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► **To cite this version:**

Simon Dawes. Breaking News: Media Freedom in Crisis. Julian Petley; John Steel. The Routledge Companion to Freedom of Expression and Censorship, Routledge, 2023. hal-04382622

**HAL Id: hal-04382622**

**<https://hal.science/hal-04382622>**

Submitted on 9 Apr 2024

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## Breaking News – Media Freedom in Crisis

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Taking as a starting point the breakdown in public trust in mainstream politics and journalism in liberal democracies, and claims that liberal democracy is currently in crisis, this article will interrogate the extent to which crisis is a helpful metaphor for understanding our contemporary conjuncture and argue that the liberal theory of media freedom is itself in crisis, with its claims to represent the public interest being increasingly contested by the publics themselves. Ultimately, I will argue that we need to rethink media freedom beyond its roots in liberalism and to recast the relationship between media and publics if we are to address the current crisis in legitimacy.

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We talk a lot about crisis – the crisis of journalism; the crisis of liberal democracy; neoliberalism in crisis –and amusingly invoke the epithet of ‘breaking news’ to conjure the image of a broken journalistic model. Beyond technological and economic issues, however, what crises and breakdowns reveal (J. Alexander, 2015; Star, 1999) are not so much systems falling into disrepair and no longer working as well as they had been, nor a problem of wavering faith among a public that just needs some reconvincing, but the power relations that the system had previously been successful at keeping hidden, with ever more vocal critiques being met by ever more strenuous defences of the status quo. Indeed, it is when claims to perform a certain function (such as the importance of journalism and elected representatives for democracy, for example) are called into question that their relational function is also made visible – i.e., the relation of media and politics to the public. Further, the perception of crisis, breakdown, failure is entangled within precisely the power relations that sustain a web of particular judgements, fantasies and expectations (Appadurai and N. Alexander, 2019), suggesting that our perception of crisis, our critiques and our defences, owe more to ideology and illusions than empirical observation of an objective shift from before to after.

To begin with neoliberalism, it is remarkable that, following the financial crisis of 2008 and what some predicted would be its death knell, or Berlin wall moment (Peck et al., 2009: 95), with the popularisation of critiques and even some humble pie eating from the IMF (Ostry et al, 2016), neoliberalism has not only survived but thrived, becoming more embedded than ever and developing into a zombie form of austere and illiberal neoliberalism (Dawes & Lenormand, 2020; Hendrikse, 2021). In this case, despite the crisis revealing a fundamental flaw in the neoliberal model and a period of discursive contestation, the status quo has survived, becoming once more invisible as we all re-adopt the neoliberal gaze and divert our attention to false alternatives – so called populists, even supposedly anti-neoliberal ones, that do nothing to move away from neoliberalism – and scapegoats – immigrants, benefit scroungers, bureaucracy, “wokeism”.

Similarly, with the crises of journalism and liberal democracy, and of the liberal public sphere more generally, a common denominator is the issue of trust; the public no longer trust politicians or the media, with low voter participation and newspaper sales symptomatic of a lack of legitimacy in the systems in place to represent the public and to maintain an informed citizenry. Again, despite this legitimacy deficit, the status quo staggers on, with increasingly vocal critiques

being increasingly dismissed as conspiracies, and alternatives and scapegoats being constructed to turn attention away from the problems inherent in the system itself. Liberal media and politicians regularly warn us of the threat of populism and fake news, for instance. But such terms can be used too frequently and imprecisely, and there are dangers with conflating non-centrist political positions and equating the left with the far-right, as there are with dismissing alternative news sources and emotional user engagement.

Taking populism first, while contemporary liberalism ‘others’ its political opponents under this umbrella term, there is a risk in using it uncritically; indeed, some have argued that it’s better used as an adjective rather than a noun as populism doesn’t even exist in and of itself (Mudde & Kaltwasser, 2017). This has not stopped outlets such as *The Guardian* devoting extensive coverage to the rise of populism, including quizzes (Guardian, 2018) to test how populist you are and innocently asking how it could be that they now write so many articles about it (Rooduijn, 2018) – oblivious to the possibility that their coverage may have contributed to the rise of the phenomenon they describe. The first major problem with the prevalence of this term is that it contributes to a banalisation of the far-right, offering racist, fascist, white supremacist and neo-Nazi political actors a veneer of legitimacy with a less denunciatory nomenclature. Concomitantly, it demonises the (far-)left, delegitimising their political positions by reducing them dismissively to a phantom threat. In consequence, the far right and (far-)left are conflated as if racists and those arguing for public ownership of rail networks are all one of the same (Mondon & Winter, 2020). Meanwhile, the delegitimization of liberalism’s others goes hand in hand with the invisibilisation of liberalism as an ideology itself, while the ‘common sense’ centre simultaneously undergoes a transformation along illiberal and authoritarian (and populist) lines (Hendrikse, 2021), with the French election of 2022 demonstrating the liberal preference for adopting far-right discourses and policies (D. Fassin, 2019; E. Fassin, 2019), and even for collaborating with far-right parties when the alternative is to work with the left.

Similarly with fake news and efforts of the liberal media to fact-check from a self-declared position of authority – forgetting that “friends of truth are those who search for it, not those who claim to have found it” (Condorcet, 1791) – there is the danger that the umbrella term is applied to any and all of liberalism’s others, used to dismiss otherwise legitimate challenges to orthodox authority and the elite shared consensus (Tambini, 2017), while again making invisible their own ideological bias and role in defending it. Further, even when such information is indeed false, the extent to which it is somehow distinct from the information provided by the liberal media requires careful consideration, for official news sources are hardly immune from misinformation and even more malign disinformation, and rather than fake news being an exception, it is instead no more than the logical result of “a market economy that privileges short-term rewards and commercial impact” (Freedman, 2020) – the infrastructure of the liberal media itself. Such private interests have since the very beginning of the liberal public sphere undermined public interest or civic value journalism (Bell and Owen, 2017) that liberals proclaim to be the *raison d’être* of a free press, and it is those interests and logics that need to be interrogated, not a partial selection of their symptoms.

Those logics are also present in ostensibly public media, which has also always been liberal and too close to elite power (Mills, 2016), but which now also has to impossibly balance competing with its corporate rivals with not having undue impacts on competition, and which is subtly being neoliberalised from within even when it manages to resist privatisation (Born, 2005; Dawes, 2017a). Flagship public sphere programmes such as the BBC’s Question Time, for example, used to bring politicians before a representative public in a democratic exercise in

public accountability that privileged rational debate. Now that such programmes are outsourced and produced by private companies, the tone has shifted to privilege spectacle and outrage, audiences are strategically selected to give more voice to reactionary members of the public, and platforms are given to the far-right in an effort to manufacture controversy and encourage clickbait.

Rather than an apt description of actually existing phenomena, therefore, the attribution of ‘crisis’ to describe them reflects more liberal media’s and political actors’ perception of their own norms, expectations and role in society, and their willingness and ability to accept particular forms of social and political difference (Budarick, 2022). I would argue, further, that what this mainly reveals is more a crisis in liberalism’s hegemony and its ability to keep hidden its power relations. Instead of adopting the neo/liberal gaze and othering populists and fake news, therefore, I argue that we should return the gaze (Qureshi, 2020; Fernando, 2014) and consider ‘the liberal problem’ head on, focusing simultaneously on the related issues of liberalism’s privileging of the market and complicity with illiberalism, and considering instead radical and democratic socialist alternatives or supplements to a liberal form of democracy. In this article, I would like to focus on one particularly important aspect of this crisis in liberalism – the crisis in the liberal theory of media freedom itself. Indeed, at this time of ‘crisis’ and contestation, the need is all the greater for more nuance and rigour in our engagement with forms of journalism pertaining to have ‘civic value’ and to be in the ‘public interest’. For while the liberal public sphere is doubling down on excluding its “irrational/uncivil” non-liberal others (so called populists and so called fake news, for example) and post-ideologically invisibilising its self, its gaze and its power relations (adopting the imposture of a neutral window on the world rather than acknowledging the liberalism of its own ideological viewpoint), excluded voices and radical critiques of the liberal public sphere are increasingly trying to make themselves heard, revealing a fundamental problem with the status quo in terms of the relation between media and their publics.

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Terms like media freedom are often used strategically by those seeking to maintain the status quo, to the extent that they become floating signifiers, used in contradictory ways to refer implicitly or explicitly to a wide range of phenomena. What this often entails is the confusion of media freedom with media power, where it’s often a foil to protect the interests of owners or shareholders or dictatorial editors rather than journalists or other media employees. But recasting media freedom in terms of journalistic freedom (including that from their owners, shareholders and editors) would only go so far and not really address the real crisis in the public sphere. Even academic research that applies such terms risks being complicit in such processes, their rhetorical use being actually integral to (media) power (Freedman, 2014), with a normative focus on ideals of publicness and the public sphere often emphasising the ‘power to’ (or ‘power from’) over questions of the ‘power over’ (Brown, 2005; Fenton, 2018; Fenton and Titley, 2015), thus contributing to the invisibilisation of the liberal gaze and depoliticising the role of the media.

Media freedom should not be defended for media freedom’s sake, nor for the powerful private actors that own them to have unlimited power. While media freedom in some guise must be defended, it must be as a representative/public/citizen’s right (Cagé, 2016), and not as an absolute right in itself, nor as an individual right which can be balanced with other individual rights, such as privacy for example (Dawes, 2013; 2014). The media have a social and political role to represent the public and be accountable to them, but instead the media are frequently a

source of power themselves and a threat *to* the public, meaning that it is time that we started turning our attention to defending the public *from* the media. Similarly, the public should have the right to hold the media *to* account. Both these struggles should be done in the name of media freedom and not seen as threats to it.

While liberalism claims that media freedom, free speech etc. are what define it, so does representative democracy, and going back to the literature on public opinion, upon which Habermas drew to develop his concept of the public sphere, we can see that the media were developed in this representative model too, as one of the estates, representing the public and public opinion and holding power to account on behalf of the public. But another trajectory of liberalism has privileged the separation of state and the private realm of the market (Foucault, 2009), abandoning journalism to the latter so that private people can come together as a public and hold the state to account (Habermas, 1992). When we talk of the media holding corporate power to account as much as the state, and being free from the market as well as from the state (Dawes, 2014), we should do so more specifically in terms of representativeness. Even PSB has historically neglected the public, favouring instead a top-down approach that treats the public as passive citizen subjects (Dawes, 2017a; Hind, 2012; Mills, 2016) not too dissimilar from how the press and the corporate media treat the public as passive consumers. While the public's voice requires formal procedures for participation in the case of public media, for private media as well there need to be more safeguards to protect the public and independent regulation to ensure the media really do benefit the public sphere and not just pay lip service to a vague notion of the public interest.

While liberalism claims that media freedom is important for democracy, that the media are representative of public opinion and of the public, and that they hold power to account on behalf of the public, liberalism tends to ignore the ways in which the media also undermine democracy, influence and manipulate public opinion, hold some powers to account but not others, and represent some publics while not representing, misrepresenting or even stigmatising other publics, as well as the extent to which the media are themselves a form of power that is not only unaccountable to the public but from which the public are not free.

When we hear that media freedom is under threat, we should be careful to deconstruct exactly what is under threat and to understand why. Many of these threats come from affective/connective/counter publics (Dawes, 2017b; Foucault Welles, 2015; 2016; Fraser, 2007; Papacharissi, 2015; Wang, 2022) usually excluded from and in tension with the liberal public sphere; counter speech (Dawes, 2015) and arguments about the limits to free speech (Tittle, 2020), particularly that of the media; and calls for regulation and accountability of a media system that is inclined to resist such efforts. Such phenomena disrupt dominant narratives, 'presencing' underrepresented viewpoints (Papacharissi, 2015). When public inquiries reveal widespread corruption between the media, politics and the police, and propose independent regulation, as with the Leveson Inquiry in the UK following the *News of the World* phone-hacking scandal, we should take with more than a pinch of salt the press's claims that such regulation would mean the end of media freedom (Dawes, 2013; 2014). When the media are free to stigmatise, discriminate and harass minority communities (Poole & Williamson, 2021) or get away with invading the public's privacy en masse, we should avoid individualising issues such as privacy and discrimination and focus instead on their structural dimensions. The French media's treatment of those refusing to say *Je Suis Charlie*, ignoring at first and then condescendingly dismissing the arguments of those that did not want to express their outrage at the massacre of *Charlie Hebdo* journalists by identifying with a publication that they felt discriminated against them, must be

understood in the context of the wider media representation of Muslims in France and an evaluation of diversity and inclusion in media representation and production (Dawes, 2015; 2017b). Similarly, events such as the Grenfell Tower fire in the UK remind us not only of social inequality issues and the historical context of urban development under racial capitalism, governmental efforts to cut back on health and safety standards, and those of private companies to cut corners and risk lives to save money, but also the sorry state of local journalism and the absence of local, working class and BAME journalists reporting on their own communities (Danewid, 2020; Bell, 2017; O'Tool, 2019). Culture wars debates on so called cancel culture and the free speech crisis (Tittle, 2020; Ng, 2022; Riley, 2021), as well as associated issues of minority calls for safe spaces (Waugh, 2019), including from the media, alert us to the limits of the liberal faith in the marketplace of ideas and the belief that if you don't like it, you don't have to read or watch it, again ignoring the wider structural effects of platforming discriminatory figures and viewpoints.

Rooting the media in the private sphere and privileging freedom in terms of that from the state has long been recognised as a fundamental flaw in the liberal model (Habermas, 1992), for although it deals with the problem of state/government control, it leaves the media open to private/corporate interests, prioritises market logic over the public interest, and excludes the possibility of regulation that could undermine the autonomy of the media, especially if there is anything resembling state or government intervention in the affairs of the regulator. This leaves these private-interest, profit-seeking, cost-cutting corporations completely free to do whatever they want with impunity, and the contemporary 'crisis' in the economic funding model of newspapers, for instance, only exacerbates these fundamental problems as it is increasingly the case that only powerful multinational corporations can afford to own and lose money with newspapers, restricting plurality to that between a limited number of corporate actors. But freedom/liberty is not synonymous with impunity, does not rule out accountability, and necessitates a balancing of rights with responsibilities, and of media freedom with other rights and freedoms in the context of their contribution to the public sphere. In the UK, rightwing efforts are currently underway to withdraw the Human Rights Act, and with it the obligation on judges to balance the media's right to publish with the public's right to privacy, with reference to the public interest and the media's own code of practice, which currently states that when balancing media freedom and privacy it must be recognised that there is a public interest in freedom of expression itself (IPSO, 2021). But there is an inherent public interest in privacy too, and both are as essential for a healthy public sphere as they are mutually dependent (Dawes, 2014), and if and when the Act is no more, this important aspect of the public interest will once again be completely neglected in favour of a conflation of (private interest) media freedom (or power) and public interest. There is also a tendency to conflate media freedom with the free speech of journalists, or more precisely that of media organisations, individualising this important social and political freedom and equating the freedom or power of these powerful corporate entities with that of an individual member of the public, empowering them to have an unaccountable and unlimited ability to influence public opinion and undermine democracy. But there is a difference between an individual's unconditional right to free expression (which only ends where another's begins) and the freedom of a newspaper to "...undermine individuals' abilities to judge for themselves and to place their trust well" (O'Neill, 2011).

Finally, despite the foregrounding of fearless public interest journalism instead of a more representative account of the kind of journalism actually produced by the corporate media, as well as that of the role of journalist as synonymous with media, it is not really journalists or

public interest journalism that are protected when we talk of media freedom. Rather it is the freedom and power of proprietors and shareholders to prioritise the kind of news that sells or that corresponds with their own private interests and views, regardless of the extent to which it undermines democracy and the public interest or exploits journalists or other media workers. Instead, journalists and workers should have freedom from the owners and shareholders of their institutions, as well as from their editors who should in turn also be free of owners and shareholders.

Media freedom is in crisis because it has been abused and bastardised to such an extent that liberal media's self-aggrandising claims are increasingly unconvincing, and a fundamental rethinking of the concept of media freedom is necessary to address the fundamental problems addressed above. This will entail an interrogation of what we mean by freedom but also of media and publics and the relation between them. The starting-point must be the recognition that the media, however conceived, do not have a monopoly on media freedom, which is not a privilege of proprietors and shareholders, nor even of journalists; rather, it is a citizen's right, with the media merely representing the public, not replacing them (Cagé, 2016; Plenel, 2020). Putting the public (rather than the media) front and centre of a conception of media freedom would directly address the self-defeating flaws in the model that has always claimed to protect democracy more than it actually has, and that has simultaneously always actively undermined it more than it would ever admit. Additionally, we must recognise that despite the media's claims to hold power to account, state/government power is as much held to ransom as it is to account, while corporate power is relatively free from media accountability. Indeed, media power itself, entwined with other forms of power, especially corporate power, is not even recognised as a form of power that also needs to be held to account. Emphasising the power and freedom of the public over that of the media would also enable a discussion on how to hold media power to account.

In turn, this would enable us to understand and address the crisis of media freedom in terms that a commonsensical (media-centred) understanding of media freedom makes linguistically nonsensical. It would clarify our need, more specifically, to redress the media's power *over* the public with recourse to an alternative emphasis on the need to protect the public's freedom *from* the media, and to redress the media's freedom *from* public accountability by emphasising instead the public's right *to* hold media power to account. Such a perspective would complement radical initiatives and proposals for a public-centred rather than a media-centred public sphere, such as those calling for reforms to public media (including the public commissioning of content and representation for public media workers and publics in governing bodies) as well as corporate media (such as the need for independent regulation of the press) (Cagé, 2016; Dawes 2017a; Freedman, 2014; Hind, 2012; Media Reform Coalition, 2018; Mills, 2016).

While liberalism is quick to 'other' its alternatives and present them as illegitimate, we should consider carefully where we draw the line between what is and isn't legitimate and not adopt the same liberal gaze as that of the media and political elites. At the same time, we should make efforts to make liberalism itself visible and to return the gaze, exploring the extent to which liberalism itself is guilty of illiberalism, populism and fake news, and to which media freedom itself, as it is popularly understood and actually regulated, serves to undermine democracy and harm the public. Rethinking media freedom, decoupling it from impunity and recognising the need for regulation, recasting it so that we also consider the media's freedom from, and ability to hold to account, corporate power as well as state/government power, privileging a differentiated conception of the public(s) rather than media power, and seeing media freedom more as a citizen's right than as the privilege of journalists or powerful private interests, would recognise

the crisis for what it is and help to defend a form of representative media freedom that isn't necessarily or just liberal, but that truly is in the public interest.

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