**Media Policy and Media Freedom in Europe**

**Course code: DOPP5393**

**Lecturer or Instructor:** Damian Tambini

**No. of credits (US/ECTS): 2 US credits (4 ECTS)**

**Spring 2023**

**Course level: MA**

**Course type (Mandatory, Mandatory Elective, or Elective):**  Elective

**Course description**

Media freedom matters: the relationships among governments, private interests and the media have become central to contemporary discussions of democracy and the open society in Europe. High profile controversies have arisen involving capture of regulatory authorities, control of licensed broadcasters, strategic use of media law, and cronyism between media owners and governing parties. As a result, the EU has introduced legislation to attempt to protect EU standards of independent media: the European Media Freedom Act is part of a wider Democracy Action Plan which focuses on media and information systems and attempts to create a new policy settlement for the media at a time of rapid technological change.

This course examines the problem of media freedom from historical, legal and public policy perspectives, examining also the challenges of new technologies and changing markets and models of journalism. The approach is necessarily interdisciplinary: we discuss of current developments in EU law and policy in the context of wider technological and political change. No background in law is required.

The course consists of lectures, seminar discussions and advocacy exercises.

Students will be asked to research case studies of examples of media capture or media control from other countries.

**Learning outcomes:**

By the end of this course, students should be able to:

✓ Critically discuss the relationship between media freedom and democracy

✓ Describe examples of challenges to media freedom and pluralism

✓ Describe and critically discuss the main international standards relevant to media freedom and relevant policy responses such as the European Commission’s Media Freedom Act

✓ Advocate for particular policy approaches for the media

**Assessment**:

1. Seminar Presentation (40% of the final grade).

In groups or alone students will provide a seminar presentation outlining a media freedom challenge in a country of their choice, its implications for media freedom and a potential solution. Presentations will be allocated in relation to the analytical categories of this course in consultation with the course teacher in relation for example to media freedom, censorship, competition regulation, platform governance and safety of journalists.

Presentations will be graded according to the following criteria:

* Demonstration of a clear understanding of media freedom and governance challenges in theory and practice
* Quality, practicality and persuasiveness of proposals
* Clarity and presentation
* Use of research and other evidence in support of proposals
* Originality
1. Policy Submission (40% of the final grade).

Write a policy submission to an international body or public authority with responsibility for media policy or media freedom.

The policy submission should include the following elements:

1. Introduction clarifying to whom the paper is addressed, introducing an issue that is relevant to media freedom/ pluralism/ regulation and stating why it needs to be addressed.
2. Policy proposal. Suggestion of a way of resolving the issue and a policy suggestion to a clearly identified policy actor.
3. Justification referring to standards and consequences
4. Evidence from research or examples to support the claim.

The assessment will be graded according to the quality of the following items:

* Argument
* Reading and research
* Understanding of key concepts
* Critical Appraisal and Imaginativeness
* Argument’s Application
* Use of Sources and Evidence
* Introduction and Conclusion
* Structure of Assignment
* Presentation and Writing
* Citation and Bibliography
1. Critical reflection (20% of the final grade).

To accompany the policy submission, students should provide a 1000 word critical reflection outlining whether the proposed policy approach is likely to be successful, and why. This should draw upon relevant theory.

The assessment will be graded according to the quality of the following items:

* Argument
* Reading and research
* Understanding of key concepts
* Critical Appraisal and Imaginativeness
* Argument’s Application
* Use of Sources and Evidence
* Introduction and Conclusion
* Structure of Assignment
* Presentation and Writing
* Citation and Bibliography

**Course schedule and contents:**

1. **April 11. Introduction and Overview. Media Freedom in the age of Platforms**

The European Union is debating a Media Freedom Act in response to a perceived challenge to media pluralism and freedom in the EU. At the same time it is implementing a comprehensive regulatory framework for digital platforms in the Digital Services Act. This introductory session introduces the new initiatives and looks at the background to them as well as some of the ways in which governments and others can control media.

**Reading**

*Mandatory*

Martin Moore and Damian Tambini. Conclusion. In Regulating Big Tech OUP. 2021

*Optional*

Parcu Pier Luigi and Brogi, Elda [Research Handbook on EU Media Law and Policy](https://www.e-elgar.com/shop/gbp/research-handbook-on-eu-media-law-and-policy-9781786439321.html)

Karen Donders; Caroline Pauwels; Jan Loisen 2014 The Palgrave handbook of European media policy

Damian Tambini (2021) Media Freedom.

Policy Documents, Commentary

[EU Democracy Action Plan](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/new-push-european-democracy/european-democracy-action-plan_en)

[European Media Freedom Act](https://digital-strategy.ec.europa.eu/en/library/european-media-freedom-act-proposal-regulation-and-recommendation)

Orlen’s [takeover of Polska Press](https://cmpf.eui.eu/orlens-takeover-of-polska-press-media-market-and-pluralism-issues-are-intertwined/)

1. **April 11.** **Histories of media and communication governance**

In this lecture, we ground ourselves in the histories of media and communication governance. The lecture examines some key developments in the history of media governance, outlining key concepts of policy paradigms, media policy, and media regulation and governance. The lecture examines some of the main tools for regulating and governing media systems, and the normative frameworks that underpin them, focusing on media governance in democratic countries. This informs why we govern media, how we arrive at policy outcomes, and what we choose to implement. We then turn our attention to the concept of media governance, compare it to media regulation, and mobilize examples to explain its utility for understanding the entirety of rules that organize media systems. We will further probe the differences and similarities in the rationales, tools, and institutions that define the different phases in the history of media and communication governance.

**Reading**

*Mandatory*

Victor Pickard 2010 Reopening the Post-war Settlement for U.S. Media: The Origins and Implications of the Social Contract Between Media, the State, and the Polity in Communication, Culture & Critique

*Optional*

D Tambini 2021 Media Freedom Chapters 2 and 3.

Yik Chan Chin 2017 Television regulation and media policy in China

Paul Starr 2004 The creation of the media: political origins of modern communications

Peter Humphries 1994 Media and Media Policy in Germany. The Press and Broadcasting Since 1945. Berg.

1. **April 18. The Toolkit of Media Control**

This session examines the ‘media policy toolkit’ ie the range of policy tools for shaping and regulating media systems and the behaviour of the media. The range of policy tools are examined and their potential for restricting media freedom discussed.

**Reading**

*Mandatory*

Puppis Manuel 2010 Media Governance: A New Concept for the Analysis of Media Policy and Regulation in Communication, Culture & Critique

*Optional*

Baker, C. Edwin 2007Media concentration and democracy: Why ownership matters Book

Dragomir, M. (2018). Control the money, control the media: How government uses funding to keep media in line. Journalism, 19(8), 1131–1148. https://doi-org.gate3.library.lse.ac.uk/[10.1177/1464884917724621](https://doi-org.gate3.library.lse.ac.uk/10.1177/1464884917724621)

Goodman Ellen 2020 [Building Civic Infrastructure for the 21st Century |](https://www.gmfus.org/news/building-civic-infrastructure-21st-century) Strengthening Transatlantic Cooperation

Koltay Andras On the distinctiveness of press freedom: the case of the social responsibility and privileges of the press Communications Law. Comms. L. 2022, 27(1), 9-23

Policy Documents

Look at the website of the [Media Pluralism Monitor](https://cmpf.eui.eu/) at the EUI Florence and read the most recent country report of a country that interests you.

1. **April 18 Freedom of Speech and Freedom of the Media**

**Reading**

*Mandatory*

Damian Tambini Reconceptualising Media Freedom. In Moore and Tambini (eds) 2021: Regulating Big Tech

*Optional*

Chapter 8: Freedom of expression and the rule of law: the debate in the context of online platform regulation Marta Maroni and Elda Brogi. In: Parcu Pier Luigi and Brogi, Elda [Research Handbook on EU Media Law and Policy](https://www.e-elgar.com/shop/gbp/research-handbook-on-eu-media-law-and-policy-9781786439321.html)

Koltay, András (2022) "The Protection of Freedom of Expression from Social Media Platforms," Mercer Law Review: Vol. 73 : No. 2 , Article 6. Available at: <https://digitalcommons.law.mercer.edu/jour_mlr/vol73/iss2/6>

Tambini, Damian. What is Journalism? The Paradox of Media Privilege. European Human Rights Law Review 5 (2021).

1. **April 25. Competition and Media Pluralism**

This session will examine the role of competition law and policy in the shaping and control of media.

**Reading**

*Mandatory*

Lina Khan. The Amazon Paradox. In Moore and Tambini (eds) Regulating Big Tech.

Tim Wu: The Curse of Bigness. Antitrust in the New Guilded Age

*Optional*

Anna Pisarkiewicz and Michele Polo. Chapter 3: Old and new media: the interactions of merger control and plurality regulation in: Parcu Pier Luigi and Brogi, Elda [Research Handbook on EU Media Law and Policy](https://www.e-elgar.com/shop/gbp/research-handbook-on-eu-media-law-and-policy-9781786439321.html)

Meagher, Michelle. Competition is Killing Us. PENGUIN 2020.

Martin Moore; Damian Tambini 2018 Digital Dominance: the power of Google, Amazon, Facebook, and Apple OUP.

Policy Documents, Commentary

Examine the EC [website on the Digital Markets Act.](https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-markets-act-ensuring-fair-and-open-digital-markets_en) Look at the commentaries and summaries and read the legislation itself.

The [Australian News Media Bargaining Code](https://www.accc.gov.au/focus-areas/digital-platforms/news-media-bargaining-code/news-media-bargaining-code) attempts to address the imbalance between news providers and platforms. The model has attracted global interest.

Some generic public policy guidance

[EC Better Regulation Guidance](https://commission.europa.eu/law/law-making-process/planning-and-proposing-law/better-regulation_en).

[UK Treasury ‘Green Book’ on policy evaluation.](https://www.gov.uk/government/publications/the-green-book-appraisal-and-evaluation-in-central-governent/the-green-book-2020%22%20%5Cl%20%22generating-options-and-long-list-appraisal)

[EU Media Freedom Act Impact Assessment](https://digital-strategy.ec.europa.eu/en/library/european-media-freedom-act-impact-assessment)

[UK Regulator Ofcom Report on Media Plurality](https://www.ofcom.org.uk/research-and-data/multi-sector-research/media-plurality)

1. **April 25. State and Public Service Media**

Since the invention of broadcasting, a debate has continued about the appropriate level of state support and involvement in the form of subsidies, license fees and spectrum allocation. This lecture reviews the problem of state involvement in broadcasting historically and in relation to contemporary challenges.

**Reading**

*Mandatory*

Eva Polonska: Watchdog, Lapdog, or Attack Dog? Public Service Media and the Law and Justice Government in Poland. in: Eva Polonska et al (eds) Public Service Broadcasting and Media Systems in Troubled Democracies 2019.

Gabor Polyak: Media in Hungary: Three Pillars of an Illiberal Democracy in: Eva Polonska et al (eds) Public Service Broadcasting and Media Systems in Troubled Democracies 2019.

*Optional*

Damian Tambini 2015 Public Service Media| Five Theses on Public Media and Digitization: From a 56-Country Study in International Journal of Communication

Chin, Yik Chan 2012 Public service broadcasting, public interest and individual rights in China in Media, Culture & Society

Mills, Tom. The BBC. Myth of a Public Service. Verso, 2020.

Policy Documents, Commentary

[Council of Europe Standards on Public Service Media](https://www.coe.int/en/web/freedom-expression/digest-council-of-europe-standards-on-public-service-media)

[**EBU Value of PSB**](https://www.ebu.ch/about/public-service-media) **(**Video).

[Prioritisation of Public Interest Content, Council of Europe.](https://www.epra.org/news_items/public-interest-content-and-discoverability-a-new-study-from-the-council-of-europe)

1. **May 2. From Internet Governance to Platform Governance**

It has become increasingly apparent that internet intermediaries and platforms play an increasingly governmental role and their decisions can have direct impact on fundamental rights. This lecture examines the history of internet governance and contemporary debates about internet regulation.

**Reading**

*Mandatory*

Nicolas P. Suzor 2019 Lawless: The Secret Rules That Govern our Digital Lives

Robert Gorwa What is platform governance? in Information, Communication & Society

*Optional*

De Gregorio Giovanni 2022 Digital Constitutionalism in Europe: Reframing Rights and Powers in the Algorithmic Society

Policy Documents, Commentary

[**Website of the Internet Governance Forum**](https://www.intgovforum.org/en)

1. **May 2.** **Information war, national security and the debate about fake news and disinformation.**

**Reading**

*Mandatory*

Giles, K. Russian Information War: Construct and Purpose. In: Clack, T et al: 2021. The World Information War. Western Resilience, Campaigning and Cognitive Effects.

*Optional*.

Rid, Thomas. 2021. Active Measures: The Secret History of Disinformation and Political Warfare. Profile Books.

Howard, Phil. 2020 Lie Machines.

Tambini, D. Algorithmic Pluralism. In Clack, T et al: 2021. The World Information War. Western Resilience, Campaigning and Cognitive Effects.

1. **May 9. Student Presentations**

This session will involve student presentations on case studies of media regulation and policy challenges and their implications for media freedom, accountability and pluralism.

**Reading**

Specialist reading to be allocated to case study creators in consultation with course leader.

1. **May 9. International Standards and Human Rights in Communication Policy**

This session examines the role and nature of international human rights standards in relation to media freedom, in particular the standards of the Council of Europe, the UN Human Rights Council and the special rapporteurs of the UN, the OSCE, the Inter American Human Rights Commission. The class will also discuss the role of NGOs and monitoring.

**Reading**

*Mandatory*

David Kaye Speech Police: The Global Struggle to Govern the Internet.

*Optional*

McGonagle, T and Donders (Y) eds. (2015) The United Nations and Freedom of Expression and Information.

Policy Documents, Commentary

[United Nations General Comment No.34 on Article 19: Freedoms of opinion and expression](https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no34-article-19-freedoms-opinion-and)

[**Council of Europe Standards on Media Freedom**](https://www.coe.int/en/web/freedom-expression)

[Council of Europe Standards on Freedom of Expression](https://www.coe.int/en/web/freedom-expression)

[OSCE Office of the Special Representative on Freedom of the Media](https://www.osce.org/representative-on-freedom-of-media)

1. **May 16. Media, Governance and Democracy. The Perils and Pitfalls of a Positive Approach to Media Freedom.**

**Reading**

*Mandatory*

Bernholz, Lucy, Landemore, Helene, et al (2020). Digital Technology and Democratic Theory.

*Optional*

Landemore, Helene. Open Democracy. Reinventing Popular Rule for the Twenty-First Century. Princeton University Press 2021.

Tambini, Damian 2021 Media Freedom.

Policy Documents, Commentary

[**Council of Europe Principles for Media Governance**](https://www.coe.int/en/web/human-rights-rule-of-law/-/council-of-europe-adopts-new-principles-for-media-governance)

1. **May 16. Review Session**