

The Press under Pressure – Strengthening the Fourth Estate

By Matthias Kaspers

Executive Summary

In the US and the EU, the media see themselves under threefold pressure from fake news stories, societal distrust, and governmental attacks, restraining them in performing their democratic functions and thereby threatening American and European democracy.

The US and the EU governments should strengthen the media by

- developing legal frameworks for the definition, identification, and removal of fake news, obliging social media websites to remove false content within 24 hours;
- providing a space and framework for community encounters, dialogues, and workshops in order to restore trust between journalists and citizens;
- refraining from discrediting media outlets and implementing regulation protecting the independence of the press.

1. Background and Context: The Fourth Estate

As the *Fourth Estate* in a democracy, the media perform a number of basic functions. Besides informing citizens on current events, their key responsibilities include discussing and clarifying complex issues of public interest, serving as a conduit between the government and the governed, and holding governments accountable for their actions. Media outlets serve as arenas of public debate, as voices of the public and the government, and as control agencies within the democratic system. In sum, the media contribute to a balanced and transparent political system. They are an indispensable element of a functioning democracy.

Over the last two years, American and European news agencies have met obstacles from at least three directions. First, a large number of fake news stories have spread in social networks, misinforming society, influencing public opinion, and inciting hatred and violence. Second, the majority of European and American societies mistrust their media, accusing news agencies of being controlled by the state or big companies and reporting in a one-sided fashion. Third, governments and incoming administrations have undertaken efforts to forgo traditional media channels and undermine or attack the press.

Each challenge directly relates to one of the media's key functions: misinformation challenges factual information; distrust harms the potential for public debate; and governmental efforts to bypass and undermine the media remove their control and voice functions. Put into context, these challenges impose a significant restriction on the press's ability to carry out their functions. They undermine the role of the press in a democratic system. Ultimately, they represent a direct threat to American and European democracy.

2. The Press under Pressure: Challenges from Three Directions

2.1 Fake News and the Role of Social Media

While their true impact is hard to measure, the potential harm of fake news stories is obvious: They misinform society. This can be particularly dangerous when they incite hatred and violence or when they develop political influence by misinforming voters before an election. In the US, fake news dominated social media in the run-up to the 2016 presidential elections.¹ In terms of engagement and reach on Facebook, the top bogus news stories clearly outperformed the top real news stories.² Similarly, the phenomenon has raised concerns in Italy, where more than half of the top news stories on social media related to the recent referendum were fake.³ These numbers are particularly alarming in light of the upcoming elections in France and Germany.⁴ Furthermore, events both in Europe and America prove that fake news can incite violence and hatred: In Washington DC, a gunman "investigated" a restaurant due to a fake news story about an alleged child sex ring,⁵ while in Berlin, fake news spread that a Russian girl had been raped by refugees, resulting in false accusations against the latter.⁶

The recent rise in fake news can be largely attributed to the availability of social media.⁷ While not a new phenomenon, the efficient online peer-to-peer distribution removes any traditional

¹ Alex Murray, "US election: Fake news becomes the news", *BBC*, 7 November 2016.

² Craig Silverman, "This Analysis Shows How Fake Election News Stories Outperformed Real News On Facebook", *BuzzFeed News*, 16 November 2016.

³ Ivana Kottasova, "Did fake news influence Italy's referendum?", *CNN*, 5 December 2016. See also: Jason Horowitz, "Spread of Fake News Provokes Anxiety in Italy", *The New York Times*, 2 December 2016.

⁴ Kate Connolly, Angelique Chrisafis et al., "Fake news: an insidious trend that's fast becoming a global problem", *The Guardian*, 2 December 2016.

⁵ Peter Hermann, Susan Svrluga and Michael Miller, "Alleged gunman tells police he wanted to rescue children at D.C. pizza shop after hearing fictional Internet accounts", *The Washington Post*, 5 December 2016.

⁶ Alice Bota, "Propaganda: Das missbrauchte Mädchen". *Die ZEIT*, 21 January 2016.

⁷ Chengcheng Shao, Giovanni Luca Ciampaglia, Alessandro Flammini and Filippo Menczer, "Hoaxy: A Platform for Tracking Online Misinformation", Submitted to the Third Workshop on Social News On the Web, Cornell University, 4 March 2016.

safety checks and filters. Governments could ask Facebook and Twitter to take responsibility and remove fake news stories as they appear. However, placing the decision of what is true in the hands of social media companies is no less alarming than the fake news itself. Similarly, when the term is misused by a government,⁸ the lines between authentic and fake news, between facts and “alternative facts” become blurry.⁹ Hence, all involved stakeholders including the authors, transmitters, and recipients of fake news must be held accountable. Any comprehensive policy response should target all three of them.

2.2 Societal Distrust in the Media

A second core problem is the prevalence of distrust in the media. The majority of society believes that the media are biased, state-controlled, and suppress supposedly undesired opinions. In 2016, an all-time low of 32% of Americans claimed to have trust in the mass media, while in the EU, the comparable number stood at 53%.¹⁰ This distrust has become visible through the recent resurgence of the term *Lügenpresse* (*lying press*),¹¹ frequently chanted by populist movements in Germany. The US saw a similar development as the distrust in mass media rose to unprecedented levels during the election campaign.¹²

The media are thereby deprived of another key function and, as many look up news on social media instead, the reach and effect of fake news increase even further.¹³ Restoring the credibility of news outlets is key to enabling the media to fulfill their democratic role. It is therefore crucial to identify the reasons behind the distrust. These could include basic socioeconomic considerations, but also the increased blurring of news and opinion, the discrediting among news agencies of opposing political affiliations, or the fact that the range of opinions present in society might be broader than that in the media.¹⁴ In any case, a policy response should not involve top-down governmental regulation as this could reinforce people’s

⁸ Tabatha Southey, “The term ‘fake news’ is quickly losing meaning in the Trump era”, *The Globe and Mail*, 13 January 2017.

⁹ Jill Abramson, “‘Alternative facts’ are just lies, whatever Kellyanne Conway claims”, *The Guardian*, 24 January 2017.

¹⁰ Art Swift, “Americans’ Trust in Mass Media Sinks to New Low”, *Gallup*, 14 September 2016. See also: European Commission, “Special Eurobarometer 452 – Media Pluralism and Democracy”, November 2016, and Bayerischer Rundfunk, “Informationen fürs Leben, BR-Studie zum Vertrauen in die Medien“, 2 May 2016.

¹¹ Adam Chandler, “The ‘Worst’ German Word of the Year”, *The Atlantic*, 14 January 2015.

¹² Derek Thompson, “Why Do Americans Distrust the Media?”, *The Atlantic*, 16 September 2016.

¹³ Regina Marchi, “With Facebook, Blogs, and Fake News, Teens Reject Journalistic ‘Objectivity’”, *Journal of Communication Inquiry*, 36(3), 246–262.

¹⁴ Sascha Lobo, “‘Lügenpresse’ ist keine Medienkritik”, *Der SPIEGEL*, 30 November 2016.

belief that the media are state-controlled. Rather, it should focus on bottom-up measures to build bridges between journalists and the public.

2.3 Governmental Threats

A third core problem is public officials' efforts aimed at disempowering or undermining the media. Over the last months, for instance, President Trump mostly ignored the media, using Twitter as a means of direct communication with the public. While some may argue that this is purely democratic in that it provides citizens with a direct link to a government, it entails two significant problems: First, tweets are inherently simplified as their length does not allow to break down complex issues. Second, the media cannot immediately comment on tweets to provide adequate context, but always lags behind. This is particularly problematic when the communication includes "post-truth" or false statements since by the time conventional media can respond, the damage may already be done.

Moreover, the President has verbally threatened and attacked news outlets on numerous occasions. Not only did he threaten to "open up libel laws",¹⁵ but he has also called a number of news outlets "failing", "dishonest",¹⁶ "biased, inaccurate and bad",¹⁷ and "scam[s]".¹⁸ In 2015, parallel attacks occurred in Europe. Poland passed a law allowing the government to appoint the heads of the public media stations, essentially undermining media independence.¹⁹ Similarly, Hungary established a national media council to control private media outlets and repeatedly retaliated against critical news agencies by forcing their shutdown.²⁰

Such statements and measures represent direct threats to the freedom of the press, one of the most fundamental values in American and European society.²¹ They pose a danger both internally and externally, as the domestic democracy suffers from a dysfunctional media, and authoritarian regimes around the world feel encouraged to step up their own attacks on the

¹⁵ Jacob Gershman, "Can Trump 'Open Up' Libel Laws?", *The Wall Street Journal*, Law Blog, 14 November 2016.

¹⁶ Aimee Ortiz, "Trump and the media: a Twitter story", *The Boston Globe*, 17 November 2016.

¹⁷ Donald J. Trump, Just watched @NBCNightlyNews – Twitter Status, Twitter, 11 December 2016.

¹⁸ Sarah Whitten, "Trump blasts Bezos on Twitter, calls Washington Post a 'scam'", *CNBC*, 7 December 2015.

¹⁹ Joanna Berendt, "Poland's President Approves Controls on State Media, Alarming E.U. Leaders", *The New York Times*, 7 January 2016.

²⁰ Eszter Zalan, "Hungary Is Too Small for Viktor Orban", *Foreign Policy*, 1 October 2016. See also: Andrew Byrne, "Leftwing newspaper critical of Hungary's leaders shut down", *Financial Times*, 13 October 2016.

²¹ The freedom of the press is enshrined both in the First Amendment to the United States Constitution and in the Charter of Fundamental Rights of the European Union.

media in light of the developments in the supposedly liberal Western world. Hence, an appropriate policy response is urgently needed.

3. Policy Recommendations

Although the different challenges require a separate analysis, they are all interlinked, reinforce each other, and constitute a systematic pressure on the media. Facing similar issues, yet operating in different sociopolitical environments, the US and the EU should cooperate to uphold the freedom of the press. I recommend that the US government and European Commission implement the following measures:

1. Both actors should develop a new legal framework for websites that author fake news. Websites should present clearly visible warnings about false content. Moreover, both actors should conclude and enforce agreements with Facebook, Twitter, and Google, obliging them to remove reportedly fake news stories within 24 hours. Finally, the US and the EU should act to promote critical reading skills at schools.
2. The US government and the European Commission should assume a bottom-up approach in encouraging encounters between journalists and citizens to restore trust in the media. While any governmental solution would only reinforce distrust, the government could provide a space and framework for community dialogues and workshops. However, the media will have to define and develop their own solutions to restore their credibility.
3. The incoming US administration should refrain from attacking or discrediting media outlets in retaliation for criticism. Rather, it should allow for a public debate of public issues. Similarly, the European Commission should implement an EU-wide regulation on protecting the independence of media stations, and explore and enforce punitive measures against non-compliant member states.

To conclude, the press is under enormous pressure from fake news, societal distrust, and governmental restrictions. It is the responsibility of the American and European governments to protect the freedom of the press and respond with swift action.

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