

The Citizen Moves from the Audience to the Arena

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These reflections on current thinking about freedom of speech in Finland¹ suggest that despite the well-known tendency towards concentration, tabloidization, etc., the media field is surrounded by a tendency in support of a citizen-centred notion of freedom of speech and freedom of the press.

What is the essential in freedom of speech in the light of current trends? This study suggests a paradigm shift which boils down to five aspects:

- 1) The dominant frame of reference in freedom of speech is no longer the question of *censorship* – the advance surveillance of heroic media by a villainous state – but of human rights. Each individual has an inalienable right to information and its dissemination, and also to an opinion and its expression, namely the *right to communicate*.
- 2) The masters of freedom of speech are not the mass media and the journalists, i.e. *media* – an avantgard party fighting valiantly for their freedom – it is the *citizens* for whom freedom of speech ensures both democracy and quality of life.
- 3) Because it is the media which organize the use of citizens' freedom of speech, it is they who are *responsible* to the citizens for their actions, both individually and collectively. In order that this relation of responsibility be fulfilled there must be both general social norms and particular *self-regulation* by the media.
- 4) Democracy requires both *openness* in the wielding of power and citizens' effective *participation* in the social debate and in decision-making which concerns them. Freedom of speech serves these ends by maintaining *pluralism* in communi-

cation in relation to the views and interest groups in society.

- 5) Freedom of speech in a democracy requires a *public arena* at local, regional and national as well as international (EU) level. This state of public affairs is not guaranteed merely by a judicial system which ensures freedom of discussion among citizenry; there must also be *material facilities* for the realization of public information and debate.

To put it even more briefly: the contemporary thinking on freedom of speech emphasizes on the one hand the *right of citizens to communicate* (points 1 and 2), and on the other *pluralism in public affairs* (points 4 and 5) as well as the *responsibility of the media* which serves these ends.

Point 1: From Censorship to Human Rights

The right to communicate is no contentious issue, although it was never written into the new article on freedom of speech in the Finnish Constitution². For some time now censorship in the sense of prior restraint has not been a real problem, and this state of affairs has indubitably been ensured by the very ban on advance obstacles. Now at last it may be stated that the legislation on freedom of speech currently in the making is relegating censorship to history, at least in its hitherto familiar guise as advance surveillance on the part of the state as a relic of the religious and secular ruler. In normal conditions censorship merits mention only figuratively – or demagogically. Simultaneously the focus of thinking shifts from a conception of negative freedom (freedom *from* something) to the realm of positive freedom (freedom *for* something).

Thus it is possible to leave the obvious obstacles to freedom of speech behind the protective wall of the Constitution and concentrate on those problems

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of freedom of speech which are the most difficult to perceive and the most awkward to manage. These “structural” limitations on freedom of speech are primarily the treatment of mass media content of a political nature known as *self-censorship* and the adapting of content to suit the needs of media sales and advertising known as *commercialism*. In both of these the distinction must be made between *real* and *imaginary* freedom of speech; the latter depending on the goal which those disseminating information have set themselves. Moreover, it must be born in mind that the personnel responsible for the content of mass communication is seldom homogenous, but is divided, at least in larger and commercial units, roughly into two: the fraternity of the editors-in-chief desirous of pleasing the publisher and the fraternity of journalists, i.e. salaried professionals.

Point 2: From Media to Citizens

The fact that the right to communicate is for all citizens rather than the media and its professionals is a constitutional truism, but it is still encumbered as far as communication policy is concerned. The myth constructed by the media is that they, the media, enjoy particular protection under the Constitution, and it lives on among those who have not familiarized themselves with the fundamentals in legal regulation of the media. This myth, however, is doomed, not only because of increasing knowledge but also because the significance of the civil society is on the increase – if not in reality then at least in rhetoric – and the media cannot ignore this because of their own commercial interests.

As regards the concept of *citizen*, note should be taken that the new legislation in the Constitution regarding freedom of speech no longer recognizes this term, but protects *everyone* or each individual – not only those who are Finnish citizens in the legal sense. This is indeed a welcome extension in principle, although in practice we may still use the term citizen in referring to an individual as is customarily done in social sciences.

The idea of civil society, emphasizing as it does the role of the individual and the citizen, has gained prominence, but it is both an historically untested and conceptually problematic phenomenon (as shown in this book by Tuija Pulkkinen in her analysis of J.V. Snellman’s legacy). Nor may it be taken for granted that in a country like Finland civil society is really gaining in strength, at least if it is to be conceived of separately from market forces; there is even talk at the present time of the decline of the civil society. On the other hand it would appear that

the civil society is gaining in strength in relation to the state, whose position is generally weakening.

Point 3: Responsibility

The notion of the responsibility of the media to the citizens and of their responsibility for the legislation is generally accepted to a very great extent, not least in the journalists’ profession.³ Journalists see themselves as using freedom of speech as the representatives of the citizens, and the professional ideal of the journalist typically embodies both the watchdog and the one who enlightens the people (as documented in this book by Ari Heinonen). On the other hand journalists, not to mention media owners, are anxious to remain independent, at least regarding the state. The relation of responsibility between media and citizens is not lacking in tensions.

Upon closer examination the media present a constitutional dilemma. On the one hand we have freedom of speech and a ban on advance censorship written into the Constitution. On the other hand the media, like any institution in society, including free economic life, are to a certain extent accountable to a democratic society. The responsibility of communication has been specified in international agreements on human rights which both guarantee freedom of opinion and expression and set limitations on the dissemination of racist and warmongering propaganda, for example. In general, human rights agreements set clear boundary conditions for the media, just as there are boundary conditions on other aspects of life. It is thus impossible for the media to use freedom of speech to justify their setting themselves above social norms and institutions. They have, on the contrary, a special responsibility, for in a democratic society both constitutional protection for freedom of speech and human rights agreements place the media in the position of a tool in the service of citizens.

There are in principle four parties involved in the regulation of the media: the state (including legislation), market forces (including advertising), the citizens, and the media themselves. The power of the state and economic life are always involved one way or another in the regulation process, but their role is largely confined to the setting of boundary conditions in order to safeguard the legislative and economic *status quo*. Regulation on the part of civil society is in practice possible only in small vehicles of communication owned by members of associations and in information networks formed by restricted interest groups. Citizens can bring influence to bear on the mainstream media only marginally, by their own

consumer behaviour and by participating in the activities of pressure groups. Thus in the case of the press, radio and television self regulation, which is to say spontaneous acceptance of responsibility for an autonomous position, remains very much in their own hands.

Self-regulation of the media is indeed a widely subscribed to means of regulating the responsibility of the media in relation to the citizens. In practice this boils down to professional *codes of ethics* and *press councils*. A newcomer to the modes of self-regulation is *media criticism* – a scientifically and professionally based analysis which facilitates the debate between media producers and consumers and the influence-hungry political and economic interest groups on various aspects of media coverage. In self-regulation, however, there lurks the danger of remaining in the wings and full of good intentions instead of undertaking practical action. Self-regulation is in principle also doubtful in that the media and journalism, safe in their autonomy, easily cling to one another, when professionalism rather inhibits than promotes the fulfilling of the citizens' communication needs⁴. It thus becomes necessary both to intensify the effects of self-regulation on professional practice and to monitor critically the state of self-regulation.

Point 4: Pluralism

The issue of the place of the public sphere and public debate in a democracy entails the traditional notion that in a democracy an individual should be informed in order to participate in decision-making which concerns him and in what is known as taking care of matters of general concern. The *citizens' information needs* can be met more efficiently through the new net services, even if in practice they are bound to information and power structures which have long existed (as Timo Kuronen shows in this book). Since time immemorial it is the satisfying of the citizens' needs for information which has been in the centre of the arena, and markedly so in that people have been offered factual reporting from the outside world at the local, national and international level. In keeping with this tenet of western journalism the *citizens' world view* is formed essentially of intellectual data offered by the media on the basis of which the citizen takes his bearings in society.

This is then a case of traditional *enlightenment thinking*. Its human-centred philosophy and the emphasis placed on knowledge and truthfulness is not of itself outdated – not even in this age of entertainment and other so-called media culture – on the contrary, in many ways it is quite “modern” or even “postmodern”. However, it is to be noted that en-

lightenment thinking in general and journalistic tenets in particular embody a goodly share of paternalism – an example of which is seen in informational broadcasting policy (as shown by Yrjö Ahmavaara in this book).

Alongside information and the openness which supports it, the exchange of opinions or *discussion* has risen to assume a more important position than before. Open discussion also plays an important part in the forming of knowledge, such that enlightenment and discussion are mutually supportive. This aspect of freedom of speech gains in prominence when democracy is understood, no longer as in the Lockean tradition *government of consent* but as an interactive process of *government by discussion*, also known as “deliberative democracy”⁵.

Both a rich citizens' discussion and a versatile supply of journalistic information require that the content of communication should not be monolithic nor dependent in its relations to political and economic power. This pluralistic principle is one of the cornerstones of the modern concept of freedom of speech.

Point 5: Facilities

This follows directly from what went before. The *principle* of pluralism is not sufficient for freedom of speech; there is a need for the public arena which implements it *in practice* – there is a need for not only a communication philosophy but also a communication policy. Thus various material prerequisites go hand in hand with the concept of freedom of speech, which justifies financial support from the state for both the press and films and also various communication arenas of the public sector from public libraries to video workshops. In the 1970s and 1980s press subsidies from the government rose to almost 500 million Finnmarks, only to fall in 1996 to 100 million. Such a withdrawal of support from the communication arena implies a grave narrowing of freedom of speech. Cuts in government subsidies may be resisted by recourse to the Constitution.

In this respect it was logical to envisage an addition to the new wording on freedom of speech in the Constitution to the effect that “the state shall have the obligation of promoting to the greatest possible extent freedom of speech, free formation of opinion and the right of each individual to varied information”. However, the addition was omitted, as a general obligation was included for the state to guarantee the realisation of basic rights for all – including freedom of speech. Another envisaged addition regarding freedom of speech to the effect that “any mass media having a dominant position at the national or regional level shall have the special obliga-

tion to promote the many-sided formation of opinion” was again omitted because there was no unanimity as to the legislating of such concrete issues at the constitutional level – and because it met with the particular resistance of the newspaper publishers.

Public service broadcasting provides one typical example implemented in the practice of a communication arena whose mission it is to serve all citizens equally regardless of their domicile, wealth, etc. In reality this goal cannot be achieved since public service broadcasting typically follows the main powers of the country, the government and the majority of the parliament, even though the institution which does so is administratively independent and not part of the power of the state. Nevertheless public service is by virtue of definition there to ensure a broad-based freedom of speech in society. And more: freedom of speech actually requires, at least in the European interpretation, that a strong public service broadcasting institution should function in the field of electronic communication, although it should not be allowed to assume the position of a monopoly.

Commercial media operating through market forces, on the other hand, do not serve as an example of a public arena in which freedom of speech is realised, except in a very limited sense. Markets which are economically free just simply are not the free market place of ideas by the classics of liberalism (John Milton, John Stuart Mill et al.)⁶. This conflict between the market and freedom of speech is well seen in the EU Commission’s Green Paper “Pluralism and media concentration in the internal market” and the related resolutions of the European Parliament, such as the following:⁷

The European Parliament,
(....)

B) having regard to the importance that the question of media concentration has now assumed in the political debate in all Member States, particularly in relation to safeguarding the democracy and independence of the media,

C) having regard to the negative consequences of having an information society which is subject solely to market forces, and the need to take account of the cultural, ethical, social and political implications,

(....)

5. Regards a balanced apportionment of resources of all kinds as essential in order to safeguard the pluralism and diversity of the information media;

(....)

8. Recalls that the public authorities have a duty to guarantee, in an effective manner, the ex-

ercise of freedom of expression and respect for pluralism;

9. Calls on the Commission to propose together with the parties concerned an action programme to promote pluralism in the media with a view to drawing up a code of conduct for the media in Europe (including the countries of Central and Eastern Europe) with the aim of preserving professional ethics and guaranteeing the independence of information and of journalists.

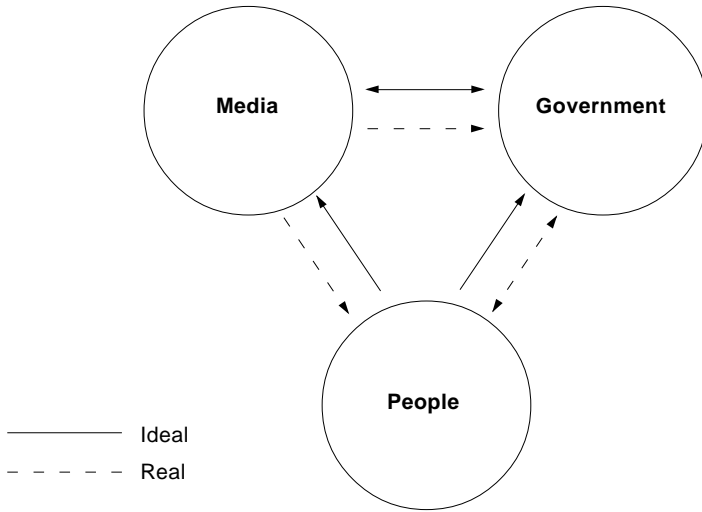
Media in Democracy

The analysis of freedom of speech in mass communication is clarified by positioning the media in relation to power holders on the one hand and to the citizenry on the other hand. This is done below by means of two figures.

The first figure presents the media in a classic representative democracy⁸. The media are positioned in relation to public (People) and to political power (Government). In the theory of democracy the media provide the people with a channel for both the dissemination of information and for discussion. In a way the media serve the people in the same way as an elected government, which, in theory at least, acts to take care of the affairs of the country in the best interests of the people. Thus the essential relation of influence is from the people to the media and from the people to the government – in line with the doctrine of the sovereignty of the people. According to the same theory of democracy the relationship of influence between the government and the media works likewise in two directions: firstly the government elected by the people has the mandate to be responsible for communication among other things (under the Constitution) and then the media are constantly expected to put across to the government the thoughts and sentiments of the people.

This setup then represents the theory of democracy.⁹ Alongside it there is another relationship of influence which in Finland, too, reflects the actual situation in a modern representative democracy. In the real relationship of influence the media assume a key position. They push in the direction of the people and of the government, not the other way round: however, between the people and the government there pertains a two-way relationship of influence. It is true that the media derive content to a great extent from the people and the government, but in shaping that content the media wield considerable power. The ideal and real relationships of influence are thus virtually opposites, when in point of fact the people have become the target of influence where according

Figure 1.



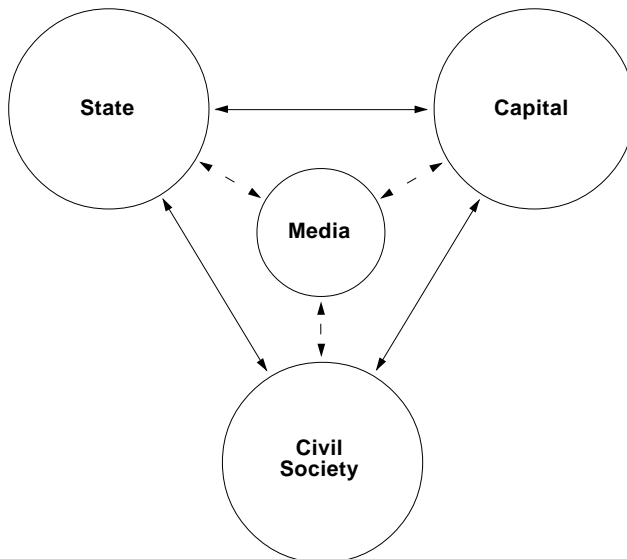
to the theory they should have been the source of influence.

Admittedly the figure generalizes and simplifies the situation, ignoring as it does, for example, the complex nature of the media, including the alternative press. Nevertheless the message of the figure cannot be denied. Democracy does not function as it ought to according to the theory, and the media and its practitioners are at the heart of the problem of democracy. In order to improve the situation – to achieve democratization – the media must come

closer to the people and the actual relationship of influence between these two must work in two directions.

The second figure has been taken from Johan Galtung, in whose three-sided model the pillars of society are the State, Capital (market forces), and the Civil Society¹⁰. In this setup the media are not found at the apex of the triangle but rather float somewhere between the pillars. In the history of Finland the media have found their place close to the state when the country was under Swedish or Rus-

Figure 2.



sian domination – only to drift towards the civil society in the period of autonomy – whereas in more recent decades the tendency of the media has been to move towards the markets.

Galtung does not predict that market forces will completely absorb globalizing society; he also sees a burgeoning strength in the civil society with its new movements. Thus the media take a challenging place in a field of conflicts. In point of fact the media are a vital channel not only for the civil society in relation to the state and capital, but also in communication between the state and capital – in order to ensure universal publicity and dialogue in society. If the media succeed in attaining a strong and independent position in this triangle, they could, according to Galtung, assume the status of a fourth pillar in the social power structure.

Media as the Fourth Estate

It is typical to exaggerate the power of the media to exert influence by ignoring the fact that communication is not generally an independent power, but rather an extension of more fundamental social forces. However, there has been in recent years – in conditions of the information society – a tendency to speak with reason of the “medialization” of societal activity and of the significant power position of the media in society. The media have become kingmakers in the field of politics at the same time as the party institution has lost ground. In days gone by the newspapers were typically an extension of politics, and newspapermen (indeed mostly men!) were politicians. Today politics and the media have split up into two institutions, and the media would frequently appear to be the stronger.

Traditionally the influence of the media has been emphasized by talk of the “fourth estate” or “fourth branch of government” alongside the legislative (parliament), executive and judicial branches. This view has gained new impetus from the perspective of the “media society”. Indeed, Kauko Sipponen has stated that the classic doctrine of the three branches is no longer valid when “there are stronger and stronger power groups operating in society – social forces whose activity and influence are so significant that they merit even constitutional examination. What I have in mind are mass communication, trade unions and market forces”.¹¹

Thus we are left not with three estates but with six, including the media. It is natural that the media have become a subject of political debate and a problem. On the other hand it is abnormal that so important a power factor remains without wider discussion on principles in the light, for example, of constitu-

tional law. Yet talk on the media has mostly been trivial politics or utopian worship of technology. The communication system in our country is overdeveloped while our communication policy is underdeveloped.

In Sweden, Norway and Denmark the position and mission of the media have received much more extensive consideration both as regards social wielding of power and reports of committees on media policy. The current “functions” of the media have been condensed among these neighbouring countries as follows¹² on the premiss that the fundamental value of democracy is the free formation of opinion:

- 1) *information* – the media are to provide citizens with such information that they are able to form their opinions on issues in society freely and independently
- 2) *critique* – the media as an independent body are to monitor and scrutinize those wielding power in society
- 3) *forum* – the media are to provide the representatives of different views with the opportunity for publicity

These functions lead on to such quality requirements as the informativity of media and journalism, relevance to decision-making in society, truthfulness and independence. All are familiar concepts from the days of the debate on objectivity; now there is need for a new debate on the mission of the media in a democracy. It is just that the new debate has more nuances than before, for the conception of communication and its truthfulness and of the role of the media in society has in the course of its development led to new problems and paradoxes rather than to “ultimate truths”.

The basic setup, however, is clear and the core question remains, what is the relation of the power of the media to the power of the people. Going from the basis for freedom of speech the task of the media and of journalism in particular is to serve the people and not those who wield power, be that power political or economic. Thus in Galtung’s figures the media should take up a position closer to the civil society. It is not healthy for the cause of democracy that the media should move from the political camp to the economic camp and remain the tool of the elite of society while the people continue on their own path as consumers and spectators.

From this position in the United States a start has been made to seek for new forms of journalism, not only through investigative reporting, but also *civic journalism* or *public journalism* reaching out the grassroots.¹³ The premiss here is that the people are

not only lacking information but also democracy, and that journalism should pose the questions in the manner of the man or woman in the street, not as the political and economic elite would do it. The fault thus lies not with people but with elitist information alien to life. This populist trend has achieved the support of some publishers, who are concerned about the decrease in the amount of papers read, especially among the young.

Civic journalism seeks to support local democracy not so much by inundating citizens with information filtered by the elite but by bringing citizens to discuss and act on issues which concern them. In such a case the media and the journalists are transformed from apparently objective reporters to moderators supporting citizen participation. The objective is to activate citizens who have become cynical and to revive the community adrift from its ties – to return from individualism to communitarianism.¹⁴

It is, however, doubtful to what extent journalism and the media can be of assistance in the structural repair of the foundations of society. Projects of a popular journalistic nature more likely reflect the rhetoric of the society of citizens than reality, and this particularly in the United States. One may furthermore ask whether or not the national and supranational media scene is with “deregulation” becoming more anti or pro freedom of speech. On the other hand the encounter of the global and the local opens up a new positive perspective – “glocal” – for both the society of citizens and the media.¹⁵

The long-term thinking on freedom of speech is undeniable: the image of self-sufficient media and a public receiving information dealt out from above is being replaced by a new image of media realising democracy and human rights and of a society of citizens which discusses issues. The citizen is on the way from the sidelines into the arena.

Notes

1. From the concluding chapter in *Sananvapaus* (“Freedom of Speech”, in Finnish), a collection of articles relating to the author’s project for the Academy of Finland. The book, edited by Nordenstreng, was published in Finland in June 1996 (by WSOY). Translation by Virginia Mattila, University of Tampere, Language Centre.
2. Section X of the Constitution Act of Finland, as amended in 1995, reads as follows:

Everyone shall have the right to freedom of speech. The right to freedom of speech shall include the right to impart, publish and receive information, opinions and other communications without prior hindrance from anyone. More precise provisions on the exercise of the right to freedom of speech shall be prescribed by Act of Parliament. Restrictions on pictorial programmes necessary for the protection of children may be prescribed by Act of Parliament.

The documents and other records in the possession of public authorities shall be public unless their publicity has been separately restricted by Act of Parliament for compelling reasons. Everyone shall have the right to obtain information from public documents.

When reform of the Constitution was dealt with in Parliament Professor Emeritus Osmo A. Wiio, whose expert opinion was sought, did indeed advocate the words “right to communicate” in place of “freedom of

speech”. This proposal, however, was not approved and remained an academic footnote. For the history of the concept of the “right to communicate” see Hamelink 1995, 293-300.

3. Laitila (1995) shows that the European codes of journalistic ethics clearly attach more importance to responsibility to the public and to sources than to responsibility which journalists give the state, the employer and their own profession.
4. This tendency of overemphasizing professionalism and avoiding the people has been described as “fortress journalism”; see Nordenstreng 1995; 1997.
5. See for example John B. Thompson (1995, 249-258) who gives “deliberative democracy” a prominent place in the reform of democratic politics and publicity.
6. Walter Lippmann, one of the leading liberal journalists, commented when examining President Kennedy’s unsuccessful TV reform: “There are some things in life on which you cannot put a price tag – all that is good and beautiful that we want to hear must first be set free from the straitjacket of the profit and loss of business life – just as the universities, the schools, the institutions for scientific research, the museums and parks have been freed from commercialism.” (*Helsingin Sanomat* 14 May 1967)
7. Resolution on pluralism and media concentration adopted by the European Parliament on 15 June 1995. In October 1997 the European Parliament returned to the theme in its resolution on the impact of new technologies upon the press in Europe based on the so-called Daskalaki report, including the following provisions:

having regard to the European Parliament's repeatedly-stated position that information is not a product comparable to other products,

having regard to the undisputed role which the press has played – and continues to play – in promoting democracy, freedom and human rights,

having regard to the positive impact of the new technologies on public information, notably more rapid and extensive access to a greater number of sources of information, interaction between the recipient and source of information, the globalization of information, the more immediate and more democratic access of citizens to proposals and decisions taken by European, national and regional authorities and the easier participation of citizens in the decision-taking process,

having regard, however, to the concerns expressed by the European Parliament in the past regarding the new communications environment, and notably: the deluge of information and news which is not always sufficiently evaluated or processed and whose source is not always established; the danger of the marginalization – even temporarily – of certain social groups which are not yet sufficiently familiar with the new technologies or do not have equal access opportunities to them; the dominance of the networks by products that are predominantly commercial in character at the expense of products which express Europe's multilingual and multidimensional cultural identity and heritage; and finally, a tendency toward human isolation...

8. Taken from the author's publication which examines the paradoxical position of the journalist; Nordenstreng 1995, 119. A similar figure has been presented by Pertti Suhonen when he investigated the role of the media in publicizing environmental problems and in the shaping of public opinion; Suhonen 1994, 51. According to this social agenda setting is defined in a triangle at whose apex are the political and economic power mechanisms, the media and the public.
9. On theory of democracy in general see e.g. Held 1996. On the relation between the media and democracy see Keane 1991.
10. Galtung presented his model as a paper read at the MacBride Round Table in Honolulu, January 1994, and at a postgraduate seminar at the University of Tampere in June 1994. The paper will be published in Vincent et al. 1998.
11. Sipponen 1995, 30.
12. Here the source used is the report by Professor Kent Asp of the University of Gothenburg to the latest Swedish Press Committee; see Asp 1994.
13. For more on "public journalism" or "civic journalism" as presented by those who developed the concept, see Merritt 1995 and Rosen 1994.
14. See Christians & al. 1993.
15. See Tehranian 1998.

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