

Review – Media Freedom

Written by Douglas A. Van Belle

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DOUGLAS A. VAN BELLE, JAN 27 2023

Media Freedom
By Damian Tambini
Wiley, 2021

One of the most vexing, if not infuriating, issues with media freedom is that almost no one who discusses it, studies it, or throws legislation at it, can tell you what it is. Depending on the person, context, or intent, it can mean anything from an extreme, consequence-free libertarian perversion of freedom of expression, to the legal specifics that enable the news media to function as an institution of democratic governance. Perhaps even more frustrating is that everyone who engages whatever menagerie of concepts they associate with the term, presumes that everyone else should understand exactly what they mean. This is even a problem with the organizations that measure and track media freedom. They often survey experts or construct elaborate coding schemes without ever defining the concept or concepts they are trying to measure, and as a result, it is seldom possible to even guess how well their operationalization represents any conceptualization of media freedom. This is such an issue that there have been several attempts to sort through what the different media freedom indices are actually measuring. (e.g. Burgess, 2010).

Add the disruptions from decades of rapidly advancing communication technologies and that sums up the mess that Damian Tambini is attempting to tackle in *Media Freedom*. Perhaps that is also the first criticism of Tambini's effort. He introduces the book by claiming that the emergence of what some might call the hyper-mediated public sphere demands a new theory of media freedom, and the manner in which he references 'new' implies the existence of a universally-shared understanding of media freedom that cannot cope with the advances in communication technology. That apparent presumption is worrying, and it doesn't sit well with his immediate dive into the plethora of ideas that populate the conceptual menagerie that is media freedom. However, that dive into the concept is also reassuring. By the time the reader reaches Chapter 2, it is clear that Tambini is tackling the mess that is our understanding of media freedom head on, and that he is bringing to bear a formidable understanding of the legal and institutional history of the subject.

Whether that tight focus on the legal and institutional history is the best approach to developing a theory of media freedom is open to debate. The discussion is informative, and it should be reiterated that the depth and detail of what Tambini offers is impressive in both its detail and scope, and it is interesting, but there is a recurring presumption that the concepts and implications of the legislative or institutional history are apparent, or are a given. Part of this is simply a matter of narrative framing. A concept- or theory-oriented reader may wish to start with Chapter 5, A Theory of Media Freedom, and then read the first half of the book. There is a mention of positive versus negative freedoms in the introduction of the book, and the concepts are mentioned several times along the way, but so are a plethora of others and the narrative almost feels frantic as it skips and jumps through details and ideas. It's not until the introduction to Chapter 5 reframes the historical discussion in terms of positive versus negative liberties that it becomes apparent that the balance and tension between the two was the conceptual thread being pulled from the discussion of the institutional and legal history of the press and media freedom. This structural issue with the presentation is further compounded by a great deal of repetition in the narrative.

While a theory was promised in the introduction, what Tambini assembles is a set of boundaries and parameters that

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projects this historical analysis upon the current media environment to define an ideal policy and regulation space for the communication era. Whether this can be called a theory is debatable, but the value of this framework should not be dismissed over semantic quibbles. As a structure for engaging the policy making community, or for conceptualizing the legal issues related to media regulation, it is ideal. It takes the basic concept of balancing rights with responsibilities and provides the links needed to connect it to self-regulation, media as a democratic forum and various issues related to information flows and transparency.

For the academic, particularly one with a concept-first approach to the subject, this book might have warranted a sticker indicating that there would be “some assembly required”. There is a great deal of valuable information in the historical analysis. There are frequent references to policy-related documents and debates that a concept person may not have encountered or may not have seen the need to explore but should. Also, the linkages drawn to the current hyper-mediated environment often reveal issues from the policy and legal side that may not occur to someone approaching something like the democratic role of the media from a conceptual and theoretical perspective. However, some of the interpretations and discussions offered for some well-known texts may also raise an eyebrow here or there.

As an example, Milton’s *Aeropagitica* (1644) is discussed, almost offhand, in terms of the superficial assertion that it is an impassioned argument for freedom of expression. However, there is no acknowledgement that Milton was arguing for freedom from pre-publication censorship, not the freedom from limits on expression. Some of the comments made in relating Milton to freedom of expression appear to contradict Milton’s clear support for the imposition of extreme, post-publication penalties for publishing something that might be deemed improper or inappropriate, as the alternative to pre-publication censorship. For a study that is so intently focused on the legalistic and regulatory side of the media freedom issue, particularly when relating it to the modern hyper-mediated environment, it was unsettling that Milton wasn’t interpreted in terms of regulation’s impact upon the economics of writing and publishing, and perhaps further relating that to the media “piracy” of the Dutch presses and the smuggling of books into England, which was a well-known issue during that time.

These comments and criticisms should be taken in the context of the academic publishing environment. None of us are novelists. We all interpret the works of others in terms of what we would have done, or in terms of the book we wish the author had written. We have all encountered elements of the literature that captured our attention, but may not have done the same with others. If pressed for a simple recommendation, the response of most who read this book would be that it is worth reading and will provide a useful and enduring contribution to the literature on media freedoms and media regulation.

References

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