

The information needs of democracy

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1. INTRODUCTION

Freedom of speech is universally accepted as necessary for democracy to work because voters need information to base their voting decisions on. However, traditional theories of democracy have paid very little attention to the quality of the information that voters receive. Will a free press automatically publish any information that voters may need? Are commercial mass media controlled by the conscience of journalists or by economic market forces? How can voters be sure that the mass media are not biased and that they do not systematically leave out certain types of information? Are voters bombarded with information to such a degree that unimportant information is crowding out important information? These questions are essential if we want a democracy to perform in an efficient and legitimate way¹. The information problems of democracy have been known for many years², but philosophers of democracy have been slow to recognize these problems. Many treatises on democracy pay no serious attention to information problems beyond praising freedom of speech³. This article will discuss the requirements for a democratic information system that can be derived from various models of democracy and compare these requirements with theoretical and empirical knowledge about the functioning of mass media in a modern democracy.

Section 2 of this article discusses the quality requirements that a democratic information system must satisfy in order to enable the democratic process to function according to the norm. These requirements depend on the model of democracy that we apply. Four different views of democracy are discussed: (a) procedural models, (b) rational choice models, (c) deliberative models, and (d) evolutionary models of democracy.

Section 3 discusses whether unregulated mass media in a competitive market can be expected to meet the information requirements of democracy. This discussion is based on economic theories of media competition and psychological theories of media effects. Section 4 discusses a possible reinterpretation of information rights in the light of the problems uncovered here.

¹ Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. (Cambridge: Polity Press, 1996); Eli Skogerbø, *Privatising the Public Interest: Conflicts and Compromises in Norwegian Media Politics 1980-1993* (Dissertation, University of Oslo, 1996).

² Anthony Downs, *An Economic Theory of Democracy* (NY: Harper & Brothers, 1957); V. O. Key, Jr., *Public Opinion and American Democracy* (New York: Alfred A. Knopf, 1961); Jürgen Habermas, *Strukturwandel der Öffentlichkeit* (Neuwied: Hermann Luchterhand, 1962. English translation: *The Structural Transformation of the Public Sphere*, Oxford: Polity Press 1989).

³ Notable exceptions are mentioned in note 2. Robert A. Dahl (*On Democracy*, New Haven: Yale University Press, 1998; *Democracy and its Critics*, New Haven: Yale University Press, 1989) states that citizens must have access to alternative sources of information that are not under the control of the government or any other single political group, but he does not consider the effects of market forces or information crowding. Information problems are only briefly mentioned in *The Concise Encyclopedia of Democracy* (ed. Eleanora von Dehsen, New York: CQ Press, 2000). A more detailed discussion is found in the *Encyclopedia of Democratic Thought* (ed. Paul Barry Clarke and Joe Foweraker, London: Routledge, 2001).

Section 5 concludes that a democracy cannot rely on the free market forces and a constitutional guarantee of free speech for informing its voters. A democratic system that does not actively support a provision of information to its citizens according to some basic requirements has a legitimacy problem. Possible interventions that might improve the ability of the system to meet the information requirements are discussed. However, the political choice between alternative intervention strategies is outside the scope of this article.

2. THE INFORMATION NEEDS UNDER DIFFERENT MODELS OF DEMOCRACY

The mass media have gained an increasing importance as the main source of information for voters. Other sources of information, such as personal contact and political meetings, have lost their importance in the modern mass society. It is therefore reasonable to expect that the mass media fulfill the role as the prime information source for voters. Michael Gurevitch and Jay Blumler have set up an often-cited set of criteria that the mass media must satisfy in order to meet the expectations of democratic performance. These criteria include⁴:

- Surveillance of the sociopolitical environment.
- Meaningful agenda setting, identifying key issues and the forces behind them.
- Provide a platform for advocacy.
- Produce dialogue across a diverse range of views.
- Holding officials to account for how they exercise power.
- Give incentives for citizens to learn, choose and become involved.
- Resist efforts of forces outside the media to subvert their independence.
- Respect audience members as potentially concerned.

In the following sections we will relate these criteria to four different models of democracy. While most scholars in the field agree on these or similar criteria for democratic media performance, a dissenting view is voiced by Pippa Norris who argues that the satisfaction of audience preferences is sufficient and that soft news are useful for democracy⁵. The analysis that follows should suffice to counter Norris' arguments.

2.1 Procedural models

The traditional model of democracy, with its many variants, has a focus on the procedures of voting and election. These procedures are meant to secure equal decision rights and equal influence to all citizens. This is expected to prevent tyranny and violent battles for leadership and to produce a fair government⁶.

Freedom of the mass media is known to be an important precondition for a well-functioning democracy⁷. The voters need information about political candidates and officials in order to secure the responsibility, accountability and transparency of the government. This requires that the media provide a platform for advocacy for all

⁴ Michael Gurevitch and Jay G. Blumler, "Political communication systems and democratic values," in *Democracy and the mass media*, ed. Judith Lichtenberg (New York: Cambridge University Press, 1990), pp. 269-289.

⁵ Pippa Norris, *A Virtuous Circle: Political Communication in Postindustrial Societies* (Cambridge University Press, 2000).

⁶ See the two works by Robert Dahl cited in note 3.

⁷ Simeon Djankov, C. McLiesh, T. Nenova and A. Shleifer, "Who Owns the Media?" (Washington DC: World Bank, 2001).

political candidates without favoring any particular candidate or party. Furthermore, the media must survey the political arena and hold officials to account. If we focus our conception of procedural democracy on issues rather than on candidates or parties, then we must require a meaningful agenda setting and a forum for dialogue that gives fair access to all points of view. An active participation of citizens in the political process is usually assumed in procedural models of democracy; and the media should facilitate this participation. The criteria of Gurevitch and Blumler are therefore in good accordance with procedural models of democracy.

2.2 Rational choice models

The research tradition known as *public choice* relies on the ideal type of a rational egoist, as known from classical economic theory. Voters are assumed to behave in the way that optimizes their welfare; and political candidates are expected to strive to maximize their votes⁸. These assumptions are not always in accordance with real world observations⁹, but they may be useful for the sake of mathematical clarity and for uncovering potential shortcomings of the democratic system.

The most important shortcoming that public choice theory has discovered is the voting paradox. The probability of casting a decisive vote is so small that it is rarely profitable for the individual citizen to vote. The average benefit of voting is so small that it may not cover the small costs of going to the polling station and much less the costs of becoming informed about political matters. The rational voter will therefore stay ignorant and possibly abstain from voting¹⁰.

Information plays a large role in public choice theory. Information is power; and those who have information can gain influence over those who are ignorant. More specifically, the theory predicts that a group of citizens can gain influence by forming a special interest group or lobbying group. The group can share the costs of gathering information about a particular issue and then gain influence by giving some of this information to politicians and to the public. The democratic process is neither fair nor fully efficient, according to public choice theory, because some groups of citizens have better possibilities than others for forming lobbying groups around their interests and gain influence through information¹¹.

There has been little research on the role of the mass media under the paradigms of economy and rational choice¹². But it is obvious from rational choice theory that the mass media as purveyors of information have a large potential for political influence. It is equally obvious that the performance of a democracy depends on the performance of the mass media.

The most important media performance requirement that can be derived from public choice theory is that political information must be free and easily accessible in order to remedy the voting paradox and the problem of rational voter ignorance. Furthermore, the media should provide detailed analysis of social problems and issues and their causes because it would be too complex and expensive for the individual

⁸ Charles K. Rowley, ed., *Democracy and Public Choice* (Oxford: Basil Blackwell 1987).

⁹ Donald P. Green and Ian Shapiro, *Pathologies of Rational Choice Theory: A Critique of Applications in Political Science* (New Haven: Yale University Press, 1994).

¹⁰ Anthony Downs, *op. cit.* [note 2].

¹¹ Charles Rowley and Michelle Vachris, "Why Democracy does not Necessarily Produce Efficient Results," *Economia delle scelte pubbliche*, 2-3 (1994): 95-111; Mancur Olson, Jr., *The Logic of Collective Action: Public Goods and the Theory of Groups* (New York: Schocken Books, 1965).

¹² Douglas Gomery, "The Centrality of Media Economics," *Journal of Communication* 43, 3 (1993): 190-198.

voter to perform such analysis by himself/herself¹³. Leaving the analysis of complex problems to experts is an obvious advantage to the individual voter, but it involves the well-known dilemma of giving too much power to an elite. This problem is unavoidable because it is impossible for any individual person to study all issues in detail¹⁴.

The fact that citizens economize their information gathering gives the mass media every possibility to manipulate the political process by making information that favors one point of view more accessible than information that favors the opposite point of view. Unfortunately, the media have no incentive to provide fair coverage of alternative points of view if media owners, editors and journalists are rational egoists.

We can therefore conclude that the public choice model paints a very pessimistic picture of the democratic process. The criteria proposed by Gurevitch and Blumler are all relevant in the light of the public choice model, but hardly sufficient to make the democratic process perform according to the norm.

2.3 Deliberative models

The deliberative model of democracy assumes that new political issues come up all the time and that a continuous debate is going on, involving voters, politicians and experts. It is theorized that debaters will come to an agreement if they share the same information and the same ethical premises. The deliberative model puts more emphasis on the continuous debate than on the procedures of voting and elections¹⁵. Indeed, democracy would be very inept if the only decision-making method was through votes.

A distinction can be made between what is right and what is fair. If a majority agrees to tyrannize a minority, then this decision is right, according to the procedural rules of democracy, but not fair. The deliberative model is the only model of democracy that opens the possibility for making fair decisions because debates and decisions are based on fundamental ethical principles including principles of minority rights. On the other hand, the deliberative model is not necessarily right in the sense of equal influence, because debaters with expert knowledge and rhetorical skills will gain a disproportionately high amount of influence¹⁶.

The consequence of this model is that power and influence springs from information and communication, in accordance with the sociology of knowledge¹⁷, the theory of cultural capital¹⁸, and the sociology of social issues¹⁹. A group of social actors can gain power if they succeed in defining a social issue, putting it on the agenda, and make everybody accept their particular definition of the issue and their expertise in solving problems relating to this issue. The most influential debates are not debates about conclusions but about definitions of problems and the boundaries of normality²⁰.

¹³ Downs, op. cit. [note 2] finds that it will be profitable for voters to delegate information gathering and analysis to others, but he doesn't explicitly mention the mass media as an organization that can perform this task.

¹⁴ For further discussion, see Dahl, *Democracy and its Critics* [note 3].

¹⁵ Jürgen Habermas, op. cit. [note 1]; Robert A. Dahl, *On Democracy* [note 3].

¹⁶ Ibid.

¹⁷ Michel Foucault, *Power/Knowledge* (NY: pantheon, 1980).

¹⁸ Pierre Bourdieu and Jean-Claude Passeron, *Reproduction in Education, Society and Culture* (London: Sage, 1977).

¹⁹ Joel Best, ed., *Images of Issues: Typifying Contemporary Social Problems* (NY: Aldine, 1989).

²⁰ Donileen R. Loseke, *Thinking about Social Problems: An Introduction to Constructionist Perspectives* (New York: Aldine de Gruyter, 2003).

The influence of the mass media has been studied more thoroughly in the research traditions mentioned here than in the research traditions responsible for the procedural and the rational choice models of democracy. The power of the mass media is beyond doubt in the deliberative model. The normative requirements for the democratic mass media are therefore high. They must provide a forum for debate between citizens, politicians and experts; and they must give equal and fair access to all points of view including minority views. The agenda setting of the media is particularly critical. The agenda should be prioritized according to generally agreed criteria of social importance.

2.4 Evolutionary models

The evolutionary model sees democracy as an evolutionary system in a continuous search for improvement. Different ideas and policies compete for acceptance in a process that is expected to lead to ever improving social structures. New ideas are analogous to the mutations that are necessary for biological evolution to take place. New ideas are necessarily minority ideas when they first arise, but the best new ideas will gain wider acceptance through public debate and eventually become majority ideas²¹. The conception of new ideas as mutations is also found in other research traditions, including in the sociology of deviance²², cultural selection²³ and memetics²⁴.

The evolutionary model shares with the deliberative model a focus on the dynamic aspects of democracy, while the procedural and rational choice models are static models in the sense that they have little to say about how or why opinions change. The dynamic aspect is necessary if we want to explore the influence of the mass media on opinion formation and the political climate.

The evolutionary process can only work if new ideas are allowed to diffuse through the population. This requires that the mass media pay attention to new ideas and provide fair coverage of minority opinions. It is obviously impossible to implement all new political ideas and test them in practice. The political system therefore has to subject promising new ideas to theoretical testing in the sense that their likely consequences are calculated by experts. This gives rise to another requirement for the media, namely that they publish expert analysis of the likely consequences of proposed policies. Where experts disagree, they must provide a forum for debate that gives fair coverage to all opinions.

2.5 Conclusion

Each of these four classes of democracy models contains an element of truth, despite their shortcomings. I will regard the four classes of models as supplements rather than as alternatives to each other.

All the democracy models that we have explored require an information system that keeps voters well informed about political matters and also functions as a forum for public debate. A democracy can only work according to its purpose if a public information system exists to fulfill these roles. Any information system that a

²¹ Michael Wohlgemuth, "Democracy as an evolutionary method," in *The Evolutionary Analysis of Economic Policy*, ed. Pavel Pelikan and Gerhard Wegner (Cheltenham, UK: Edward Elgar, 2003), pp. 96-127.

²² Nachman Ben-Yehuda, *The Politics and Morality of Deviance* (State University of New York Press, 1990).

²³ Agner Fog, *Cultural Selection* (Dordrecht: Kluwer, 1999).

²⁴ Aaron Lynch, *Thought Contagion: How Belief Spreads through Society* (NY: Basic Books, 1996).

democracy designates for the purposes of informing voters and providing a forum for political debate has a far-reaching power to steer the democratic process in almost any direction and therefore also a high responsibility. It is therefore necessary to define a set of performance criteria for such an information system.

The criteria for democratic media performance that Gurevitch and Blumler have proposed are well in accordance with all the democracy models that we have considered. However, the list of criteria may need to be amended or made more specific:

- Political information must be free and easily accessible because individual voters have little economic incentive to pay for it (derived from rational choice model).
- The information system must provide detailed expert analysis of relevant social problems and predictions of the likely consequences of proposed policies because voters have neither the resources nor sufficient incentive to do this analysis themselves (derived from rational choice, deliberative and evolutionary models).
- The information system must give fair coverage of alternative points of view (derived from rational choice and deliberative models).
- The information system must give a voice to minority groups (derived from deliberative model).
- The information system must give a voice to new ideas (derived from evolutionary model).
- The information system must provide a forum for debate between citizens, politicians and experts (derived from deliberative model).
- The agenda should be prioritized according to generally agreed criteria of social and ethical importance (derived from deliberative model).

It is clear that personal contacts and political meetings are insufficient for satisfying these criteria. In the next section we will explore whether a free and unregulated mass media market can satisfy the requirements for a democratic information system.

3. THE MASS MEDIA MARKET

3.1 Economic market forces

A mass media outlet that allows advertising is operating in a dual market. There is a market for audience (readers, listeners, viewers) and a market for advertisers²⁵. Media owners that get most or all of their income from advertising and sponsoring have characterized their business as selling eyeballs to advertisers²⁶. They will publish whatever attracts the largest audience and brings them into a buying mood or whatever their sponsors will pay them to publish²⁷. The more competitive the market, the less can media owners afford to let principles of journalism ethics and

²⁵ Philip M. Napoli, *Audience Economics: Media Institutions and the Audience Marketplace* (New York: Columbia University Press, 2003).

²⁶ *Ibid.*

²⁷ John McManus, "A Market-Based Model of News Production," *Communication Theory* 5, 4 (1995): 301-338.

professionalism guide their publication principles if they want their business to survive.

Policy makers have often assumed that free competition on the media market leads to diversity, but the practical and theoretical support for this assumption is ambiguous at best²⁸. Many investigators have found that increased competition leads to less diversity²⁹. The negative effect of competition on diversity is most evident in the TV market. This can be explained by the following simple example. Assume that a country has two commercial TV stations with one channel each. In this case, the two stations will most likely both produce the same kind of programs that appeal to the broadest possible audience. But if the two TV channels are operated by the same TV station then the owner will avoid competition between the two channels by sending different kinds of programs on the two channels³⁰. A more detailed analysis leads to the conclusion that moderate competition may lead to increased diversity, but a higher level of competition leads to decreased diversity³¹.

The diversity that is measured is a diversity of form, not a diversity of informational contents³². Some media economists prefer to measure quality rather than diversity³³, while others are reluctant to do so because of the absence of objective criteria for measuring quality³⁴. Those economists that do allow themselves to measure media quality all conclude that high degrees of competition leads to decreased quality³⁵. Indeed, John Zaller concludes, "for every set of cases in which I am able to make plausible comparisons, higher levels of market competition are

²⁸ Barry R. Litman, "Economic Aspects of Program Quality: The Case for Diversity," *Studies of Broadcasting* 28 (1992): 121-156.

²⁹ Mara Einstein, "The Financial Interest and Syndication Rules and Changes in Program Diversity," *Journal of Media Economics* 17, 1 (2004): 1-18; Andrea Mangani, "Profit and Audience Maximization in Broadcasting Markets," *Information Economics and Policy* 15 (2003): 305-315; Heikki Hellman, "Diversity - An End in Itself?," *European Journal of Communication* 16, 2 (2001): 181-208; Shu-Chu Sarrina Li and Chin-Chih Chiang, "Market Competition and Programming Diversity: A Study on the TV Market in Taiwan," *Journal of Media Economics* 14, 2 (2001): 105-119; John Dimmick and Daniel G. McDonald, "Network Radio Oligopoly, 1926-1956: Rivalrous Imitation and Program Diversity," *Journal of Media Economics* 14, 4 (2001): 197-212.

³⁰ Steven T. Berry and Joel Waldfogel, "Do Mergers Increase Product Variety? Evidence from Radio Broadcasting," *Quarterly Journal of Economics* 116, 3 (2001): 1009-1025; Steven S. Wildman and Bruce M. Owen, "Program Competition, Diversity, and Multichannel Bundling in the New Video Industry," in Eli M. Noam, ed., *Video Media Competition: Regulation, Economics, and Technology* (New York: Columbia University Press, 1985), pp. 244-273.

³¹ Richard van der Wurff and Jan van Cuilenburg, "Impact of Moderate and Ruinous Competition on Diversity: The Dutch Television Market," *Journal of Media Economics* 14, 4 (2001): 213-229.

³² Philip M. Napoli. "Deconstructing the Diversity Principle," *Journal of Communication* 49, 4 (1999):7-34.

³³ Robert M. Entman and Steven S. Wildman, "Reconciling Economic and Non-Economic Perspectives on Media Policy: Transcending the 'Marketplace of Ideas'," *Journal of Communication* 42, 1 (1992): 5-19; Denis McQuail, *Media Performance: Mass Communication and the Public Interest* (London: Sage, 1993); Denis McQuail, *Media Accountability and Freedom of Publication* (Oxford University Press, 2003).

³⁴ Wildman and Owen, op. cit. [note 30].

³⁵ Håkan Hvitfelt. "The Commercialization of the Evening News: Changes in Narrative Technique in Swedish TV News," *NORDICOM Review* 2 (1994): 33-41; Stig Hjarvard, *TV-nyheder i konkurrence*. (Frederiksberg, Denmark: Samfundslitteratur 1999); John R. Zaller, "Market competition and News Quality," (Paper presented at the annual meeting of the American Political Science Association, Atlanta GA 1999); John R. Zaller, *A Theory of Media Politics: How the Interests of Politicians, Journalists, and Citizens Shape the News* (Manuscript, University of California, Los Angeles, 1999).

associated with lower levels of news quality"³⁶. This observation can be explained by the general theory that free competition and free entry into a market favors products with low fixed costs over products with high fixed costs³⁷. In the case of the media market, this principle can be illustrated with the following example. If many TV stations share the market for political news, and if advertising money are limited, then each station will get a low share of the total advertising pie. As a consequence, no station will be able to afford to do anything better than uncritically relaying press releases and messages from news agencies. But if there are few stations, then each station will have more money to spend on investigative journalism. Detailed theoretical models confirm that increased competition can lead to decreased quality under realistic conditions³⁸.

Commercial mass media need to catch the attention of potential consumers in order to maximize their audience. It is well known that topics such as violence, disaster, sex, and gossip are among the most powerful attention-magnets³⁹. Topics that relate to such attention-catchers and stories that provide good photo opportunities figure very prominently in commercial mass media, regardless of their societal relevance. This tendency strongly influences the political agenda. The most competitive media markets are likely to prioritize political issues on the agenda according to their audience appeal and attention-catching potential rather than by any criteria of societal importance⁴⁰. This influences the cognitive processing of the media messages in the audience. Media effects studies show that media consumers tend to estimate the importance of social problems from the frequency and prominence of media coverage of each problem⁴¹. The unavoidable political consequence is that the democratic process will allocate a more than optimal amount of resources to purposes that range high on the media agenda for reasons of attention catching, and a less than optimal amount of resources to purposes with little media appeal.

Competition also influences the *framing*⁴² of political news. The competitive media prefer to present social problems in the form of personal stories. A story about a person who is affected by a particular problem can attract a larger audience than thematic, statistical and causal analysis because the personal story is emotionally touching, easy to identify with, and easy to understand⁴³. The personalized framing has an unintended effect on the causal attribution of the problem at hand. The audience members are likely to blame the problem on individual persons rather than

³⁶ Zaller, *A Theory of Media Politics*, op. cit.

³⁷ Michael Spence, "Product Selection, Fixed Costs, and Monopolistic Competition," *Review of Economic Studies* 43, 2 (1976): 217-235.

³⁸ Steven T. Berry and Joel Waldfogel, "Free Entry and Social Inefficiency in Radio Broadcasting," *RAND Journal of Economics* 30, 3 (1999): 397-420; Tore Nilssen and Lars Sørgaard, "TV Advertising, Program Quality, and Product-Market Oligopoly," (Working Paper No. CPC00-12. Competition Policy Center, University of California, Berkeley, 2000).

³⁹ Philip Gaunt, *Choosing the News: The Profit Factor in News Selection* (New York: Greenwood Press, 1990); Keith Soothill and Sylvia Walby, *Sex Crime in the News* (London: Routledge, 1991).

⁴⁰ McManus, op. cit. [note 27].

⁴¹ Doris A. Graber, *Processing the News: How People Tame the Information Tide* (Lanham: University Press of America, 2nd ed. 1988).

⁴² Douglas M. McLeod, Gerald M. Kosicki and Jack M. McLeod, "Resurveying the Boundaries of Political Communication Effects," in Jennings Bryant and Dolf Zillmann, eds., *Media Effects: Advances in Theory and Research* (Mahwah, New Jersey: Lawrence Erlbaum, 2nd ed. 2002), pp. 215-267.

⁴³ David L. Altheide, *Creating Fear: News and the Construction of Crisis* (New York: Aldine de Gruyter, 2002).

on deeper social causes. The political consequence is that the proposed political responses to the problem are more likely to replace the persons that get the blame than to target the underlying social, political, economic or other structures that have caused the problem⁴⁴.

The tendency to personalized framing also affects political debates and elections. Disagreements over political ideologies are presented as clashes between politicians as persons, and elections are presented as horse races. This kind of framing tends to suppress a deeper understanding of the political issues at stake. The focus on procedures and strategies rather than on political ideologies makes the audience perceive politicians as egoists seeking power rather than as idealists seeking to improve society. The consequence is a widespread cynicism and disinterest in politics⁴⁵.

The effects of agenda setting and framing have been explained theoretically from the observation that media consumers economize the cognitive processing of incoming information⁴⁶. These theories of cognitive psychology can also explain the well-known phenomenon that people prefer to hear arguments that they agree with rather than arguments they disagree with⁴⁷. Competitive news media may explore this effect by presenting partisan views that are in accordance with the views of a majority of their audience, by avoiding controversy, or by avoiding the ideological arguments behind a controversy⁴⁸. Ericson and coworkers have observed that once the news media have applied a particular interpretation to an ambiguous issue, they will be likely to stick to this interpretation or suppress the issue rather than change their interpretation even in the face of new evidence that strongly favors the opposite interpretation⁴⁹.

3.2 Satisfaction of democratic requirements

Journalists may be honestly motivated to uphold the highest standards of professional journalism that they have been taught in their education, but they are often forced by the inescapable logic of a competitive market to depart from these standards. Media that set quality standards higher than competitive considerations have often been forced out of business⁵⁰.

It is therefore necessary to identify possible conflicts between the democratic performance requirements and the market forces. We will combine the requirements proposed by Gurevitch and Blumler with the amendments and modifications listed in

⁴⁴ Shanto Iyengar, *Is Anyone Responsible? How Television Frames Political Issues* (Chicago: University of Chicago Press, 1991).

⁴⁵ Joseph N. Cappella and Kathleen Hall Jamieson, *Spiral of Cynicism: The Press and the Public Good* (Oxford: Oxford University Press, 1997); Thomas E. Patterson, *The Vanishing Voter: Public Involvement in an Age of Uncertainty* (New York: Alfred A. Knopf, 2002).

⁴⁶ Graber, *op. cit.* [note 41].

⁴⁷ *ibid.*

⁴⁸ Sendhil Mullainathan and Andrei Shleifer, "The Market for News," *American Economic Review*, forthcoming.

⁴⁹ Richard V. Ericson, Patricia M. Baranek, Janet C. L. Chan, *Negotiating Control: A Study of News Sources* (Milton Keynes: Open University Press, 1989).

⁵⁰ Napoli, *op. cit.* [note 25]. In an attempt to prove that journalists can withstand the market pressure, Herbert Gans (*Deciding What's News*, New York: Vintage Books, 1980) mentions the example of the *Saturday Evening Post* where the journalistic standards were held high even when the magazine was going under. He fails to see that the magazine was forced out of business exactly because the journalists refused to follow the market logic. If anything, this example proves that the market forces can override the forces of journalism ethics.

section 2.5. This allows us to evaluate the likely performance of competitive news media for each requirement as follows.

Surveillance of sociopolitical environment

Competitive media are likely to do so, though selectively.

Agenda setting

The media are likely give more weight to criteria of attention catching, emotional appeal, and entertainment than to any criteria of societal relevance in the prioritizing of the political agenda.

Provide a platform for advocacy

Yes, but selective.

Provide a forum for debate and dialogue with fair coverage of alternative views

It may be more profitable to provide one-sided coverage or to avoid controversy⁵¹.

Holding officials to account for how they exercise power

The media have been observed to do so, sometimes even excessively, but they may be more interested in uncovering wrongdoings in the private lives of politicians than wrongdoings in their political lives⁵².

Give incentives for citizens to learn and become involved in the political process

The media may occasionally serve political news to their audience after attracting them with entertainment. The media provide political news to those who desire it, but do little to stimulate an interest in politics for those who are not already interested. The media may as well find it more profitable to stimulate an interest in sport, music, drama, game shows, or anything else.

Resist efforts of forces outside the media to subvert their independence

There is plenty of evidence that mass media can be influenced by advertisers, sponsors and owners⁵³.

Respect audience members as potentially concerned

Many media show a marked disrespect for the politically concerned audience by trivializing, simplifying and dramatizing political news and by focusing on the personalities of politicians rather than on their policies and ideologies.

Free and easily accessible political information

Some media are financed entirely by advertising, and therefore accessible at no cost to the consumer other than the cost of viewing advertisements.

Detailed expert analysis

The media tend to simplify matters rather than educate their audience to understand complex issues. The media often prefer to use their own commentators rather than external experts.

Give a voice to minority groups

The media may do so if the problem of a minority group can be framed in a personalized and emotional way. Some minorities are consistently neglected.

Present new ideas

The media often do so, but the ideas may be selected for their entertainment value rather than for societal relevance.

⁵¹ Media bias can be profitable or unprofitable depending on the conditions, according to Mullainathan, op. cit [note 48].

⁵² Larry J. Sabato, *Feeding Frenzy: How Attack Journalism has Transformed American Politics* (New York: Free Press, 1991).

⁵³ Napoli, op.cit. [note 25].

The conclusion of this discussion is that few, if any, of the requirements of democracy are likely to be fully satisfied by the free market forces.

3.3 Noncommercial media

The Western European countries have a tradition of state-owned public service radio and television. Cross-national studies show that these media perform significantly better than the commercial media with respect to news quality⁵⁴. A wave of deregulation in the 1980'es has led to a much more competitive media market in Europe where public service media have to compete with privately owned commercial media⁵⁵. The deregulation was justified ideologically by a reinterpretation of the freedom of speech principle from a positively defined right of every citizen to have his or her views heard to a negatively defined right of media organizations to be free of intervention⁵⁶. The deregulation aimed at providing more diversity and choice to the media consumers, but the result was exactly the opposite⁵⁷.

The political support for public service is now so fragile that the public service media feel that they have to present high viewer and listener ratings in order to justify their subsidies. This has forced them to use the same competitive strategies as the commercial media. The consequence of this is that the political news provided by the public service media have become more superficial and sensational, but still significantly better than the commercial media⁵⁸.

3.4 The internet

The internet has made it possible, for the first time in the history of democracy, to publish ones ideas and opinions to a mass audience at a price that ordinary people and non-profit organizations can afford. The receiver of information is in control here. There are myriads of information to choose between and efficient search engines that allows one to find exactly the kind of information than one needs. This is likely to improve democratic communication to the extent that voters are motivated to seek alternative sources of information. Possible negative consequences are discussed by Applbaum⁵⁹.

4. FREEDOM TO SPEAK VERSUS FREEDOM TO LISTEN

Freedom of speech has always been regarded as essential for democracy. Theorists have paid much less attention to the freedom to seek and receive reliable information. Such a right appears to be no less important for democracy, according to the theories discussed above. The UN and European declarations of human rights include protections of the right to seek and receive information. The first amendment

⁵⁴ Richard Gunther and Anthony Mughan, eds. *Democracy and the Media: A Comparative Perspective* (Cambridge: Cambridge University Press, 2000); Preben Sepstrup, "Implications of current developments in West European broadcasting," *Media, Culture and Society* 11 (1989): 29-54.

⁵⁵ Jay G. Blumler, ed., *Television and the Public Interest: Vulnerable Values in West European Broadcasting* (London: Sage, 1992). Peter J. Humphreys, *Mass media and media policy in Western Europe* (Manchester: Manchester University Press, 1996).

⁵⁶ Skogerbø, op. cit. [1].

⁵⁷ Preben Sepstrup. "Implications of current developments in West European broadcasting," *Media, Culture and Society* 11 (1989): 29-54.

⁵⁸ Hvitfelt, op. cit. [note 35]; Hjarvard, op. cit. [note 35]; Gunther and Mughan, op. cit. [note 54].

⁵⁹ Arthur Isak Applbaum, "Failure in the Cybermarketplace of Ideas," in Elaine Ciulla Kamarck and Joseph S. Nye Jr., eds., *Governance.com: Democracy in the Information Age* (Washington DC: Brookings 2002), pp. 17-58.

to the US constitution does not explicitly mention such a right, but is usually interpreted to imply such a right.

There is a potential clash between the freedom to speak and the freedom to listen when there are more speakers than listeners or when speakers are crowding out each other to such a degree that listeners have difficulties finding the messages they want to hear.

The modern society, with all its communication means, is so crowded with messages that it is impossible to pay attention to everything that anybody wants you to hear⁶⁰. A plethora of advertisers, political parties, public information campaigners, special interest organizations, charity organizations, and many other groups and individuals are all competing for the attention of the citizens. Attention has become a scarce resource. The fact that the demand for attention by far exceeds the supply has made public attention an expensive commodity⁶¹. The public attention market is largely unregulated if not completely anarchic. The high price for attention has made it difficult for non-profit organizations and other organizations with limited resources to communicate effectively. The mass media have few, if any, obligations to convey such messages, even if these messages are important for the democratic process. Some organizations have responded to these difficulties by resorting to illegal means of communication, ranging from putting posters on walls without permission to dramatic media stunts⁶² and even terrorism⁶³.

The fact that the public attention market is largely unregulated is a fundamental problem for the democratic process. It may be difficult to find the fairest regulation criteria, but allowing those who can pay most to occupy all the communication space appears to be the least fair solution⁶⁴.

The fact that these are fundamental problems to the freedom of speech has, in a few occasions, been recognized in legal decisions. The US Supreme Court and the Federal German Constitutional Court have both ruled that a regulation of public television broadcasting is needed because broadcasting channels is a limited resource⁶⁵. The ruling of the Federal German Constitutional Court is particularly interesting. The court has decided that it is the duty of the lawmakers to secure the constitutionally prescribed free opinion formation through material, organizational and operational regulation of the radio. The court is skeptical about whether this goal is compatible with commercial financing⁶⁶.

⁶⁰ Maxwell McCombs, Donald L. Shaw and David Weaver, *Communication and Democracy: Exploring the Intellectual Frontiers in Agenda-Setting Theory* (Mahwah, New Jersey: Lawrence Erlbaum, 1997), at p. 60; Jian-Hua Zhu, "Issue Competition and Attention Distraction: A Zero-Sum Theory of Agenda-Setting," *Journalism Quarterly* 69, 2 (1992): 825-836.

⁶¹ Napoli, *op. cit.* [note 25]; Thomas H. Davenport and John C. Beck, *The Attention Economy: Understanding the New Currency of Business* (Boston: Harvard Business School Press, 2001).

⁶² e.g. Greenpeace activists.

⁶³ Gabriel Weimann and Conrad Winn, *The Theater of Terror: Mass Media and International Terrorism*, (New York: Longman, 1994).

⁶⁴ Thomas Scanlon, "A Theory of Freedom of Expression," *Philosophy and Public Affairs* 1, 2 (1972): 204-226.

⁶⁵ U.S. Supreme Court, *Red Lion Broadcasting co. v. Federal Communications Commission* (395 U.S. 367, 1969). Urteil vom 4. November 1986 (1 BvF 1/84) Niedersächsisches Landesrundfunkgesetz, in *Entscheidungen des Bundesverfassungsgerichts* (Tübingen: J.C.B. Mohr, 1987).

⁶⁶ Bundesverfassungsgericht, *op.cit.*

5. HOW CAN THE INFORMATION REQUIREMENTS OF DEMOCRACY BE MET?

A democracy must provide an information system that meets the democratic requirements to a reasonable degree in order to perform in a satisfactory way and to be considered legitimate⁶⁷. We have found that an unregulated commercial media market cannot be expected to meet the requirements for a democratic information system⁶⁸. Albert Camus noted in 1944, "The press is free when it does not depend on either the power of government or the power of money"⁶⁹. Pierre Bourdieu has characterized the influence of economic competition on mass media as "invisible censorship" and "structural corruption"⁷⁰. The theoretical and empirical findings reviewed above confirm the claims of these two thinkers. Indeed, we can conclude that mass media in a competitive market cannot be considered free when they are controlled by inescapable market forces. This problem is typically ignored in discussions of media freedom.

We may consider whether regulation can improve the performance of the media market with respect to our quality criteria. A regulation that limits the number of economically independent TV operators and allows each operator to have several TV channels may provide a moderate but insufficient improvement, according to the economic theories discussed above. The claim of many media critics that concentration of ownership has caused the media malaise⁷¹ is not confirmed by these economic theories. A regulation of media ownership may be justified, though, in order to limit the undesired influence of economic and political forces on the media.

Public service obligations have been imposed on commercial mass media in the USA under the so-called fairness doctrine. The ill fate of this doctrine shows that such requirements are difficult to enforce and easy to circumvent⁷². It appears that the commercial media cannot be forced to satisfy the democratic requirements when strong market forces are pulling in the opposite direction. The strength of the market forces can be reduced by limiting the competition, but such a solution is probably insufficient and is likely to have undesired side effects.

The only workable solution appears to be noncommercial public service media. We can expect the democratic requirements to be satisfied much better by noncommercial media, provided that journalists and editors are appropriately educated and the media are well funded and free of any interfering economic, political, religious or other forces⁷³. These media can be owned by the state or by non-profit organizations, but they must be publicly financed.

⁶⁷ The definition of democratic performance depends on the model of democracy we want to apply. Relevant performance criteria include shared decision making, fairness, satisfaction of voter preferences, optimizing welfare, problem solving, and improvement of social structures.

⁶⁸ McLeod et. al., op. cit. [note 42].

⁶⁹ John Keane, *The Media and Democracy* (Cambridge: Polity Press, 1991, 1994) at p. 150. Camus has often commented on the influence of economic competition on political journalism. See *Camus à Combat: Éditoriaux et Articles d'Albert Camus 1944-1947* (Paris: Gallimard 2002).

⁷⁰ Pierre Bourdieu, *On television and journalism* (London: Pluto Press, 1998).

⁷¹ Dean Alger, *Megamedia: How Giant Corporations Dominate Mass Media, Distort Competition, and Endanger Democracy* (Lanham: Rowman & Littlefield 1998); Robert W. McChesney, *Rich Media, Poor Democracy: Communication Politics in Dubious Times* (Urbana: University of Illinois Press, 1999).

⁷² Patricia Aufderheide, "After the Fairness Doctrine: Controversial Broadcast Programming and the Public Interest," *Journal of Communication* 40, 3 (1990): 47-72.

⁷³ Timothy Besley and Maitreesh Ghatak, "Government and Private Ownership of Public Goods," *Quarterly Journal of Economics* 116, 4 (2001): 1343-1372.

There is reason to be skeptic about the independence of state-owned media. A statistical analysis shows a significant correlation between state ownership of mass media and various indicators of poor government⁷⁴. On the other hand, the experience from Western Europe is that state-owned media tend to provide a better quality of political information than the commercial media do⁷⁵. This apparent discrepancy is easily explained if we distinguish between states that own media in order to control information and states that own media in order to satisfy the requirements of democratic communication.

More research is needed in order to find the organizational structure that best isolates the public service media from undue influence from government as well as from market forces and special interests. It is also necessary to find a way that secures the accountability of the media without introducing new vulnerabilities to partisan influence.

⁷⁴ Djankov et. al. [note 7].

⁷⁵ Sepstrup, op. cit. [note 54].