

Factors that Influence Freedom of Speech and Self-censorship in Mass Media in Contemporary Russia

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Abstract. *An attempt to define the degree of media freedom in contemporary Russia leads to contradiction between the declaration of the mass media freedom provided by the Constitution of the Russian Federation and the Soviet Union heritage of unequivocal control of the press by the government, described by Siebert et al. (1984) as the Soviet-Communist Press Theory. The reason for this ambiguity could be explained by the great deal of different factors that exert an influence on the journalism, such as features of mass media legislation, governmental control of the media, the diversity of media ownership, sources of media incomes, and traditions of censorship in Russia.*

The current development of the media legislation in Russia shows no improvement regarding the freedom of speech. In the beginning of the third presidential term in 2012, Vladimir Putin has signed several laws that reduced the freedom of speech through the limitation of public assembly, criminalization of defamation in the mass media, and intensification of governmental censorship on the internet.

On the other hand, the contemporary press freedom that appeared in conditions of the new market economy in the beginning of the 1990s has brought discredit as to the conception of an exclusively positive impact of unconditional freedom on the mass media since the newspapers, television and radio channels were controlled by several powerful oligarchs who used

the owned mass media to spread and support their political influence. However, after the authorities' reference in the 2000s the balance was not regained. As a result, the majority of the media outlets in Russia became co-owned or fully controlled by the government.

Another crucial aspect of the mass media freedom as the cultural phenomenon should be kept in mind: seven decades of severe censorship could not be erased from the journalism professional community's memory in several years. The negative experience of predecessors transforms censorship into self-censorship in modern Russia.

Keywords: *censorship, the mass media, neo-authoritarian system, self-censorship, Russia.*

Introduction

The attention of many Western scholars after the collapse of the Soviet Union has been focused on the Russian media market. The main goal of their researches was to define the direction in which journalism might develop in the new state. After 70 years when the mass media served as a Soviet propaganda mouthpiece, it seemed quite logical to expect an establishment of the Western model of the mass media in terms of the free market. As a result, the majority of the studies of new journalism in Russia were based on Western normative concepts and frameworks.

Meanwhile, attempts to analyze the Russian media landscape from the Western perspective were fairly criticized by Downing (1996) and Sparks and Reading (1998) who argued that the Western concepts are not relevant to describe the actual processes which took place in the field of the mass media in Russia in the last decade of the 20th century. They have concluded that the main specific feature of the Russian media market development is a clash of different power centers and their struggle for influence on society for a variety of purposes. The main agents of influence, defined by Sparks, were politicians, business people, media organizations' authorities and their employees (Sparks and Reading, 1998: 137).

This new paradigm was applied by other scientists who paid attention to the influence of state and private capital, indirect owners, characteristics of the media legislation and their impact on the freedom of speech in the Russian media (Belin, 2002). An eloquent example of difference between the idealistic legislation and the harsh reality was reported by the Glasnost Defense Foundation. Its project Monitoring observed and registered the cases of conflicts between the mass media and the mentioned above agents of influence. In particular, the organization monitors and checks the attempts of censorship in the Russian media. The annual results of the Monitoring projects are presented in Figure 1. The data clearly demonstrate the negative trend of deteriorating conditions for the freedom of speech in the Russian media.

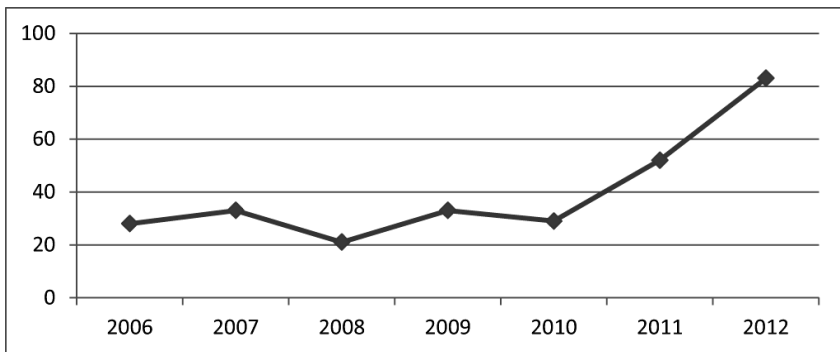


Figure 1. Registered attempts to restrict the freedom of speech.

Source: author (based on the annual lists of incidents of the violation of rights of journalists and the media in Russia by Glasnost Defense Foundation, 2012)

In the early 2000s, when Vladimir Putin became the president, it became apparent that relations between the media and the state could not be described by any normative media model. After a decade of illusion that the Russian media have nothing to do with authorities, there was no progress in the development of the freedom of speech. As Becker (2004: 158) concluded, the Russian press freedom in the 1990s “was not based on institutions but on decay of the party apparatus and divisions within the regime”. Nevertheless, the scholar

noted that there was an obvious improvement of the mass media conditions in comparison with the totalitarian and post-totalitarian periods (ibid).

Finally, the degree of press freedom in Russia is also annually evaluated by independent organizations such as the Freedom House reports. According to these organizations, the degree of press freedom in Russia was very low and even worsened during the 2000s. While the Freedom House (2012) estimated the mass media in Russia as “partly free” in 2002, since 2003 till the present time it is estimated as “not free”, with the Press Freedom Score decreasing from 60 to 81 points (where 0 is the best and 100 is the worst).

In this article, the current state of the Russian mass media freedom will be analyzed in order to find out the main factors that have given rise to self-censorship. We will focus on current changes in the mass media legislation, as on well as structural transformations in the Russian media market. For our approach, we shall examine several aspects of the mass media functioning which, in our opinion, have the most significant impact on the mass media freedom in Russia.

Government control of the media: the neo-authoritarian system

When it comes to the definition of relationship between the mass media and authorities, there are several categories and particular normative models suggested by different scholars. Meanwhile, in case of the Russian media market, it often leads to overly optimistic or pessimistic conclusions, as Koltsova (2001: 333) has noted. Nevertheless, in terms of our study, we will follow the conclusion of Becker that the Russian media system can be defined as a neo-authoritarian system where the main tool that the government uses to eliminate critics is not the pre-publication censorship but the “economic pressure through selectively applied legal and quasilegal actions against owners, as well as broadly worded laws which prescribe criminal and civil penalties for journalists concerning such issues as libel, state interests, national security and the image of the head of state” (Becker, 2004: 149).

Becker's hypothesis is supported by the results of the Open Society Foundation project Mapping Digital Media, which noted that the usage of television as an organ of executive power "has persisted in the last five years, and the understanding of public service provision remains poor both among the political elite and the general public" (Open Society Foundations, 2011: 6).

We suppose that the current situation is caused by an ultimate decision of the government to use the mass media as an instrument of political influence, which led to structural changes in the Russian media landscape. For example, Mikhail Lesin, the former Head of Federal Agency on Press and Mass Communications of the Russian Federation and the former Kremlin advisor, was appointed as the head of the largest state-controlled media holding Gazprom-Media in 2013. The fact that a person closely connected with Kremlin runs this media giant which includes the biggest media assets clearly indicates that the government seeks absolute control over the press. When the authorities instead of the object of criticism become an employer, journalists are enforced to adopt self-censorship.

Mass media legislation: formal freedom with the too broad wording

Officially, the freedom of speech was guaranteed in the USSR Constitution (1977) which stated that "citizens of the USSR are guaranteed the freedom of speech (*svoboda slova*) and the freedom of press (*svoboda pechati*)".

Nethertheless, in reality it had nothing to do with the Western concept of the freedom of speech, although for the Soviet mass media it was a relative progress, but self-censorship still remained one of the most important professional qualities.

Right after the collapse of the Soviet Union in 1991, the freedom of speech was granted in the new Mass Media Law which was seen by scholars as "an awkward version of an ideal, a sometimes apolitical formulation of the proper relationship between the media and the state" (Monroe, 1995: 795).

The Article 29 (5) of the Constitution (1993) of the Russian Federation also granted the freedom of mass information and prohibited the censorship. Nevertheless, these formal guarantees lack a specific interpretation for the courts and cannot be considered as an effective source of law. The same extent of ambiguity could be found in the Law on Communications (2003), which eliminated any restrictions on individual privacy unless they are allowed by a court order or if other instructions are envisioned by a federal law. The additional federal laws, which reflect the tendency of strengthening the government's pressure on the mass media, were presented in 2006. The Law on Information, Information Technologies and Protection of Information (2006) as well as the Law on Combating the Terrorism (2006) and the Law on Counteracting the Extremist Activity (2006) significantly restricted the freedom of journalists and allowed authorities to regulate the work of the media in accordance with their own needs and interests. The next step of the enforcement of control over the media through legislation was continued through adopting the so-called Internet Restriction Bill (Amendments to the Federal Law on Protecting Children from Information Harmful to Their Health, 2012), which aims to compose a blacklist of websites that contain illegal content and may be blocked without any notification. Again, there is no clear definition concerning what is supposed to be illegal and harmful for the Internet users, therefore, this law can be used in order to shut down any web source that contains any alternative views.

One of the most doubtful cases of the government's interference in the media business through the legislation was an executive order "On the measures to make the state media more effective" (2013) signed by President Putin in December. This order led to the dissolution of one of the most well-known Russian agency of international information RIA Novosti and to merging it with the international radio service "The Voice of Russia" in order to create the federal state unitary enterprise International Information Agency Russia Today. The main goal of the newly established agency is "to provide information on the Russian

state policy and Russian life and society for audiences abroad”, as it is explained on the official website of the resident. In accordance with the decree, the launched Information Agency Russia Today is included in the list of the state’s strategic enterprises, and its CEO may be appointed only by the president. The overview of the Russian media law allows us to conclude that Russian authorities fully use the imprecise wording of the laws in their own favour, and even the relatively democratic nature of the legislation does not preclude the violation of the mass media freedom.

Lack of diversity of the media ownership: the concentration of the media outlets

The lack of diversity of the media ownership was usually seen by Western researchers as an obvious threat to the freedom of speech (McChesney and Schiller, 2002: 87). We suppose that the Russian television has faced the most challenging changes: after the Gazprom takeover of the only private television channel NTV in 2000, the majority of Russian TV channels are owned or controlled by the state. And this was only the beginning: the trend of the concentration of television assets has continued in the 2010s. In November 2013, the above-mentioned media giant Gazprom-Media buys 100% of stakes of the media group ProfMedia, formerly owned by the oligarch Vladimir Potanin. After that merger, in addition to the already possessed assets including the TV networks NTV and TNT, the satellite company NTV Plus, the radio stations Echo of Moscow and Comedy Radio and the online video services Rutube and Now.ru, Gazprom-Media will also control the television channels TV3, 2 x 2, and Pyatnitsa, the film production company Central Partnership and several FM radio stations. The Russian media expert Evgeny Kuzin in the interview to the BBC Russian News Service (2013) has described the current situation as “some kind of market centralization. As a matter of fact, strengthening of Gazprom-Media is capable of making the Gazprom-Media a single control centre of the Russian media industry”.

The purchase of Prof-Media made Gazprom-Media the key player in the Russian advertising market, what actually guarantees its dominance in getting private financing from the advertisers, another crucial factor that influences the media independence. According to the analytical magazine *Profile* (2013), the joint share of TV channels owned by Gazprom-Media may reach 32% of the advertising market, and the antitrust limit which is allowed by the Federal Antimonopoly Service is 35%.

Thus, we see that the Russian mass media landscape currently experiences a rapid centralization of mass media outlets, which resembles a return to the monopolization of the media in the Soviet era. We assume that this trend negatively affects the pluralism of opinions in the press as well as the possibility of smaller media companies to convey their opinions because they hardly can outvoice the merged media giants.

Conclusions

In this article, we have analyzed the most important changes in the Russian media market, which have an impact on the media liberty. Originated in the authoritarian Soviet-Communist system, the Russian mass media have experienced dramatic changes in the last two decades. Nowadays, the transition period seems to draw to a close, and we suppose that the latest modifications in the media market are well-thought-out strategies rather than random unpremeditated actions.

Our approach was to explore which of these transformations affect the modern Russian media landscape most. We assume that one of the most important factors is that the media legislation in modern Russia is not realistic as it lacks a specific interpretation for its using in courts. But even a more questionable trend is the dissolution of one of the largest news agencies in the country RIA Novosti by the president's decree.

Such a self-willed interpretation of legislation, in our opinion, is a serious barrier to the freedom of speech and the main reason for self-censorship in the Russian media, in spite of the official prohibition of censorship in the Constitution. The overview of the Russian media law allows us to conclude that Russian authorities use the imprecise wor-

ding of the laws in their own favour, and even the relatively liberal legislation does not prevent violations of the mass media freedom. This tendency matches the concept of the neo-authoritarian system suggested by Becker.

Another trend described in this article is that the criticism of the authorities by Russian journalists is bounded as the media companies are controlled by the people who are loyal to the government. The example is the appointment of Mikhail Lesin, the former Head of the Federal Agency of Press and Mass Communications of the Russian Federation and a former Kremlin advisor, as the head of the largest state-controlled media holding Gazprom-Media.

Furthermore, the latest transformations of the Russian media landscape, when the merger of the media group Prof-Media Gazprom-Media has established control over the advertising market, which looks like a return back to the monopolization of the media in the Soviet era.

The observation and analysis of the current changes in the Russian media landscape allow us to indicate the main obstacles to the freedom of speech, which were mainly established by the authorities and became the basis for the neo-authoritarian system.

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