

DOI: 10.51480/1899-5101.18.1(39).895

Media Freedom and Deliberative Democracy: Europe in a Comparative Perspective

HOW CAN EU MEDIA POLICY CONTRIBUTE TO DELIBERATIVE DEMOCRACY?

Research and practice on the international stage have repeatedly proved that freedom of expression is the most important life condition for democratic media in any country. Within the EU, media policy regulations and recommendations aim at guiding the way towards balanced and reliable media performance without applying rigid limitations. European Union media policy that would best support freedom of expression of the media remains topical, as developments across the EU's media systems are dynamic and wholly distinct.

This Special Issue of the *Central European Journal of Communication* (CEJC) focuses on the outcomes of an EU-funded research project – Mediadelcom – that had the ambitious aim of proposing a change of the lenses when looking at the media policies in the member countries. The leading argument of Mediadelcom (“Critical Exploration of Media Related Risks and Opportunities for Deliberative Communication: Development Scenarios of the European Media Landscape”) is that political and cultural spaces in democracies evolve best if specific policies enhance the conditions for deliberative communication (Lauk & Oller Alonso, 2024).

Ideally, deliberative communication functions as an intrinsic component of democratic decision-making processes, where collective decisions result in the public discussions of citizens who participate on equal terms and are provided with trustworthy information (Bächtiger et al., 2018). In a mediated society, this depends on the news media's ability to provide truthful information and to carry out argumentative discussions aimed at solving problems and reaching (at least temporary) agreements. Also, a supporting factor for the feasibility of deliberative democracy is the extensive access of people to the new media platforms and social media enabling them to promulgate their opinions and choices. On the other

hand, the deliberative role of the news media in contemporary digitized societies is severely challenged by various information disorders and “conflict-oriented conversations that rather polarize public opinion than keep different population segments of societies together” (Nord, Ots & Vozab, 2024, p. 24).

The EU’s regulations and rules are based on the common values set in the European Charter of Fundamental Rights, where freedom of expression is central. The EU’s media policy related documents, such as European Media Freedom Act (2024), are to be respected and enforced in all Member States. The European media policy seeks solutions for the issues common to the Member States: they regulate markets, service providers obligations, protect journalists, etc. Robustly founded on the EU’s common values, the policy often overlooks the specific realities of the practical implementation of the regulations in each of the Member States.

Research by Mediadelcom has identified in many EU countries that, irrespective of the adoption of European regulations, implementation is insufficient or has severe obstacles. For example, the recent “Anti-SLAPP Directive” (EU 2024/1069) requires Member States to early identification of SLAPP cases, provide further education of lawyers and journalists, as well as forcing Member States to fast-track anti-SLAPP proceedings, and enable courts to order that the media company pays the NGO’s litigation costs. However, according to the Mediadelcom reports, a good practice for collecting and analysing SLAPP has yet to be developed. Abusive lawsuits have become a serious constraint on the freedom of expression, increasing the risks of self-censorship by journalists.

Accountability instruments for journalists and media organisations either do not exist or are of limited effectiveness. Although the European Commission adopted the “Recommendation on the protection, safety and empowerment of journalists and other media professionals in the European Union” in 2021, security of journalists is under increasing pressure. The problem in many Member States is the absence of systematic data gathering on the working conditions of journalists and on their job security, which means that the actual implementation of the recommended measures may not be effective or is not happening (Recommendations for Media Governance, 2023). Furthermore, the Mediadelcom research demonstrates how significant is the impact of the differences in the economic, political and cultural environments in member countries on the implementation of the common regulations.

One of the main conclusions of the comparative study on the dynamics of these conditions in 14 EU countries related to the effects on media performance convinces that “media-related policy solutions that work in one country are not necessarily beneficial for other countries” (Peruško, Harro-Loit & Lauk, 2024, p. 5). The presence of a combination of certain conditions that produces a positive normative outcome in one country does not necessarily bring about

the same results in another country. Therefore, studying and considering the specific contexts in which the media operate in each country, is of the utmost importance for successful implementation of EU media policy. As the findings of the Mediadelcom project show, in the countries where freedom of expression is most at risk, empirical research on the implementation of EU legislation is missing or insufficient (Recommendations for Media Governance, 2023).

Evidence-based EU media policy in the 21st century has largely been reactive, as crises and their courses cannot be foreseen. Evidence-based policy, however, has its limitations and barriers emerging because of the varied approaches that governments and researchers apply to policymaking, such as assorted timeframes or conflicting objectives among stakeholders (Arndt et al., 2020, pp. 2016-2018). As Pabst (2021, p. 85) contends: “policy-making needs robust conceptual narratives to make sense of numbers and provide a sound basis on which to make decisions allied to ethical judgements”.

Additionally, as the Mediadelcom research found, evidence-based knowledge tends to be incomplete and produced sporadically, especially in the countries that joined the EU in the 2000s. Little research exists on the day-to-day implementation of regulations in these countries. Access to public information is insufficiently guaranteed and this reduces transparency in society and makes the work of investigative journalists more difficult (Recommendations for Media Governance, 2023).

As a result of studying and comparing creation of knowledge about the media development and performance conditions in 14 EU countries, the project suggests that evidence-based media policy should be further developed into wisdom-based media governance. The latter relies on coordinated and systematic collection, analysis and application of knowledge relevant for creating favourable conditions for the development of deliberative democracy. For achieving this, Mediadelcom has opted for a foresight strategy – design of a proactive media policy – by identifying emerging risks for deliberative communication, by developing possible future scenarios and actions for achieving desired outcomes.

MEDIA SCHOLARS IN MONITORING MEDIA FREEDOM AND DELIBERATIVE DEMOCRACY

In preparation for this CEJC Special Issue we aimed to investigate the dynamics and media freedom processes alongside the cultural context of freedom of expression as a human right. We took Mediadelcom methodologies, which the consortium members elaborated on a wide range of the existing deliberative communication theories, structures and processes as the point of our departure. We came up with a mixed methodology and perspectives collection, with scholarly comparative

research findings in today's media freedom and deliberative democracy monitoring. This strategy combined media and democracy researchers' insights from the Mediadecom cross-cultural experience. Above all, the strategy involved the project's scholarly and civic relationships with NGOs, engagements in events and other forms of findings' dissemination, contribution to civic and media literacies that occurred throughout the project phase (2021–2024) and onwards.

We begin this issue with a study by Tobias Eberwein, Marcus Kreutler and Susanne Fengler, addressing media scholars' role in holding media to account. Our Mediadecom authors from Austria and Germany build on the project's methodologies and findings to address comparative lenses to media accountability in Europe. The critical examination of the existing academic contributions to media and democracy research in 14 EU countries (2000–2020) looks at the scholarly media accountability contributions to journalism practice, media self-regulation, and – as a driver and a consequence – the impact on our societies. The study concludes with a call for more engaged scholarship, which follows the discussion on the deficits and successes of media accountability as an academic field:

Only rarely do academic actors take the opportunity to provide a notable impetus for the development of new media accountability initiatives. This applies to most of the countries in our sample: Where media accountability structures are only weakly developed, there is also little interest in research on media accountability.

Further questions on the quality of journalism and media freedom in Europe have been widely addressed through the Mediadecom comparative dimensions and its potentially relevant impact on understanding multiple dimensions in Europe's journalists, alongside the ongoing interplay between normative values and democratic media processes. One of the methodologies, is the fuzzy set comparative approach (fsca) analysis, widely developed by Mediadecom's Croatian team members, with the national project team members tasked to reflect their national data and comparative media systems indicators assessments. The qualitative-based research outcomes by Filip Trbojević, Peter Berglez, Dina Vozab, Mart Orts and Zrinjka Peruško point to the cross-cultural similarities and differences at the core media freedom conditions. This includes, for example, the critical assessment of dimensions, such as media market structure, journalistic skills, and journalists' practices in monitoring (watchdog, fact-checking, societal cohesion contribution) role(s) for– and of – professional EU media socially-relevant existing and future journalism(s).

The comparative Mediadecom's approach to media freedom and deliberative democracy reflected both the potentially relevant comparative looks based on in-depth country researchers' insights as well as looking at the so-called

critical junctures in the overall transformation processes at the blend of media, society, politics, and others. In this CEJC issue, Halliki Harro-Loit, Mari-Liisa Parder, Anda Rožukalne, Marten Juurik and Ilva Skulte take the editorial independence freedom indicators to investigate the deliberative agents-based perspective in the cultural knowledge settings of Estonia and Latvia. The overview of the Mediadelcom’s two close cultural-geographical journalism cultures further offers a fertile ground to reconsider the individual and institutional democratic media monitoring capabilities, including the critical look at media’s role as democratic stakeholders.

Finally, the Mediadelcom approach highlights the European Union’s legacies through legal actions to support media freedom and deliberative democracy in Europe (and beyond). The paper by Evangelia Psychogiopoulou and Anna Kandyla from the Hellenic Foundation for European and Foreign Policy (ELIAMEP) is a must-read for everyone in search of legal foundations and cultural-driven actions, from the EU media policies shaping stage to the European Media Freedom Act. Thanks to our Greek colleagues, the Mediadelcom findings have been balanced within the value-based regulatory cross-cultural interpretations, with the European-national narratives serving as another critical dimension for further future-oriented multiple-media deliberations. What if the national law begins to be in contradiction with European values? What makes the societal-regulatory deliberative practices effective? Who lives to tell?

THE MEDIADELCOM EXPERIENCE

Perhaps among the most challenging lessons for Media Freedom and Deliberative Democracy monitoring we learned through the Mediadelcom project has been to be open to the so-called ‘cross-cultural’ interpretations, and a need to address project findings events to the local flavour communities. While bearing in mind the proposed case studies, and comparative overviews alongside pros and cons for more general related policy recommendations, we argue for a more in-depth look at Mediadelcom members’ cultural research experience.

In line with this, we acknowledge the Media Diversity Institute’s contribution as a non-academic and non-governmental agent in Europe’s deliberative communications. To this end, the Methods and Concepts interventions by Tanya Sakzewski and an interview with MDI Director General Milica Pesic; this is where we all point to. Moreover, the Mediadelcom experience is further related to the dissemination and findings, in other words – social organic Mediadelcom collisions. This issue contains Mediadelcom events’ reports from Dortmund (2023), Athens (2024), Daugavpils (2024) and the final project conference in Brussels (2024).

We dedicate this issue to Professor Lars Nord, the Mediadelcom team member, who passed away in 2024.

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ACKNOWLEDGMENTS

The research for the articles and editing of this issue received funding from the European Union's Horizon 2020 research and innovation programme under the grant agreement No 101004811 (within the project "Critical Exploration of Media Related Risks and Opportunities for Deliberative Communication: Development Scenarios of the European Media Landscape"—MEDIADELCOM). The work reflects only the authors' views, and the Commission is not responsible for any use that may be made of the information it contains.

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