less important.

From this perspective, freedom of speech and of the press is part of what makes a country democratic and, as such, must always be defended. All efforts to circumscribe freedom of either speech or of the press are essentially perceived as efforts to circumscribe or undermine democracy. Thus, these freedoms are not perceived as a means to some kind of higher end – they are perceived as part of the higher end of a democratic regime.

### *Competitive democracy*

While the competitive model of democracy agrees that the basic democratic institutions and procedures are what ultimately make a country democratic, it disagrees in the sense that it perceives these institutions and procedures as insufficient. What is needed in addition is some kind of mechanism for securing the primacy of the common good. According to the competitive model of democracy, that mechanism is the competition between different political elites for the votes of the citizenry. As Schumpeter wrote, originally in 1942 (1975, 269):

The democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote.

Sartori (1987) labels this model “electoral democracy”, which points to the fact that in this model of democracy, there is a strong focus on elections. It is during these that

1 A more thorough discussion on these models of democracy and their normative implications for media and journalism can be found in Strömbäck 2004, 2005.

political candidates or parties compete for the support of the electorate, and it is in elections that people can exercise their power. One implication of this is that it is the political elites that act, whereas the citizens react. Another implication is that possessing effectively competing elites is a prerequisite for a functioning democracy.

With regards to the freedom of speech and of the press, the competitive model of democracy agrees with the procedural model that these freedoms are essential and part of the definition of democracy. However, it also perceives of these freedoms as a means towards another end: If people are to be able to choose between the competing elites, and to hold the office-holders accountable, they require all kinds of information which can assist in increasing their knowledge and their ability to form opinions. Restrictions to the freedom of speech or of the press are thus restrictions of the citizenry's opportunities to gain knowledge and thus to cast their votes in an informed manner as possible.

From this perspective, although proponents of the competitive model of democracy perceive that the freedoms of speech and of the press are ends in themselves, they also stress the importance of information that is politically relevant and that can assist people to make judgements and to form opinions concerning political office-holders and their opponents. In other words: Freedom of speech and of the press is necessary to allow those "below" – ordinary voters – to scrutinize and hold accountable those "above" – those with political power. Thus, the media should use their freedom to provide such information.

### *Participatory democracy*

The participatory model of democracy agrees with both the procedural and competitive models of democracy that the basic democratic institutions and procedures are fundamental and ultimately what matters most. However, it also considers these insufficient, and it is highly critical of the limited role ascribed to ordinary people in the competitive model of democracy. The democratic institutions and procedures are necessary prerequisites, but what makes democracy strong and viable is citizen participation in politics and civic life (Amnå 2003; Jarl 2003; Pateman 1970; Putnam 2000). Democracy is thus not only an institutional arrangement for electoral contests every third, fourth or fifth year: Democracy is a value-laden system with a strong ethos of political equality and tolerance (Dahl 2006), and democracy thrives when people engage in public life and political action, and when they bond through their civic and political activities. The more people participate in civic and public life, the stronger democracy is or becomes.

Freedom of both speech and the press thus are of vital importance, although perhaps with a greater emphasis on freedom of speech. Freedom of the press might rather be perceived as an extension of the freedom of speech than as a separate freedom on its own. Proponents of this model thus emphasize the importance of a press actively encouraging citizen participation and focusing on the public agenda. Although the press

should certainly provide information that allows people to scrutinize and hold political actors accountable, it should also function as a channel for the people in their communication to the political actors. Although political communication involves both bottom-up and top-down communication processes, the emphasis is on the importance of bottom-up processes. This model of democracy would even argue that people have rights of access to the media, that is, to communicate through the media (Hachten and Scotton 2007, 23).

Once again, however, the freedoms of speech and of the press are important mainly with respect to information that addresses people in their role as citizens and voters. All information is not equal: politically, civically and societally relevant information is what matters most. In addition, while freedom of speech is valued as a goal in itself, freedom of the press is perhaps rather perceived as a means towards a higher end – a democracy where as many ordinary citizens as possible participate and communicate with one another and with the political actors.

### *Deliberative democracy*

The deliberative model of democracy can be considered a close relative to, or an extension of, the participatory model of democracy. There is, however, one crucial distinction: whereas the participatory model of democracy emphasizes the need for citizen participation in politics, it remains rather silent when reference is made to different forms of participation. The deliberative model of democracy, in contrast, emphasizes one distinct form of participation: participation in political discussions that are deliberative. What is meant by this is that political discussions are characterized by virtues such as impartiality, rationality, intellectual honesty, equality among the participants and a search for a common good (Elster 1998; Gilljam and Hermansson 2003; Habermas 1995). As noted by Gutmann and Thompson (1996, 2): “The core idea is simple: when citizens or their representatives disagree morally, they should continue to reason together to reach mutually acceptable decisions”. Similarly, Fishkin and Laslett (2003, 2) write that: “At the core of any notion of deliberation is the idea that reasons for and against various options are to be weighed on their merits”.

Obviously, there is immense importance attached to freedom of speech and of the press from the perspective of the deliberative model of democracy. In fact, it might even be that the importance of these freedoms is stressed more from the perspective of the deliberative model than from the perspectives of the procedural, competitive and participatory models of democracy. At the same time, proponents of the deliberative model might also be more critical with reference to how people or the press make use of their freedoms than the other models of democracy. Although freedom of both speech and the press are absolutely essential in order to make a deliberative form of democracy work, they are not the complete answer. People and the press also have a shared responsibility to make use of these freedoms in a responsible – that is deliberative – manner. Thus, while the freedoms of speech and of the press are important in

themselves, they are also considered as means toward the higher goal of deliberative political discussions.

#### *Four models of democracy: A comparison*

In summation, all the four models of democracy consider that the freedoms of both speech and of the press as necessary democratic freedoms, and all would oppose attempts to circumscribe these freedoms. The four models and the central mechanism for securing the primacy of the common good is summarized in table 1, which also summarizes some of the core normative demands upon journalism as well as the perspectives of each model on the freedoms of speech and of the press.

**Table 1. Four models of democracy: a comparison.**

|                                                                | Procedural democracy                    | Competitive democracy                                                                                                                               | Participatory democracy                                                                                                                                                                             | Deliberative democracy                                                                                                                                                                            |
|----------------------------------------------------------------|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Central mechanism for securing the primacy of the public good  | Free and fair elections                 | Competitive elections                                                                                                                               | Citizen participation in public and civic life                                                                                                                                                      | Deliberative discussions among all sections of the public and their representatives                                                                                                               |
| Distinguishing and core normative demands upon news journalism | Act as a watchdog exposing wrong-doings | Act as a watchdog; focus on the record of officeholders and the platforms of political actors; focus on the political actors                        | Act as a watchdog; let the public set the agenda; mobilize people to participate in public and civic life                                                                                           | Act as a watchdog; mobilize people's interest and participation in public discussions; foster political discussions characterized by rationality, impartiality, intellectual honesty and equality |
| Perspectives on the freedoms of speech and of the press        | End in themselves                       | End in themselves but also means for securing that people can find information which can help them scrutinize and hold political actors accountable | End in themselves but also means for securing that people can communicate their views and influence political decisionmaking, in addition to finding information needed for effective participation | End in themselves but also means for securing that all relevant information is available so that discussions can be deliberative, and so that arguments can be weighed on their merits            |

As suggested by the discussion above, there are differences in the extent to which these freedoms are perceived as ends in themselves or means towards other and higher goals. Those most likely to take a fundamentalist perspective on the freedoms of speech and of the press are the proponents of the procedural model of democracy, who are also the least likely to have opinions regarding how people and the press make use of their

freedoms. Those least likely to take a fundamentalist perspective in this regard are the proponents of the deliberative model of democracy, followed by proponents of the participatory model of democracy, while the proponents of deliberative democracy probably might be the most likely to have opinions regarding how people and the press make use of their freedoms.

However, this does not imply that proponents of the deliberative model of democracy might argue in favor of restrictions on the freedoms of speech and of the press. However, there might be different perspectives with regards to what would be considered to be a restriction rather than a regulation, with the former being unacceptable but the latter, under certain circumstances, sometimes being an option. The models also differ in how self-censorship – as opposed to politically decided censorship – is perceived. Whereas all models are opposed to censorship by the state, they are not necessarily equally opposed to self-censorship. Furthermore, what some considers self-censorship, with its negative connotations, might by others be considered as restraint, with its more neutral connotations. To understand why, it is necessary to think about the relationship between democracy and the press as a social contract.

### *The social contract between democracy and the press*

A democratic regime can, as such, be considered as a social contract between the citizenry and its representatives. According to this thinking, people abstain from some of their power and allow their representatives to govern in their stead, on the precondition and as long as their representatives provide them with some basic security and further the common good, as opposed to the private good of the representatives or some other groups in society (Locke 1988). People require some form of government, and a democratic government requires its people. Thus, entering a social contract is a rational solution. As long as such a social contract is in place, people are obliged to follow the laws and rules of their society, and their representatives are morally obliged to further the common good. If people do not follow the laws, it follows that the state has the right to punish them. If the representatives do not further the common good, it follows that the citizenry has the right either to vote them out or, in an extreme case, to mount a revolution.

The relationship between democracy and the media can also be considered as a social contract (Kieran 2000; McQuail 1992; Strömbäck 2005). Just as democracy requires its people, it requires a system for the flow of information, for public discussions and for a watchdog function independent of the political system. By securing freedom of speech and of the press, democracy creates such a system for itself. The necessity of a system for free discussions and a free press is further underlined by the constitutional guarantees for the freedoms of speech and of the press in democracies around the world. In fact, there are no other private businesses that enjoy such strong legal protection as do media companies.

Thus, the main purpose of the press is to provide people with the information they need to be free and self-governing. It is as much or more about the rights of the people to know as it is about the media's right to publish. The press provides people with the information required to be free and self-governing mainly by facilitating the communication flows between the governors and the governed, by providing a public forum where political discussion can take place, by scrutinizing and holding accountable those in power, and by providing people with information that is verified and reliable (Baker 2002; Bennett, Lawrence and Livingston 2007; Kovach and Rosenstiel 2007; McQuail 1992; Strömbäck 2004, 2005). The media do of course provide content in a variety of other forms, not least in the form of entertainment, but from the perspective of democracy and the social contract between democracy and the press, the overriding importance of the press lies in its ability and willingness to provide people with the information they need to be free and self-governing.

If the media – and in particular journalism as one specific genre, activity, process and form of media content – fulfill their part of the social contract by providing people with the information they need to be free and self-governing, then democracy fulfills its part of the social contract by providing strong legal protection for both freedom of speech and of the press, by facilitating the information-gathering activities of journalism through, for example, laws that give journalists as wide access as possible to information, and through granting the media independence from political control. Thus, any form of political censorship would be a violation of this social contract, and the press has all the rights to protest as loud as possible if or when attempts are made to curtail their freedom.

On the other hand, the press can expect criticism and even suggestions for regulations – which might be perceived as restrictions by the press itself – if or when people find that the press does not provide the kind of information people need in order to be free and self-governing. If the press functions as a lapdog rather than as a watchdog, why does it require special protection, or what can be done to create incentives for the press to investigate those in power more thoroughly? If the main focus of the press is on entertainment, celebrities or other soft news and thus failing to address issues of societal and political significance, then is it not fair to criticize the press and call for regulations? If the press does not check the accuracy of the information they transmit in the form of news, but rather spread rumors or speculation, then why does the press expect to be trusted and enjoy special privileges? If the bottom line is all that appears to matter to increasingly commercialized media companies, is that not a sign that the press has failed to fulfill its part of the social contract, and does that not demand that democracy should act to ensure that the press once again contributes to democracy by providing people with the information they need to be free and self-governing?

As much as all democrats value freedom of speech and of the press, these types of questions are fair for proponents of all models of democracy except the procedural model of democracy. The reason is that the freedoms of speech and of the press are valued not only as ends in themselves, but also as means towards making democracy work.

The response from the press and self-acclaimed defenders of press freedom typically rest on one of three main arguments, or a combination of them:

- (1) Any attempt to regulate the press is an attack upon press freedom and hence democracy, and as such it is by definition unacceptable and must be opposed. This argument has much truth to it, but it is not likely to convince anyone already convinced that the press misuses its freedom and through that misuse undermines democracy. If people do not find that the press actually fulfills its part of the social contract, attempts to avoid regulations by referring to press freedom and democracy will in the end sound self-serving and hypocritical.
- (2) The media are essentially commercial enterprises – with the exception of public service media – and as such they must respond to their readers, viewers or listeners. Even if the truth was that the press was not acting as watchdogs in an entirely desirable manner, or focusing sufficiently on relevant and hard news as opposed to merely interesting and soft news, the blame cannot be laid on the press only. The audiences must take part of the blame. If people were only more interested in politics, foreign affairs or investigative journalism, then the press would provide it. This argument also carries some truth, but it presumes that the media cater mainly to the wants and needs of their audiences, while in truth, it is often the interests of advertisers that are more important to the media (Baker 2002, 2007; McManus 1994; Hamilton 2004). Furthermore, while commercial media certainly have to make sufficient revenue to survive, an excessive focus on the lowest possible denominator is another matter, and it should be possible for responsible media to provide more information of a politically and societally relevant nature while still surviving economically. In addition, this argument rests on the assumption that the media only respond to the wants and needs of their audiences, while these are, to a large extent, created by the media themselves. Finally, this argument ignores the fact that people, when it comes to news journalism, are not in a position to know what their interests are. News, by definition, concerns events and processes not yet known to the majority of the people and the main reason why they want to consume news journalism is to discover what is actually happening in the world. How could they then know beforehand what it is they want to know? In the language of economics, news is an experience good – the quality of which cannot be judged beforehand. Instead, it has to be experienced (McManus 1994). This is also why professional journalism is required.
- (3) While it might be true that the media do not provide the information that people need to be free and self-governing, who is to decide what kind of information that is? Although the press might be imperfect, allowing politicians or other groups to regulate the media would be to throw the baby out with the bath water. As Benjamin Franklin once asked: “Abuses of the freedom of speech ought to be repressed, but to whom dare we commit the power of doing it?”<sup>2</sup> While this is a strong argument, it is insufficient in the sense that it presumes that people have enough trust in the

2 Cited in Hachten & Scotton 2007, 15.

media to conclude that it would be worse to allow others to have a decisive say over the media. But what if people increasingly lose trust in the media and come to believe that it might be better if laws were put in place that were able to restrain the media in their – perceived – abuses of the freedom of speech? What if people in general are less supportive of the freedom of speech and of the press than media representatives would like to think they are? Considering the low levels of media trust in many countries (Campbell, 2004; Gronke & Cook, 2007; Westlund, 2006) and the rather weak support for the freedoms of speech and of the press among significant parts of the citizenry (Dalton, 2004; Petersson et al., 2007), it might indeed be rather risky to assume that the media enjoy sufficient trust to stave off attempts to regulate them by using this argument.

The conclusion that can be drawn is thus: While the major arguments by the press for the freedom of the press all possess some elements of truth, they are not sufficiently strong if or when enough people find that the press has become so commercialized and self-serving that their actions no longer contribute towards making democracy work and that they no longer deserve to be trusted when claiming to be contributing to the common good. If people find that the press has dissolved the social contract with democracy, they will no longer feel that democracy has to fulfill its part of the social contract with the press. In other words: In the long run, the best defense for the freedom of the press is for the press to fulfill its part of the social contract with democracy.

This conclusion calls for a re-evaluation of the *social* and *moral responsibilities* that the media and journalism have in democracy, and which they are expected and required to fulfill, to at least some extent, in order to avoid a threatening re-evaluation and extension of the *legal responsibilities* of the media and of journalism.

### *Provide information and act as a watchdog*

The most important role of media and journalism in democracy is to provide the information people need in order to be free and self-governing. This is the conclusion to be drawn from numerous interviews, focus groups and surveys of journalists, politicians and citizens in democracies around the world (Kovach & Rosenstiel, 2007; Petersson et al. 2005; Strömbäck 2004). At the same time, it is not self-evident what kind of information people really need to be free and self-governing – this is even a controversial issue (Delli Carpini & Keeter 1996; Lupia & McCubbins, 1998; Page 1996; Petersson et al. 1998; Popkin 1994; Zaller 2003). This is not surprising, however, as the question regarding the type of information people need cannot be separated from the model of democracy being advocated. Different models of democracy have different implications in terms of what kind of information people need; hence, different models of democracy have different normative implications for what type of information should be provided by the media and journalism in order to fulfill their part of the social contract (Strömbäck 2004, 2005).

There are, however, at least two areas where all models of democracy largely agree, with the exception of the procedural model of democracy, which basically only demands that the media respect the democratic institutions and procedures and sound a burglar alarm (Zaller 2003) if these are threatened. The first area of relative consensus is that journalism should provide information that is verified and reliable, whereas the second area is that the media must act as a watchdog against abusive use of power.

### *A discipline of verification*

Journalism is but one specific form of media content alongside, for example, entertainment, advertising, cartoons and consumer services such as weather reports or stock reports. While media consumers might enjoy all these different forms of media content, there is something that makes journalism special, and most discussions regarding the role of the media in democracy are actually, although implicitly, discussions about journalism. At the same time, journalism is not synonymous with the media. In an age of media globalization and conglomeratization, news departments and journalistic divisions have become a very reduced section of most major media companies (Campbell 2004; Hachten & Scotton 2007; McManus 1994; Stanyer 2007) and this, in turn, has renewed calls for a stronger separation of the “church and state” – news departments and advertising and marketing departments.

What ultimately sets journalism apart from other forms of media content is not self-evident and the boundaries are often unclear (Strömbäck 2004, 76-78). Nevertheless, perhaps the most distinguishing feature of journalism is its commitment to some kind of truth: Journalism is supposed to inform people who, what, when, where, and why, in a way that is as truthful as possible and that people can rely upon when informing themselves. For this to happen, it is essential for journalism to check all the facts and verify all the information made use of in their news stories. Consequently, Kovach and Rosenstiel (2007, 79-80) have suggested that journalism in essence is a discipline of verification:

In the end, the discipline of verification is what separates journalism from entertainment, propaganda, fiction, or art. Entertainment – and its cousin “infotainment” – focuses on what is most diverting. Propaganda selects facts or invents them to serve the real purpose: persuasion and manipulation. Fiction invents scenarios to get a more personal impression of what it calls truth. Journalism alone is focused on getting what happened down right.

The importance of verification and procedures for making sure that the information is accurate is largely independent of different views regarding what kind of information people need in order to be free and self-governing. Some might argue that people need more information on how the political system works or on the actions of politicians, whereas others might argue that people need information on how to become engaged, and yet others that people need more foreign affairs or local reporting. Such differences notwithstanding, most can agree that the information should be verified and accurate. This is why ethical codes for journalists in democracies around the world stress the

importance of accuracy, correctness, objectivity or truthfulness (Petersson & Bertrand 2007). Consequently, journalism should never add anything that was not there, should never deceive the audience, should be as transparent as possible about methods and motives, and it should rely on original reporting (Kovach & Rosenstiel 2007, 89). When journalism fails to do this, and instead provides false or distorted information, or mere speculations or assertions, it fails the public and its core mission as a discipline of verification. It might appear to be journalism, but should rather be characterized as pseudo-journalism.

### *A watchdog and independent monitor of power*

The second area of relative consensus relates to the media's role as a watchdog and an independent monitor of power. This is a reflection of the understanding that in the end, this is the most important role of journalism in society. As the American Supreme Court Justice Hugo Black wrote when the Court decided in the Pentagon Papers-case: "The press was protected so that it could bare the secrets of government and inform the people. Only a free and unrestrained press can effectively expose deception in government".<sup>3</sup>

It is difficult to overestimate the importance of the media acting as a watchdog, monitoring and scrutinizing those in power. The media form the main institution in society that are simultaneously 1) independent of the state, 2) have resources to perform investigative reporting, and 3) can reach sufficient people to make a difference if or when the results of investigative reporting show that people need to react (Strömbäck 2003). This is why the media is often referred to as the "Fourth Estate", and the importance of the media acting as a Fourth Estate is as important, or even more important (Bennett, Lawrence & Livingston 2007), in times of wars and crises as it is in times of ordinary business.

As long as power is being excercised, it must be monitored and checked. This is the best defense against corruption and abuse of power. From this it follows that there is a positive correlation between investigative reporting and acting as a watchdog. Any-one can criticize and make assertions about the government, and this is one of the most important tasks of the political opposition in any democratic country. From that perspective, it is important that the media provide the opposition with a chance to be heard, thus acting as a facilitator and as a forum for public debate. If the media were to ignore opposing voices, the result would be a one-sided debate and thus the public would not be able to hear all sides of an issue. Considering that the government already starts with more communication resources, this would even turn the media into more or less unwilling propaganda carriers (Bennett, Lawrence & Livingston 2007). However, for the media to act as true watchdogs, they must base their reporting on thorough investigations – and publish the results of their investigations no matter whether this shows

3 Cited in Kovach & Rosenstiel, 2007, 142.

wrongdoing by the government or that it is working as intended. With regards to this there is a common misunderstanding that investigative reporting, almost by definition, must be critical, but this is not the case. If the purpose of investigative journalism is to add to the information people need in order to be free and self-governing, then the results are as relevant whether they show that government does or does not work. As a consequence, merely reporting critically is not a substitute for investigative reporting.

Another consequence of this understanding of the media's role as a watchdog is that the investigative reporting should focus on the exercise of power or societal developments that are related to the exercise of power, no matter where power is located in society. In other words, it is as important to monitor the exercise of economic power as it is to monitor the exercise of political power.

A third consequence is that investigative reporting is ultimately about providing people with the information they need to be free and self-governing, that is, the role of acting as a watchdog is subordinate to the role of the information provider. Thus it is of critical importance that journalistic investigations are thorough and that they rely on verified and relevant information, and it underlines the importance of not fusing a critical journalistic attitude towards power with the role of acting as a watchdog.

This is not to deny that there are different forms of investigative reporting. As noted by Kovach and Rosenstiel (2007, 145-150), one can distinguish between *original investigative reporting*, *interpretive investigative reporting*, and *reporting on investigations*. However, in all these cases it is equally crucial that the information provided to the public as a result of the investigations is accurate, verified and proportionate. Otherwise it should be characterized as pseudo-investigative reporting – and hence a distortion – rather than true investigative reporting (Strömbäck 2003).

To sum up: The most important task for the media in a democracy is to provide people with the information they need to be free and self-governing, and to do this it is of immense and equal importance that the media act as a watchdog and independent monitor of power, and that the information provided by the media is accurate, verified and proportionate. This is considered as being equally important from the perspectives of all the models of democracy, notwithstanding the differing views relating to what should further be done by the media. It is by providing people with accurate, verified and proportionate information and by acting as a watchdog the media fulfill their part of the social contract with democracy, and it is by fulfilling their part of the social contract that the media can build confidence and solid support for the principles of freedom of speech and of the press. The best defense for the principle of freedom of the press and against censorship or other regulations is thus for the media to act in a manner that builds trust and shows that they take their social and moral responsibilities seriously to further the public and the public's interest.

However, the public and the public's interest are not necessarily the same. In fact, one of the major dangers in contemporary democracies is the conflating of the public and the public's interest and the media populism which this results in.

One of the most difficult concepts to define is arguably that of the concept of public interest. Still, the notion of a public interest or common good, as opposed to the private interests of various groups or individuals in society, is a prerequisite for holding a society together and for the legitimacy of political power. It is also a prerequisite for the media's legitimacy. If the media were to be seen only as private and profit-seeking businesses, then it would be difficult to argue for the special legal protections and privileges enjoyed by the media in democracies around the world. Thus, it comes as no surprise that the media, when facing proposed new regulations, fall back on the important defining role of the media in democracy.

Yet the difficulty in defining what is in the public interest makes it amendable for distortion and corruption. One prime example of this is the tendency for commercial media around the world to increasingly argue that the choices people make in their news consumption define what is the public interest. One prominent proponent for this view is the former chairman of the Federal Communications Commission (FCC) during Reagan's presidency in the United States, Mark Fowler, who said not only that "television is just another appliance. It's a toaster with pictures",<sup>4</sup> but also that: "The public's interest, then, defines the public interest".<sup>5</sup>

Whatever the audiences want, they should have. This is the only possible conclusion that can be drawn from this line of reasoning. All suggestions that there is a public interest over and above the public's interest is, at best, thinly disguised elitism. Thus, being as commercial as possible by catering to the public's want is a virtue, not a vice.

There are, however, numerous problems associated with this line of reasoning. Firstly, as already noted, commercial media do not only cater to the wants of their audiences but also to the wants of their advertisers, which more often than not take precedence over the wants of the audiences (Baker 2002; Hamilton 2004; McManus 1994). Secondly, it equates the will of the majority with what is right, something that would make John Stuart Mill turn in his grave, especially if or when this argument is made in the name of freedom of speech which he so vigorously fought for. Thirdly, it opens up the way for media populism, that is a tendency to cater to the prejudices, stereotypes and fears that might be commonly held by the audiences. What Stanyer (2007, 125) writes about the right-wing populist media is equally true for other populist media: they "exploit their audience's fears and concerns about a range of Others and the threats they pose. They pander to their prejudices, feed their arrogance and hystericalize the threat of the Other; the Other is stereotyped and lampooned, and the threat they pose is exaggerated". Thus, populist media do not provide people with the information they need in order to be free and self-governing. Populist media do not strive for accuracy and the reporting of verified information. Populist media do not conduct investigations on how things really are. Instead, populist media give people the infor-

4 Cited in Croteau & Hoynes, 2001, 25.

5 Cited in Hamilton, 2004, 1.

mation that supports what they already believe; they strive for popular acclaim no matter whether the information is true or not, and they only conduct investigations that will strengthen people's prejudices, stereotypes and already held views. Thus, populist media is seriously at odds with a media that strives to fulfill its part of the social contract with democracy.

Fourthly, populist media would only act as a watchdog if or when political or economic powers are unpopular. They would not act as a watchdog when people are rallying around the flag or when they are generally in support of whoever has political or economic power. The great irony is that the populist media would be the least likely to act as a watchdog when it would be most needed – when political opponents fall silent due to the popularity of the political power and when people are cheering instead of scrutinizing the behavior of the political power in place (Bennett, Lawrence & Livingston 2007). In such circumstances, populist media would merely become a propaganda device to be used by the powers that be. Populist media would not afflict the comforted and comfort the afflicted. Populist media would comfort the comforted and afflict the afflicted – no matter whether the comforted and the afflicted refer to individuals, groups, opinions or worldviews.

Not only is populist media at odds with media contributing positively to democracy by providing accurate and verified information and by acting as a watchdog – the tendency for the media to become populist has grown stronger as media companies increasingly form part of large media conglomerates, focus on profit-making to satisfy owners and investors, and focus on garnering the largest possible audience that the advertisers are willing to pay to reach.

Somewhere there might thus be a point of no return, when commercialized media cease to increase diversity and freedom of choice, and start to decrease diversity and freedom of choice in terms of worldviews and opinions while they simultaneously reinforce commonly held stereotypes and prejudices. If or when the media pass this point of no return, unregulated freedom of the press might actually be at odds with the freedom of speech, as such media would suppress facts, opinions and worldviews that are at odds with what is commercially viable or in line with populist preconceptions.

In other words: When the media fall prey to populism instead of providing accurate and verified information and act as a watchdog, they dissolve the social contract with democracy. If and when that happens, the media should not be surprised if there are renewed calls for regulations and restrictions of the freedom of the press – in order to restore the social contract by saving the media from themselves and in the name of a freedom of speech and of the press. That would indeed be ironical.

## *Conclusions*

The main conclusion of this chapter is that democracy and the freedoms of speech and of the press are inextricably linked. Democracy requires a free press, and a free press

requires democracy. As James Carey (1999, 51) writes: “Without journalism there is no democracy, but without democracy there is no journalism either”.

However, democracy does not only require a free press. Democracy requires a press that uses its freedom to provide the information people need to be free and self-governing, and this is mainly done by the press by acting as a watchdog and providing verified and proportionate information about societally and politically relevant issues. Other differences notwithstanding, the different models of democracy agree on this point. By providing people with the necessary information to be free and self-governing, the press fulfills its part of the social contract with democracy. By doing this, the press can build trust and prove the necessity of always respecting and protecting the freedoms of speech and of the press.

As much as democrats should thus always defend the freedom of the press, they should also monitor the press and how it uses its freedom and power. This means that state censorship should be fiercely opposed – but also that the press should take responsibility for how it makes use of its freedom. Thus, self-censorship is not necessarily something that should be condemned. In fact, journalists and media personnel have to make a range of choices each and every day regarding what to cover and how to cover it. Journalism is a selection process as much as it is about specific media contents. In these selection processes, some issues, sources or frames will be included whereas others will be excluded. Thus, to some degree, self-censorship cannot be avoided.

In addition, what amounts to self-censorship to some amounts to restraint to others. It is as much in the eye of the beholder as a matter of objective truth. Just as family life would break down if the parents always told their children what they were thinking, or social life if people always told the truth about their thoughts or feelings to others, democratic life would break down if the media, in addition to politicians and citizens, did not show some restraint.

From this perspective, populist media are not only a threat to a media that fulfills its part of the social contract with democracy, populist media are also a threat to a public life where politicians and ordinary citizens show restraint. In addition, the threat of a social contract dissolved comes primarily from the media and the mechanisms that create incentives for the media to become populist, not from democracy. If the trends towards increasing commercialism and media populism are not discontinued, there is a clear risk that people will come to think of the social contract as being dissolved and hence call for regulations that would endanger the freedom of speech and of the press.

Some restraint and a renewed sense of the responsibilities that goes with the freedom of the press are thus required. In the long term, the freedom of the press has to be supported by actions that show that the press indeed contributes positively to democracy and thus deserves its freedom.

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