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Observatory for Fundamental University  
Values and Rights

# Universities and the Media

A partnership in institutional  
autonomy?

*Proceedings of the Seminar  
of the Magna Charta Observatory  
17 September 2004*

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Bononia University Press

Bononia University Press  
Via Zamboni 25 – 40126 Bologna

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ISBN 88-7395-058-2

[www.buonline.com](http://www.buonline.com)  
e-mail: [info@buonline.com](mailto:info@buonline.com)

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Printed in Italy

Printed by: Arti Grafiche Editoriali s.r.l.

First printed in March 2005

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## Foreword

*Dr Andris Barblan*

*Secretary General, Magna Charta Observatory*

### *Autonomy and communication*

The ambitions were high: help the media and the university, two self-conscious institutions, to enter each other's viewpoint. As communication enterprises, both are accustomed to present the public with various arguments – also concerning their own *raison d'être*. However, they seldom try adopting the other's perspectives and language, thus exploring familiar concepts in a new way.

The Magna Charta Observatory, over the last few years, has looked into the present case of universities and searched the how's and the why's of their institutional independence – pointing to the processes of their decision-making and use of human resources (2002) or to the changing conditions of academic research (2003) - in order to understand the margin of manoeuvre universities enjoy to ensure their survival in complex societies. The idea is that autonomy can be managed, organised and developed from inside the institution

when the universities turn external constraints into opportunities and internal weaknesses into areas of excellence. Indeed, autonomy is no gift from heaven; rather, academic independence represents a call for responsibility, personal and collective; an obligation to account to society for institutional initiatives, old and new. Operational integrity gives credibility to the universities' message, educational and scientific. The same can be said for the media, also a communication enterprise of course.

In 2004, it was decided to move away from an analysis centred on the collective self-understanding of academia to consider the media's approach – not to the university but to their own needs for a social identity. Can academia learn from the media or vice-versa – not in the way to communicate but in their contribution to change in a transforming society? In other terms, can they benchmark each other, presupposing that they share very similar constraints and social conditions for development – a point made clear in the background material? If so, can they become partners in the emerging society of knowledge instead of servants to each other's needs – the press using (or abusing) the stock of information coming from the universities, the universities pressing the media to reflect the claimed excellence of their intellectual and educational efforts. Too often, the universities feel alienated and the media misunderstood. By proposing to explore each other's institutional perspectives (rather than their daily activities), the Bologna conference pointed to potential media/academia partnerships that would “encourage pro-active, strategic decision-making by providing common research, analysis and policy solutions”<sup>1</sup>. In fact, the meeting was searching for a common language or, at least, for the recognition of the other's own words and syntax.



The organisers' hypothesis was that the media and academia were two distinct social actors whose otherness justified a possible dialogue and made sense of future partnerships. *Umberto Eco*, in his keynote, showed however that the limits of such an institutional self are blurred by constant overlaps, as similar functions call for like answers. Moreover, universities and media often mimic each other's operations to reach the achievements successfully obtained by the other. Behind many commonalities, the specificity of both partners is important still, since the universities and the media, that are both communication enterprises, fulfil different roles; ontologically, they have other horizons – short term for the press, long term for academia. This entails a different position – and status - in society; as *gatekeepers of oblivion* (a role still for them to explore in full), the universities should thus reassert their uniqueness vis-à-vis the media in the emerging knowledge society.

To follow on this call to a new academic identity, *Peter Scott*, vice-chancellor of Kingston University, England, focused his contribution on the tribulations of information in a globalised world, i.e., on the need for citizens to make sense of data flows that tend to submerge their communities to the point of powerlessness. Media like academia is a key lever for coping with change and shaping the future of our societies. In theory, yes, answered *Xavier Mas de Xaxàs*, but the systems of communication are so intricately woven with the desires and ambitions of economic and political authorities that the search for objectivity – not to speak of the truth – is close to impossible. So much so that the media can no longer sort the chaff from the straw – being in fact posted beyond lying. The journalist from *La Vanguardia*, Barcelona, leaves open the question of the universities' position: is academia trapped

in similar patterns of behaviour – for instance, because of the growing commercialisation of knowledge? Is there a growing distance between ideals and reality in all areas of communication?

To prepare the discussion, a study had been commissioned to *Francesca d'Ingianna*, from the University of Bologna.<sup>2</sup> She looked at the legal and economical conditions of communication, either for the universities or for the media – in some twelve countries of Europe, East and West. Freedom of expression and institutional autonomy are diversely accounted for in different parts of the continent – not so much in the law as in the changing conditions of economic development and institutional survival. At the core of her analysis is the notion of ‘public good’ and ‘public service’ since free expression is a pre-condition of democracy and self-organisation. The similarities existing between the media and the universities are attested by the connections made between the two in constitutions and special legislation concerning communication activities. At the conference, this was clearly showed in the introduction of *Roberto Grandi*, vice-rector of the University of Bologna, who, commenting the background document, stressed that “the definition of public interest is critical since it constitutes the ‘underlying premise’ of all legislative provisions. If, on the one hand, we favour a definition which is too functional, limited and inflexible, there may be the risk of straight-jacketing the performance of the mass media and universities, through significant interference in their working methods, for instance. On the other hand, if we opt for a definition that it too open-ended and with too few instructions, the risk is that these two institutions do operate as self-referential entities, as ivory towers cut off from the changes in civil society”. Should then controls come from the outside – i.e., the state and

other stakeholders – or reflect self policing measures, journalists or academic referring to the codes of deontology of the profession ? Such an alternative was also looked at in more details by *Madalena Queiros*, from the *Diario Economico*, Lisbon, when she compared in detail the Munich charter of 1971 outlining the rights and duties of the media and the *Magna Charta Universitatum* that, in 1988, put down on paper the principles of university life and development. These two documents are given in the appendix as the reader could be interested to check the texts. They certainly meet on an implicit requisite that makes sense of the daily work of the media and academia, the question of ‘quality’: if the university and the press live up to the level of their ambitions, their work will reflect their integrity, i.e., their honesty and humility vis-à-vis factual evidence, in science and in current affairs. That is what a growing number of codes of conduct express both for the teaching and the reporting professions. In terms of threats, the two sectors also share the usual intricacies of social involvement, i.e., the pressures exerted by economic interests, the controls proposed and imposed by government, the growing precariousness of employment (that makes academics and journalists an easy prey to job threats) and the hierarchical pressures in each of the sectors (where an invisible pecking order certainly influences perspectives and opinions). These are the risks that the two charters do address, directly or indirectly.

The main body of the booklet is dedicated to the three keynote papers - and to the background material that set the stage for lively discussions in the *Aula Absidale* of the University of Bologna on 17 September 2004. The debate, unfortunately, did not meet fully the expectations of the organisers as it proved difficult to bring a large group of journalists to help universities to

express their own case in the language of the media – such a re-arrangement being based on the commonalities of purpose and of situation being made apparent in the conference. Partnership in the building of an emerging society of knowledge represented perhaps too high an aim for this one day conversation; the time was too short to allow the media and academia to build on the similarities of their approaches as institutions rather than on the differences in their daily activities. However, the documents that follow propose strong views on the delicate balance needed to keep communication work both convincing and honest, in the media as well as in the universities, in Europe or beyond. The Observatory trusts that the readers will find the arguments worth a new understanding of the citizens' empowerment in an increasingly complex society.

*Bologna, February 2005*

<sup>1</sup> The *Futures' Project*, based at Brown University, Rhode Island, is a forerunner of such dialogues involving institutions inspired by a deliberate exchange of social positions rather than by a simple exchange of views – that usually reinforce one's own self-understanding, thus feeding separateness and fragmentation: people speak to each other but do not hear each other. Frank Newman, its late founder, in a so-called 'pressure points campaign' was hoping to refresh the capacity to listen of the actors of social change and re-engineer forms of strategic development. The quote is taken from a presentation of the campaign.

<sup>2</sup> Preparing a dissertation in communication studies, she has also a good experience of the European dimension of social transformation since she has been on the board of ESIB, the Brussels-based association of national Unions of students in Europe.

## The University's Role in a Media Universe

*Prof. Umberto Eco*

*President, Scuola Superiore di Studi Umanistici  
University of Bologna*

The conference organizers asked me to speak about the relationship between universities and the media and, in their invitation letter, mentioned the media as a “possible support of the institutional autonomy of universities”, the two sectors being considered as “social partners of importance for a democratic society”.

The universities and the media are social partners, certainly, but rather like are husband and wife: they can live and grow up together, in love and peace; they can beget new lives; they can also commit adultery, however, crash the Chinese pottery in a fit of rage, or end their relation with a dramatic divorce...

In 1988, I had been asked to give a lecture on universities and mass media in the framework of the celebrations of the 900<sup>th</sup> anniversary of the University of Bologna. Since I am convinced that I can still entertain some of the opinions expressed at the time, I shall repeat some of them while taking into account the new problems and phenomena that have appeared over the last sixteen years.

It is impossible today to think of the present and future of the universities without remembering that they live in a world dominated by the mass media. Accordingly, the problem is to what extent are old institutions like the Universities being influenced by various types of mass communication, traditional and new. One can ask the opposite too, and wonder if - and how - the university does influence the mass media. In both cases, it is indispensable to reflect on the new status and on the possible role universities enjoy in the framework of a mass media oriented civilisation.

From an ideal and purely theoretical point of view, one may say that the university and the mass media represent two independent worlds. Universities are first of all places where a face to face communication can and must be continually practiced, while the media propose long-distance communication, usually one-directional, in which the addressee is not supposed to interact with the sender (even though, with Internet, such a situation has changed somewhat). Mass communication takes place when a centralized Sender transmits a message by a technologically complex channel that reaches a community of Addressees scattered all over a vast territory. These Addressees are diverse in their social status, culture or political opinions, so much so that the Senders have little idea of whom they are speaking to; as a result, they must orient their message to a sort of ghost Audience, from which they cannot receive any immediate feedback. The contrast is great with the university which we are still eager to conceive in terms of the Greek *agorà*, that is a place where the new Platos and Aristotles pleasantly walk with a select group of disciples, debating the eternal problems of the human mind while contemplating the nature of our universe.

Unfortunately such stereotypes do not correspond to the present state of affairs. Certainly the mass media

are no homogeneous institutions since the same media market offers a book published by a university press as well as the latest rock-music record. The university is not one either since it can provide a focus for high-level research or be also a place of dissemination for elementary notions and basic information.

Can we pretend that the university is still a place for direct, interpersonal communication between teachers and students – for instance when a professor lectures to five hundred students in one hall, the capacity of which is at most three hundred places? Have the remaining two hundred students, crowded in a corridor where the lecturer's voice is broadcast over a loudspeaker, or by an internal TV network, automatically entered the realm of mass communication? Can we say that the students who follow a class, taking notes that they will not be able to decipher later, are part of a direct, interpersonal dialogue? And what about those who ask their friends to tape the lesson in order to listen to it weeks later?

What is the size of our *agorà* when we are dealing with phenomena such as the *Open Universities* and their courses on line? In the present era, indeed, there seems to be some overlap between the concepts of the university and the media.

Moreover, the universities cannot ignore the overwhelming influence of the media on our societies, even if they might wish to ignore the existence of journalism. Indeed, they have become media events themselves: the economic problems of universities, their most recent researches, the hottest cultural debates in their walls, all receive substantial coverage in the media. In newspapers and in weeklies, one can often find statistics about the state of higher education as well as regular ratings of the different universities' qualities.

Many events taking place on campus rapidly become issues for the media, such as feminist criticism or the phe-

nomenon of the *politically correct*. At the beginning of every academic year, not only weekly magazines, but dailies also devote page after page to detailed information concerning the different programmes offered by the various universities in the country - evaluating their scientific reliability, their educational offer as well as the different kinds of jobs they can guarantee to their graduates.

Another aspect of the media/university interaction is that universities work for the media world, and not only when they implement specific curricula for the education of journalists or for the show business.

There is nothing surprising about the fact that mass-media experts become mass-media consultants: frequently, one discovers that a slogan for a new car was imagined by a famous sociologist! I believe that experts who understand some of the mechanisms of mass-media manipulation should also be able to conduct their research independently from profit-making interests; yet, this position suffers perhaps from a certain leftist bigotry. It should not be surprising indeed to have an expert on mass communications working as a consultant for a campaign on ecological education or on AIDS prevention, just as it would seem natural for most university professors to collaborate as advisors with publishing houses.

If we consider the collaborations of eminent teachers of the Renaissance with the first famous printers, and if we reread their authoritative and praiseful prefaces to books of the sixteenth and seventeenth centuries, then we realise that the relationship between the scholar and the publishing industry has been established for quite some time. If an inextricable knot has existed between the controllers and the controlled within the university since the invention of printed books, the development of mass media has only made this knot even more intricate.



Thus the university does not live in an ivory tower, and its life is influenced and sometimes determined by the media.

This leads us to reflect on some points, such as:

1. The university's right and duty to study the media
2. The way in which universities can collaborate and act in order to guarantee media freedom
3. The way in which universities can take advantage of the media
4. The way in which universities can protect themselves from the media
5. The main responsibilities, in the next future, of the universities in face of the media universe.

### *1. The universities study the mass media*

I am always astonished when, in the course of an interview, American journalists ask me how a scholar as I am can also have written essays on Superman and Charlie Brown. It seems that they have forgotten that during the fifties (before I was involved in the study of mass media) there were in America academic journals that published subtle analyses of detective stories, comics, and Tin Pan Alley music. These journalists have likewise overlooked the studies of Robert Merton on the role of radio in war-time propaganda, and those of Cantril on the effect of Orson Welles' "War of the Worlds" (all written in the late forties), which were *livres de chevet* for European cultural sociologists. They do not know either that the best of the mass media criticism done by the Frankfurt School was elaborated in American universities.

Indeed, credit must be given to the university establishment for having undertaken, despite much opposition, the first systematic study of the civilisation of mass communication, and for having devoted entire schools and departments to the study of this phenomenon. Perhaps today we have gone too far. All too often, mass media are analysed in depth, even though one smiles when reading the many studies which suggest that the obsessive image of whitening detergent-powder advertisements is engendered by some archetypical motivations. A first-year student can read all about this in glossy magazines, for which university professors also write. It would be enough to ask the opinion of the advertising agents, who usually have had a good university education and read Jung. Nevertheless, it is the university that, by studying the mass media, contributed to create critical habits, not only among the happy few but also among the public at large.

At most, we can say that in Europe the academic analysis of the media has had a greater impact on society than in the United States. In the United States, the studies of Merton or Cantril are neither read nor discussed in high schools; while in Europe, a critical awareness of mass-media strategies - also as vehicles for ideologies - has frequently influenced the educational curriculum. More and more often, conscientious teachers in high schools prepare their students to think critically of mass media by analysing advertisements or newspapers in the classroom.

This scientific duty is also enormously important for my second point.

## *2. The way in which universities can collaborate and act in order to guarantee media freedom*

The introductory paper for this Conference gives a vivid and sometimes preoccupying picture of the situa-

tion of media freedom in different countries. Even when people seem not to be concerned with certain critical situations (and our country is a preoccupying example of such a trend), the very place where the situation can be analysed and criticised is the universities. They only can produce citizens able to react robustly to the media, refusing to remain passive objects of their alleged manipulations.

Thus in studying and analyzing the media, the universities can have a unique social role, that of forming responsible citizens.

Obviously this requires complete academic freedom, but this is another subject that certainly represents a key concern for most of you, but I am not supposed to deal with this topic today.

### *3. The universities can and must take advantage of media*

New technologies are today indispensable for the advancement of learning, and provide new educational instruments. To make one of the most obvious examples, think of the difficulties art students had to find visual documents to study, and remember the chances provided today by the Internet for retrieving hundreds of images for them to analyse, or the opportunities a scholar has today to find in few seconds texts (even the most ancient ones) or bibliographies on line (and I will deal later with the risks linked to this kind of new opportunities).

Even at the level of primary schools, information and ideas once disseminated by educational institutions are now transmitted directly by the mass media. Once upon a time, schools had to teach students where Baghdad or the borders of Afghanistan were, while today this information is communicated directly by newspapers and the television. This does not imply, however,

that educational institutions should be less involved with the dissemination of such information since the mass media provide the data in an uncritical and unmonitored fashion; it is then the responsibility of the educational system to check and correct it. This has changed the role of middle and higher education: today, it is more important that universities criticise the mass media's account of fundamental ideas and information than that they actually transmit this knowledge itself.

A paramount example of the changing relationship between the universities and the media is provided by academia's new situation vis-à-vis the publishing industry. Once, the main textbooks were produced within the framework of the universities; today they are provided by the publishing industry. Once, it was the scientific milieu that suggested to the publishers what to publish, according to the need of research and education; it was the academic milieu of a given country which discovered that, in another country, an important research had been published and could be translated in order to make it available to the students; in other words, the university once provided the publishers' agenda. Today, it is the publisher who discovers a foreign book, decides about its translation and, in so doing, dictates the university its agenda. Independently of the decisions of their professors, the students now can also choose among a large (sometimes too large) amount of exciting new texts - some of them still unknown to their professor. This way, the publishing industry offers the students multiple sources of information and enables them to fix the professor's agenda. In older days, students asked their professor for a reliable bibliography before starting a research and they were fascinated by their professor's wide knowledge; today, they bring to their professor an impressive bibli-

ography unloaded from the Internet and are astonished to discover how many titles their professors ignore. This may constitute a reason for panic: professors can no longer hide their lack of knowledge, while they bear responsibility, in a certain sense, for all the information that the culture industry has put on the market.

It is the publishing industry, by deciding which texts must be made available, republished or put out of the market, that influences the subjects that will be studied in the following years. It can be argued that university professors (acting as advisors for publishers) keep such a selective process under their control. But it so happens that a small group of privileged scholars, through their editorial choices, influence or determine the educational choices of all the rest of their less famous colleagues.

As you can see the universities can take advantage of the media but have to control the latter's overwhelming power. And this brings us to my fourth problem.

#### *4. The way in which universities can protect themselves from the media*

Mass media exploit the university. Let us imagine the strictly honorable position of a scholar who analyses the mechanisms of persuasion used by the mass media, a task undertaken independently of financial and advisory assistance. From the perspective of the morality of intentions, such a scholar is beyond suspicion. But, when he publishes the results of his research, the mass media may then exploit them. Hence, the scholar's critical description of forbidden procedures of persuasion may turn into an unintended contribution to the implementation of those very procedures.

This problem obviously exists for every discipline. The chemist knows very well that if he writes a paper

on Oriental poisons, a murderer could use the potential of this type of information. However, chemists regard such research as a description of something that exists independently of their writing about it. In contrast, in the social sciences, the scholar is incessantly obsessed by the danger of creating a phenomenon by simply describing it.

A book of essays on Madonna, published in the United States in the early nineties, included a variety of erudite quotations from deconstructionist literature, semiotics, Heidegger, and so on. Did the essays present a critical analysis of the Madonna phenomenon, or did it use rather arbitrarily academic references simply to reinforce the Madonna myth? And what happens if a naïve student picks up this book and, fascinated by the erudite quotations, takes it as a scientific contribution to media studies?

Many issues that are widely discussed in the universities today originated in academia, but they have been received and accepted only as a result of media hype. Let me mention, for example, such issues as multiculturalism, gender-oriented criticism, political correctness, deconstruction and postmodernism. Is there a change in scholarly standards when these issues move from the campus to the mass media? The answer is certainly affirmative. Should we be concerned about this transferring of issues from college campuses to the news media? Perhaps, even though we should not forget how often we have been complaining – as academics – that certain problems, important for the whole society, have remained confined to the academic discourse. The current phenomenon of migrating issues requires that we exercise a critical vigilance so that such issues are neither misunderstood nor rendered trivial. In other words, it requires that we accept the challenge of examining this phenomenon and its consequences.

Take for instance the bookstores: at one time they were a temple of culture; now, they are subjected to the laws of the media market. In the last twenty or thirty years, I have enjoyed observing the mass media's changing attitudes toward culture, as demonstrated in the variety of sections set up in American bookstores. In the early sixties, Marx, Freud, structuralism, and Husserl - if one could even find them in bookstores - were all shelved together in the section on "Continental Philosophy". By the mid-sixties, these same books were in the section on "Structuralism," which also included Marxism, Psychoanalysis, and Phenomenology. Then, in the seventies, these same authors and topics moved to a section entitled "Poststructuralism" or "Semiotics, Cinema, and Feminism" (as I noted in a bookstore on Saint Mark's Place in the East Village of New York City). Recently, in the Harvard Cooperative Bookstore, I found subjects such as semiotics, linguistics, neurology, psychology, and post-analytic philosophy classified under "Cognitive Studies." In a commercial chain bookstore in New York City, Saint Augustine was shelved in the "New Age" section.

I could find the same division of subject matters both in the bookstores near Columbia University and those close to New York University. This means that it was not the different departments that established these criteria, according to their own lines of thought, but a central marketing authority, which worked outside the academic milieu.

Shifting to Italy, the shelves that in the sixties and the seventies were occupied by books on Marxism and revolution are now devoted to Occult and Oriental Thought. It is this commercial choice that helps shape the cultural requests coming from the students.

Can the universities remain isolated from these changing cultural fads?

Sometimes universities are tempted to use mass media techniques themselves, for instance to broaden their areas of influence. The successful experiments of the Open University, an educational institution for adults and an alternative for working students, demonstrate how the coordinated use of printed booklets, tapes, video cassettes, CD-Rom and material on line may help to create a mass university circuit. But excessive availability of information may also have a paralysing effect. Mass media are certainly indispensable in order to reach, above all, those who are excluded from the circle of cultural information, yet they cannot replace direct educational relationships and immediate interpersonal dialogue.

Moreover, the university establishment frequently utilises mass media as an influential tool in academic controversies. The scientific debates carried on in newspapers are not a novelty of this century. What is certainly new, however, is the role television debates play in influencing opinions regarding important scientific policy decisions, such as the use or the rejection of nuclear power. In this context, I detect some pre-occupying new trends.

A typical example of the usage of mass media for an academic controversy, in the United States some years ago, was the alleged discovery of Heidegger's Nazism. That Heidegger had been sympathetic to Nazism was a well-known fact since the fifties. In the early sixties, Dagobert Runes, in the United States, had translated and commented Heidegger's political speeches. Every serious scholar knew this dark side of Heidegger's personal life and was aware of the philosophical problem of whether or not his philosophy was dependent on (or determined by) his political positions. I am not a Heidegger fan, but I find dangerous such an attempt to dismantle someone's philosophy on the simple basis of



biographical events. We cannot deny the importance of Voltaire's role in the development of Western thought simply because he invested part of his financial holdings in the slave market!

In the course of a university seminar one can carefully discuss the links between Heidegger's thought and his political choices. But some years ago the argument about Heidegger's political ideas was used by a group of American scholars to discredit some of their colleagues, and the fight was fought *via* the mass media. A big scandal followed, such as to dismantle specific departments, by obliging some scholars to migrate to other universities. My impression is that a given academic group used the mass media to provoke an alleged scoop - which looked as such for the media audience, but was not so for the academic world - in order to settle an argument that should have been debated in a more philosophical mood. Thus, the university frequently uses mass media as a weapon.

The university can also become a victim of the star system. Mass media have brought the university into the *star system*, and we often ask ourselves if the fame of certain scholars is truly linked to their scientific accomplishments or, instead, if it merely reflects their image - as created by television and glossy magazines. The media system is so powerful that it successfully makes news not only of the impudence of those who appear every day on television, but also of the privacy of those who have retired from the public eye. Even absences are transformed into news by the celebrity press. Not only those who publish a book per year make the news, but also those who never publish anything at all. There are scholars who can make their silence speak, and if they do not succeed at this, a good reporter will help them. Some publishing houses specialise in making famous those who have never pub-

lished a line in the course of their lives, and perhaps the greatest prospects of fame are given to those who have not left even a single manuscript.

Equally embarrassing is the influence of the mass media on students. The 1968 student demonstrations were influenced by the intervention of mass media, which encouraged their almost simultaneous spread to different countries, along similar patterns. Yet, although we might consider the major 1968 demonstrations as an inevitable historical phenomenon, this is not true of many subsequent, smaller-scale demonstrations. These later protests often occurred because various groups of students were inspired by the image of the movements portrayed by the mass media. In Italy, at least until the end of the last century, it was enough, after a minor riot in a minor university, that a nationwide newspaper printed a title saying "A new 68?" for the students to start rioting in many other universities, thus complying with the media agenda. In this sense, the media were not reporting university events; rather they produced and provoked them.

Mass media have a tendency to transform university life into a show. The announcement of a study still in progress is presented as a full discovery; a cautious experiment is advertised as the development of a universal panacea. Let me recall the episodes of the Utah cold fusion, or the debates between French and American scientists on AIDS - where interesting working hypotheses, still to be carefully and prudently verified, became the matter of an irresponsible show, more akin to Science Fiction than to science. Needless to say, serious scholars should try to avoid such celebrity performances. They will, however, inevitably become victims of the media system; frequently, the more scholars have remained away from the media experience, the more vulnerable they become when they first

encounter them. A “yes”, or even an “it may be”, imprudently uttered in the course of an informal interview, will be transformed into a formal announcement. At this point, the scholars become prisoners of the false scoop that they have, if not invented, at least encouraged.

There is worst. I am thinking of an Italian phenomenon and I do not know how much it can be considered a general one. More and more, various departments of communication studies do not only analyse the media life; they invite TV people as visiting professors. It is certainly interesting to use these people as experts, to know better their communicational strategies, but there is always a difference between using a guinea pig for anatomical research and to appoint it as an anatomy professor. It is important indeed to distinguish the subject making the research, i.e., the scholar, from his object.

A journalist or a TV star can be extremely intelligent and perceptive but it is obvious that, in teaching, he or she will privilege his or her idea of journalism or of TV, against other alternatives. Taken as authoritative testimonies of a given way of work, these visitors can be useful, while appointed as professors, they offer mainly a commercial appeal to students.

The talk of writers telling how they write, and which poetic principles they follow, can be an important contribution to a course on literatures but, at the end, it should be the professor, the scholar, to help the students to confront the opinions of a writer with other ways of writing and other conceptions of literature.

Last but not least, media encourage universities to transform themselves into a media market. I feel more and more struck by advertisements that try to sell a given university as the best and only one to lead to

good jobs. In Italy this is a new phenomenon, due to the administrative autonomy regained by the universities which, while becoming more free from central government, had to find new financial sources – by trying to capture new students, for example. Publicity is thus made of a plethora of master's curricula and I confess not to like such a trend very much. Universities are not hidden persuaders that must convince their customers with quasi subliminal appeals; a given university should be freely and responsibly chosen because of the public recognition of its degree of excellence. But sometimes the fight for being recognised produces efforts to become a best-seller.

But let me come now to my fifth point.

*5. The universities' new duties and responsibilities when confronted to the media universe – especially the Internet*

The tremendous ease of publishing, producing preprints, printing by computers, and sending by Internet one's own work - a year or two before it is actually printed (or even when nobody is willing to have it published) - is causing an obstruction in scientific communication. This exponential growth of available scientific material is dramatically affecting the division of knowledge. When a scholar receives, daily, hundreds of pages related to his or her scientific research, he or she will surely remain in the dark about studies in other related fields. Unfortunately, it has now become impossible for scholars to follow even the contributions made in their own area of specialisation; this has resulted in the production and consumption of abstracts. Abstracts are a media service; an abstract is a text that has been interpreted and summarised by a gate-keeper. Thus, the scholar's foremost responsibility of reading, interpreting and judging a text is passed on to an editor of abstracts.

Next to the dictatorship of abstracts, there is the threat of complete bibliographies on any topic, which can now be acquired on line. An actual bibliography is something that should be conquered step by step, with painful and deliberate effort. A complete bibliography of 10,000 titles on a given subject is worth nothing because it cannot be consulted. The scholars who, by pressing a key, receive such a bibliography, will be unable to read not only all the books listed but also all the titles on the list.

Signs of this crisis appear in many publications of recent years from countries that consider themselves to be in the vanguard of innovative research: there, no bibliography includes titles that are over ten years old. While this criterion is justifiable for some disciplines that undergo constant change, it raises concern for studies in the humanities, which are cumulative by nature. I have recently read in a paper, written by an outstanding linguist, that a certain idea had been probably proposed by Immanuel Kant already; I expected to see the exact reference to the source, but the footnote read "see Brown 1987".

We are frequently told that one of the risks soon to be met by media nurtured people or by the young generations is a memory crisis. Without memory, there is no survival. Societies have always relied on memory in order to preserve their own identity, and the old man of the tribe, seated under a tree in the evening and telling stories about the exploits of his ancestors, offered the community its founding myth. That is why, when some act of censorship wipes out a section of a society's memory, this society undergoes an identity crisis.

But I want to define memory not only as a stock but also as a filter. Historical memory is made both by what we think important to remember and what we think

important to forget. For centuries we had the impression that our Western culture was defined by the uninterrupted accumulation of knowledge. We learned about the solar system of Ptolemy, then about that of Galileo, then about that of Kepler, and so on. But this is true only to a certain extent.

The history of civilisations is a sequence of abysses into which tons of knowledge went missing. The Greeks were already incapable of recovering the mathematical knowledge of the Egyptians; the Middle Ages lost Greek science, all of Plato (except for one dialogue) and half of Aristotle. Some of these losses were merely accidental (it was a pity to lose, let us say, Mesopotamian mathematics, if there was such a thing); some were due to censorship; some parts of the lost wisdom was in some way rediscovered later, but in general the function of social and cultural memory was to act as a filter: not to preserve *everything*.

To remember everything can be a tragedy indeed. Everybody knows that character of Jorge Luis Borges, *Funes el Memorioso*, who remembered every leaf on every tree which he saw during his lifetime, every letter of every sentence of all the books he had read ... He could not act any more. He lacked filters.

It happens perhaps that, during psychoanalysis, souvenirs can be fished out of the unconscious, that had been set aside but not erased. But that is exactly what the unconscious is for; it is a dustbin into which we throw what we have no use for at present. Now, society and culture do the same thing. It would be mad for a book of Roman history to record everything that Julius Caesar did before going to the Senate on the day he died...

Now, the World Wide Web is already similar to Funes' brain. Up to now, society filtered out things for us, through textbooks and encyclopedias. With the

Web, all possible knowledge and information, even the least useful, is now at our disposal. The Web has become the brain of *Funes el memorioso*.

Hence the question: who is doing the filtering out?

Last summer, I was working at my home in the countryside, without the 30.000 volumes I have in Milan, and I needed some data about Immanuel Kant. I checked on the Web but found an incredible amount of sites. As I am well trained in philosophy, I was able to eliminate the cranks, the fanatics, the websites that only gave information at a pre-university level, and I was slowly able to select, let us say, the ten sites which contained viable information. What does happen to laymen who for the first time search the Web for some elementary but viable notions on Kant? The inability to filter out entails the impossibility to discriminate. To my mind, to have ten thousand websites equals to having none, because one is unable to select those that are important and reliable; if, by chance, this were possible, one would have no time to explore them all, anyway.

We have increased our memory storage capacity, but we have not found yet the new parameters allowing for the filtering of data. When confronted to the Web, we have at our disposal neither a rule for selecting information nor a rule for forgetting what is not worth remembering. One only possesses selection criteria in so far as one is prepared intellectually to face the ordeal of surfing the Web. We need educational centres (the school, books, scientific institutions, some meta-web sites) that could teach us how to select. A new art of decimation has to be invented.

Do not tell me that the Internet means liberty and that people are free to choose their own paths! This would mean that everybody has the right to build up his or her own encyclopedia. But encyclopedias indeed do exist (as collective constructs) because individual

human beings are not able to reconstruct in a lifespan the whole treasury of collective knowledge. My life was and certainly will not be long enough to give me the opportunity to discover the structure of the Solar system, Mendeleev's table, Pythagoras' theorem, Belgian history or the Russian grammar, and to decide if Darwin was right and Lamarck wrong. That is why I needed institutions able to filter essential information for me, so that the core of my information about the Solar system is more or less similar (if not equal in size) to yours. It can be that these institutions give me wrong information. It is our burden, as researchers and critics, to correct the collective wisdom. But it was certainly better that, for many centuries, people agreed collectively about Ptolemy's astronomy, although wrong, rather than having each individual develop his or her own understanding of the Solar system. Had this happened, even Galileo's criticism would have remained incomprehensible.

Imagine the six billion inhabitants of this planet developing six billion selection procedures on different ideological lines, thus creating six billion encyclopedias. The result could well be a society composed of juxtaposed individual identities (which is a mark of progress), but without the mediation of groups (which is certainly a danger). I do not know whether such a society would be able to function properly. That is tantamount to saying that we would have six billion different languages, everyone of them being a pidgin. The tragedy of the Tower of Babel was that there were people speaking seventy languages. Such a problem could be solved with a good team of interpreters. But the Web may become a tower where people could speak six billion personal languages.

Thus a degree of cultural gregariousness is necessary. That is why we accept the filter that the collective memory, history and tradition do provide.



The role of universities for the next future is exactly this. Not to refuse the new source of information (and some times of wisdom) but to teach to discriminate, to select, to criticise. It is not an easy role because we still lack the intellectual and the educational instruments for such an endeavour, but it is on this borderline that the universities must compete with the media.

I would like to repeat now the conclusions of my 1988 speech on the same subject. "The university can resist the pernicious influences of the mass media, and maybe help them to improve, by exploiting its very weaknesses.

If we define the value of information in terms of unexpected knowledge, then the mass media may inform with regard to facts, but not with regard to concepts and the interpretation of facts. Mass media tell us that so-and-so is dead, that a plane has crashed, that the dollar has fallen, or that a political crisis has erupted. Even in cases like these, I doubt that the information is truly so unexpected.

For example, during the last decade, mass media discovered that we are entering a civilisation of images. It was not a shocking discovery, because this phenomenon was discussed by sociologists and semioticians some forty years ago - think for instance of McLuhan. The interesting problem is rather that our societies, after the diffusion of the computer, are returning to an alphabetic stage, that is, to the Gutenberg galaxy. If the TV screen used to offer us more images than written words, a computer screen is today a tool that can be consulted only by literate people, since it contains words, words, words. The real question concerns the future and the quality of such a new literacy.

Mass media, however, cannot report this because people would not believe it. People have had to face too many difficulties in order finally to accept the idea

that we live in a civilisation of images; the public can no longer renounce what has now become a *cliché* due to the great effort by which it was attained.

Mass media can report the news of a study of a certain particle in a specific laboratory, but they cannot offer a suitable interpretation of that event. In the area of facts, mass media report what is happening now, but in the area of interpretation, they can only say what was already expected twenty years ago.

Culture, knowledge, and theories generated by the university find their proper place within this gap of twenty years. What the university studies today is what the media will incorporate into their agenda, into their system of accepted assumptions, twenty years from now.

I believe that students still come into our lecture halls because they realise that there is something being discussed which mass media have not yet encountered. When mass media eventually get around to reporting it, the university will already be discussing something else.

If we are able to maintain this gap, we will still have a role to play, and indeed an invaluable one.”

# Inside the Knowledge Society: Opportunities and Threats for Universities and the Media

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## *Introduction*

The growth of a knowledge-based society is an ambivalent phenomenon – certainly for universities and perhaps also for the media. In one sense universities are at the heart of the knowledge society, because they are the source of the science and technology that power many (but not all) the key processes of this new society. But universities may also be on the margins of the knowledge society, because it can be difficult to reconcile the inclusive (even populist) imperatives of such a society and the expert (even elitist) values of higher education which have survived half a century of massification (Scott 1995). For the mass media these tensions may appear to be less acute, because both the media and the knowledge society aim at the widest possible distribution of knowledge. Nevertheless they are significant, because much of the media also embraces notions of expertise (or, at any rate, specialisation) and also a commitment to established cultures (social, political,

economic and intellectual) which are not always easy to reconcile with the volatility and turbulence characteristic of the knowledge society.

The aim of this paper is to explore the opportunities and threats that the knowledge society presents to both universities and the media. The argument is in three parts. The first is that the knowledge society (which cannot simply be regarded as a techno-phenomenon, nor as purely a market phenomenon, but rather as a turbulent environment full of creative potential) poses serious challenges to both universities and to the media. The suffusion of knowledge throughout society, the much wider distribution of the capacity to generate knowledge and the proliferation of 'knowledge' organisations are bound to mean changes for institutions that previously had, if not a monopoly, at any rate a particular stake in the 'knowledge' business – whether it be, as is the case with universities, the production and transmission of scientific and academic knowledge; or, in the case of the media, acting as mediators between politicians (and other leaders) and their various 'publics' or simply making large profits out of so-called 'info-tainment'.

However – and this is the second stage in the argument – the knowledge society also presents both universities and the media with unparalleled opportunities. Because of the development of mass higher education systems, universities are now embedded in societies in which large minorities, even majorities, of citizens are higher education graduates. The audiences addressed by the mass media are similarly much more highly educated. More specifically the knowledge society has a number of characteristics – some obvious like the apparently remorseless advance of information and communication technologies but also some less obvious like the accumulation of 'risks' and the erosion of

traditional demarcations between the state, civil society, the market, science, culture and so on. Such characteristics have important, ambiguous and not entirely dissimilar impacts on both universities and the media.

The third stage in the argument starts from the, now almost routine, recognition that this explosion in the number of ‘knowledgeable’ actors has not necessarily produced the civilising and beneficial effects which would have been expected by advocates of Enlightenment in the past – nor has it increased the respect for traditional forms of knowledge, or cultural norms (rather, in fact, the reverse). This, of course, opens up the whole debate about autonomy in relation to both universities and the media. In this context this debate is not so much at a superficial level (for example, answers to questions such as ‘to what extent should academic freedom and institutional autonomy be subordinated, ultimately, to the dictates of the state, especially the democratic state?’ or ‘when does the freedom of the press, so vital for the functioning of the democratic state and the development of a healthy civil society, descend into mere license which through sustained negative reporting threatens to unravel the fabric of society?’). This debate must also address more fundamental, and even more difficult and disturbing, questions – the most important of which being whether autonomy, as we have traditionally understood, is actually possible in a knowledge-suffused society.

### *1. The impact of the Knowledge Society*

Before attempting to assess the impact of the knowledge society it is necessary to discuss definitions: what are the fundamental characteristics of the knowledge society that is emerging so strongly in the first decade of the 21<sup>st</sup> century? The knowledge society has become

an unavoidable category – but also a treacherous one (Stehr 1994, Castells 1996-1999). It is important to distinguish the three separate aspects, or levels, at which it operates – the functional, the geopolitical and the cultural. The first level is the purely functional and descriptive level, a recognition that not only has the number of ‘knowledge’ workers increased but that the ‘knowledge’ content of all jobs has also increased. One reason for this, of course, is the growing importance of ‘knowledge’ (whether theoretical science or massive data-sets) as an economic resource and, in particular, the enabling impact of ICT – in other words, the old idea of a ‘post-industrial’ society. Another reason is that more people are now being educated to much higher levels – which reflects, in particular, the phenomenon of mass higher education (and this cannot be wholly attributed to the rising demand for highly skilled workers; there is also a strong ‘push from below’ that can only be explained in wider political and social terms).

The second level is geo-political or ideological (and is closely linked to the idea of globalisation): the belief that since 1989 there is no real alternative to democratic capitalism, that open societies require open markets – and vice versa – and that they represent the highest stage (yet) of human development. It is possible to regard this second level, or aspect of the knowledge society, as a combination of post-Cold War triumphalism and a revival of the Enlightenment project which has faltered during the terrors of the 20th century (Fukuyama 1990, Bobbitt 2002). But the knowledge society also operates at a third level. Despite such geopolitical triumphalism, there is mounting evidence that the links between ‘modernity’ – the liberal, individualistic, secular culture that developed in Europe and north America over the past two centuries – and ‘modernisation’ – the organisational forms and technologies

which generate wealth and innovation – have been fatally ruptured. Global terrorists use the most advanced technologies – and show no signs of being ‘liberalised’ in the process. The knowledge society is also an impressive generator of ‘risks’. The more successful science – or technology or social or economic reform – are, the more new uncertainties they generate (Beck 1992). Finally, the knowledge society empowers a bewildering array of jostling, even discordant, knowledge cultures. Traditional hierarchies of merit and quality are crumbling. (Almost) anything goes. So, maybe, the links between the knowledge society, apparently so integrated, so hard-wired through technology, and post-modernism are stronger than is generally supposed.

Clearly such an account of the knowledge society has disturbing implications for universities (Scott 1999). They have never been so important – but they have never been so weak. Universities are more important than ever before because they are the primary (although not exclusive) producers of the science, technology and other ‘expert’ knowledge on which the knowledge society depends. They now occupy an absolutely pivotal role in society and the economy. This is hardly surprising. The development of modern universities is firmly aligned, historically, with the growth of the state, with the growth of a professional (or expert) society and with successive industrial revolutions (Perkin 1986). So the knowledge society is merely the culmination of two centuries of an increasing close embrace between universities and wider society. But universities have never been so weak because their very ‘success’, their centrality, makes it almost impossible for them to maintain a suitably critical ‘distance’ from society. They are too deeply implicated in social and economic processes to imagine ‘other’ worlds. It is

easy to be struck by the contrast between the intellectual creativity of universities a generation ago and their current state, as key engines within modern 'knowledge' economies.

However, it may be misleading to overstate the subordination of universities. For example, they play a decisive role not simply in terms of shaping the future division of labour but in assigning social position. Today social status is firmly linked with having some experience of higher education, of a university culture (and the qualifications to prove it). Older signifiers of social status such as class, gender, ethnicity have been largely replaced by these new forms of credentialisation and acculturation. Also universities, despite the erosion of authoritative academic cultures (and even of scientific values), now embrace the degree of intellectual diversity that would have been unimaginable a generation ago. Yet they find themselves in a dilemma – too important in terms of their contribution to wealth generation and economic improvement to be allowed to follow their own (possibly wayward) intellectual paths; and no longer looked up to, or able to define themselves as authoritative institutions (mainly because the very idea of authority, outside the narrow limits of technical expertise – better, technical competence – is now contested).

The knowledge society, in this wider sense, also poses challenges to the mass media. The ICT revolution, of course, has produced an explosion of possibilities. New types of publications, new forms of broadcasting, have been created – and the entry threshold for effective publishing and broadcasting has been radically reduced. Software packages have brought high-quality design within the reach of almost everyone. Audio and TV broadcasting are possible via computer networks or the Internet unencumbered by the high fixed



costs and regulatory frameworks typical of traditional broadcasting. But there has been a number of other, perhaps less welcome, effects. The first is the convergence of technologies which has tended to erode the traditional differences between newspapers and magazines, print media and electronic media; this can be destabilising because each had its own particular, and valuable, professional culture. A second trend is the, often extreme, segmentation of the media market – producing highly individualistic ghettos, or consumerist niches, at the expense perhaps of wider communities with shared values. A third effect is the globalisation of the media – leading to the domination of the world's media by a small number of corporations; and to the erosion of local cultures by global brands (even if these are sometimes 'creolised' in the process). This loss of cultural nuance, or contextualisation, may help to explain the superficiality of large parts of the mass media – so-called 'dumbing down'.

## *2. Drivers of change*

However, it is possible to identify a number of characteristics of the knowledge society which have implications for both universities and the media – for better and worse. Some of these characteristics have already been discussed. But three deserve particular emphasis – which can be conveniently labelled 'eroding boundaries', 'time, space and place' and 'democratising knowledge'

### *2.1 Eroding boundaries*

The first of these over-arching characteristics of the knowledge society is the erosion of the once-firm demarcations between different domains – politics, the

market, civil society, science (or education), culture and so on. It can be argued that modern industrial society (of the kind that reached its climax in the 20<sup>th</sup> century) operated by clearly distinguishing between these different domains – in a way that traditional pre-industrial societies had never attempted. Furthermore these domains were embodied in distinctive (and, to some degree, expert) institutions – which included state bureaucracies, political parties, voluntary associations, companies (and, of course, universities and the media). And these domains also produced, and were sustained by, particular discourses. What seems to be happening now – in the post-industrial, post-modern society of the 21<sup>st</sup> century – is the erosion of these separate domains – for example, the marketisation of state responsibilities or the commodification of culture or the democratisation of scientific expertise – and, consequently perhaps, the blurring of the distinctive institutions, cultures and discourses associated with these domains.

For universities, in particular, this has intriguing consequences. Some affect its internal operation – not simply in terms of funding or governance and management but also in terms of ‘core’ values. For example, the pronounced tendency towards charging students tuition fees or encouraging universities to adopt more business-like management processes reflect not simply the decline of the welfare state (and its contracting capacity to maintain an adequate tax base to support public services) but also an ideological shift, towards regarding universities as quasi-market organisations. This can be attributed both to the growing importance of universities in knowledge-based economies, which has already been emphasised, but also to the erosion of domain boundaries, particularly between public and private domains. So the crisis facing universities is not simply a fiscal crisis; it is also an ideological one.

Other consequences for universities are external in their scope. Universities must now share their terrain with other knowledge-based organisations – and, indeed, with the civil institutions of the knowledge society. This is reflected in the pressure on universities to work more closely with industry – but also with the community. Work-based and community learning are now accorded a new status. In the context of research, universities no longer have a privileged (and autonomous?) position but must instead navigate their way around much more open knowledge production systems. The constant emphasis on ‘networks’, ‘relationships’ and ‘collaboration’ is the outward sign of these changed circumstances.

For the media this erosion of traditional domains is also important. For example, it has blurred the distinction between information and entertainment – leading not only to ‘docu-dramas’ but also to so-called ‘reality TV’, and also increasing the pressure to make news more entertaining. This has typically led to shorter and less analytical news items, the reinforcement of the familiar in terms of caricatures and stereotypes, and an emphasis on ‘human interest’, the personal, the intimate at the expense perhaps of the ‘public interest’. Another consequence of this transgression of traditional domains is that concepts such as ‘public-service’ broadcasting have become problematical, thus vulnerable. In other words, both the media and universities have been most affected by the erosion of institutional distinctiveness – and, consequently, of the value systems embodied in these institutions. What is the essence of a newspaper – or of a university? These are no longer easy questions to answer. But they are more important questions than ever before, because as institutions are eroded, values may be lost.

## 2.2 *Time, space and place*

A second key characteristic of the knowledge society is the increasing indeterminacy of time, space and place. Both conceptually and practically time and space have now been re-combined in a single time-space continuum – conceptually because of our better understanding of physics; and practically because of the revolution in communications, virtual and physical. And to time and space must be added a third, more culturally contingent, category – that of place. It has become a truism to say that we now live in an ‘extended present’ – without clear senses of either past or future (Nowotny 1994). However, for universities, perhaps to a greater extent than the media, this evokes a particular problem. This is not simply because the university is an ancient idea (even if it has had to be constantly reinvented) and, therefore, embodies a strong sense of the past; the university is, quite literally, a conserving institution. It is also because the university is, necessarily, future-oriented – and its futures are not orderly and predictable extensions (or extrapolations) of the present, but imaginative and unpredictable conceptions of ‘other’ futures quite different perhaps than the present.

It is equally a truism to say that our society is characterised by an accelerating pace of change. Universities, of course, are key contributors to this process of acceleration – in particular, through their role in research. But this process of constant change may also breed habits of a strange combination of intensity and distraction, of short attention-spans, even of over-excited restlessness. These habits, in turn, may have an important effect on learning styles – because students are unused to contemplation and reflection and demand instead ceaseless inter-activity – and also on patterns of research – we are all aware of how difficult

it has become to fund long-term research because its outputs are too speculative and prolonged.

A third issue is the erosion of space – and place. This has brought benefits and disadvantages. Among the benefits are the much readier access – to both higher education and the media, which both have been brought much closer to those they service (particularly the former). The widespread use of virtual learning systems in universities has allowed students to work much more at their own pace, in their own way, on their own terms. It may have, quite literally, contributed to a fundamental democratisation of university education – not simply in terms of wider access, in physical and social terms, but also in terms of the content of the curriculum and more even-handed relationships between students and their teachers. But there are also disadvantages. One of the most important perhaps is the idea of the university as a public space and also as a special place with its own particular culture and society, even its own special ethos or *numen*. The idea of a university city, or a university quarter, has – historically – been closely linked to the nature of the student experience and also, perhaps, to the collegial character of the university as an organisation, and the professional relations of professors and researchers (Scott 2005). All this may be at risk – not simply because of the rise of ‘virtuality’ but also because of the growth of highly individualistic, consumerist, style-oriented life-styles which are part of the knowledge society.

The implications of this second characteristic – the growing indeterminacy of time, space and place – are perhaps less serious for the media. But they are still important, particularly the process of acceleration. The growing popularity of ‘instant’ (and simplistic?) analysis which forces journalists to act as experts-to-order – rather than relying on more leisurely and com-

plex analyses – is one example. Another example is the phenomenon of ‘over-kill’, the intense and detailed scrutiny of a news ‘hot spot’, which is abruptly terminated when the journalists (and their technology) have to move on to the next story. A third implication of reducing attention-spans, imposed on (but also by) the media, is to intensify the theatrical and the dramatic elements of journalism at the expense of the political and analytical (although the anything-goes-but-nothing-matters playfulness of postmodernism may also play its part). A fourth implication may be the sense of dislocation – terror or disasters that are so near and immediate that they are faraway and even alien; global communities that embrace the like-minded and the like-privileged but undermine actual communities that are messily (and disturbingly?) diverse. Finally, of course, media organisations (and newspapers in particular) are spaces, places of their own – rather like universities. As with universities, these spaces and places nurture distinctive cultures which will be eroded or lost in a space- and place-less world. This is apparent when you compare the style, and content, of – say – *Le Monde* with *Newsweek* or the BBC with that of CNN.

### 2.3 *Democratising knowledge*

The third over-arching characteristic of the knowledge society is the democratisation of knowledge – which embraces a number of different trends such as the wider social distribution of ‘scientific’ knowledge, which has particular implications for universities, or the more intensive (and intrusive?) dissemination of ‘popular’ knowledge, which has particular implications for the media. Universities now have to face a double challenge. The first, which has already been discussed,

is that they have lost their quasi-monopoly on the production of 'scientific' knowledge – not just in the sense that a lot of basic science, and its derivative technologies, is now done in industrial and other laboratories (that has always been the case) or even that a lot of social science and public policy research is now undertaken in 'think tanks' or by management consultants (which is a more recent phenomenon); but in the more profound sense that, in the more open knowledge systems that now prevail, there are no longer privileged 'producers' on whom 'users' depend and the applications (and even implications) of science feed back reflexively into research choices, methodologies and even epistemologies. This has been described as a shift from 'Mode 1' research to 'Mode 2' knowledge production (Gibbons *et al* 1994, Nowotny, Scott and Gibbons 2001). But the second challenge is internally generated – in the form of the playful ironies, de-bunking deconstruction, typical of post-modern thought which, in a diluted form, is present in most humanities and social sciences disciplines (Featherstone 1998). Universities perhaps have a choice about how to react to this challenge – to deplore the threat to traditional scientific norms, or to embrace its creative potential.

For the media the challenges are different. From one perspective, the proliferation of knowledge 'producers' offers greater opportunities to journalists – in the sense that they have a greater choice of (arguably) authoritative sources; but also in the sense that the status of journalists themselves as knowledge 'producers' in their own right is enhanced. From another perspective, it leads to greater confusion – as experts contradict experts which inevitably makes reliable analyses more difficult to produce. The proliferation of knowledge also means that the media must address audiences that are at the same time not only more highly educat-

ed (with a third or more being university graduates) and see themselves as 'knowledgeable' actors with a right to intervene and be heard; but also much more fragmented as the sense of a common culture and shared values are swept aside in a flood of highly individualised life-styles. These more educated but also more fragmented audiences are more difficult to address coherently.

### *3. Academic autonomy and press freedom*

It is now necessary to consider the implications of this analysis of the threats and opportunities which the knowledge society presents to universities and the media for academic autonomy and press freedom. To what extent is it still possible (or meaningful) to talk of 'autonomy' and 'freedom' under the social (and scientific) conditions that now prevail? Of course this is a provocative, even heretical, question. But it is important at least to confront the possibility that traditional notions of academic freedom and institutional autonomy on the one hand and press freedom on the other no longer make such good sense in a knowledge society characterised by transgression and ambiguity, technology systems and intellectual playfulness.

For universities, there are profound implications. There have always been two distinct justifications for 'free' universities. The first justification is one of absolute – or, at any rate, fundamental – principle. In any society that values liberty, university autonomy and academic freedom must be regarded as givens, as essential features of such a society. What good is freedom of thought if it cannot be expressed through, and embodied, in free universities? In a sense it does not matter if universities, and professors, use their freedom well or badly. Like democracy itself a 'free' university is inher-



ently superior to universities that are subordinated to political (or market?) constraints. The second justification of the 'freedom' of university is more functional. This freedom is necessary because it is efficient. First, it is in the interests of an open society – the selfish interest, you could say – to encourage the development of strong, and independent, civil-society institutions. Secondly, universities are likely to make a much better contribution to society, and the economy, if they can operate without excessive interference.

The argument is rather similar to that for 'open' science. Closed research systems are not only likely to be less efficient, because secrecy slows down the circulation of new research findings, but also likely to be of lower-quality, because these findings are hidden from the critical scrutiny of peers. A similar argument can be applied to the university more widely. In other words, it is in the selfish, functional, interest of society to maintain university freedom! But does this essentially functionalist justification still carry the same weight when universities are more fully embedded in society (and a knowledge society in which intellectual property is of increasing value)? Even those who are committed absolutely to the maintenance of the institutional autonomy of universities and to the academic freedom of professors (and all other staff – and also students) must seek to assert these claims in contemporary terms, with reference to the realities that prevail in mass higher education systems.

The implications of this analysis for the media are equally serious. Traditionally there have always been two powerful justifications of press freedom. The first is similar in character to the absolutist justification of university freedom. Freedom of the press is a fundamental characteristic of democratic societies; without press freedom they cannot function. That is why this

right is enshrined in nearly every constitution. But what does this freedom consist of – the right of individuals, whether journalists or citizens, to free expression (which immediately raises the question of the inequalities of access that inevitably arise from the corporate, and power, structures of the media industry) or the right of corporations, or states, to run newspapers and TV stations – and to buy and sell them like any other commodities (which immediately raises another set of questions – are restrictions on media ownership restrictions, or enhancements, of press freedom; or are nations entitled to exclude, to the extent that modern technologies allow this, foreign-owned newspapers or TV stations that may tend to undermine local values and cultures?). As with university freedom, absolutist assertions of media freedom must be seen in context.

The second justification is more functional. A knowledge society depends on the unrestricted flow of information and data. Also advanced market economies trade increasingly in non-material goods – images, life-styles, design and so on – and consequently depend crucially on the ability to project and promote brands. So the mass media, particularly in terms of advertising, plays a key role in the effective operation of contemporary society. To restrict consumer choices in the media is to constrain the flows of information, data, images and brands which are the life-blood of the modern economy. This second, functional, justification of the freedom of the media may be rather disturbing to those – myself included – who have always seen press freedom in terms of the freedom of journalists to intervene in political debate or to offer sophisticated social and cultural commentary. It is difficult perhaps to accept that the lack of restrictions on the content of the Internet – much of which,

of course, is pornography – has a commercial (and, therefore, wider social) utility in a knowledge society. But, once again, our justifications of press freedom must be grounded in the realities of the contemporary media – celebrity magazines more than serious newspapers, ‘reality’ TV rather than public-service broadcasting.

### *Conclusion*

The argument that has been presented here is deliberately a revisionist one. But it would be quite wrong to conclude that academic – and press – freedom can no longer be justified within a knowledge society. In fact there is an even stronger case for institutional freedom and academic freedom in mass higher education systems that are more fully embedded in society, more directly related to economic progress and cultural innovation, than there was in elite university systems which, allegedly, occupied their own ‘ivory towers’. But it is a case that needs to be re-articulated not simply re-asserted. Similarly the freedom of the press is even more important within today’s chaotically diverse media systems – magazines, TV, Internet – than it was in the systems of the past dominated by ‘men of letters’, political commentary and the like (although this freedom is just as likely to have to be asserted within the media as between the media and any external threats). But, again, press freedom must be re-articulated with reference to present realities not past (and pious?) hopes. Paradoxically it is those who simply re-state (rather than re-argue) the case for wider intellectual freedom that embraces both universities and the media who are most likely to put that freedom at risk – not those who willingly and constructively welcome greater social engagement.

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## Beyond Lying

*Xavier Mas de Xaxàs*  
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*Ladies and gentlemen,*

It is a great honour to be here today in front of such an important gathering held in the oldest University of Europe. I am very grateful to the Magna Charta and the University of Bologna for the opportunity to talk here about the state of journalism today. In my view, the journalists of this generation work in an environment that is so apocalyptic and integrated, so reduced to the basics of a comic strip, that it is very hard for us to distinguish any more between fiction and reality, truth and lies.

We have to entertain, and we have to do so in a cheap and fast way, because there is no money and no time to elaborate on a subject. At the same time, we have to inform, but according to a story line that forces reality into prior settings that are difficult to change. I do not mean to say that we, the media, invent the news; rather, the news are invented for us. That is why we are *beyond lying*. Most of the time we do not even

have enough control over what is happening to produce a lie.

We lie because we are in a system that is so sophisticated that nothing seems to be what it is. Lies seem to be truths and we do not have the resources to tell what is what. We are designed to mirror what we see, but not to distinguish between human flesh and spiritual air. We think we are good when we limit ourselves to repeating what the opinion leaders say to us. We reproduce a given reality hoping the citizens will be able to understand things for themselves. We defer the responsibility of comprehending what is going on around us to the citizens.

The stage for lying is set by the political and economic powers, as well as by the entrepreneurial logic of the media companies that want to earn as much as possible; this means producing more news for less money. As news producers, we, journalists, are forced to jump from one subject to the other at an incredible speed in order to provide content for businesses that run twenty-four hours a day, seven days a week, and most of the time we do not have the resources or the intellectual ability for doing so correctly. That is why we rely, more and more, on public relations companies and media cabinets. They provide what we are not able to get by ourselves. The news, now more than ever, come to us. We do not go out to get the information. It is fabricated outside the newsrooms and served to us for prompt and efficient delivery via the public's favourite media device.

Let me illustrate this with a very clear example!

For the last five months I have been covering a sort of lie. In part it was fabricated, but in part it was also true. It is the lie of a big event that was meant to shake the consciences of the world, or so it was sold to us, the citizens of Barcelona. An event called the Universal

Forum of Cultures 2004 bringing together artists, intellectuals, scientists, important people from here and there, experts in many fields joining to talk about the main cultural and social conflicts which the world is going to deal with in the 21<sup>st</sup> Century. Peace, cultural diversity and sustainable development were the three main themes that defined the Forum. The idea for this new cultural product in the era of knowledge seemed perfect. With the Forum, Barcelona was to be at the centre of the World. From the end of May until September 2004, between five and seven million people were expected to visit a vast complex of buildings, plazas and parks stuffed with many wonders coming from all around the globe.

The Spanish Government, Catalan authorities and the City Hall came up together with 500 million euros to finance the event. On top of that, there were another 2.500 million euros to build the site. The Forum occupied what used to be a piece of land dedicated to waste treatment, next to the sea. A huge infrastructure project was needed to transform this area. The water treatment plant was covered as well as the freeway, and an enormous convention centre was built on top.

The idea was to repeat the success of the Olympic Games of 1992 that had transformed the city. Barcelona had been growing in sections ever since. It seemed logical and natural to do it again. The local authorities wanted a huge event in order to get the money they needed from Madrid to develop the last destitute corner of Barcelona. The first option had been a Universal Exhibition, an "Expo", but it was not available for that year or around 2004. The Universal Forum of Cultures was an idea first mentioned by Pasqual Maragall in 1996. The bigger the event, the bigger the chances that the central government would get involved and finance the construction of the necessary infrastructures.

In addition to public money, the support of private sponsors was also sought. *Indra*, which among its many products also manufactures weapons, was one of them. *El Corte Inglés*, with its close ties to the Spanish Armed Forces, was another. The organisers saw no contradiction between requesting their sponsorship and support while asserting the promotion of peace as the Forum's central message.

The development of the area began with the rise of vast apartment complexes, skyscrapers for the wealthy next to very low-income settlements. The planners thought that, by bringing wealth to depressed areas, they would help raise the living standards of those left behind. The decision created an immense divide in the city. Neighbourhood associations, indeed, thought it was a bad idea. Instead of giving public land to private promoters and building a large convention centre, the biggest in Southern Europe, they thought it would have been wiser to invest the money in social programmes: Education and Health were two areas they considered in need of urgent investment.

A very similar debate is now in New York and London. Both cities are contenders for the 2012 Olympic Games and opposition of importance is growing against hosting the event. *The Economist*, the influential British weekly, has openly written against the London bid, while in New York many voices have spoken not only against the Olympics but also against the rebuilding of 'Ground Zero' around a pharaonic project. Michael Cohen, professor of International Studies at the New School University in New York, for example, thinks that the 20,000 million dollars the project is going to cost could be better used in social programmes in the ghettos where the vicious circle of poverty, violence, and lack of education proves so difficult to break.



The Forum in Barcelona has also had critics. Newspapers and radio talk shows have given space to voices of dissent, but no single newspaper, radio station or TV channel has done anything more than indicating the need to find out if the social and economical price paid for Forum 2004 was right, if the whole project was worth the effort.

The years leading up to the opening were years of construction and reconstruction. It was for the local desks to cover that type of information. Political reporters came in only when the struggle to control the event got out of hand among the three sponsoring institutions (the Spanish government, the Catalan authorities and the City Hall), each acting out of their own interest. Newspapers sided with their political cronies. The general interest was pushed aside.

For the local press the good guys were the local politicians: the President of the Generalitat (the Catalan government) and the Mayor. The bad guys were in the Spanish government run by José María Aznar. The political quarrel became so loud that nothing else mattered. The increasingly bad political relations between Madrid and Barcelona dominated the information. And left by the wayside, without time to write properly about them, were subjects as important as the well-being of the people living close to the Forum complex, the debt which the city would assume, should the event not go as planned, the need for luxury apartments instead of more public housing, and so on.

In other words, the model chosen by the local government for city development was never doubted. The question, for example, of whether it would be wiser to invest the 3 billion euro in better railways in the metropolitan region was not answered adequately by any media. A person living in Mataró, which is 30 kilometres north of Barcelona, takes 40 minutes by train to

reach the centre of the city: that is exactly the same time as in 1848 when the line, the first one to operate in Spain, was opened...

As the date for the opening approached, it became more and more urgent to explain what the Forum 2004 was really all about. As a new cultural product, it was difficult to define. Five months long, conceived around four big exhibitions, supporting some fifty big dialogues involving thousands of participants, plus theatre, music and all kinds of entertainment, was it an amusement park - and not a cheap one since the ticket to get in cost 21 euros -, with plenty of academics giving lectures on a variety of subjects, or was it a meeting place for people from all over the world, invited to come and talk about anything they found appropriate?

With so many things going on at the same time and in such a large area, no wonder that it was difficult to find one's way around! In fact, the mess was so big that in my newspaper, two weeks before inauguration, nobody knew how to assign subjects to the various desks. It was impossible to say who was going to cover what because nobody knew what was to happen, and no media organisation had the structure to cover a five month long event. News cycles do not last that long.

The whole event lacked the *gravitas* given by a clear purpose. The organisers were playing both ways: they were siding with the economic and political powers, but, at the same time they wanted to be recognised as the partners who think differently. They wanted to be progressive while keeping all the privileges defining the establishment. The sponsors, for example, were killing the philosophical and ethical meaning of the Forum, but their money was important.

The people of Barcelona understood that something was unclear and most of them walked away from the event.

When the construction was over and the Mayor opened the site the headlines talked about the capacity of Barcelona to be “on the edge”. The Barcelona brand was now associated with wonder and beauty. Tourists were occupying the hotel rooms that until then had been for businessmen only.

The Mayor and the local industry were feeding the newsrooms with stories about new hotels, new cruises, new flight destinations, new buildings by famous architects. *The New York Times* said in its Sunday magazine that Barcelona rather than Paris was now showing the way to the future. The local newspapers reproduced the story. Everybody was very proud. Everybody that matters, of course: political, business and media leaders.

None of them seemed to realise that the *The New York Times* was talking mainly about Ferran Adrià, the great and innovative chef. Nothing indeed was said in that story about Barcelona being important for its universities, technological companies, hospitals or financial institutions. Cultural vanguard, as the *Times* presented it, was read in Barcelona as pure progress. That was the interpretation that mattered and that was the sound bite or the story line for televisions and print media.

The Mayor was so sure of the Forum’s success that he increased the expected number of visitors by two million, from five to seven, although the lack of enthusiasm in the city was clear. The political opposition to the Mayor promised not to criticise the Forum for the sake of Barcelona. The four bigger newspapers promised the same and this good behaviour was made up for by two pages of advertisements every day. Full pages that the Forum used to communicate the daily events. They were called *The Agenda*. The newspapers presented those pages as if they contained information, but the

truth was that it amounted mainly to propaganda as the Forum was deciding about the content of these pages, pages which the newspapers were obliged to publish. None of the four dailies, however, identified that material as “paid pages”, because even that is not so clear today since media companies are earning more and more money not from traditional advertisements but from information paid by a company or an institution; and the readers find it very difficult to tell the difference between what is publicity and what is real journalism.

From the first day it was clear that the Forum was not working properly. It had fewer visitors than expected and there was a general lack of interest in the so-called dialogues. I was sent to cover those: most of them were for the elite group that had organised them. As a result, most of the time they were monologues rather than dialogues. I was free to report about everything I thought was news worthy, but the newspaper did not position itself in favour or against the Forum. There was a big divorce between the city and the event, but the editorial board did not consider it appropriate to dig into this. This “do nothing” situation is typical in Spanish journalism, where editors are too dependent on the political powers that be. The editors then require one reporter to write about what went wrong in an event meant to be perfect, but they use the whole weight of the newspaper to compensate. The lonely reporter is there to calm their conscience. This amounts to bury the correct information at the bottom of an even-numbered page while they write entire columns full of propaganda.

The Forum is going to close in a few days from this Magna Charta meeting and the debate about its worthiness has begun. Last week I attended a meeting at the *Col.legi de Periodistes*, which is home to the journalist association of Catalonia. Opinion makers were

asked to express their thoughts about the Forum. Confidentiality was guaranteed. Writers, professors, politicians and journalist accepted the challenge and for two hours they said everything they had not been saying over the last five months. The editor of one of the biggest local newspapers said the Forum had been a complete failure and blamed the amateurism of the organisers. It is important to remember that the Mayor of Barcelona presides over Forum 2004 and that the editor of this newspaper serves him well. In exchange for the newspaper covering the news according to his interest, the Mayor gives this newspaper all kinds of scoops. As a result, the editor, although thinking personally that the Forum has been a failure, writes opinion columns praising it, saying, among other things, that Barcelona is going to miss it.

That is happening today in one of the biggest cities in Europe; in a society that is rich and highly educated, among people who want to improve themselves and who rely on the media, as much as the church, for guidance.

What the Forum episode teaches us is that our immediate memory is in the hands of an industry, which every day is more dehumanized because of the political and economic pressure exerted on it. The information has no impartiality and almost no conscience.

How many honest men and women can we find in the mainstream news industry? Almost no one. Instead of human beings with nothing to hide and everything to teach and explain, what we have are impersonators, people transformed into something else in order to get a headline and dominate the opinion, thus imposing a particular and self-interested reality.

This manipulation means that we cannot trust the media.

Without this trust, citizens are left alone in the difficult task of knowledge. If they want to know what is going on around them, they must build their own system of knowledge, and that is not easy. It takes time, which is something nobody has in excess. It means that they must read more than two newspapers, listen to more than three radio stations, watch as many TV channels as they can, read as many magazines and books as possible, go to lectures and on top of that surf the Internet searching for the most independent voices, those of the Indy media, for example, knowing however that even those are biased in one sense or another.

Of course few people are up to this task. This means that almost everyone has no choice but to believe in what they are told. But the big contradiction is that the knowledge society is full of disbelievers. People are forced to believe that the news is their right, but they know that it is not. However, they do not have the time to go and find out by themselves. So how to react? We can be sarcastic or cynical or we can trust, blindfolded, what the opinion leaders tell us. One way or the other, we lose confidence in our citizenship. Without access to good and reliable information, we cannot be citizens in full, we cannot distinguish between what is good and what is bad for us. And this lack of confidence produces fear.

Take a look around you. Grab a newspaper and you see a lot of that fear, fear of terrorism, fear of fundamentalism, fear of integration and immigration, fear of violence and unemployment, even fear of your own soccer team losing the championship!

And how do we protect ourselves from all those uncertainties? First of all, by going shopping, reaffirming our values in front of a rack full of Nike sneakers. And then, when our material needs are satisfied, we can meet the hard drives of our inner soul, for instance,

enter a modern art museum, stand in front of a huge canvas by Jackson Pollock and say that we could have done better before rushing to the exit because there is something else to do, like going to the movies, or watching TV, or responding to the latest marketing gimmick that has caught our attention. We move from here to there without thinking too much about where we go, or what is really going on around us. At bedtime, we turn the TV on and watch the late night news and see strange places like a school in Beslan, a refugee camp in Darfur, or a body lying in the street of a neighbourhood, not far from home, a place we have never been to because it is full of poverty and of people from other parts of the world, and we do not understand what they say, and we do not want to have anything to do with them. Indeed, the world is strange but we do not care that much. Our bed is cosy and secure, our immediate needs are fulfilled and we enjoy watching death and destruction pass by without knocking at our doors. We, in fact, want it to be there; we want the barbarians to stand up to what they are, so that we, the civilised, can reaffirm our moral superiority.

The media plays a crucial role in a socialisation of convenience, of the least resistance. They substitute the ethics of the truth with the aesthetics of the show. They lie, but their lies are white lies. They kill for us and they think for us, and they laugh for us. They say that we live in a wonderful city, a city that is able, like no other, to place itself at the centre of the world, as Barcelona did with Forum 2004, and we believe them. We have no other choice. They, the media guys, are the keepers of the present and the builders of the memory, and we know that without present and without memory, there is no future.

But, what is the future they are building? Because it is their future, indeed, not ours. To use Umberto Eco's

metaphor, they are the gate keepers of oblivion that decide what is good and bad, what is right and wrong. The Universal Forum of Cultures is thus a great achievement, because it has opened our minds and showed to us the way to progress, peace and freedom. We do not have much of a say as they are not asking our opinion; worse, were they to do so, we would not have the basic information to decide by ourselves.

Nobody asked the citizens of Barcelona if they wanted to host a Universal Forum of Cultures, because more than citizens in a democratic society we are consumers in the era of super abundance. Our role is to consume all kinds of products, products that are always new and better and cheaper.

The news is a commercial product also. It all looks the same. It all tastes the same. It is like hamburgers in a fast food restaurant: tasty, greasy, cheap, and easy to eat alone. In a culture of self-service and take away, news are not more than what is ready to consume in the loneliness of a traffic jam. And there, wasting time, wishing you were somewhere else, we stop paying attention to what is being said on the radio, anyway. We become like Vladimir waiting for Godot, asking if we must have slept while the others were suffering. "Was I sleeping, while the others suffered? Am I sleeping now? Tomorrow, when I wake, or think I'll do, what shall I say of today? We have time to grow old. The air is full of our cries. But habit is a great deadener".

And with us having no ears and no mouth, they take us on a trip. They, that is the organisers of Forum 2004, flew everybody to Monterrey (Mexico). A plane full of journalists. People who had been covering the event and that deserved a present. The present of going to the city which is going to host the next Forum in 2008. That happened a couple of weeks ago. The



organisers took on a school trip some of my colleagues, and the latter wrote what they were not expected to write. They wrote bad stories about Monterrey, questioning the ability of the Mexican city to host such an event, and the Mexicans felt insulted. They were paying for everything and did not deserve such a treatment. And the Forum press people went to the reporters and told them to behave, to be good, to write something else, but the reporters were tired and said no. It was hot and they wanted a shower. They went to the hotel to have a shower, but there was no time for relaxing. The Mayor of Barcelona was about to deliver an important speech and he demanded attention. The press corps got angry and the relations were bad for the rest of the trip. The journalists thought about what they were doing there, and the Mayor thought about why he was so unlucky with the press corps.

You can hardly get any lower than that. It is about as bad as it gets. There is hardly a bigger disagreement between what you think is fair and what you are told to report. But even there, having reached the point of no return, you can find a light. That is the wonder of journalism. There is always another day and another story to tell, and so there is always hope. Even today, in the visual age, when everything has to be dramatic, there is still a chance.

The philosopher Karl Popper once said that there is no economic progress without culture and that there is no culture without mass media.

And then the historian Pierre Vilar went on to say that *we need to understand the past to know the present*. Rather than *of knowing the past to understand the present*, he thought the other way around was wiser. To understand the past in order to know the present means that we must submit reality to a constant analysis. And that is our role, the role that the media is play-

ing so badly today, but a role after all. And that is all we need.

Ben Bradley, editor of *The Washington Post* during the Watergate scandal, knew it well. “Life is more than assassination, battle, rescue, excitement and crime – he once wrote. Life is about meaning, and life is about truth. History, as well as TV reporters and all-news radio types, needs the newspapers to get at the truth behind and beneath the dramatic pictures and the 90-second news flash”.

We need to remember that news is much more than a commercial product to satisfy and deceive. We need to remember that a newspaper, with a standard for excellence and morality, is a hugely effective lie-detector, as Ben Bradley observed. Of course there is always my truth, and then your truth, but at the end is truth, the real one, that always emerges. The first version of things is normally a lie because the truth is not there to be found. And that is our duty. The duty of a reporter is to dig and the duty of an editor is to publish what has been found. That is what democracy is all about. Democracy is about the emergence of the truth and nobody can serve this goal better than a journalist with a pencil and a notebook.

The day we realise that, we will stop being sellers of political and economic interest, we will stop being the predators of others’ vanities, we will stop thinking about money and power – at least not as much as we do today –, we will stop being priests in search of converted souls, and we will stop lying. That day we will come back from the land beyond lying where nothing is possible. With honesty and common sense, something in Catalan we call “seny”, we will be able to place the news at the centre stage of knowledge; then we can tell you, the citizens of a democratic society, that you can stay here when your dreams may not, that your

rivers of memory are not as polluted as they used to, that no matter what you must go through, there is something out there, something waiting for, sunshine, a poem, a sight, maybe only a whisper of wisdom and wellbeing.

Thank you very much.



The Social Role of (in)-Forming Citizens:  
from Need to Accomplishment of Freedom  
and Autonomy  
A European overview of national contexts  
and international challenges

*Francesca D'Ingianna*  
*Science of Communication*  
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*“As I was born a citizen of a free State, and a member of the Sovereign, I feel that, however feeble the influence my voice can have on public affairs, the right of voting on them makes it my duty to study them...”*

*Jean-Jacques Rousseau, Social Contract, 1762.*

*“Given the present upheaval of the media, the confusion between news and entertainment in the electronic media, the growing public scepticism with regard to the political system - the role of higher education as social critic is more important than ever.”*

*Frank Newman, Saving Higher Education's Soul, 2000.*

## *Introduction*

### *0. Globalisation, knowledge and communication*

Over the last decades, social organisation has changed so much that present transformations can be compared to the industrial revolution of the 19<sup>th</sup> century, which was also provoked by a new system of production.

Economists and sociologists may differ in the way they describe this shift of the paradigm; they concur, however, on substance. Thus, various sectors of activities stress different aspects of the situation which they consider to be key factors of a common change. One example: some experts of the labour market use the term “post-fordism” to stress the difference with the past in their area. They describe their activity as moving away from the rigid production of homogeneous goods to a production that is so flexible as to adapt to the constantly changing needs of a market that calls for new goods of a higher quality. As a result, society acquires a growing level of complexity that makes of flexibility and open-mindedness essential attitudes for daily life, at work or in politics, citizens being asked to answer promptly to continuously changing new needs.

Today, technological innovation and economic developments weave into patterns so complex that it becomes difficult to distinguish between causes and effects. However, for the present analysis, the end-result of those processes is important, globalisation. The term is now of common use and covers various theoretical approaches that cannot be reported upon here.<sup>1</sup> Yet, two key aspects of a globalised society are most significant for this study: its links to “knowledge”, on one side; and to “information”, on the other.

<sup>1</sup> Among the immense literature on the topic, a couple of sources can be mentioned. For a general overview: R. Robertson, *Globalisation: Social Theory and Global Culture*, Sage, 1992 (chapter 1); for the role and implication for the communication field: John B. Thompson, *The media and Modernity. A social Theory of the Media*, Polity Press, 1995 (chapter 5); a good source on the web, with several articles, bibliographies and links is: <http://www.genie-tn.net/index.htm>

Indeed, in today's communities of knowledge, individuals and institutions depend more and more on information and communication to operate efficiently in most fields of human activities. Developments of new media and technologies have shortened distances, reduced time, transformed the way people live - thus affecting both the economic and cultural dimensions of society. It is through the *media* that people get most of their *knowledge* about the facts and forces that shape the world they live in. Information has become vital but the huge amount of data that make up information flows need to be discriminated, selected - while they arrive faster and faster from all over the planet.

As for the term "knowledge society", it is also a constant reference, especially in the European universities that are asked to live up to the promises of the Lisbon agenda adopted by the EU in 2000. It refers to the fact that most contemporary wealth is born out of "immaterial work", a fact that makes research a key factor of competitiveness and social cohesion. Nowadays (and the trend will probably continue over the coming years), knowledge has become of essential value for development and economic growth. Indeed, at present, immaterial knowledge leads to much larger profit than the accumulation of material factors transformed by physical work. Innovation - often built on past reflections - shapes up the contemporary era; the future of several global issues will thus much depend on mankind's "capacity for discrimination". Beyond rhetoric, further proof of the importance of knowledge in the world economy is the emphasis laid on intellectual property rights, as shown by the TRIPS negotiation at WTO.

More generally, the World Bank speaks of a knowledge-based economy when society meets the following criteria:

- an economic and institutional regime that provides incentives for the efficient use of existing and new knowledge, and supports entrepreneurship;
- an educated and skilled population ready to create, share, and use knowledge appropriately;
- a dynamic information infrastructure that facilitates the effective communication, dissemination, and processing of information;
- an efficient innovation system of firms, research centres, universities, consultants, and other organisations that tap into the growing stock of global knowledge, assimilate and adapt it to local needs, and create new technology.<sup>2</sup>

So, beyond the so-called “Bologna Process”, “Lisbon objectives” and other related EU documents<sup>3</sup>, there is general acceptance that higher education in particular is of importance for constructive strategies in those countries willing to meet the challenges of the knowledge society.

At this point in history, indeed, different processes are affecting the future of European higher education. The Bologna Process that aims at setting up a common European Higher Education Area is increasing pace and momentum. The European Union’s role in higher education is getting sharper and clearer cut, on the basis of the Lisbon objectives that call for the Union to become “the most competitive knowledge based econ-

<sup>2</sup> World Bank (2001) About K4D, <http://www.worldbank.org/wbi/knowledgefordevelopment/about.html>, World Bank, Washington.

<sup>3</sup> Related Internet sources: [www.bologna-berlin2003.de](http://www.bologna-berlin2003.de) and <http://europa.eu.int/scadplus/leg/en/cha/c11067.htm>. Good and short summaries of these processes and direct links to main documents at <http://www.esib.org/6convention/reader/backinst.php>.



omy, capable of sustainable economic growth and greater social cohesion". The European Constitution also defines a more precise role for the EU in the field of education. As for the Council of Europe, it is active in strengthening the integration of Europe as a whole, supporting in particular the transformation of academic processes in South East and Eastern Europe. At world level, UNESCO is working to reaffirm higher education as a public good and a public responsibility - especially in the education for citizenship and for international understanding. Simultaneously, the World Trade Organisation, in the framework of GATS, is negotiating rules for the trading of education services. As for the World Bank, it becomes an ever more vocal actor in the field of higher education when it comes to shaping the national strategies for higher education in many countries. Moreover, various "stakeholders" are expressing their expectations concerning the role of higher education in a knowledge-based society: thus, trade unions as well as employers and industrial leaders are now formulating specific demands to universities while devising their own vision of higher education. The institutions themselves are articulating their specific responses to these challenges, for instance at the Graz Convention of the European University Association (EUA) in May 2003 or, more globally, at congresses of the International Association of Universities (IAU) or the International Association of University Presidents (IAUP).

One of the reasons for all this interest in higher education and for growing policy pressures on academic providers is that, at international level, *universities* are considered to be among the main actors for the dissemination of *information* and for the *formation* of the next generations.

### *1. Two fields, a single aim and common means*

The reader will have noticed that some key words offer a common ground to analyse two sectors of activities that, at the first sight, seem to be widely apart. Indeed, media and universities (as part of the education sector) are among the main institutions responsible for the socialisation of youth and of all citizens - throughout their life.<sup>4</sup>

This common aim gives media and universities a fundamental social responsibility, a duty that is framed by the governments' general responsibility for taking care of the "public good" and for devising the policies that guarantee the citizens' freedoms and rights.

Freedom of expression can be considered as the foundation for the full development of brain activities - such as the production of information and knowledge in a democratic society. It is not by chance that both media and education institutions are among the first social organisations to be censured, attacked and controlled by dictatorships!

Freedom of expression, as a fundamental right, allows for the spreading of knowledge. Some philosophers would perhaps prefer speaking about the spreading of "truth". Indeed, objectivity and impartiality are important values that higher education and the media also share as pre-requisites for meeting adequately their social responsibility. Objectivity and impartiality imply that the media and academic communities do not suffer from interference by any power (political or economic, in particular) in the content and method of their activities. Thus, autonomy is the necessary counterpart to the right of freedom of expression.

<sup>4</sup> See chapter V of M. Rush, *Politics and Society: An Introduction to Political Sociology*, Pearson Education Limited, 1994.

How are autonomy and the freedom of expression (or action) guaranteed in the media and the higher education landscape? How is autonomy balanced with public interest – through public accountability, for instance? What are the roles of legislatures, outside, and of self-rule, within, to determine institutional behaviour? Which sector of activity – education or information - is most mature and enjoys better life conditions? What are the challenges and threats that both the media and universities are facing at the present time? And, last but not least, if commonalities are large enough, is there any possibility for co-operation between the two areas in order to improve the safeguarding of their activities?

To answer some of these questions, at least as a first attempt at investigating these issues, is the scope of this paper. A general overview will be given of the “external” constraints represented by national legislations as well as insights on the media and academic communities’ “internal” efforts towards the preservation and progress of their autonomy and freedom. A first analysis of the results will attempt then to list some of the main challenges and threats that call for definite adaptation strategies by the media and higher education, and for constructive policies by governments.

## *2. International Charters*

Before going through today’s national legislations concerning communication, it is worth giving a look at what the media and higher education communities consider as a basis for the self-regulation of their own sector.

Freedom of expression has been recognised as a fundamental human right in the 18<sup>th</sup> century.<sup>5</sup> Since

<sup>5</sup> See beginning of PART II of this paper.

then, the concept of basic human rights has spread all over the world and has been included in many legislative acts, often in a very articulate way. In the 20th century, the social movements of the 60s and 70s led to the reinforcement and development of those rights, and to a new articulation of old and new rights. It is also probable that this period of protests induced (or at least was an important ingredient of) the growing self-consciousness by some institutions and professions of their role in society. Indeed, after World War II, the new mass society claimed for more participation in decision-making and, as a result, the public responsibility of institutions was emphasised.

Over the last decades, *ethical codes* were thus developed, with one aim in particular, to prove the maturity and goodwill of those sectors that were asking for more guarantees from the legislators. More generally, internal codes serve also to regulate the professional sector from within, laying down the way to possible sanctions by peers. That is why codes of deontology often do not only outline rights but also obligations. Media and universities have such codes of high symbolic value, i.e., charters adopted at an international level.

Journalists, as the main media protagonists for the information of citizens, gathered in Munich on 24 and 25 November 1971 to draw up and approve a “Declaration of rights and obligations” concerning their profession, the so-called “*Munich Charter*”. This document was adopted by the International Federation of Journalists (IFJ) - representing more than 400,000 journalists worldwide - and by journalists’ unions in Europe.<sup>6</sup>

<sup>6</sup> The text of the Munich Charter can be found at [http://www.damocles.org/article.php3?id\\_article=7874](http://www.damocles.org/article.php3?id_article=7874).

The *Magna Charta Universitatum* is a more recent document (1988)<sup>7</sup>; it has perhaps an even stronger symbolic appeal as it grounds recommended academic behaviour in a long history of teaching and research that gives it a wider scope than exists in other documents of that type. Considering that the Bologna Process would need another ten years for European Ministers of Education to agree upon, the Magna Charta, in the eighties, paralleled an earlier movement for cooperation in Europe, i.e., the launch of the Erasmus programme that renewed the international dimension of university activities – by taking account of mass access to higher education as well as of its impact on universities now becoming institutions of growing relevance for European integration. Mobility needs gave the Charter inspiration by going back to the early spirit of the medieval university while projecting traditional values onto the challenges of tomorrow.

If the comparison between the two fields shows obvious similarities, the two charters are quite different in *what* they say and *how* they say it. The Munich Charter is divided into duties and rights; the language tends to flavour the requirements of syndicalism, especially in the last part of the document. However, general values are clearly mentioned in the preamble, at the very beginning of the charter, where freedom of expression is claimed to be a fundamental right while the needs of information are mentioned as shaping a mission that gives the media full public responsibility. The preamble of the Magna Charta also speaks of the university's calling at the service of society; but further comparisons are less obvious. In fact, in its first part,

<sup>7</sup> Also reproduced in annexe, p. 139.

the Magna Charta focuses more on the background and aims of academic activities and leaves the listing of rights to later articles. It speaks more of principles – that have strategic consequences for the institution – than of duties and rights. The latter are certainly part of the document but not of importance in terms of headlines.

However, content-wise, the two charters emphasise similar points, like:

- Freedom to define the sector's activities (information, teaching and research);
- Attention to the rights of the people receiving their services;
- Impartiality in the recruitment and development of staff;
- Independence from any political and/or economic power.

The differences between the two charters are due probably to their specific aims and backgrounds but convergences, as mentioned above, bear on essential points. Such codes, however, risk remaining paper tigers if they are not confirmed or supported by the public legal system. Self-regulation can not only be a proof of maturity in a given field or activities but also represent an input for the further improvement of the guarantees and commitments offered by public authorities when they fix the rules for common behaviour in society.

In both areas of interest, periodical declarations made by representative national or international organisations remind of the remaining problems as far as the protection of the sectors' fundamental rights and values is concerned, at least in some countries and/or in

some sub-sectors.<sup>8</sup> A general overview of each field,<sup>9</sup> country by country, will be the subject of the next part of this paper.

### *National overviews*

#### *1. Autonomy in the Media field*

As indicated already, freedom of expression (as the basis for the autonomy of journalists and media) is an old and deeply-rooted principle mentioned in all European constitutions. Its origins go back to the first declarations of rights made in the 18<sup>th</sup> century but its importance is clearly stated by the *Universal Declaration of Human Rights*, adopted on 10 December 1948, whose article 19 reads “*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers*”.

At regional level, another international treaty is worth mentioning, the *European Convention for the Protection of Human Rights and Fundamental Freedoms*, that was adopted in November 1950 and entered into force in September 1953. It is interesting to note that the articles about freedom of expression

<sup>8</sup> Historical episodes that led to the writing of the Magna Charta are summarised by Prof. Andrea Zanotti at <http://www.unibo.it/avl/charta/charta.htm>; and by Prof. Fabio Roversi-Monaco on the occasion of the first conference of the Observatory, see [http://www.magna-charta.org/MCharta-proceedings\\_2001.pdf](http://www.magna-charta.org/MCharta-proceedings_2001.pdf).

<sup>9</sup> For the media field: [www.rsf.org](http://www.rsf.org), <http://www.ifj.org>. For universities: [www.magna-charta.org](http://www.magna-charta.org), [www.eua.be](http://www.eua.be). But see also the education and information sectors pages of UNESCO website [www.unesco.org](http://www.unesco.org).

link this right to its limitations when it comes to defend other principles considered of equal importance, such as security, integrity or public safety:

*“Article 10. Freedom of expression*

- 1. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*
- 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”*

Next to this international level, each country regulates the media through different laws that prove that information is considered to be a necessity, especially as the media is both a tool and an object of mass society. Another usual motivation for regulating the field is said to be the need to guarantee the autonomy and impartiality of information: in this context, rules are drafted to ensure pluralism and to try and limit concentration of ownership. Technological and economical developments over the last decades have also meant that there is a need for more precise and differentiated regulations about the television and the new forms of communica-



tion, thus clarifying the rules that concern the access and use of networks or the complexity of synergy moves.

However, several countries tend to be very slow when adapting laws to a fast changing reality, a reality characterised by new developments leading to new problems. Indeed, even when laws exist (that claim to guarantee the freedom and pluralism of the media), the evolution of operations is not sufficiently integrated to offer boundaries to autonomy problems in such a delicate and central field of modern society.

Thus, it is worth surveying quickly the situation and the latest developments in different countries.<sup>10</sup> The main criterion for data selection in this paper is certainly not completeness; rather, it stresses national peculiarities, good or bad in terms of fundamental values, i.e., it gives examples of legislation or debates that show high interest for press freedom in the country under review.

### **Austria**

The Austrian press officially operates freely under the constitution of 1920 – reintroduced after World War II –, which guarantees all citizens the freedom of expression in speech, writing, and print. The constitution also forbids any government censorship of the press or electronic media.

However, a heavy politicisation of public broadcasting and an ample phenomenon of press concentration

<sup>10</sup> The main sources of information are some of the several websites giving country reports on media related aspects, such as the “European Journalism Centre” [www.ejc.nl](http://www.ejc.nl), the “International Press Institute” [www.freemedia.at](http://www.freemedia.at), “Reporters Without Borders” [www.rsf.org](http://www.rsf.org). Other interesting information and news on the topic can be found on websites of international and national journalists unions (links at [www.ifj.org](http://www.ifj.org)) and of regulatory authorities (links at [www.epra.org](http://www.epra.org)).

do characterise the Austrian media landscape. This has happened despite recent laws that amended official rules, ending for instance the monopoly of ÖRF, the state TV, thus opening the control of the media to various institutions at different levels.

The basic guarantees for the freedom of expression and the interdiction of censorship, although going back to the 1920 constitution, seem insufficient as many journalists do complain about having problems when asking for real autonomy in their work. Different cases were recently sent to the European Court of Human Rights. In fact, the *Information Security Law* of 2002 has added to the limitations of journalist activities.

### Finland

At a first glance, Finland seems to be really exemplary when it comes to press freedom, autonomy and pluralism (guaranteed by competition and a regulatory authority) as well as to the updating rules used in function of new technological developments.

In 1999, new legislation was passed to improve an already open and transparent Finnish society by reinforcing the citizens' right to demand for information, and by obliging the authorities to help people actively when they look for information.

A new press freedom act, included in the *Communication Market Act*, entered into force on 1<sup>st</sup> January 2004. It extended the definition of freedom of expression on the basis of consultations made with media organisations but, at the core, kept that right as guaranteed in the new Constitution of 1999.<sup>11</sup> Thus, the

<sup>11</sup> The Finnish constitution was completely revised in 1999. Its 2<sup>nd</sup> chapter is about "Basic rights and liberties", and its section 12 deals with the "Freedom of expression and right of access to information": "(1) Everyone has the freedom of expression. Free-

new law determines the obligations of publishers, the role of editor-in-chief, the right of reply and the right of correction. The law also aims to be “media and technology neutral” and simplifies many aspects of the preceding law that went back to 1919. It deals only with mass communication, however, and not with other aspects of the freedom of expression. According to the website of the Ministry the “new *Communications Market Act* [...] supports network business, television and radio operations and content production. The aim is to improve the legislative environment for competing businesses, for the development of communications technology and innovation. Furthermore, the Act implements four new Directives on electronic communications.” [...] And, “if there is not enough competition, special obligations will be imposed on individual operators showing significant market power within that particular market.”

The second main development is the modernisation of the media’s self-regulation rules. The reason for such a modernisation refers to the fact that some courts began interpreting the voluntary code of ethics as a basis for their public decisions, professional deontology being used as a justification for the payment of damages. Consequently, media organisations want to make a clear distinction between legal practice and the code of ethics, the breach of the latter leading not to juridical consequences. Media organisations are also looking at ways to reform the work of the Press Council, for example by establishing the office of a Press Ombudsman. Results are expected in 2005.

dom of expression entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. More detailed provisions on the exercise of the freedom of expression are laid down by an Act.”

In the last few years, there were no serious breaches of press freedom in Finland but the skies are not altogether too clear because definitions of privacy now worry media organisations and journalists.

Indeed, the new constitution is somewhat ambiguous when it guarantees both media freedom and the individuals' right to privacy. Several observers have detected a clear change in the attitude towards the media and the freedom of expression right: trials against media companies and journalists are becoming more common, and journalists are also convicted more often. Such a development is quite unexpected as the law has not changed that much: what has changed is more its interpretation. The main problem is that the Finnish Courts do not seem to think that the freedom of expression is fundamental compared to the protection of private life. Moreover, in the new Constitution, private life is mentioned for the first time in Finnish history as an independent fundamental right. However, the concept was left quite open and thus its interpretation could clash with the understanding of the freedom of expression.

### France

The ruling constitution (that of the “*Vème République*”, adopted in 1958) has been slightly amended over the years – for the last time in 2003. It does not list the fundamental rights but focuses on the functions and powers of the State. Its preamble, however, refers to the “*Déclaration des Droits de l’Homme et du citoyen*” of 1789: “*Le peuple français proclame solennellement son attachement aux Droits de l’homme et aux principes de la souveraineté nationale tels qu’ils ont été définis par la Déclaration de 1789, confirmée et complétée par le préambule de la Constitution de 1946. [...]*” As for the *Déclaration* of 1789, it reads:

*“Art. 10. Nul ne doit être inquiété pour ses opinions, même religieuses, pourvu que leur manifestation ne trouble pas l’ordre public établi par la Loi.*

*Art. 11. La libre communication des pensées et des opinions est un des droits les plus précieux de l’Homme: tout Citoyen peut donc parler, écrire, imprimer librement, sauf à répondre à l’abus de cette liberté dans les cas déterminés par la Loi.”*

So, France could be considered as a mother-country of press freedom. But although there is no censorship allowed in France, the country’s privacy regulations are among the toughest in the democratic world. Moreover, France seems to face the difficulty of striking a balance between the state’s desire to investigate a crime and a journalist’s obligation to maintain the secrecy of sources. Thus, France’s reaction to the 11 September 2001 attack on America was closely watched by concerned human rights groups as it occurred at the time when legislation concerning the free flow of information had been tabled in Parliament: indeed, there were some calls made to amend the proposed legislation and to include anti-terrorism provisions! The relationship between the press and the authorities in the Republic has been tense for some time now and there is an ongoing struggle, played out in the courts, over what may be published. Rulings by the European Court of Human Rights (ECHR) have been almost ignored by the French authorities in the past. All reports from recent years point to several violations of the freedom of the press.

According to RSF (*Reporters sans frontières*) “Violence against journalists and increasing challenges to the confidentiality of sources marred 2002. Some parts of French press law are in clear contradiction with the freedom of expression and make France one of the most backward countries in the European Union where the freedom of information is concerned.”

There are several cases of journalists who had problems with police or political activists, or were even arrested because, somehow, they had been too close to demonstrations or other events while doing their job.

According to RSF, “blessed with all the necessary institutions to support press freedom in France, the government and the judiciary occasionally display a willingness to censure journalists.”

A proposed law to “adapt the legal system to the changed crime situation,” presented to the cabinet on 9 April 2003 by Justice minister Dominique Perben and approved by the lower house of parliament six weeks later, on 23 May, was a direct threat to the confidentiality of sources, which has little protection in France. The measure initially allowed an examining magistrate, public prosecutor or police detective to “require any person, private or public institution or body, or any state organisation likely to have documents or information relevant to an investigation, including lists of names, to hand them over and reveal their contents” and it said that professional confidentiality was no defence (article 28). Refusal could entail a fine of 3’750 euros. Exceptions could be made for some professions and media companies. The French Senate watered down this clause on 8 October, limiting the material to “documents” and striking out “information.” But it added new clauses undermining press freedom, increasing from three months to a year the time-limit for bringing charges for press offences, such as defamation, insults or violating the presumption of innocence.

The European Court of Human Rights has already criticised France for several convictions, but French courts are not obliged to obey its rulings.

However, according to RSF, despite all these pressures and problems, “the French media continue to remain defiantly independent”.

**Germany**<sup>12</sup>

In the Federal Republic of Germany, the freedom of the press is guaranteed by Article 5 of the Constitution.<sup>13</sup>

The Federal Constitutional Court has consistently re-affirmed the fundamental significance of press freedom for the civil liberties in society. Thus, the Court pronounced that “a free press, independent of the state and not subject to censorship, is one of the fundamental elements of the democratic state; in particular, a free, regular political press is indispensable for modern democracy. In a representative democracy, the press is both a constant link and an instrument of supervision between the people and its elected representatives in parliament and government.”

Germany being a federal state, the legislative competence is, in principle, shared between the Federal and the Länder legislators. In relation to the media, legislative competence for the press mainly lies with the Länder. Media is therefore largely governed by the press laws passed by individual Federal Länder. These texts do not only govern the organisation of the press but

<sup>12</sup> Apart from sources used for the other countries, very good articles and selections of laws about German press can be found in the section dedicated on the website of IUSCOMP [www.iuscomp.org](http://www.iuscomp.org) of Oxford University.

<sup>13</sup> The provision is worded in the Basic Law (Constitution) as follows:

“(1) Everybody has the right freely to express and disseminate their opinions orally, in writing or visually and to obtain information from generally accessible sources without hindrance. Freedom of the press and freedom of reporting through audio-visual media shall be guaranteed. There shall be no censorship. (2) These rights are subject to limitations embodied in the provisions of general legislation, statutory provisions for the protection of young persons and the citizen’s right to personal respect.”

they also deal with key questions like the public duty of the press in news gathering and dissemination, or the taking up of specific stances, thus criticising or assisting in the formation of public opinion in a different way. In Western Germany, the Länder press laws were passed between 1964 and 1966. When, in 1990, the two parts of Germany were united, similar press laws were soon adopted in the new Länder – on the model of pre-existing codifications in the Western part of the country.

The journalistic principles enounced by the German Press Council, which was founded in 1956, define the professional ethics of the press. This comprises the duty of maintaining the renown of the press, and standing up for its freedom within the framework of the constitution and the laws. This represents the basis for the press self-monitoring. All the Länder press laws specify, in introductory provisions, that “the press is free.” They also contain provisions of fundamental significance for the voluntary self-monitoring of the press by itself. According to these, special measures of any type that restrict the freedom of the press are prohibited and professional organisations with compulsory membership wishing to exert jurisdiction over colleagues are not permitted. Nevertheless, the principle of professional self-monitoring of the press system itself has been familiar for a long time. Effective self-monitoring makes third party control by the state superfluous and, thus, ensures the freedom of the press from the state. Indeed, if the professions of the press control order in their own ranks, by themselves, there is no need for the state to intervene. Self-monitoring is better than state monitoring.

So, it seems that in Germany there are clear regulations to guarantee autonomy and the freedom of the media. But it is worth mentioning that the German press is also characterised by a high dependency on



advertising income and by a high degree of economic concentration even if, at first view, the German press appears to be highly diversified with strong local grounding. In fact, much of the contents of newspapers is produced in central offices. The *'Heimatpresse'* (local press) is in many cases only legally independent. Because of the concentration process and for financial reasons, smaller journals tend to work closely with larger papers or other local and regional newspapers. There are only a few national papers in Germany. They claim to be independent and 'above parties', but most relay liberal and conservative opinions.

In particular, German audiovisual media are characterised by a 'dual system' of both public and commercial broadcasting, and federalism ensures a strong role for the Länder in public broadcasting and an important role in the supervision of both the public and private sectors; two groups only control commercial TV - with *Deutsche Telekom* as a powerful stakeholder. The traditional public service broadcaster is an independent and non-commercial organisation, financed primarily by licence fees - on lines somewhat similar to the BBC system.

All broadcasting corporations are governed by an independent Broadcasting Council (*Rundfunkrat*), whose representatives are nominated to reflect the "socially relevant groups" in the community - according to a ruling of the Federal Constitutional Court. While, in theory, only a few or none of those nominees directly represent the German major political parties, the Councils are heavily influenced by political interests - even if the Federal Government generally exerts little influence.

It is in an agreement passed between all the Länder that the bases for a 'dual system' of broadcasting have been put in place. It includes regulation for media concentration, stating that one programmer cannot con-

trol more than 30 per cent of all TV ratings. However, most German media are controlled by a handful of large conglomerates.

Last but not least, also in Germany, the clash with privacy laws has become a hot point of discussion, even if it is in ways less harmful and still with less restrictions by comparison with other countries. However, the last annual report of RSF on Germany says that “the right of journalists not to reveal their sources and the confidentiality of data remains under threat. The federal authorities and some state governments have sought to monitor journalists’ phone and e-mail messages, citing a need to fight crime.”

#### Greece<sup>14</sup>

The Greek Constitution of 1975 was drafted in the immediate aftermath of dictatorship, with a heightened awareness of the dangers of monolithic state control over public information sources. Therefore, it makes specific and long references to both the print and audio-visual mass media. However, the remembrance of monolithic information led to a state monopoly considered best to preserve information as a public good and to guarantee “objectivity” - rather than autonomy. But, at the end of the eighties, the latent demand for a better defined pluralism in media content served as a spearhead against the continued state control of the broadcast media. A subsequent law provided for the liberalisation of radio frequencies and paved the way for the eventual deregulation of television. That effort at deregulation had unexpected consequences as it led

<sup>14</sup> The Greek media are analyzed also by the Bulgarian Media Watch Society website [www.mediator.online.bg](http://www.mediator.online.bg). This website also presents several documents on the Council of Europe conventions and directives about the media.

to the re-introduction of political power in the field. The lack of an operational framework, that would eventually favour a drive towards a broad multiplicity and diversity of expression through the media, had a rather negative impact both over the public and the private media sectors.

In 1989 a law was passed, combined with a Presidential Decree, to provide a new legal framework. This fact prompted the setting up of the first out of two private television channels. Other laws followed until 1993 with the intention to regulate better the media, determining a clear framework at a time when pirate private televisions and radios were "opening" the field. Thus, broadcasting deregulation culminated into a dual broadcasting system in terms of ownership and control: public and private. The history and problems of such a system are somehow similar to the better known situation prevailing in Italy. Public broadcasting competes with difficulty with a private sector that shows dynamism, with newcomers and a couple of major actors.

At present, Greek law contains no restrictions to inter- or cross-media ownership. In the radio and television sectors, this has been mitigated to some extent by the adoption of a strict "one licence only" principle. This means that cross-ownership can never extend beyond one licence in each domain. Nevertheless, there has been considerable concern at the scale of the involvement by the Greek newspaper establishment in the private television and radio industry. There are no specific regulations controlling press concentration, whether at the mono- or multi-media levels.

The legal framework related to the media was enriched by law 2328/1995 that dealt with "the legal status of private TV and local radio, the regulation of matters related to the electronic market, and other

clauses". It aimed at setting up a new operational framework for private television, local radio and the advertising market. It represented an attempt to chart the situation better and to adopt a series of operational principles. The law determined the prerequisites concerning the granting and renewal of licences to private TV stations. It also included a series of principles for programmes and advertisements, as well as articles related to the protection of personality, private life, childhood and the proper use of the Greek language. Regarding the press, the law fixed a framework within which the advertising activities in the public domain were to operate. Also, a series of measures have been established for safeguarding the profession of the producer of audiovisual products. The transparency rules concerning the relations between the mass media, advertising agencies and advertisers, constituted one of the most important provisions of this chapter. More recently, law 2644/1998 was passed to prevent the development of chaotic conditions within the sensitive environment of digital subscription-based TV services.

The National Council for Radio and Television, established under Law 1966/1989 in order to control both public and private broadcasting, underwent repeated legal restructuring. It has a wide range of problems to cope with, including its own consolidation as a buffer organisation between politicians and broadcasters. In more general terms, the National Council supervises the compliance of media content with the deontological codes of the profession and with pluralism.

According to national reports on press freedom in Greece, it seems that several journalists have encountered difficulties for involvement in defamation cases. In fact, the country experiences an oligopolistic situa-

tion since the big media groups are closely tied to various political and economic power centres.

The Greek Helsinki Monitor considers that “among the countries with a long democratic tradition, Greece is regrettably the one with the least respect for press freedom”. On the other hand, in the RSF Index of press freedom, Greece gets a better ranking than several other countries of the European Union.

### **Hungary**

As in all post-communist countries, the media, in Hungary, are both influenced by the heritage of decades of communist rule and by the market mechanisms introduced in the country after 1990. The ownership structure of the media was radically transformed from the communist times when all media were state-controlled. The role of the media in society was also re-conceptualised according to democratic norms. Yet the historical heritage of the communist regime still continues to evoke tensions as it serves as a reference point in much of the political, economic and ethical debates centred on the media.

Hungary, with a population of 10 million, is a small market where the diversity of media cannot be ensured through market mechanisms exclusively. Consequently, the country’s media landscape is characterised by a duality of market principles and of different forms of state intervention.

All newspapers are privately owned - by foreign owners mainly. Indeed, when press enterprises were floated on the market, Hungarians had not sufficient capital - or interest - to acquire them; at the same time, the government had not imposed any restriction on the foreign ownership of the press. Some newspaper titles had existed long before 1989, but no new quality polit-

ical daily paper managed to survive after the regime changed to a market economy.

A decisive step in transforming MTV, the public television, from a state-controlled monolith to a public service channel was the 1996 Media Law: it opened the way for the creation of a dual broadcasting system, on a Western European model. The situation of MTV is still characterised by recurring threats of bankruptcy and political pressure, as each government so far has treated the public channel as an important tool for extending its political influence. As in other European countries, the launch of commercial broadcasting hit the public service rather hard. According to analysts, “so far, MTV has reacted with more political bargaining and attempts to revamp its image and with programming in a commercial style”.

As most of the media seem to lean towards the left of the political spectrum, the conservative government of 1998-2002 – that was considered to be well prepared for new communication strategies -, tried to make pressure on the public media while giving informal but direct economic help to new and “more friendly” media initiatives. The latest government decided to cut off these aids and the conservatives changed policy, switching in fact to the liberal argument that calls for mass consumer support for endangered publications.

There is no separate monitoring organisation for the press or the new media in Hungary. If someone has a complaint against what is being published in the press, he/she can take the case to court, citing relevant legislation. In the case of broadcasting, the main supervisory body overseeing the industry is the National Radio and Television Board (ORTT). ORTT was created by the 1996 Media Law. It allocates frequencies and controls the observance of the media law, including the

amount of time taken up by advertising, or the appropriateness of the content of programmes. The members of ORTT are selected from nominees presented by the parliamentary parties, and are jointly nominated by the President and the Prime Minister of Hungary.

Reports by journalists point to several cases of press freedom violations, even if the system is slowly becoming more mature. Growing competition does not improve much the situation as the Hungarian market is small; in other words, the freedom of expression could need more for its defence than the long and detailed article 61 of the Constitution.

### Italy

As in other parts of Europe, the Constitution protects the freedom of expression in Italy, a country where the well-organised journalist profession enjoys a highly regarded and protected social position. But this does not prevent the risk of passivity or conflict vis-à-vis politicians - as shown by many examples and topical anecdotes. Inadequate practices are not only discussed in the peninsula since European level institutions are also involved in judging what happens as far as Italian media autonomy is concerned. In recent months, Italy was presented by older members of the European community as a bad example to the newcomers in the Union. Thus, it is perhaps worth summing up the recent history of Italian media, especially in the television sector.

Over the last decades, policy-making for the media has been characterised in Italy by discontinuities, delays and *post factum* actions. There was never a widely accepted political plan for shaping electronic media in order to face new developments in a really independent way. Past political turbulences and a general short-sightedness of the political class vis-à-vis the

media partly explain the continuous state of uncertainty in decision-making and the resulting fogginess in actual outcomes. Since 1975, a powerful commercial television sector has been established by private entrepreneurs; eventually it concentrated in the hands of one group, Mediaset, the Berlusconi trust - in absence of any legislation whatsoever. Simultaneously, the public broadcasting company, RAI, was taken over by the political parties and it changed its original nature to become a hybrid semi-commercial entity. This situation was eventually legalised by the Mammì Law in 1990 (n°. 223). The disappearance of the old political class in 1992-1994 provoked a strong shock-wave in the mass media system. At the same time, the Berlusconi monopoly of commercial TV channels came under fire from opposition forces that also strongly pushed for a reform of the Mammì Law. This law was blamed for legitimising the RAI-Mediaset duopoly, that had killed real pluralism. In fact, in 1994, the Constitutional Court had declared one of the antitrust measures of that law to be unconstitutional (art. 15 par. 4), because it actually allowed a single enterprise to own three private networks. Even the three referenda launched in Spring 1995 by a few political movements to bypass parliamentary stalemate and to introduce some drastic anti-trust measures missed the target. In the Summer of 1996, the Prodi Government presented a policy plan to liberalise both the audiovisual and the telecommunication sectors while also guaranteeing access, pluralism and competition. This was in line with EU guidelines. The 1997 Broadcasting Act (Maccanico Law - the name of the then PTT Minister) finally ensured pluralism (through the frequencies master plan); liberalisation of telecommunications; and a new Communications Authority. More specifically, the 'Maccanico Law' introduced



new anti-trust measures. No one was allowed to own more than 20 per cent of the terrestrial television channels or more than 30 per cent of the whole financial resources (license fee, advertising, promotions, etc.) of the broadcast market (cable and satellite being excluded). In addition, nobody can own more than one encoded terrestrial network.

Following the victory of the Centre-Right coalition led by Berlusconi in 2001, any legislative measure or government decision linked to the media became a matter of permanent controversy, because of the unsolved 'conflict of interests' of the Prime Minister, himself the owner of the major commercial communication group in Italy.

The Parliamentary Board for RAI, introduced already by the 1975 Reform Bill, is one of the main supervisory bodies in the field: it is a 'political' authority, made up of dozens of MPs from all parties. This body has only control tasks over the activity of the public broadcasting company, RAI. The 1997 Maccanico Law abolished the former Guarantor for Publishing and Broadcasting and introduced the Authority for Communications. This is a collegial body with a President (appointed by the government), a Council of seven members (elected by parliament) and two committees: it exerts control over the press, electronic media and the telecommunications sector.

Probably among the most focused professional organisations in Italy are those linked to journalism, the largest union being the FNSI. The Order of Journalists, established in 1963, is a public corporation that organises and supervises the news profession.

It is worth mentioning the latest developments, the so-called "Gasparri law" that enshrines the present government's attitude towards journalists; until now, it has not affected pluralism much but, rather, it has

allowed to by-pass past anti-trust limitations. Both the FNSI and RSF, however, consider this piece of legislation as one of the most harmful frameworks for the freedom of the press. The last law passed in the field, officially dealing with digital television, was not signed by the President of Republic; but, with minor changes, it was re-examined by Parliament despite vehement protests by journalists, culture representatives and, of course, the opposition parties. According to reports on press freedom, this was just the last action of a Government that - even if not using censorship officially - has attempted very often to pressure and obstruct the activity of several journalists.<sup>15</sup>

### Poland

After abolishing the communist system in 1989, Poland began developing its free media. Censorship was lifted, the communist party's newspaper chain was dissolved and a new press law was passed in parliament. The press was privatised while commercial radio and television stations were licensed. As a consequence, foreign media companies began investing in Poland, although existing regulations still impose some limits on the amount of foreign investment in the audio-visual media in Poland. In the past few years, anyway, a new media system has been constructed and

<sup>15</sup> Without going into more details and considering that the writer of this research is Italian, probably Italy is one of the best (even if not the only) examples to prove that if good and exhaustive laws are not enough to guarantee real and complete autonomy of journalists and the media (because of the complexity of systems and of indirect influences by powers), the presence of weak national regulations and guarantees make the situation much worse, no matter what the Constitutions or approved international conventions say.

a young generation of journalists has taken over the profession.

However, politicians from the major parties are still trying to influence and control the management of public radio and television; unfortunately, an interpretation of the existing law makes it possible. Now the government is also trying to change legal regulations in order to limit the process of potential media concentration, despite protests by Polish media owners and by the parliamentary opposition, who contend that the government's true intention is to reinforce the ruling party's control over public media.

The media accountability systems in Poland are still under construction although there exists a National Council for Radio and Television already - that regulates the content of broadcasting.

As for Poland, it is worth mentioning the self-regulating work made by journalists in a country where there is no official body to control them: the major media organisations have their own codes of conduct, while certain smaller media at least refer to some general ethical guidelines. In addition, existing journalists' associations have developed their own code of deontology supported by a system of journalist courts. After lengthy consultations and discussions, the journalists' organisations agreed to accept a very brief, seven point document, the Media Charter of Ethics, that has been signed by all existing journalists' organisations and major media organisations. The signatories decided to create the Media Council of Ethics - a body consisting of well-respected media professionals who would guard the principles of the Charter, provide interpretation and inform on cases implying the violation of ethical standards. The journalists and media organisations are now continuing to work on a more detailed code of conduct. Other

forms of accountability in Poland include the Journalists Association's Centre for Monitoring the Freedom of the Press. The Centre's task is to monitor and report on cases in which media freedom has been infringed.

However, the latest technological developments - like digitalisation - have also brought about new perspectives for the Polish print industry. Existing media companies in Poland are currently focusing on securing their place in the market and on developing strategies for the future. And this process could result in further concentration of media ownership - the big media companies buying the weaker titles or stations, thereby strengthening their own position. The rapid growth of Polish media in the last few years has also led to a decline in the quality of journalism. New-comers to the profession often have not received any basic training.

A recent scandal involving the government and the media has worsened their relationships and interfered with the debate on the new media law made necessary by access to the EU. However, according to the Centre for Monitoring the Freedom of the Press, there is no doubt that the "Rywingate affair" strengthened press freedom in Poland, in general, and the role of investigative journalism, in particular. Media were at the forefront in the fight against corrupt politicians and businessmen; they retained the high confidence of the general public even if growing pressure on media and journalists was applied to stop their investigative efforts and curtail the press freedom.

### **Serbia and Montenegro**

Media were among the main victims of the past regime and also one of the main forces in the struggle against it. Thus, it is no surprise that the new Constitution and

its linked “Charter on Human and Minority Rights and Civil Freedoms”, in the chapter about fundamental freedoms, includes detailed and clear articles (29 and 30) about the freedom of the press.<sup>16</sup>

Some of the old laws remained in force for some time after the democratic revolution of 2000. Even a year later, indeed, no new law had been drafted although the old one had been declared unconstitutional, and many journalists were still being killed, imprisoned or attacked because of and during their job. The Parliament’s procrastination maintained a kind of “jungle rule” at least until 2002, when a law was finally approved but not enacted immediately.

In Kosovo, the Temporary Media Commission (TMC) set up by the United Nations in June 2000 had the job of ending incitement to hatred and violence, both in the written and broadcast media. It set a code of journalistic conduct and encouraged the use of the right of response to combat the exchange of defamatory statements made in the media by rival political groups.

As for Serbia, major restrictions on press freedom were imposed under the state of emergency declared after the murder of Prime Minister Djindjic. Long-awaited media law reforms were also put on hold because of the uncertain political and constitutional situation.

RSF reports that “the election in April 2003 of members of the Broadcasting Council, in charge of routinely and impartially assigning broadcasting frequencies, was marred by irregularities that reduced its legitimacy and independence from the start”. The European Reconstruction Agency, the European Commission and the Organisation for Security and Cooper-

<sup>16</sup> The new Constitution of the Federal Republic of Serbia and Montenegro can be found also in English on the website of the Government: <http://www.gov.yu/document/povelja.pdf>.

ation in Europe (OSCE) decided on 27 August 2003 to suspend their aid to that council in protest.

Parliament approved another media law on 22 April 2003, during the state of emergency, that recognised the right of journalists not to reveal their sources except in cases of “serious crime”, a law that also guaranteed access to public data. Moreover, it made possible the banning of those media that spread war propaganda, incited people to violence or national or religious hatred or that published news likely to have “serious or irreversible consequences.” The government, however, did not keep its promise to send Parliament a bill on access to information.

Year 2003 also saw a disturbing rise in lawsuits against journalists while imprisonments, attacks and threats were still happening. So, despite good grounding in the Constitution and the passing of new laws, despite the willingness of journalists and activists to improve the development of the sector, it seems a long way to the full freedom of a Serbian press that is still an example of the struggle journalists face to defend their autonomy and thus make their country free.

## Spain

Freedoms were really guaranteed again only after the death of Franco - and the new constitution of 1978<sup>17</sup> is quite clear and detailed in its articles on the media (as

<sup>17</sup> Article 20 of Spanish Constitution of 1978 :

“1. Se reconocen y protegen los derechos:

- a) A expresar y difundir libremente los pensamientos, ideas y opiniones mediante la palabra, el escrito o cualquier otro medio de reproducción.
- b) A la producción y creación literaria, artística, científica y técnica.
- c) A la libertad de cátedra.
- d) A comunicar o recibir libremente información veraz por cualquier medio de difusión. La ley regulará el derecho a la

it often happens in countries that lived in dictatorship until the recent past).

Thus, the activity of the press is free, and subject only to legislation protecting honour and individual privacy, the Penal Code, as well as the respect of the Constitution itself. In operational terms, there are no legal provisions limiting the ownership of publications. However, the participation of press companies in conventional radio and television is regulated in order to guarantee the plurality of these two media and to avoid monopolisation. But, in 1998, this limit to the ownership of terrestrial television was increased from 25 per cent to 49 per cent by law. And there is no limit for investments in digital television. In 1986, the ban on foreign capital in Spanish press was also lifted.

All this facilitated a tendency towards the concentration of ownership and production in the Spanish newspaper industry: 20 newspapers only control about 70 per cent of the total newspaper circulation and about 60 per cent of all these newspapers are owned by regional daily press groups or by foreign capital or by the three main Spanish media groups.

cláusula de conciencia y al secreto profesional en el ejercicio de estas libertades.

2. El ejercicio de estos derechos no puede restringirse mediante ningún tipo de censura previa.

3. La ley regulará la organización y el control parlamentario de los medios de comunicación social dependientes del Estado o de cualquier ente público y garantizará el acceso a dichos medios de los grupos sociales y políticos significativos, respetando el pluralismo de la sociedad y de las diversas lenguas de España.

4. Estas libertades tienen su límite en el respeto a los derechos reconocidos en este Título, en los preceptos de las leyes que lo desarrollan y, especialmente, en el derecho al honor, a la intimidad, a la propia imagen y a la protección de la juventud y de la infancia.”

The ownership of those companies operating television channels and radio stations is both public and private. Controlled by a central administration, the Radiotelevisión Española (RTVE), operates the two public national television channels, as well as TVE Internacional, several thematic digital television channels by satellite, a teletext system, and Radio Nacional de España (RNE). The regional third channels are also managed by public (regional) companies and depend on the regional (CCAA) parliaments. In 1989, three private national television channels started to broadcast through a terrestrial network. These television channels have among their main shareholders big foreign communication groups (while there are hardly any foreign investments in the radio industry). There are no radio or TV licence fees. The public and private companies draw their income on advertising (except RNE). However, public broadcasting corporations can receive funds from the State and CCAA, since they do not collect sufficient income from advertising to finance themselves.

Privatisation and liberalisation are two general economic trends in Spain - that also apply to the media. They have engaged the media industry into a concentration process, with a few groups covering all the different activities and markets (international, national, regional and local). The organisation of the media industry also reflects the integration and alliances between media companies, telecommunication operators and banks.

The Basque country is often the scene of many threats against working reporters. Spain is probably the only western European country where many journalists have to work, day after day, under the threat of being killed or physically assaulted. Such threats are often backed up with horrible acts of violence, carried out with little regard for human lives. These working con-



ditions have forced many journalists to hire bodyguards while others have changed profession.

The majority of these attacks are planned and carried out by ETA, the separatist Basque group that uses violence as the main instrument in its struggle to obtain a "Basque homeland". The majority of Spaniards oppose the group's persistent terrorism and ETA's violent tactics have been condemned by the media. Hence the attacks against journalists. The September 11 attacks on New York led to new attempts by the government to curtail terrorism. The fight against terrorism affected press freedom, with the temporary closure, as a "precautionary measure," of a Basque newspaper. Similar steps had already been taken in 1998 for other local media. During the first months of last year, some laws hampered press freedom, in particular by requiring the media to pay heavy fines for defamation immediately, before any appeal could be heard: this introduced an atmosphere of self-censorship. But this immediate payment clause was struck out in December 2003.

### **The Netherlands**

Until the late sixties, the national newspapers were part of the "pillarisation" of the Dutch society. This social organisation of the country dated back to the late nineteenth century and consisted of a deeply rooted division of society along religious lines and/or political convictions. This meant that newspapers were officially or unofficially attached to one of the four pillars of the Dutch society (Catholic, Protestant, Socialist or Liberal). With the process of "de-pillarisation" that started in the late sixties, such ties between national newspapers and the political parties or the churches were severed. Since the late seventies most newspapers have been given a so-called Editorial Statute, in which issues such as newspaper identity, commercial pressure,

editorial budgets and independence are described and guaranteed. The Dutch broadcasting system is one of the few remnants of the old pillar system, however. Broadcasting associations for each pillar had been set up in the twenties, with a neutral national broadcasting company in a supervisory role (and, after a given period, with programmes of its own). The size of the associations in terms of numbers of paying members determined the allocation of airtime, first with radio (by a law of 1930) and later with television. In the mid-1980ies, foreign commercial stations entered the media market via satellites and the new cable distribution system – that was mostly owned by the regional electricity power companies. Cable television with commercial input proved successful, but Dutch media law prohibited commercial stations based in the Netherlands until the new Media law of 1988 - which was amended in 1993. From then on, licenses for public associations were issued for a period of 10 years at a time.

Due to the strong independence of newspaper personnel in the Netherlands, even if titles disappeared because of mergers and reorganisations, the pluralism of the press is not considered to be in any real danger. The freedom of the press is guaranteed by the Dutch Constitution: “Nobody needs previous permission to publish thoughts or feelings by use of the printing press, excluding everybody’s responsibility in the face of the law.” Exceptions on the freedom of the press are therefore only made if the author violates the Constitution (e.g. by discrimination in terms of race or gender) or public law. The latter deals with slander, libel and insults. The public broadcasting system falls under the jurisdiction of the Ministry of Culture. The minister has formal power to prohibit programmes or parts of them. However, this heavy-handed mode of censorship has rarely been used.

As the Netherlands do not know of any serious violations of press freedom and have a press council that deals with complaints against the media, negative trends are mainly of an economic nature.

In the Netherlands emphasis is placed on encouraging the freedom of the press and on supporting the media. Over the years, the government has followed a number of policies to support media independence and the law states that broadcasters are free to regulate their own conduct. Therefore, although the government, like in a number of European countries, exerts an influence over the media, it is obliged by law to create an environment which sustains the free flow of information.

### **United Kingdom**

As there is no written constitution or comprehensive Bill of Rights in the UK, Britain's legal basis is to be found partly in conventions and customary law and partly in statutory law<sup>18</sup>. Since the Universal Declaration of Human Rights is not a legally binding document, the UN General Assembly adopted, in 1966, the 'International Covenant on Economic, Social and Political Rights' and the 'International Covenant on Civil and political Rights', both of which Britain ratified in 1976. The country is also bound by the Council of

<sup>18</sup> According to a compilation of information material originally provided by the British Embassy for purposes of publication, we can mention that in the UK:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers. Restrictions include the official secrets, civil defamation, criminal libel, obscenity, sedition, incitement to racial hatred, and contempt of court. There are legal remedies against defamation. [...] There is no state control or cen-

Europe's 1953 'European Convention for the Protection of Human Rights and Fundamental Freedoms'.

The entire national press is owned by seven companies, of which the largest four account for about 90 per cent of sales. The UK also has both regional and local newspapers. As with the national sector, the regional and local newspaper publishing business is concentrated within a small number of large corporations. There is a significant overlap between this ownership and control of the national sector.

The largest UK broadcaster is the BBC and, although predominantly a public service organisation, which raises revenue from a universal licensing system, the company also operates commercially in many domains, both inside and outside the UK. The main competition to BBC television comes from the Channel 3 companies, known as Independent Television (ITV). Fifteen regionally based franchisees provide both local and national (network) services. Cross-ownership has developed sig-

sorship of the press. [...] British broadcasting is based on the tradition that it is a public service accountable to the people through Parliament. Television and radio services are provided by the British Broadcasting Corporation (BBC). Other operators are licensed individually by the Independent Television Commission (ITC) and the Radio Authority. The responsibilities of these public bodies are set out in legislation. The Government itself is not responsible for programme content or broadcasters' day-to-day conduct of business. The independence of the broadcasters requires them to maintain certain standards regarding programmes and programme content. Under the relevant legislation and the codes of practice applied by the broadcasting authorities, programmes must display, as far as possible, a proper balance and wide range of subject matter, and impartiality in matters of controversy. There are also rules relating to violence and standards of taste and decency in television programmes [...] There is no censorship of plays. [...] Government has no power to censor films."

nificantly since the government restrictions were eased in 1996, and the entire Channel 3 service is largely dominated by two companies. Channel 4 is a hybrid public service, with a special interest in minority groups (it has local programmes in Welsh, for instance); it also raises revenue through advertising. Since the 1990s both the BBC and ITV have been required to buy 25 per cent of their programmes from independent producers. About a fifth of the most popular TV programmes are made by independents.

The election of a Labour Government in 1997 and its re-election in 2001 resulted in no significant change in media policy from that pursued by the Conservatives for the previous 18 years. The policy remains to encourage the development of large media conglomerates, despite monopoly risks, groups that are considered strong enough to compete internationally. The market is seen as the main mechanism for ensuring pluralism in output. This has permitted not only the formation and growth of cross-media conglomerates but also the 'privatisation' of many national media events.

For much of the decade up to 1996 it was suggested that the BBC itself might be privatised, or at least part-financed through advertising revenues. Actually, its charter as a public service corporation was renewed until 2006, and the licence fee system seems likely to continue indefinitely under Labour. Nevertheless, cuts in public funding and pressure for efficiency savings have led to restructuring, reductions in staff, greater managerialism, and new commercial ventures. Although fiercely resented by many inside the Corporation, these developments, it can be argued, have left the BBC in a stronger, rather than weaker, position, as the major media 'voice' in the UK.

The Government's vision for the media for the foreseeable future appears to lead to further consolidation

and digital convergence. This has presented particular challenges to existing regulatory regimes.

Indeed, the still highly regulated nature of broadcasting in the UK provides the basis for broadcast media accountability. On the other side, attempts to introduce statutory regulation of the press in the late 1980s and early 1990s were unsuccessful. Instead, the newspaper and magazine sectors adopted a self-regulatory regime. For the most part, the UK media are regulated more by general law. In total, it is estimated, that more than 140 pieces of legislation have specific relevance to the media, and litigation remains a favoured method (at least among those who can afford it) of bringing the media to account. In the autumn of 2001 the Government introduced legislation to establish a new, single regulatory body, the Ofcom, which started its work in 2003.

The Government also issued a consultative White Paper on communications in December 2000, and promised legislation towards the end of 2002 (that was likely to take effect in 2003). The White Paper suggested that cross-media ownership restrictions might be further relaxed to allow a single ITV operator; fewer key radio companies (perhaps as few as three dominating the network); more mergers of newspaper companies, and allowing print organisations to control TV and radio stations.

After the death of Princess Diana, huge discussions followed on the limits of journalists' investigation power and 1998 saw the publication of a tough new code of practice for journalists and photographers. The revised regulations effectively forbid harassment of the type practised by some paparazzi photographers. They re-emphasise the responsibility of editors to ensure that material provided from outside sources is obtained in accordance with the provision of the code. It offers a

new definition of a private place as “public or private property where there is a reasonable expectation of privacy.” Exceptions for cases involving public interest have been reworded. The code says that public interest includes detecting or exposing crime or a serious misdemeanour, as well as protecting public health and safety and preventing the public from being misled.

Since then, polemics between Government and some journalists continued, first about the implementation of European Conventions and the 2000 Freedom of Information Act dealing with the access to governmental documents (often felt by some to be a European intrusion in the UK legal system) and then about the limits to reporting and the problems related to the on-going conflict in Iraq.

## *2. Autonomy in the University field*

Academic freedom, i.e., freedom to teach and to research, has been considered a fundamental social right for a long time and, often if not always, it is mentioned in national constitutions and international charters. One of the reasons for this principle, equated to other human rights such as free thought and free action, is that knowledge is understood to be a public good as a motor for society’s development: this “golden asset” of mankind is of best use when freely researched and elaborated. This is considered even more important today in the age of a “knowledge society and economy”.

However, as usual, the recognition of a general principle does not imply automatically that the right is guaranteed or that it can operate daily in the best and most efficient way.

The social changes of the last half century have also affected higher education and required reforms (not all being yet implemented) in order to adapt the system to

new needs. Since the 1980s especially, changes in the higher education of European countries tended to emphasise institutional autonomy - both in terms of teaching and management. States never intended to give away their role in defining legal frameworks and in determining the overall control and guarantees of academic activities, but, through devolution, they wanted to entice universities to assume responsibility for their role in society, in particular by proving efficient and effective in the allocation and use of available funds. Or, at least, this is the accountability rhetoric that has prevailed in most of the discussions concerning the reforms of tertiary education.

Several experts - and also the European University Association (EUA) as such - often argued for a thorough implementation of institutional autonomy in order to improve the real quality of teaching and to accomplish in full the other objectives of the so-called Bologna process towards a European Higher Education Area due to become effective in 2010. More institutional autonomy would help in making the reforms a bottom-up process involving the academic communities called upon to achieve the ambitious aims of a knowledge based competitive Europe<sup>19</sup> - as defined by the Lisbon agenda of 2000.

Other actors of the higher education system, some student unions<sup>20</sup> in particular, as well as some interest-

<sup>19</sup> These were part of the points often made by EUA representatives in meetings and documents in preparation of the ministerial Berlin conference on Bologna. To know more about EUA position: [www.eua.be](http://www.eua.be).

<sup>20</sup> The arguments that are reported are rather general opinions given by some student representatives, while ESIB, the European student unions, has autonomy as one of the topics for future discussion and rather prefer to give opinions case by case. To know more about ESIB work and policies: [www.esib.org](http://www.esib.org).



ed political groups, stress, however, the risks of too much autonomy - especially in the economic aspects. Their main fear is that the state would assume less and less responsibility for university finances, leaving the institutions alone to look for funding from the private sector, a risky development at a time of so-called "commodification". They also fear that autonomy could lead to the reaffirmation of old "ivory tower" practices rather than making professors understand the importance of linking their activities to the needs of society and the labour market.

Often the truth is in the middle, and autonomy is no exception. The aim of this paper is not to discuss political views about autonomy but rather to underline that "university autonomy" may mean different things, depending on which aspect or which level is referred to: economic, political or didactical autonomy, total or partial autonomy, etc.

The topic is central to the work of the Magna Charta Observatory and an excerpt from a case study analysis on Germany can be quoted on this matter. Reflecting on how and why the Observatory should deal with these issues, Michael Daxner observes that:

*"Academic Freedom* is a highly valued basic right. In different constitutional contexts, it can be interpreted either as an extension of the right to the free expression of opinions, or as a separate, more specific right which is focused exclusively on scholarship and science. In some cases, "Academic Freedom" is mentioned explicitly in the Constitution of a nation, in other cases it is derived from more general statements on the freedom of expression. A short definition would link *freedom of expression* to *quality criteria*.

The Observatory has taken the responsibility to interpret in a continuous way Academic Freedom in the spirit of the *Magna Charta* and to monitor closely the

*objective circumstances* under which Academic Freedom is being enacted, pursued or put at risk.

[...] the Collegium should clarify the fundamental *difference between Academic Freedom and Institutional Autonomy* in the context of the *Magna Charta*. While Academic Freedom is among the basic rights of a well-defined social group, i.e. the academic community, Autonomy is a necessary attribute of institutions in a civil society where prevails state rule over university governance and operations. (Academic Freedom has not only an *individual* side, but also an *institutional* aspect requiring the university, as a unique pillar of civil society, to be responsible – and liable as a whole entity – thus implying for the institution the possibility to curtail the unlimited freedom of its members. Autonomy is a concept that stems from a *well-conceived division of labour between state and society*: it simply means that the university must keep distance from dominion by state or private interests in order to fulfil its public mission. Autonomy, anyway, is also a precondition for competitive, entrepreneurial agendas, but it should not hinder the mission of scholarship and science ‘beyond the market’).

[...] The Observatory cannot but make a statement about the *rights* and the *limitations* of the *state (government)* when it *interprets Academic Freedom* beyond its evident needs for law enforcement. In a *publicly financed* system, the government may always argue that the mere fact it is supporting a sprawling institution with taxpayers’ money allows the State to determine, *inter alia*, the purpose, orientation and the limitations of such a basic right.

[...] The approach of the *Magna Charta* is clearly in favour of civil society, and, in the end, against interventions from both the private and public sectors - apart from the requests for accountability that any pub-

lic system of higher education can reasonably require. This makes the university an agent of civil society rather than a conduit of private and/or governmental interests. "Society" can thus be read as a priority given to the "common good", when it is clearly linked to the public sphere (see below). Or it can be read as the pendant of the state, i.e., the market forces, culture and life evolution experienced by citizens; then, the *functionality* of autonomy becomes the focus. Both readings seem to be legitimate, and should be intertwined. Then, the prerogatives of the state – as a major and legally obliged source of primary funding - must be given some margins for interpretation. To my mind, the problem can be resolved on a relatively low key level. It should be considered that the *state may give effect to its norms and purposes* by supporting certain research programmes and curriculum elements when they lead to civil service needs and to public employment - which is the case in all state-funded systems anyway. It should also allow the state to *shield universities from undue domination* by private or merely market-oriented interests. But it should not allow to restrict Academic freedom unduly in the search by the university and its members for priorities or fields of research, as long as legal boundaries are not being transgressed and the principles discussed under "mankind" are not violated. This topic should not be discussed as an aspect of sanctions, but much more as an *incitation to close cooperation* between the university's patron and funding entity and the institution's own autonomous government. Both have to cater for Academic Freedom.

[...] A fundamentalist approach to the quest for truth would hold that *truth is the indivisible property of everyone* and that it cannot be sacrificed to any narrow interests. Both extremes are not to be applied as

such; as we know, universities have always sought to strike a balance between the two positions. This did not lead to a complete surrender to the market forces, and it did not create ivory towers either; however, both temptations exist and must be permanently monitored in order to protect simultaneously Academic Freedom and University Autonomy.

[...] universities are the place where a society is thinking of itself, bringing into close links “science” and “the public”. In other words, *science is always part of the public domain, even when private or limiting property rights are involved*. The Observatory may establish guidelines as to what extent the private rights of potential patrons of commissioned research - or the rules from GATS - should limit the rights of public ownership in science. Only then, the question may be decided whether the rules for publication and intellectual property should be formulated more rigidly, and what rights may remain with the individual researcher, and which of them must be entrusted to the university. It could be argued that the State has no right to interpret the prerogatives of the “public domain”, but then this would require new forms of control and oversight. The other approach would lean towards a ‘republican’ interpretation of the ‘public’ as inclusive, i.e., it would require universities to deploy much more transparency and more proactive information strategies towards the public at large, recognizing science ownership as a right of mutual ‘citizenship’.”<sup>21</sup>

Having in mind these considerations about the differences between academic freedom and the different types and levels of autonomy of universities, we can

<sup>21</sup> AA.VV., Case Studies, Academic Freedom and University Institutional Responsibility in Mecklenburg-Vorpommern, Bononia University Press, 2003. Available on line at [www.magna-charta.org](http://www.magna-charta.org).

now see how these concepts have been interpreted in each country and how they are being applied today<sup>22</sup>.

### **Austria**

The Austrian constitution, when alluding to higher education, only mentions a general division of competencies between the Federation and the States. The 1993 reform of higher education opened the field of institutional autonomy to universities and, later, when further reform was decided in 2001 in connection with the implementation of the Bologna Declaration, law invited institutions to take advantage of their “full capacity of autonomy”; this implied building up a new relationship between the state and universities now governed by fully autonomous rules, performance-based contracts and specific management structures.<sup>23</sup>

### **Finland**

Radical reforms were passed in the 1980s and 1990s (especially in 1998) to organise a new system of higher education in which universities are more autonomous and managerial and where evaluation becomes a cen-

<sup>22</sup> Information on all EU countries and candidate members can be found on web at [www.eurydice.org](http://www.eurydice.org).

<sup>23</sup> Cf. the Austrian national report for the Berlin conference of last year: [www.bologna-berlin2003.de](http://www.bologna-berlin2003.de) where also all the other national reports of the signatory countries can be found. A good summary of the steps of autonomy realised in Austria can be found at [http://www.bmbwk.gv.at/universitaeten/pm/publ/Higher\\_Education\\_in\\_Aust6821.xml?style=print](http://www.bmbwk.gv.at/universitaeten/pm/publ/Higher_Education_in_Aust6821.xml?style=print).

Other documents of high interest on the subject can be found in the website of the Salzburg seminar that organised a symposium on autonomy in 2002; bibliography and report of the discussion held in the event is at <http://www.salzburgseminar.org/sessions.cfm?IDEvent=578>.

tral aspect of their development. University autonomy is stipulated by the Constitution<sup>24</sup>, which in section 16 on “Educational rights” says “[...] (3) The freedom of science, the arts and higher education is guaranteed”; section 123 entitled “Universities and other education providers” also reads “(1) The universities are self-governing, as provided in more detail by an Act.”

### France

Academic freedom can be considered guaranteed indirectly by the constitution through the freedom of expression defined as one of the most precious rights of mankind (art.11). France has also as long history of state centralism but universities have been granted autonomy for legal and administrative matters. The last reform – also supportive of the Bologna Process – gave universities more flexibility and autonomy for teaching - through the negotiation with Ministry authorities of “four year contracts” that allow institutions to decide and introduce autonomous curricula when they are coherent with the national degree structure framework and agreed by the National Council for Higher Education and Research. This change – now being implemented - may change the opinion of most analysts who often consider the French system on these issues rather ambiguous.<sup>25</sup>

### Germany

The tradition of Higher Education in Germany is marked by the internal autonomy of institutions

<sup>24</sup> The Finnish Constitution was completely revised in 1999.

<sup>25</sup> Among others, we can mention Prof. Ulrike Felt, University Autonomy in Europe: Changing Paradigms in Higher Education Policy, Bononia University Press, 2002. The paper gives also report other countries: UK, The Netherlands, Finland, Greece, Italy, Hungary and Spain. Available on line at [www.magna-charta.org](http://www.magna-charta.org).

(despite their being maintained by the State), and by the freedom of teaching and research, which is guaranteed by Article 5 of the Federal Constitution. According to the principle of cultural sovereignty (*Kulturhoheit*), the reconstruction of higher education after the war was entrusted to the Länder, which coordinated policies through the Conference of their Education Ministers (KMK). As years passed by, the involvement of the Federal Government increased and the changes of the Constitution in 1969 took account of the fact that higher education and research were “shared responsibilities” between the federal state and the Länder. This led the federal level to propose legislation framing Länder competencies, first in 1976, a text last amended in 2002.

A report made by CHEPS<sup>26</sup> describes the German system as a combination of political guidance of universities by state authorities and the self-regulation of sometimes oligarchic academic communities: the universities are considered as parts of the public administration; thus the Länder decide on several internal organisation issues, while academics decide on most academic matters. Following a common trend in European higher education, German universities are now beginning to ask external actors, the stakeholders, to take part in the governance of higher education institutions.

### Greece

Article 16 of the Constitution, referring to education, has two long paragraphs on higher education:

5. *“University level education is provided exclusively by institutions which are bodies corporate of public law and fully self-governed. The said institutions are*

<sup>26</sup> The report on HE in Germany by CHEPS can be found at <http://www.utwente.nl/cheps/documenten/germany.pdf>.

*under the supervision of the State and entitled to financial support. They operate on the basis of the laws relating to their organisation. Merging or fragmentation of the university level institutions may take place despite any provision to the contrary, as the law determines. The professors of the university level institutions may not be dismissed before the expiry of the term of their employment, as laid down by law[...]*

*6. Professors of the university level education institutions are public functionaries. The rest of the teaching staff thereof also holds public office, under the preconditions laid down by the law. Matters relating to the status of all the aforementioned shall be determined by the Rules and Regulations of the respective institutions.[...].”*

The large role of the state is evident - even if recent reforms seem to grant universities more autonomy. Prof. Felt (2002), however, underlined that, from her analysis, it seems that the power of national authorities in Greece goes far beyond supervisory functions only. Even the last national report made by the Minister starts in saying that higher education in Greece is only offered by the State; the document also mentions governmental intentions to change and improve university autonomy as well as the institutions' working relationships with national authorities.<sup>27</sup> Until now, however, reforms were concentrated on the teaching aspects and linked to European processes of higher education development.

### **Hungary**

Following the change of regime, the political and ideological barriers to higher education development were abolished. The Constitution, in art. 70/F, guarantees

<sup>27</sup> The national report mentioned is available at [www.bologna-berlin2003.de](http://www.bologna-berlin2003.de).



academic freedom. The reforms led to the Act on Higher Education that was passed in 1993: it established the autonomy of Hungarian higher education institutions and served as the basis for further reforms, which are still continuing in the effort to adapt to EU practice and to the Bologna objectives. However, it seems that the tradition of a strong state still makes it difficult to implement fully the new rules; more time and efforts are probably needed to achieve intended changes. Further reforms are expected.

### **Italy**

The Constitution of 1947 established the principle that “art and science are free and the teaching of them is free”; in defence of academic liberty, the Constitution also declares that “the institutions of high culture, universities and academies, have the right to organise themselves autonomously as they see fit, within the limits established by the law of the country” (art. 33). However this principle was concretely realised only in the last years, step by step, starting with economic and legal aspects. The biggest reform (on university autonomy at teaching level) was passed in 1999 and has now been implemented fully.

It is worth mentioning that a number of decisions of the present Minister were received with concern by several sectors of the university community: new centralised procedures for the selection of teachers as well as budget cuts are seen as risky for the full and free development of the higher education sector.

### **Poland**

Following the change of the political system in the 1990s, Polish universities were given institutional autonomy, which is also guaranteed, together with academic freedom, by the Constitution, whose Article 70

reads “*The autonomy of the institutions of higher education shall be ensured in accordance with principles specified by statute.*” And Article 73: “*The freedom of artistic creation and scientific research as well as the dissemination of the fruits thereof, the freedom to teach and to enjoy the products of culture, shall be ensured to everyone.*”

The new law of 2001 even increased autonomy<sup>28</sup>. But just to give an overall picture, already with the law of 1990, the universities had been granted autonomy on didactical aspects (which are then approved by the State Accreditation Commission). The Minister of Education defines the national framework and has a supervisory role on the legality of university deliberations.

### **Serbia & Montenegro**

Some more historical background is probably needed regarding this country. According to Dr. *Srbijanka Turajlic*<sup>29</sup> “among European communist countries after World War II, Yugoslavia was the least oppressive, including the higher education sector. Universities formally enjoyed autonomy, though external and internal forces in the form of ministries and party committees exercised considerable influence, particularly with regard to the appointment of professors, deans, and rectors. But the system provided relatively untroubled niches for those who wanted to keep their distance from political power. It was possible to achieve a respectable academic career without conceding to the state ideology.[...] When, with the collapse of Yugoslavia, the entente between the State and the universities ended,

<sup>28</sup> To know more see Eurydice database at [www.eurydice.org](http://www.eurydice.org).

<sup>29</sup> Report of her intervention at the conference of the Salzburg seminar mentioned above.

some Faculties proved to be more capable than others “of acting independently” by resisting a tightening of State control, in part because they had managed to become largely self-supporting.” But, as Dr. Turajlic stressed, autonomy slowly evaporated as the result of more than half a century of State tutelage, crushed not so much by legal acts, but by human behaviour. The question for her is whether this means that principles of autonomy can only be practiced in a “decent society”. She adds: “The historical example, not only in my country, shows that external State pressure can hamper the freedom of educational and research work. This can happen under the pretext of introducing more rules to prevent the abuse of autonomy. Forces from within the university can be equally obstructive if demands for total autonomy become a shield or a smokescreen for delaying necessary reforms or obscuring legitimate quality concerns related to teaching and research.” The control of government was higher than ever after 1998 - until the end of the dictatorship.

The new constitution mentions explicitly the freedom and rights existing in the education sector<sup>30</sup>. In addition, the federal system now gives competencies to regional authorities on most higher education issues. In fact, the reports on Serbia or Montenegro introduced at the 2003 Berlin conference of European Education Ministers were presented separately.

<sup>30</sup> *“Article 43: Everyone shall have the right to education. [...] Laws of the Member States shall regulate the establishment of schools and universities.*

*Article 44: Everyone shall have the right to unrestricted creative scientific and artistic work. The makers of works of science and art shall be guaranteed moral and material rights, in accordance with law.”*

The new law for Serbian higher education has been in discussion for the last two years. According to ministerial documents, that piece of legislation aims at reforming completely the sector in line with the Bologna process and at giving autonomy to universities also at programme level. It is still too early to say how effective this reform will be and how much time will be needed to have it implemented in all higher education institutions.<sup>31</sup>

### Spain

Academic freedom and university autonomy are guaranteed by Article 27 of the Constitution. Decentralisation, with legislative and funding competencies devolved to regional authorities, was already decided by law in 1983, and reinforced by the latest bill on higher education. In 2001, in terms of autonomy, a radical reform was indeed voted by Parliament, with the aim (at least in rhetorical terms) to increase the independence, flexibility and managerialism of the higher education sector. But the law was highly criticised by several institutional actors.<sup>32</sup>

### The Netherlands

Important reforms were undertaken in 1993 and 1997 to change the governance structures of higher education by giving institutions more power. Key words were “more flexibility through autonomy”<sup>33</sup>. Nowadays, institutions have great autonomy at all levels of

<sup>31</sup> Report by Serbia for the Berlin Conference available at <http://www.esib.org/BPC/Countries/Serbia/report.pdf>. It is worth to mention that the Observatory intervened on the process and its note can be in the website.

<sup>32</sup> Felt (2002) mentioned above.

<sup>33</sup> Felt (2002) mentioned above.

responsibility but they do so through a managerial model rather than traditional collegial structures: large power is given to an executive board of 3 people, among whom the rector, appointed by the Minister (although after consultations with the university). External stakeholders are involved in governance as full members of the University Board while they can also join the University Council with members elected by the higher education community; this council, however, has less and less deciding power and plays an advisory role mainly. National authorities ensure the general framework and define higher education strategies, through law and the periodic re-evaluation of the Higher Education and Research Plan: the last one gave even more autonomy to institutions, which were also consulted when it came to drafting it.<sup>34</sup>

### **United Kingdom**

For long, the universities in Britain were considered by continental institutions as examples of fully autonomous academic providers – institutions able to choose freely their personnel, their students, their teaching and research activities and their didactical approaches. Reforms in the 1980s and early 1990s tended to reinforce the managerial model that, little by little, had crept in the organisation of individual universities. Public accountability – most funding being provided by the state - had forced on the universities common regulations in terms of provision and outcomes. Each institution, however, remains a self-governing body and still determines which degrees and other qualifications it should offer (but they are now assessed and accredited

<sup>34</sup> Longer explanation of the Dutch system and its changes in the last decades can be found in the national report made by CHEPS <http://www.utwente.nl/cheps/documenten/netherlands.pdf>.

by an independent body, the QAA, evaluation practices representing the governmental inroad into the management of higher education). An important role in the governance of higher education is also given to regional structures, departments and funding councils that act as stakeholders. But all internal decisions, including the recruitment of staff and students, remain in the hands of the university community governing bodies.<sup>35</sup>

### *3. Suggestions for discussion: threats, challenges and strategies*

Freedom of expression for all citizens - and especially for journalists considered as the watchdogs of liberty - represents a right with a long history of official recognition. Academic freedom was in the genes of higher education since its birth but its official respect and defence by law was also recently reinforced. The survey of national backgrounds made above (Part II) describes how difficult and varied is the day to day experience of such values in a significant number of European countries.

Words on paper are important, even more so when these “papers” are laws and constitutions. But words do not always suffice: there is also a need for bodies that ensure the respect of rules and their continuous updating in order to improve the system of communication - not to mention a responsible and impartial involvement of both the media and university communities as well as of the social powers in the practice of freedom, all these agents being partners in the practical implementation of accepted principles.

<sup>35</sup> To know more about the British HE system, see <http://www.utwente.nl/cheps/documenten/unitedkingdom.pdf>.

The bad and good examples mentioned above point to the growing complexity of developments in the field of autonomy and freedom of expression. This does not mean that globalisation is a “monster” to be avoided at all costs but that it is a reality to be faced with its many consequences, good or bad.

Anti-trust discussion is part of the daily agenda of media operators. In the same way, global trends and risks of uniformity and conformity are now mentioned in most conferences on higher education.

Reference should be made to one example of a project, within the world of higher education, that investigates those threats that come especially from economic powers and trends. The “Futures Project”, an initiative of the late Frank Newman, has been analysing the risks of a competitive environment – for higher education *and* its partners. The project aims to “encourage proactive, strategic decision-making by lawmakers and academic leaders by providing research, analysis and policy solutions”.<sup>36</sup> This emphasis on the universities’ need for strategy and partnership with other stakeholders confirms the idea that the challenges and risks of a globalised knowledge society are common to different fields of activities and that cooperation between agencies with a public responsibility is the best way to face them.

The last part of the present paper is an attempt to list the main challenges and threats to *formation* and *information*, that reflect the nature of contemporary

<sup>36</sup> The Futures Project website has several good analyses of trends going on not only in American universities. Internet address [www.futuresproject.org](http://www.futuresproject.org).

However, the phenomenon of private universities and even more of transnational education is leading to similar trends also in HE.

society. This list – based on the overview of national contexts above - is certainly not exhaustive but points to specific areas of discussion, some of which are already on the agenda of media and higher education leaders; others could be more controversial and induce new reflections and arguments. Hence the interrogative form of most of these points. Media and universities face common challenges such as:

**3.1 Market orientation:** economic aspects are given more and more influence in all fields of human activities. The logic of profit is seen as necessary for any organisation looking for funds to pay for its activities. Attractiveness then becomes a requirement, all the more so if activities are to benefit consumers who pay for the services they receive, the clients. Most media are private companies, traditionally, and those depending on public investments usually need extra funding to develop fully, apart from the money obtained from selling services or advertising spaces. Higher education institutions, in order to attract students and funding – also in terms of private money – tend to develop brand strategies in an effort to promote their unique specificity. Being attractive in a competitive market with lots of different choices is not automatically a synonym of bad quality, but the risk of quality levelling is often around the corner. Thus, market orientation is seen as just a short term view of making profit.

*However, if we really live in a post-fordist knowledge based economy, is it not coherent to invest in longer term strategies that aims at being competitive and attractive on the basis of product and service quality?*

**3.2 Ownership/influence by multinational/big national companies vs. independent work:** economic influence goes beyond just market orientation. The general



structure of society as a whole (companies included) can have as its first aim public interest for the sake of sustainable development. But, taken one by one, private companies have their own objectives, to ensure survival and profit. And, among the bigger ones (multinationals in particular), there is enough wealth to engage in multi-media activities or in the support of specific university activities. A decision concerning such investments calls for a return on investments, as a contribution to long-term strategies or to present economic trends. This is often the case with university research: private firms accept investing on specific issues, of their own interest, thus risking, in universities, an imbalance between various fields of study – some of the latter having no commercial attractiveness. Media also see, in complex cases of ownership, that financial support can indeed lead to intrusions within editorial decisions about message content.

*Is it not possible to imagine new ways for the planning of private investments in order to balance public and private interests?*

**3.3 Information society and mass access to knowledge/news:** nowadays, a huge amount of information is produced and theoretically available to global audiences. Mass access to these flows of data is technically possible thanks to the new communication technologies. However, mass audience and information cannot be met without “gate-keepers” who select, adapt and condition data to interest different types of audiences while taking account of different means of transmission. Higher education is in a rather similar position: mass access to universities since the 1970s has opened new opportunities for the acquisition of knowledge by a larger number of people; at the same time, the knowledge itself has been constantly increasing in

quantitative terms, hence the need to select and re-package learning. This has led to problems in the management and quality of degrees. Dealing with huge numbers - of people and data - asks for structures that some universities do not possess. Bigger numbers of students and wider knowledge strains have also led to the diversification and creation of new degrees in order to respond to new social demands. Thus, on one side, we have a much larger amount of available information to shape the knowledge of citizens, an amount that a common individual does not have the time to investigate in order to select. On the other side, mass access to the sources of this flow of information is possible. Democracy of information seems possible but organising the citizens' responsibility in the structuring of knowledge is still very much of a problem.

*How to guarantee mass society access while avoiding a digital and knowledge divide in media or university audiences?*

**3.4 State control/investment in public goods like information and education:** to defend the lack of sufficient public investments in these fields, one invokes the privatisation that leads to competition and, consequently, to an efficient allocation of resources. When the argument of safeguarding the public good is used to counter such a liberal stand, the discussion often falls into the trap of a technical definition of "public goods" in economic theory. Moreover, when the state invests money in a specific field of interest, it sometimes shows an attitude very similar to that of private investors (as described in point 2), i.e., the control over decisions and strategies seems obvious to governments that claim the right to interpret the will and needs of the citizens.

*Is there a balancing act between private and public interests in order to ensure the protection of information as a public good?*

**3.5 *Autonomy/accountability*:** the majority of countries surveyed above guarantee autonomy to the media as well as to higher education. Accountability systems are therefore set up as a mean to control the support of public interest by impartial third bodies. In the media field, the mechanism is needed to ensure that private interests do not restrain the freedom of expression and that economic factors do not distort competition on a really free market. In higher education, accountability is the guarantee – in the eyes of the state – that quality levels are maintained (or improved) in the interest of the general public, thus avoiding the risks of the old ivory towers or of the new low quality schools.

*How to guarantee the impartiality of accountability systems? Who should be the members of supervisory bodies and how to select them? Why has not their existence in several countries counteracted the attacks made on autonomy seen as a privilege?*

**3.6 *Rhetoric on the knowledge society vs. the reality of globalisation*:** while globalisation is an undeniable reality offering both risks and opportunities, the knowledge society often tends to remain a concept oscillating between the promises of an almost accomplished project and the long term construction of a global strategy. Some aspects of a knowledge based economy have been implemented already, indeed, as indicated in the ‘Introduction’ above. However, the recognition of the strategic importance of investing in immaterial production does not always lead to coherent and concrete policies aiming at competitiveness in a new context. The ambitious Lisbon agenda defined by EU countries

led to several high level think-tanks while, at the same time, there was a growing disinvestment in the learning and knowledge policies of the Union – a kind of contradiction. In the media field, policies that could help improve the efforts at coherence made to cope with new technological developments are much slower in effect than the trends towards concentration or the blossoming of thousand sporadic initiatives. As a result, the media world looks like a jungle populated by a few “predators”, large and small, who leave citizens helpless in face of change. Some people would consider the image to be relevant for the academic world too. At the same time, the amount of public documents, conferences, books on the issue of information and knowledge society is unquestionably growing.

*Is there a concrete risk of leaving behind the good aspects and expectations about the future to vast amounts of rhetoric only? If rhetoric is important as a background for reflection, how can one also move forward in terms of serious and quick implementation?*

**3.7 Security laws, restrictions and investigations justified by terrorism emergency:** the latest political developments at the international level have given increased priority to values and projects linked to national security and the fight against terrorism. States of emergency always lead to restrictions of the free movement of people and ideas in some fields in order to protect what is considered, in the short time, to be more important, i.e., collective safety. Both media and research have been affected by such policy changes.

*How should media and universities respond to a restricted environment in terms of civic responsibility? Should they adapt to emergency situations? Is it possible to maintain accountability without giving up autonomy?*

*3.8 Globalisation vs. cultural autonomy and diversity:* globalisation brings with itself a tendency to cultural homogenisation, but it is just one side of the mirror: “glocalisation” is the parallel trend, i.e., a new emphasis on very local characteristics. Media and higher education live in such a tension. The tendency of mimicking the most famous (and usually Anglo-Saxon) models is more and more current - from the format of TV news to the structure and management of university degrees. On the other side, autonomy has even a bigger claim to avoid the risk of losing local richness of history and diversity. Both trends, to make mobility and mutual understanding easier on one side and to preserve local peculiarities as a cultural value on the other, can be argued as being of public interest.

*Which trend should prevail? Is a coherent balance between both at all possible?*

### *Conclusion*

This short paper, without aiming at completeness, has tried to show that there are several similarities in the situation of today’s media and higher education institutions. It indicated also how the topics of freedom of expression and academic freedom are at the core of the present discussions on social change at national and international level. This has led to propose some questions for further discussion on the new challenges that both sectors are now to face.

At the end, I would like to give a last personal input for the further investigation of these issues, especially on how to deal with the challenges just listed: the “Futures Project” was mentioned already. My question: are higher education and media institutions ready - or at least willing - to be proactive in facing the challenges and threats of the time? Can they share in the effort as

both sectors are witnessing huge transformation in their environment and both are called to adapt to new situations? Sometimes academic and media communities feel involved - and sometimes less.

On many occasions, civil society has proved to be a powerful voice on given issues, especially at local level. The co-operation of different actors seems to be at a turning point for the concretisation of the ambitious Bologna Process that asks for convergence in higher education policies throughout Europe. Are there similar convergence needs between academia and the media to encourage cooperation between the two communities – considered as partners for the future?

Indeed, they both contribute and share in the importance of public communication, i.e., their responsibility for (in)-forming citizens, which requires transparency and integrity. Such values make it easier to be understandable also by other stakeholders in today's society, thus supporting the rapprochement between the many actors who are now looking for common strategies in order to build a sustainable future for a knowledge based society.

# Magna Charta Universitatum

## *Preamble*

The undersigned Rectors of European Universities, gathered in Bologna for the ninth centenary of the oldest University in Europe, four years before the definitive abolition of boundaries between the countries of the European Community; looking forward to far-reaching co-operation between all European nations and believing that people and States should become more than ever aware of the part that universities will be called upon to play in a changing and increasingly international society,

## *Consider*

1. that at the approaching end of this millennium the future of mankind depends largely on cultural, scientific and technical development ; and that this is built up in centres of culture, knowledge and research as represented by true universities ;

2. that the universities' task of spreading knowledge among the younger generations implies that, in today's world, they must also serve society as a whole ; and that the cultural, social and economic future of society requires, in particular, a considerable investment in continuing education ;
3. that universities must give future generations education and training that will teach them, and through them others, to respect the great harmonies of their natural environment and of life itself.

The undersigned Rectors of European universities proclaim to all States and to the conscience of all nations the fundamental principles, which must, now and always, support the vocation of universities.

### *Fundamental principles*

1. The university is an autonomous institution at the heart of societies differently organised because of geography and historical heritage; it produces, examines, appraises and hands down culture by research and teaching.
2. To meet the needs of the world around it, its research and teaching must be morally and intellectually independent of all political authority and economic power.
3. Teaching and research in universities must be inseparable if their tuition is not to lag behind changing needs, the demands of society, and advances in scientific knowledge.
4. Freedom in research and training is the fundamental principle of university life, and governments and universities, each as far as in them lies, must ensure



respect for this fundamental requirement. Rejecting intolerance and always open to dialogue, a university is an ideal meeting-ground for teachers capable of imparting their knowledge and well equipped to develop it by research and innovation and for students entitled, able and willing to enrich their minds with that knowledge.

5. A university is the trustee of the European humanist tradition; its constant care is to attain universal knowledge; to fulfil its vocation it transcends geographical and political frontiers, and affirms the vital need for different cultures to know and influence each other.

### *The means*

To attain these goals by following such principles calls for effective *means*, suitable to present conditions.

1. To preserve freedom in research and teaching, the instruments appropriate to realise that freedom must be made available to all members of the university community.
2. Recruitment of teachers, and regulation of their status, must obey the principle that research is inseparable from teaching.
3. Each university must – with due allowance for particular circumstances – ensure that its students' freedoms are safeguarded, and that they enjoy concessions in which they can acquire the culture and training which it is their purpose to possess.
4. Universities – particularly in Europe – regard the mutual exchange of information and documentation, and frequent joint projects for the advance-

ment of learning, as essential to the steady progress of knowledge.

Therefore, as in the earliest years of their history, they encourage mobility among teachers and students; furthermore, they consider a general policy of equivalent status, titles, examinations (without prejudice to national diplomas) and award of scholarships essential to the fulfilment of their mission in the conditions prevailing today.

The undersigned Rectors, on behalf of their Universities, undertake to do everything in their power to encourage each State, as well as the supranational organisations concerned, to mould this policy sedulously on this Magna Charta, which expresses the universities' unanimous desire freely determined and declared.

*Bologna, 18 September 1988*

## Declaration of Rights and Obligations of Journalists the “Munich Charter”

This declaration was drawn up and approved in Munich on 24 and 25 November 1971.

It was later adopted by the International Federation of Journalists (IFI) and by most journalists’ unions in Europe.

### *Preamble*

The right to information, to freedom of expression and criticism is one of the fundamental rights of man. All rights and duties of a journalist originate from this right of the public to be informed on events and opinions. The journalists’ responsibility towards the public excels any other responsibility, particularly towards employers and public authorities. The mission of information necessarily includes restrictions which journalists spontaneously impose on themselves. This is the object of the declaration of duties formulated below. A journalist, however, can respect these duties while exercising his profession only if conditions of independence and professional dignity effectively exist. This is the object of the following declaration of rights.

*Declaration of duties*

The essential obligations of a journalist engaged in gathering, editing and commenting news are:

1. To respect truth whatever be the consequences to himself, because of the right of the public to know the truth.
2. To defend freedom of information, comment and criticism
3. To report only on facts of which he knows the origin; not to suppress essential information nor alter texts and documents
4. Not to use unfair methods to obtain news, photographs or documents
5. To restrict himself to the respect of privacy
6. To rectify any published information which is found to be inaccurate
7. To observe professional secrecy and not to divulge the source of information obtained in confidence
8. To regard as grave professional offences the following: plagiarism, calumny, slander, libel and unfounded accusations, or the acceptance of bribes in any form in consideration of either publication or suppression of news
9. Never to confuse the profession of journalist with that of advertisements salesman or propagandist and to refuse any direct or indirect orders from advertisers
10. To resist every pressure and to accept editorial orders only from the responsible persons of the editorial staff. Every journalist worthy of that name deems it his duty faithfully to observe the principles stated

above. Within the general law of each country, the journalist recognises, in professional matters, the jurisdiction of his colleagues only; he excludes every kind of interference by governments or others.

### *Declaration of rights*

1. Journalists claim free access to all information sources, and the right to freely enquire on all events conditioning public life. Therefore, secrecy of public or private affairs may be opposed only to journalists in exceptional cases and for clearly expressed motives.
2. The journalist has the right to refuse subordination to anything contrary to the general policy of the information organ to which he collaborates such as it has been laid down in writing and incorporated in his contract of employment, as well as any subordination not clearly implicated by this general policy.
3. A journalist cannot be compelled to perform a professional act or to express an opinion contrary to his convictions or his conscience.
4. The editorial staff has obligatorily to be informed on all important decisions which may influence the life of the enterprise. It should at least be consulted before a definitive decision on all matters related to the composition of the editorial staff, e.g. recruitment, dismissals, mutations and promotion of journalists, is taken,
5. Taking into account his functions and responsibilities, the journalist is entitled not only to the advantages resulting from collective agreements but also to an individual contract of employment, ensuring the material and moral security of his work as well as a wage system corresponding to his social condition and guaranteeing his economic independence.

Finito di stampare nel mese di marzo 2005  
presso le Arti Grafiche Editoriali s.r.l. – Urbino



