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Europe's Many Crises and the Confinement of Democracy-Driven Free Speech

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Abstract
It is almost impossible to speak of media and freedom of expression in Europe without considering the complexity of the impact that the financial crisis has had on the continent, affecting not simply its markets, but most significantly the public sector and its public sphere. The media play a double role within this context: on the one hand, as market actors they are influenced by fluctuations in the financial system and, on the other hand, they have a pivotal role in supporting citizens' efforts to make informed decisions. These two roles are not necessarily compatible as media financial interests are often intertwined with political ones, compromising the ability of journalism to provide access to information for citizens, especially in circumstances of political dissent. This chapter discusses the ways in which the contemporary intersection of policy, practice and politics in the governance of media in Europe is resulting in non-pluralistic, homogenous content with dangerous polarisations and restrictive public debate.

Keywords: journalism, financial crisis, governance, social movements, Greece

It is almost impossible to speak of media and freedom of expression in Europe, any more, without considering the complexity of the impact that the financial crisis has had on the continent, affecting not simply its markets, but most significantly the public sector and its public sphere. It would be an error to assume that this 'financial crisis' in Europe is solely a crisis of the financial and economic organisation of markets or that it is concentrated in the 'unruly' European South.[1] What started as a global banking crisis mutated to a long-term hurdle in not only financial and market connected areas, but also across all aspects of social and even political life.

The media play a double role within this context: on the one hand as market actors, they are influenced by fluctuations in the financial system and on the other hand, they play a pivotal role in supporting citizens to make informed decisions. These two roles are not necessarily compatible as the press financial interests are often intertwined with political ones, compromising the ability of journalism to provide access to information for citizens, especially in circumstances of political dissent. Under such tensions, free speech in the sense of democracy-driven deliberation is

endangered, while so called market-driven free speech – that is commercial content – is left intact.

The following discussion surveys the multifaceted dimensions impairing free speech, under the lens of extended and multiple crises in Europe. It situates the increasing dependency of media to 'market-driven' content and the decreasing quality of conditions for 'democracy-driven' free speech within the complex context of financial and political dependency of media industries and conflict of interests; journalists' precarious labour conditions; legal change and institutional dismantling. These factors produce crude and indirect, structural and ideological limitations in democracy-driven free speech, curtailing dissent and critical, non-dominant narratives in the era of crisis in Europe. The chapter addresses two separate, yet interrelated media conditions: the developing status quo of European presses producing mono-dimensional narratives of the crisis connected to their political economic place in the market and politics; and the counter efforts by publics and disenfranchised journalists to create deliberation spaces through new journalism projects. The chapter argues that to understand free speech, we need to expand our view of governance beyond identifying legal frameworks and to consider intangible factors, such as ideological underpinnings of media normativity, as well as the broader institutional architecture of given societies. It aims to take stock of and connect recent trends in media freedom under the lens of financial crisis in particular, as a condition that may favour market-driven content and present serious confinements to democracy-driven freedom of speech.

"Crisis is many": State, market, political legitimacy

In the crisis-hit European countries, and as a glaring 'testing-ground' in Greece, public institutions have undergone an intense dismantling of their functions and reach: on the one hand, human resources, and with them intellectual capital, are lost, due to the drive towards the shrinking of the public sector 30 per cent during the period 2009-2014 by mass lay-offs (Zahariadis 2014). On the other hand, budgets for public services have been reduced radically under the policy philosophy of 'austerity'. With weak constitutional backing and against widespread public outcry, a series of changes to the services run by the welfare State have effectively 'switched off' the State as the actor regulating national affairs, even those of the State. Arguably, the State has been 'switched off' from its main role as a regulatory power even in the case of national budgets, as these are ultimately controlled by external actors (IMF, Central European Bank, the 'Eurogroup'). As a consequence, structural resources channelled for public services are subject to severe cuts across all sectors (Zafiropoulos 2014), and in particular those sectors to which the most vulnerable social strata turn and on which they depend, such as housing, unemployment support, and auxiliary pension funds for those at the bottom of pension pay. The unemployment rate in November 2015 was 24.6 per cent in Greece,[2] the reduction in main pensions was 20 per cent, 40 per cent for early

retirees and lump sum reduction ranged from 2 per cent to 83 per cent (Symeonidis 2015). The minimum wage in Greece was 683.76 EUR in December 2015 according to Trading Economics (2016), and the purchasing power of the Greeks went down 25 per cent during the period 2010-2014 (Kathimerini 2015). Universal services, such as health, education and utilities (water, electricity) have been driven to sub-functioning and ultimately are being laid out to privatisation. Hence, a complex, yet clear, picture of the political economy of the region's assets emerges, whereby services and goods aimed at the most vulnerable groups in society are being depleted – and systematically privatised (Christodoulakis 2011). This political economic change affects further the functions of the State, its legitimacy and that of related institutions, which might be as distinct and varied as, for example, the police, public service media and the justice system. Such profound institutional and social transformations, operationalised in a very short time, have a strong impact on the ways in which people experience and exercise citizenship, not in abstract terms, but in concrete and immediate ways and spaces. Not only the structural and subsequent institutional re-organisation of the country's resources, assets and political system are traits of the austerity philosophy, but also the communicative landscapes have been affected in two major directions: on the one hand, an array of mass media have visibly sided with a one-dimensional narrative about the crisis, producing a homogenous and severely limited debate (Tzogopoulos 2013; Prinos 2014). Compounding this is the fact that media organisations were forced to close, leaving thousands of journalists and media workers unemployed, producing an even weaker set of conditions for free speech.

On the other hand, from within the context of austerity and polarisation, new forms of journalism emerged in an effort to counter-balance the lack of pluralism and diversity in content. New print media with attention to reviving investigative journalism and sharp commentary, such as Hot Doc, Unfollow and The Editors' Press (Efimerida ton Syntakton) have managed to raise journalism standards in the country.[3] Electronic or purely online media have also emerged with the aim to add to the enrichment of the public debate and also to counter an increasingly restricted communicative environment. In the context of the crisis, it is important to note that it is not 'simply' the financial difficulties that put media under pressure. The media industry itself is part of the austerity rhetoric in that it is used systematically to provide grounds for the justification of unpopular and contested policies. Hence, on the one hand, the greater precarity of journalism jobs as a consequence of the decreased buying capacity of citizens, the decrease in advertising revenue and the complex relations of media owners to the politics of austerity and privatisation bring an explosive mixture of structural and political conditions, ultimately detrimental to free press. On the other hand, the very fact of polarisation and openly pro-austerity politics of the mainstream media have driven unemployed journalists to construct self-managed media spaces, adding great value to the opening up of the debate and to giving voice to widespread discontent.

These market conditions have favoured more market-driven content than democracy-driven content: the struggle for advertising revenue and sponsorship as a means to

finance the production of print media and broadcasters in the private sector in particular, has meant that investigative journalism is at a disadvantage, because it is costly and politically dangerous. To be clear: austerity measures and an almost one-dimensional mediated public discourse about the crisis (its causes, symptoms and solutions) on the domestic and European levels have impacted upon human rights in profound ways. Consultation procedures in public policy are ineffective (or even unknown as in the case of Greece), while politics has systematically ignored public opinion and the visible deterioration of living standards leading to a humanitarian crisis. As Morison shows in this volume, participation in public life, as invited by public authorities in the making of important public policy decisions is either non-existent or meaningless. Not even the lowest degrees of public involvement through consultation have been pursued, a fact that the established media in Greece, for instance, have failed to point out. This, the lack of consideration of citizens' views and citizens' experience of the crisis and austerity politics, and the lack of response on behalf of elite groups in the political and media environment is perceived as the active exclusion of people from decision-making. The symbolic and factual exclusion from public affairs has underpinned an increasing loss of trust in both the media and the political institutions, at home and abroad. This disconnect, which I discuss elsewhere (Sarikakis 2016a), expands to include distrust in the media. A cynical approach to the ties of dependency of media with politicians and the industries involved in their owners' market portfolio has accompanied the public's view of the media and journalism for a long time. However, it is the crisis that exacerbated the gap between citizens and the media. The too close ties to the political establishment, through homogenous, noncritical reporting of the crisis, and to private interests through the increase in paid and sponsored content are the two interrelated determining factors. The power of financially strong organisations to enter media markets, even in cases of emerging democracies or of transitional societies seeking more democratic governance, is a story one finds repeatedly. A mixture of legal and informal mechanisms ensure a tight grip over journalists.

The setting-up of new print and electronic media in crisis-hit countries is a response to this disconnect. Morison writes this volume: "As power is operationalised and transmitted along the chain there is opportunity for resistance and modification. People are not simply passive objects of power, but rather 'active subjects' who not only collaborate in the exercise of government but also shape and inform it". Within this context, freedom of expression has been one of the first casualties, despite the fact that the countries involved have active public spheres and numerically, at least, a great deal of media outlets. According to Freedom House (2015), Greece ranks 52 globally in press freedom (in a rank from 0 for the most free to 100 for the least free), dropping around 25 places in the past 20 years; Italy ranks 31, staying in the same position during the past 20 years, and Spain ranks 28, dropping 6 places in the past 20 years. Countries not affected by the crisis have not dropped in the rankings this period. For the rest, institutional disempowerment and resources-famine have exacerbated the precarity dominating the labour conditions of journalism under the

strains of job insecurity, closure of media organisations and the shrinkage of their public service media with the exceptional case of the shut-down of the Greek Public Service Broadcaster for two years.[4]

Under the given conditions – of crisis – it is useful to not lose sight of the 'exceptional' and 'urgent' vis-à-vis the 'normal', whereby a state of exceptionality and emergency turns into normality, as a status quo of freedom of expression in Europe, in order to understand the dynamics of limitations to freedom of expression. Restrictions over journalism and free speech do not derive so much from the scarcity of financial resources, although such scarcity poses its own set of challenges, but rather from the political decisions surrounding the determination of availability of resources and from the now established financial market failure to cater for social needs. Hence, claims of 'necessity' or 'exceptionality' that want freedom of expression effectively constrained as a way of providing a 'solution' to the financial crisis and as temporary, extreme, or provisional measures serve only to undermine and silence dissent over the political course of crisis management that has led to prolonged humanitarian crisis. Communicative democracy is undermined by the decline in the quality of protection and facilitation of freedom of expression. Not only the legal framework governing journalism and public speech directly, but also policies governing the day to day operation of media industries, as well as the relation of journalism to the State, shape the conditions of free speech. Moreover, factors other than the law have proven to be of crucial importance in the exercise of free speech, which made the Council of Europe invest renewed energy in the initiative for free press by raising awareness about the importance of 'enabling environments' in Europe (Sarikakis 2015). Hence, contextualising constraints within a systemic and systematic attempt for media control allow us to better comprehend the contradiction that has accompanied the crisis in recent years with renewed attempts for communication control over citizens and initiatives constructing new communicative spaces. The European territory is one of political power as well as a social space for resistance.

A growing disconnect between society and the state, society and institutions, including the media, has characterised the first half of the 2010 decade: distrust in institutions, as well as elite politics, including the political decisions of the European Union as a polity, has driven citizens to exploring ways of connection with each other, among social groups, across geographies and political convictions. Social projects of self-governance, of solidarity and transnationalism are replacing State and media functions, filling in the gaps caused by the withdrawal of the welfare State, as it drags with it the most vulnerable and as it is creating new vulnerabilities (Giannitsis & Zografakis 2015). These forms of connectedness, from the so-called 'social medical centres' run by medical and nonmedical volunteers to alternative in-kind credit economies, from open, community-run soup kitchens and self- organised environment protection and anti-gold mining 'squads',[5] to the very self-governed and employee run factories and public service radio and television stations, intensified processes of 'doing' citizenship are witnessed across the country and generally the South of Europe.

My contention is that these acts of citizenship are integral and vital elements of a struggle for citizens to regain not only some control over the distribution of resources, but also to regain a sense of dignity and autonomy through the materialisation of freedom of expression in concrete ways.[6] This freedom is one inextricably connected to processes of recognition of a person as a legitimate interlocutor.

Freedom of speech is understood in human rights law as a multilevel freedom interconnected with both the personal level of the individual and the structural level of institutional guarantees and institutionalised mediated forms of public speech. In the case of austerity Europe, the social contract between citizen and the State has been undermined through the shrinkage of public communication spaces. The Greek government's decision to deprive citizens of a public service media has parallels with policies of dismantling PSBs across several European countries (Sarikakis 2016b).

Structural constraints to freedom of expression

Across European countries, the proclaimed expectations of increased freedom of expression have not been fulfilled, although changes to the structural underpinnings of media industries have been taking place for over two decades. Such changes – market liberalisation and de/re-regulation – have been accompanied by the discursively constructed justification of increased freedom of expression and freedom of choice – in particular vis-à-vis State media monopolies and controlled markets – to be brought about by technology and the market (Christensen 2010; Piotrowski 2012).

Instead, a process of silent redefinition of freedom of expression has been underway, most vividly exemplified through the sociocultural effects set in motion by a fundamental change in legal frameworks inconspicuously claiming to address areas 'other than' – and indeed claiming to protect – free expression and citizen participation, and ultimately the very regime of western democracy. They concern mainly processes of securitisation of communications and international policy; surveillance and the criminalisation of individual behaviour; and the privatisation of public communicative spaces (Bently et al 2010).

Non-law based restrictions concern the political interference that most countries experience in the running of their public service media but also in the unholy interconnections and dependencies of the press, business and political worlds. Such interference may not be direct, yet freedom and accountability in the governance of the media leaves much to be desired. The complex interconnection between markets and political elites in Europe creates a stronghold over content, leading to problems of biased reporting. Meanwhile, in the crisis stuck press, advertising is being replaced by market-driven content (Donders 2012; Sarikakis 2016b).

These new conditions do not concern merely 'new' democracies or counties conveniently characterised as 'corrupt' or unruly. Instead, they dominate the media landscapes of countries such as the UK, Germany and Spain. Major comparative studies

in the legal status quo of the media in Europe, such as the one led by Psychogiopoulou (2014), demonstrate the multiple, yet, worryingly similar ways in which control over the media is effectively applied through economic interests, financial control, governing positions, and the regulation of specific functions of the media across nations. Compounding that are two more factors: first, the systemic lack of transparency governing these relations; second, the lack of regulatory provision for media pluralism. Both these factors contribute to the concentration of control – and markets – into a form of oligarchy. Structurally, therefore, the position of the media industries is one of dependency – political or economic – and of impaired accountability.

Deriving from this system of governance as an ill-effect is the precarity of journalism and media workers' jobs and the professions. A set of changes in journalism practice as the outcome of a 'mutated' newsroom, which depends on technology and the prioritisation of profit, determines the quality of resources available for proper reporting and for, ultimately, the quality of communicative democracy. Labour conditions are characterised by casualization and temporality of contracts, withdrawal of protection of authorship, decreasing real salaries, and increasing demands to produce content for multiple platforms. At the same time, increasingly, producing 'news' in a bulk format is expected not only without additional but with reduced resources, while, responding to 'stories' as they develop means using aggregators, news agencies and limited sources, which leads to a homogenous storytelling of events. The combination of these structural characteristics together with the lack of transparency and the connections to political and financial elites create a toxic environment for journalists who aim to produce investigative – and therefore critical – journalism.

The era of overarching surveillance, after the Snowden and Wikileaks revelations, impose additional restrictions and constraints on freedom of expression. We cannot yet fully assess the range and depth of the impact of surveillance processes on journalists' work. To what extent does the securitisation of communication, translated in the very distinct practice of surveillance, endanger informants as well as journalists? To what extent, in their effort to avoid extensive risks, media workers apply self-censorship and to what extent do such tactics result in a chilling effect across investigative media? What does it mean for the production of dissenting media and grassroots media? Ultimately, what does surveillance mean for the participation of citizens in the public sphere and in democracy? These developments are unfolding as we speak, but we have already experienced the weight of consequences by whistleblowers Edward Snowden and Julian Assange, whose attempt to reveal violations of freedoms has been met at a high personal cost and has affected those journalists working with the released material (Greenwald 2015; Lyon 2015).

Nevertheless, one of the main observations in recent years has been a renewed need for citizen derived media and communicative spaces, deriving from and assisted by social movements, such as Indignados, Occupy, anti-austerity and feminist movements, and social resistance movements in various geographies around the world and the current emergence of 'Nuit Debout', a series of nightly public places assemblies that

kicked off in Paris. Particularly in spheres of acute crisis, whether political or financial, speech constraints are operationalised in ways including but not limited to legal frameworks.[7] Since 2009, when the global banking crisis 'hit' Europe, Greece has been at the centre of debates in the public sphere, as the 'crisis country'. With discourses about the crisis resembling an epidemic, Greece being a 'sick' patient, and worse still with discourses of moral wrongdoings that brought upon the country the 'punishment' of financial crisis, the international press has held almost in its entirety a homogenous narrative. It resembles that of political and financial elites and leaves out narratives from the perspectives of citizens and societies at large, not limited to those of Greece.

Outlook

These structural constraints on freedom of expression make up a depressing list whose impact expands beyond the world of professional journalists to the freedom of expression and communicative liberties of citizens. The effects on the quality of democracy and the exercise of citizenship are yet to be assessed. It is imperative that communication and legal scholars engage fully with the pressing need to advocate for the protection of freedom of expression and the material and immaterial conditions that create enabling environments for free press and free speech. A silent redefinition of freedom of speech has been taking place across too many a front to be listed in detail in this chapter. It consists of structural constraints, and governance practices that are mirrored in the content output of media corporations. It is also reflected in the prohibitive stance of the state and its instruments in not tolerating public dissent, protest and non-conformist patterns of association and assembly. Finally, it consists of a range of tactics aimed at controlling self-governance and deliberation, by symbolically annihilating the interlocutor, be it a dissenting citizen, a refugee, the investigative journalist or an academic. At the same time, the rise of claims and legal instruments to assign 'speech' status to corporate-led communications and commercial content is another sign of the shrinkage of genuine public spheres and their associated public assemblies.

Notes

1. According to Eurostat (2014) more than 40 per cent of Europeans cannot afford unexpected financial expenses and one in ten people are affected by severe material deprivation.
2. See Eurostat: http://ec.europa.eu/eurostat.
3. See http://hotdoc.gr, http://unfollow.com.gr and http://www.efsyn.gr.
4. The Greek Public Service Broadcaster ERT (Elliniki Radiofonia Tileorasi) (www.ert.gr) was shut down, unconstitutionally as this was never ratified by Parliament, by the then Samaras Government on 11 June 2013. ERT quickly became ERTOPEN (www.ertopen.com) run by its former employees, who continued broadcasting for 24 months until the reopening of ERT on 11 June 2015 under the SYRIZA government.

5. This refers to social movements against the privatisation of water, as well as against gold-mining in Northern Greece at Skouries (http://antigoldgr.org/en) among other acts of environmental exploitation and destruction.
6. 'Citizen' should be understood as the 'citizen-at-large', the subject who is entitled to social, cultural, economic and political rights irrespective of their legal standing within the boundaries of a jurisdiction.
7. See e.g. the so called 'gag law' Citizens' Security Law in Spain, as well as the 2014 Amnesty International Report on the Greek Police (Kassam 2015).

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