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Executive Summary

Journalists around the world are confronting violence, repression and censorship, with the number of journalists in prison reaching record levels. For decades, the defense of global press freedom has been largely grounded in a human rights framework, linked to the individual right to freedom of expression as codified in international law. The author, the founding director of the Journalism Protection Initiative at the Craig Newmark Graduate School of Journalism, and the former executive director of the Committee to Protect Journalists, argues that the human rights model has not delivered the necessary results. There is a need to expand the framework for press freedom defense to incorporate the notion of public interest. Linking press freedom and public interest allows for the protection of press freedom based not only on the individual right to free expression but also on the collective social benefit derived from independent journalism.

A public interest framework has the potential to unite the different sectors that are seeking to positively influence the global information space – groups engaged in free expression advocacy, the media development community, democratic governments and the tech platforms. Creating a global information system that serves the public interest is the best available articulation of their shared goals. Public interest represents a powerful social norm within journalism and is also a recognized regulatory framework often applied to media. But its meaning is contested and evolving.

While the adoption of the public interest framework will not solve the global information crisis, it will more clearly define the goal, grounding the debate and making it more productive. Journalists themselves have much to contribute to the public dialogue precisely because public interests represent such a strong normative value within the profession. The best-suited institutions to represent the interests of journalists and ensure their perspective informs the policy discussion are journalism schools at leading universities, which should expand research and education related to the concept of public interest.

A New Paradigm for Global Journalism: Press Freedom and Public Interest

by Joel Simon

Introduction

What are we fighting for when we fight for press freedom? What positive outcomes for societies and for the global community do we seek to achieve? The answers to these questions may appear obvious, but in fact there is no consensus. This lack of a shared framework or rationale for the defense of press freedom undermines efforts to nurture, sustain and defend independent media around the world.

Certain facts are not in dispute: Over the decade press freedom has declined precipitously.¹ More journalists are in jail today than at any point in recent history, according to data compiled by the leading advocacy organizations.² Acts of violence against journalists, perpetrated by criminals, terror groups, and states themselves, are recorded regularly. The decline in press freedom has correlated with the “democratic recession” documented in numerous indices, and the rollback in political freedom worldwide.³ Many authoritarian countries, notably China and Russia, have simultaneously expanded censorship and media repression while embarking on more assertive, aggressive and militarized foreign policies. Lies and government propaganda coupled with outright repression in many countries crippled the global response to the COVID-19 pandemic by undermining the public health consensus.⁴

The question is not only, *what is to be done?* But also, *why?* Would expanded press freedom help reverse or mitigate these negative trends? If so, how do those fighting for the rights of journalists make the case?

Journalists – including those in the United States – are part of a global information system transformed by new technologies. In my decades as a press freedom defender, I identified four primary “sectors” that sought to positively shape the global information space. The first is the advocacy community that I was a part of. This is made up of groups explicitly fighting for press freedom and rights of journalists such as the Committee to Protect Journalists, Reporters Without Borders, and the International Press Institute, among others. Next is the media development

¹ Sarah Repucci, *Media Freedom: A Downward Spiral* (Washington, DC: Freedom House, 2019), <https://freedomhouse.org/report/freedom-and-media/2019/media-freedom-downward-spiral>; Vanessa A. Boese, Nazifa Alizada, Martin Lundstedt, Kelly Morrison, Natalia Natsika, Yuko Sato, Hugo Tai, and Staffan I. Lindberg, *Autocratization Changing Nature? Democracy Report 2022* (Gothenburg: Varieties of Democracy Institute (V-Dem). 2022), https://v-dem.net/media/publications/dr_2022.pdf.

² “Number of journalists behind bars reaches global high,” *CPJ*, December 9, 2021, <https://cpj.org/?p=149521>.

³ Larry Diamond, “Facing Up to the Democratic Recession,” *Journal of Democracy* 26, no. 1 (January 2015): 141-55.

⁴ Joel Simon and Robert Mahoney, *The Infodemic: How Censorship and Lies Made the World Sicker and Less Free* (New York: Columbia University Press, 2022).

community, organizations seeking to create and sustain independent media by providing financial and technical support. Third is democratic governments, which via their own foreign policy or by working through intergovernmental organizations, created the laws, norms, and regulations that determine how information flows within countries and across borders. Finally, there are the technology companies that effectively govern the global information space through their control of the infrastructure and their formulations of policy, particularly around content moderation.

Each of these sectors supported press freedom and the rights of journalists to a greater or lesser degree. Each has a different rationale for doing so. Each defined their objectives differently.

Press freedom groups, for example, are grounded in human rights culture, meaning that they defend the rights of all journalists based on free expression principles as enumerated in international law. Their goal is to not promote a particular view or perspective, but to ensure that all voices are heard through the media, based on a belief, sometimes implied, sometimes stated, that citizens will sort through it all and make more informed political decisions.

The media development community measures success by outcomes – the creation of new media organizations that provide independent information, especially for underserved or disadvantaged populations. In the simplest terms, these groups are divided about why this is important. Is independent media an intrinsic public good? Or does it lead to second order benefits, such as enhanced democracy, reduced conflict, or better public health outcomes?

Democratic governments, meanwhile, recognize human rights and want to create positive outcomes through media development investments, but are ultimately guided by what they perceive to be their interests. For example, how does the defense of press freedom and the protection of journalists enhance security arrangements and create regional stability? Because the correlation is not always clear, democratic governments often compromise on their stated commitments.

The tech platforms are of course private companies that are motivated by profit. For some time, profits and the protection of press freedom were seen to have some plausible alignment, because a free expression framework limited the need to moderate content, which is both expensive and complicated. Obviously, expectations have shifted and today tech companies are very proactive about removing content. Still, the platforms create value by allowing people to share as much information as possible, including news, even as they take active measures to filter out information that is deemed to be harmful.

This White Paper examines the potential for developing a unifying framework, a way in which all four of these sectors can express a shared rationale for defending press freedom. It is my view

that the promotion and protection of public interest journalism and the creation of a global information system that serves the public interest best reflects the shared purpose. The adoption and articulation of this shared vision has the potential to promote greater clarity and understanding between the sectors, and to better articulate to the public itself and even to skeptical governments why the defense of press freedom is so essential.

What is the public interest? It's a contested concept and one that is difficult to define. But in fact, its subjective nature is precisely what makes the term attractive. Once you engage with the idea of public interest, it does a huge amount of work. Public interest exists as a normative value within journalism – in fact, it represents some of the profession's highest ideals. Many professional prizes recognize public interest journalism.⁵ It's even part of the tagline of a number of leading media organizations including ProPublica, which aspires to carry out “investigative journalism in the public interest.” When I asked former ProPublica President Dick Tofel how he and the other founders of the organization defined “public interest” he said they never did. “But I think what people mean when they talk about public interest journalism is reporting about serious issues of concern to society,” Tofel told me.⁶

Public interest is also a legal concept that allows for a limited zone of discretion. It has often been applied to legal matters involving journalism and other forms of expression. For example, in 1971 the U.S. Supreme Court in *Rosenbloom v. Metromedia, Inc.* ruled that journalists reporting on “matters of public interest” are entitled to the highest level of protection against libel claims.⁷ Much more recently, Guardian investigative reporter Carole Cadwalladr prevailed in a libel claim lodge in response to a 2019 Ted Talk (and a tweet) based on a public interest defense.⁸

Public interest is also a regulatory framework often applied to media. In the United States, the Federal Communications Commission, which oversees the broadcasting, is directed by law to

⁵ See for example, “Goldsmith Awards Program,” Harvard Kennedy School Shorenstein Center on Media, Politics and Public Policy, accessed December 16, 2022, <https://shorensteincenter.org/goldsmith-awards/>; “John Bartlow Martin Award,” Northwestern University, accessed December 16, 2022, <https://www.medill.northwestern.edu/about-us/awards/john-bartlow-martin-award.html>; “Public Service,” The Pulitzer Prizes, accessed December 16, 2022, <https://www.pulitzer.org/prize-winners-by-category/204>.

⁶ Dick Tofel, Email message to author, December 6, 2022.

⁷ *Rosenbloom v. Metromedia, Inc.*, 403 US 29 (1971); Jane E. Kirtley, “*Rosenbloom v. Metromedia, Inc.* (1971),” *The First Amendment Encyclopedia*, 2009, <https://www.oyez.org/cases/1970/66>; In writing for the plurality Justice William J. Brennan, Jr did not define public interest. In dissent Justice John Marshall Harlan II rejected the public interest test because he believed it granted too much discretion to judges to determine what is newsworthy.

⁸ *Banks v Cadwalladr* [2022] EWHC 1417 (QB); As in the *Rosenbloom* case, the legal matter in the *Cadwalladr* case was whether journalists engaged in reporting and commentary on matters of public interest have greater protection against libel claims. The claim related to a 2019 Ted Talk entitled “Facebook’s role in Brexit – and the threat to democracy” in which *Cadwalladr* claimed that a British businessman and Brexit proponent *Arron Banks*, had close ties to Russia.

See also: Elizabeth Wiggin, “A victory for public interest journalism,” *The Law Society Gazette*, July 15, 2022, <https://www.lawgazette.co.uk/legal-updates/a-victory-for-public-interest-journalism/5113180.article>.

regulate based on “public interest, convenience, and necessity.” That standard, first articulated in the 1927 Radio Act, was never fully defined and has been a source of conflict and debate for nearly 100 years. The fundamental point of agreement is that under the standard broadcasters must balance the interests of the viewers and listeners with those of their advertisers and shareholders. “The genius of the public interest standard is its breadth and flexibility,” noted scholars Erwin Krasnow and Jack Goodman in 1998.⁹ Beginning in 1949, the FCC imposed a “fairness doctrine” on broadcasters, requiring them to essentially present sides in an active political debate, a standard that was upheld as constitutional by the U.S. Supreme Court in the 1969 *Red Lion* decision.¹⁰ Because that fairness doctrine was based on the scarcity of broadcast frequencies, it was voluntarily abandoned by the FCC once hundreds of cable channels became available. The FCC is a political institution, and today takes a hands-off, free market approach. But its regulatory authority – and its discretion to apply and interpret the public interest standard – has never been challenged.

Within the media development community there is a long-standing debate about what kind of journalism international donors should support and finance. In a 2018 blog, BBC Media Action research and policy director James Deane proposed support for “free and independent media” should be the priority. Deane later decided he preferred the term public interest, which he defined loosely as applying to those media “working in the interest of all people, all of society, not those with power or money.”¹¹ Meanwhile, media scholar Philip Napoli in looking at public interest as a framework for content regulation on social media platforms makes a distinction between meeting the information needs of consumers and serving those of citizens.¹²

What these varying definitions of public interest share is a recognition that information has a social value. What constitutes public interest is a subjective determination that is both contextual and fluid. But the concept is well established and broadly applied.

There are of course other terms that those engaged in press freedom defense use to describe the media they want to create, nurture and sustain: independent, accountability, quality, local, community, investigative. These terms are all excellent, but public interest is preferable because of its broad application. Some have also argued, particularly in the United States, that journalists should play a more active and direct role in the defense of democracy. This is an important and

⁹ Erwin G Krasnow and Jack N. Goodman, "The 'Public Interest' Standard: The Search for the Holy Grail," *Federal Communications Law Journal*: Vol. 50 : Iss. 3 , Article 5 (1998), <https://www.repository.law.indiana.edu/fclj/vol50/iss3/5>.

[All other sources in this research paper.](#)

¹⁰ *Red Lion Broadcasting Co., Inc. v. FCC*, 395 U.S. 367 (1969).

¹¹ James Deane, “Is it time for an International Fund for Free and Independent Media?” *BBC Media Action Insight Blog*, July 3, 2018, <https://www.bbc.co.uk/blogs/mediaactioninsight/entries/1d207ec1-0502-4329-b458-87bc1c111c40>; James Deane, Interview with author (via video), May 11, 2022.

¹² Philip M. Napoli, *Social Media and the Public Interest: Media Regulation in the Disinformation Age* (New York: Columbia University Press, 2019).

reasonable position in the U.S. context and in many places around the world where democracy is under threat. But it cannot be a global standard. In too many countries – from Cuba to China, and from Russia to Iran – journalists who became advocates for greater democracy are likely to get a one-way ticket to jail. Public interest journalism is possible within repressive countries, however. It's an inclusive and consensus-building vision of why journalism and press freedom matters everywhere, and a way to build pragmatic and incremental strategies to expand and protect the rights of journalists and media organizations in the U.S. and around the world that perform an essential function.

The Russian Crucible

For 15 years, between 2006 and 2021, I served as the executive director of the Committee to Protect Journalists (CPJ) and in that capacity traveled the world to defend press freedom. I visited countless newsrooms and interviewed hundreds of journalists under threat. I regularly met with government representatives to make the case that respect for press freedom was not only a matter of law and principle but of national interest. I helped produce detailed reports describing the deteriorating climate and making specific recommendations. I prodded democratic governments to speak out and apply pressure when press freedom was violated. I rallied the global media to cover attacks on their colleagues. I worked closely with peer organizations in the press freedom community. All of these efforts made a difference. But they were not enough to reverse the alarming decline in press freedom worldwide.

As the losses mounted and jails filled, questions emerged. Was our strategy correct? Were we making the best argument to engage the public, governments, policymakers and the media community itself? Were we effectively able to communicate why journalism mattered, at a time when it was being transformed by technology? Was there an inherent weakness in the human rights model for advocacy, developed and refined over decades, and based on a name-and-shame approach?

These questions arose in particular in regard to CPJ's work in Russia, where the modern press freedom movement was born following the collapse of the Soviet Union and where traditional advocacy strategies would meet their clear limits on February 24, 2022, when Russian tanks rolled into Ukraine. Up until that time, and for all of his years in power, Vladimir Putin had tolerated a cadre of independent media outlets. Our goal as a press freedom organization had been to defend these journalists and media outlets, and to fight on their behalf to keep Russia's information space open.

Following the murder of *Novaya Gazeta* investigative journalist Anna Politkovskaya in 2006, CPJ dispatched annual delegations to travel to Russia to press for justice and accountability in her murder and the murders of more than a dozen other journalists whose killings were linked to

their work.¹³ I participated in many of these “missions,” which included meetings with senior Russian officials, from top law enforcement to members of the Supreme Court. We regularly visited the newsrooms of *Novaya Gazeta* and the independent radio station Ekho Moskvyy to hear concerns and express our solidarity. These visits would generate media coverage, mostly in the same outlets we were defending.¹⁴ In meetings with the Investigative Committee, the Russian equivalent of the FBI, we secured public commitments to investigate the crimes and regularly engaged with frontline investigators.

Russia’s political leadership seemed largely indifferent to our efforts, aside from the obvious and visible surveillance our delegations attracted. We never got a Kremlin meeting, but we were not attacked or denounced, either. Russian journalists wanted our support – and urged us to return each year. We felt passionately that we were on the right side of history, and that our efforts were making a difference.

But at a certain point, that changed. When the Russian government began portraying critical and independent media as “foreign agents” and prosecuting them on that basis, it became obvious to us and the journalists we were supporting that visits by delegations of U.S. press freedom advocates would only make their situation worse. In fact, Russian journalists asked us not to come. We tried to find creative ways to apply pressure from outside the country, for example pushing Germany to raise press freedom concerns more forcefully, recognizing the relationship that Putin and Chancellor Angela Merkel maintained. But obviously Russia continued to grow more repressive.

The residual tolerance for independent media in Russia ended abruptly once Putin launched the invasion of Ukraine in February 2022. The reasons were obvious. Putin justified the war based on lies, and his ability to keep Russian citizens in the dark required complete control over the information space.¹⁵ The strategy worked, at least initially. The vast majority of Russians supported the military campaign in Ukraine, and believed that the country was being purged of Nazis.¹⁶ Both *Novaya Gazeta* and Ekho Moskvyy shut down in the face of a new law which required media outlets to refer to the Ukraine invasion not as a war but as a “special military operation,” or face 15 years imprisonment.¹⁷

¹³ See Billie Sweeney and Lauren Wolfe, ed. “Anatomy of Injustice: The Unsolved Killings of Journalists in Russia” (New York: Committee to Protect Journalists, 2009).

¹⁴ C. J. Chivers, Police Tied to Murder of Russian Journalist, *The New York Times*, January 23, 2007, <https://www.nytimes.com/2007/01/23/world/europe/23cnd-russia.html>

¹⁵ See also: Masha Gessen, “Inside Putin’s Propaganda Machine,” *The New Yorker*, May 18, 2022, <https://www.newyorker.com/news/annals-of-communications/inside-putins-propaganda-machine>

¹⁶ Charlie Smart, “How the Russian Media Spread False Claims About Ukrainian Nazis,” *The New York Times*, July 2, 2022, <https://www.nytimes.com/interactive/2022/07/02/world/europe/ukraine-nazis-russia-media.html>.

¹⁷ “Transcript: Vladimir Putin’s Televised Address on Ukraine,” Bloomberg News, February 24, 2022, <https://www.bloomberg.com/news/articles/2022-02-24/full-transcript-vladimir-putin-s-televised-address-to-russia-on-ukraine-feb-24?leadSource=verify%20wall>;

Public attitudes appear to have shifted somewhat since the initial invasion, and sporadic protests broke out following the announcement of forced conscription in September 2022.¹⁸ But the annihilation of independent journalism in Russia is complete. At an event in New York, *Novaya Gazeta* editor Dmitry Muratov called it a “genocide” adding, “there is nothing left but propaganda.”¹⁹ Almost the entire independent press corps – thousands of Russian journalists – are in exile. Many have resettled in Turkey and Georgia, two countries Russians are able to travel to without visas. The Russian media exodus came shortly after changes in governments in Afghanistan and Myanmar, and the end of independent journalism in both countries. It followed similarly unsuccessful efforts to defend journalism in places like Turkey, where President Recep Tayyip Erdogan used both repression and regulatory strategies to crush independent media; or Mexico, where unrelenting and unpunished violence against journalists perpetrated over decades has created vast “silent zones”²⁰ where criminal organizations set the information agenda. During my last year at CPJ, our efforts were focused less on fighting for expanded press freedom, and more on evacuating and resettling journalists under threat. After I announced my plans to step down as executive director in June 2021, a journalist asked me if I could name one country around the world where press freedom had improved in the last decade as a result of our efforts. I could not cite a single example.

Of course, I believe that CPJ’s advocacy – and the efforts of the press freedom community as a whole – made an enormous difference, and that things would have been far worse for journalists around the world without our interventions. I recognize that we were fighting against powerful global forces that were arrayed against us. But I also believe the moment demands an honest reckoning and accounting and questioning of our assumptions.

That begins with acknowledging that many of the traditional strategies employed by press freedom and free expression advocacy organizations have not been effective in the current information environment. This is in part because the central animating argument of the press freedom movement²¹ – that by defending the human rights of all journalists the voices of independent journalists will triumph in the marketplace of ideas – is no longer credible. As media scholar Damian Tambini, argues in his 2021 book *Media Freedom*, “The liberal democratic polity based the legitimacy of collective decision-making on a notion of individual liberty and rationality,” adding, “[T]he entire system rested on the ability of the media to marshal

¹⁸ Andrew Roth, “Kremlin attempts to calm Russian fury over chaotic mobilisation,” *The Guardian*, October 1, 2022,

<https://www.theguardian.com/world/2022/oct/01/kremlin-attempts-to-calm-russian-fury-over-chaotic-mobilisation>.

¹⁹ Joel Simon (@joelsimonsays), ““At @globalfreemedia Congress at @columbiajourn Dmitri Muratov says “the genocide of Russian media has come to its conclusion and there is nothing left but propaganda,”” Tweet, September 8, 2022, <https://twitter.com/JoelSimonSays/status/1567990458592141312>.

²⁰ <https://cpj.org/reports/2010/09/silence-death-mexico-press-about-report/>

²¹ Throughout this essay. I use press freedom to refer to the expressive rights of journalists, regardless of the medium in which they work. Media freedom is the more inclusive and broader term. But “press freedom” is deeply embedded in the journalism advocacy community and so I use it to avoid confusion.

sufficient trust in the fairness of the democratic game, and the ethical basis of their own craft.”²² This can no longer be assumed. As I argue in the next section, the human rights-based framework must therefore be supplemented by an approach that describes and makes explicit the kind of journalism that press freedom groups seek to defend, and makes common cause with other sectors to influence the global information space in positive ways. The defense of journalism that serves the public interest must be the top priority.

Press Freedom and Human Rights

For the last half century, the defense of press freedom around the world has been rooted in a human rights framework. The origins of this relationship date back to the early 1980s, when Aryeh Neier, the founder of the Helsinki Watch Committees (which would later become Human Rights Watch) began a project to bring various professions into the emerging human rights movement. The rights of journalists were particularly important, Neier told me on various occasions, because journalists themselves were under attack, most directly from military governments in Latin America.²³

But Neier also believed that sensitizing journalists to human rights concerns would strengthen the movement as a whole, generating coverage for violations wherever they might occur. He worked closely with the founders of the Committee to Protect Journalists, Michael Massing and Laurie Nadel, to give the emerging organization a human rights framework. When CPJ was launched in 1981, board member Peter Arnett, who had recently left the AP to join the fledgling Cable News Network or CNN, explained the role of the new organization. “We want to be the link between journalists and human rights concerns wherever it involves the abuse of reporters,” Arnett said at the time.²⁴

I joined CPJ in May 1997 as the Americas program coordinator, having spent a decade as a reporter in Latin America. On my first day on the job, I was handed a photocopied and stapled document referred to as the “casework manual.” The manual explained that CPJ’s advocacy was grounded in the defense of fundamental human rights, most essentially Article 19 of the Universal Declaration of Human Rights, which declared that “Everyone has the right ... to seek and receive information through any medium and regardless of frontiers.”

The commitment to these principles, the casework manual explained, is what gave CPJ standing as an international organization (staffed largely by Americans at that time) to make pronouncements about press freedom conditions and engage in advocacy when journalists came

²² Damian Tambini, *Media Freedom* (Cambridge: Polity Press, 2021), 1

²³ Personal recollection See also Aryeh Neier, *Taking Liberties: Four Decades In The Struggle For Rights* (New York: Public Affairs, 2005), 150. Joel Simon, *The New Censorship: Inside the Global Battle for Media Freedom*, (New York: Columbia University Press, 2019). 154-159.

²⁴ Simon, *The New Censorship*, 156.

under attack anywhere in the world.²⁵ Precisely because CPJ was committed to defending the fundamental rights of all journalists, staff like me were instructed not to make judgements or “to engage in media criticism.” Under international law, all journalists were entitled to precisely the same protection. The premise, linked to the broader human rights movement, was that defending the fundamental right of journalists would strengthen accountability, seed democracy, and help shape the emerging rules-based international order. Through its press freedom advocacy, CPJ could help transform societies. However, this endeavor would only have credibility if we stuck to our principles, defending all journalists regardless of their ideology, and eschewing judgments about the quality or ethics of their reporting.

There was certainly a bit of magical thinking in this formulation but at the time it seemed to be working. In my first few years at CPJ, independent journalism blossomed around the world.²⁶ Of course the collapse of the Soviet Union had a lot to do with this, but so did the political opening in Asia, and the end of proxy wars in Latin America. The press freedom movement itself was rapidly expanding. As I soon learned, there was an entire alphabet soup of organizations dedicated to media defense. Old-line groups representing publishers included the Vienna-based International Press Institute (IPI) and the Inter American Press Association (IAPA), based in Miami. Reporters Without Borders (RSF), founded in 1985 with an original mandate to support journalists covering humanitarian disasters, later pivoted to defending press freedom. RSF has historically had an activist bent and in its early years a proclivity for stunts, like disrupting the start of the 2008 Olympic torch relay from Greece to Beijing by unfurling a banner with interconnecting handcuffs replacing the Olympic rings.²⁷ But its mandate is firmly grounded in human rights. In countries around the world where journalists were under attack, national-level human rights organizations sprang up. They were linked together in a global network called IFEX, run out of Toronto.²⁸

One of the challenges I soon discovered in my new role was understanding the limits of the kind of journalism CPJ was prepared to defend. Some of the journalists in Latin America whose rights were under attack were corrupt, in that there was evidence that they had taken money from politicians or criminal organizations in exchange for favorable coverage. Others were just lazy, and published regurgitated press releases or unsubstantiated allegations without bothering to

²⁵ This account of my CPJ orientation and the content of the “Casework Manual” is based on personal recollection. However, CPJ’s current Policy Manual uses similar language. It states, “CPJ does not engage in media criticism, meaning we do not take up a case based on an article, whether it is good, bad, biased or objective. We defend journalists who are attacked or censored regardless of the content of their work unless they incite violence.”

²⁶ Adrian Karatnycky, *Freedom in the World: The Annual Survey of Political Rights and Civil Liberties 1998-9* (New York: Freedom House, 1999); Adrian Karatnycky, *Freedom in the World: The Annual Survey of Political Rights and Civil Liberties 1999-2000* (New York: Freedom House, 2000); Adrian Karatnycky, *Freedom in the World: The Annual Survey of Political Rights and Civil Liberties 2000-2001* (New York: Freedom House, 2001); Sarah Repucci, *Media Freedom: A Downward Spiral*.

²⁷ Helena Smith and Tania Branigan, “Pro-Tibet protesters strike as the Olympic flame is lit,” *The Guardian*, March 25, 2008, <https://www.theguardian.com/world/2008/mar/25/tibet.olympicgames2008>.

²⁸ See: IFEX, <https://ifex.org/>.

check the facts. Others were blinded by ideology, and used their media platforms to prop up venal and corrupt regimes that were repressing whole populations or robbing them blind. These journalists, I was told, had the same rights as all others and CPJ documented their cases when their rights were violated.

More problematic still were journalists who incited violence or even genocide. While this was less common in Latin America, it was very much a live issue in Europe, Africa and the Middle East. Rwanda, of course, was the most famous example. There, the nominally private broadcaster Radio-Télévision Libre de Mille Collines, played a notorious role not only in dehumanizing the country's Tutsi minority, but in directing and organizing the militias that carried out the violence. Canadian Lt. General Roméo Dalliere, who led the UN Mission to Rwanda, called for the radio station to be jammed or destroyed, a request that was passed on by the UN to the US government. The US decided not to take action because jamming would be expensive and perhaps ineffective while military operations against the station would raise free speech concerns, according to the account by Samantha Power in *A Problem from Hell*. A 1996 report from the freedom expression group Article 19 determined that efforts to jam or disable RTLM would have been legal under international law because the station had become an instrument of the genocide.²⁹

The situation in the Balkans was equally confounding. In 1997, NATO forces operating in Bosnia-Herzegovina seized transmission towers being used by the breakaway government of nationalist Serb leader Radovan Karadzic to broadcast anti-Western propaganda, including images of NATO troops interspersed with Nazi tanks. "While CPJ took no position on the NATO seizure of the transmitters, which had been at the service not of a news organization but of the propaganda arm of an unrecognized government run by indicted war criminals, the Board of Directors voted later to oppose any NATO intervention which would reduce rather than increase the availability and diversity of published and broadcast news and opinion," CPJ wrote in its annual report, *Attacks on the Press*. Following a contentious debate, the CPJ board also urged NATO, "to ensure that the transmitters would be used for balanced, impartial news coverage."³⁰ Two years later, in 1999, CPJ condemned NATO for bombing the Belgrade headquarters of Radio and Television of Serbia (RTS) during the Kosovo conflict as an assault on a civilian facility.³¹ However, it did not consider those killed in the strike to be journalists because of the station's role in fomenting the ethnic cleansing campaign years earlier. The argument may have

²⁹ Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Harper Perennial, 2002), 371-372; Roméo Dalliere, *Shake Hands with the Devil* (New York: Carroll & Graf, 2004), 375; Linda Kirschke, *Broadcasting Genocide: Censorship, Propaganda & State-sponsored Violence in Rwanda 1990-1994*, 157.

³⁰ Committee to Protect Journalists, *Attacks on the Press in 1997 - Bosnia-Herzegovina*, February 1998, <https://www.refworld.org/docid/47c5652823.html>; Kati Marton, Personal communication with author, December 14, 2022.

³¹ "State-run Radio and Television of Serbia (RTS) Target of NATO Missile Attack," *CPJ*, April 23, 1999, <https://cpj.org/1999/04/staterun-radio-and-television-of-serbia-rts-target-1/>.

been legally sound based on human rights principles, but it was so convoluted and confusing that it engendered considerable criticism.

In the Middle East, the issue tended to arise in relation to the regional conflict, in which the Israeli military sometimes justified attacks on media outlets based on their antisemitic content. I recall one case referred to the CPJ board policy committee, which at the time included such luminaries as Anthony Lewis, a historical figure in the fight for First Amendment rights. The issue involved 2006 Israeli airstrikes on Al-Manar TV in Lebanon, which was operated by Hezbollah. Some of the content was straight out of *The Protocols of the Elders of Zion*.³² But Al-Manar at the time was also a critically important source of information for people in southern Lebanon, often the only source. As far as we could determine, the Israeli strike was less an effort to suppress antisemitic content, and more an attempt to sap civilian morale and deprive the community of news and information. CPJ publicly called on Israel to account for its decision to target the station.³³

In 2006, I became Executive Director of CPJ. While affirming the right-based approach to press freedom defense, I relaxed the strictures against media criticism and allowed the regional experts to apply greater discretion in determining their priorities. While CPJ continued to operate within a human rights framework, the regional experts often made decisions about which cases to take up based on the perceived value of the media outlet under attack, taking into account its independence from authority, and the quality of its journalism. Priorities were also determined by relationships that CPJ staff developed with journalists and editors themselves who were working under threat and would appeal directly for assistance.

This internal tension between a mandate grounded in rights with equal protection for all and a reality of selective advocacy for journalists who reflected shared values was manageable as long as press freedom conditions were improving. But the considerations shifted when press freedom began to deteriorate. The turning point, though we did not fully grasp it at the time, came years earlier following the September 11, 2001, attacks and the onset of the War on Terror. In December 2000 CPJ recorded its lowest number ever of journalists imprisoned around the world – 81. In December 2001, three months after the terror attack on the World Trade Center and the Pentagon, the number had risen to 118. From that point onward, the numbers of journalists imprisoned climbed steadily and inexorably upward. The immediate framework for repression in

³² French officials prohibited al-Manar from broadcasting in France because of anti-Semitic content including “reporting that Jews spread AIDS around the world and that they seek children's blood to bake into Passover matzoh.” See John Mintz, “U.S. Bans Al-Manar, Says TV Network Backs Terror,” *The Washington Post*, December 22, 2004, <https://www.washingtonpost.com/archive/politics/2004/12/22/us-bans-al-manar-says-tv-network-backs-terror/0df6c836-5e6d-4ca1-957e-7891ea01d799/>.

³³ To be confirmed. Also: “Attacks on the Press 2006: Lebanon,” *CPJ*, February 5, 2000, <https://cpj.org/2007/02/attacks-on-the-press-2006-lebanon/>; “Israeli forces strike Al-Manar TV facilities,” *CPJ*, July 13, 2006, <https://cpj.org/2006/07/israeli-forces-strike-almanar-tv-facilities/>.

the aftermath of the September 11 attacks was the use of anti-terror laws to suppress dissent. But the broader context was a new rationale for expanded state power that repressive governments opportunistically embraced.³⁴

Over the course of the next two decades, there were waves of repression linked to major shifts in the global information landscape. The 2011 Arab Spring, coming on the heels of the Color Revolutions in Eastern Europe, was another major turning point. Mass protests fueled by anger at corruption and human rights abuses toppled entrenched regimes, causing governments to recognize the threat posed by independent information and to clamp down on online speech. The most profound shifts were in Russia and China, whose governments sought not only to assert greater authority in the domestic information space but to strengthen their international propaganda networks in order to weaken their adversaries and shape global perceptions. Russia in particular sought to weaponize human rights and undermine the liberal orders by asserting that any efforts to curtail the reach of its propaganda networks represented an attack on freedom of expression, as described in the next section.

The third wave of repression was linked to the rise of elected autocrats. Many of these new leaders explicitly attacked the traditional media as part of their campaign strategies, relying on social media to rally their supporters and deliver their political message. They also urged their supporters to swarm their critics online, unleashing waves of harassment and vilification that significantly raised the cost of critical journalism. In some cases, their messages were amplified by armies of paid supporters and bots, which further corrupted and polarized the domestic information space.³⁵

In the United States, where Donald Trump employed a similar strategy to gain office, independent journalists and critical media outlets became a permanent punching bag for his administration. President Trump's anti-media rhetoric was embraced by autocratic leaders around the world who not only referred to critical journalism as "fake news" but passed new laws criminalizing its publication.³⁶ The number of journalists jailed around the world on "false news" charges (the category tracked by CPJ) nearly doubled from 20 to 37 over the course of the Trump administration, as the number of journalists imprisoned worldwide set new records annually, reaching 274 at the end of 2020, the last year of the Trump presidency.³⁷ Instead of expressing

³⁴ "9-11: Looking Back, Looking Forward," *CPJ*, accessed December 22, 2022, <https://cpj.org/?p=8697>.

³⁵ See for example: Julie Posetti, Nabeelah Shabbir, Diana Maynard, Kalina Bontcheva, Nermine Aboulez, *The Chilling: global trends in online violence against women journalists; research discussion paper* (Paris: UNESCO, 2021).

This report documents the scope of systematic online attacks on free expression and lack of an adequate response from the tech companies.

³⁶ "Censorious governments are abusing "fake news" laws," *The Economist*, February 13, 2021, <https://www.economist.com/international/2021/02/13/censorious-governments-are-abusing-fake-news-laws>.

³⁷ CPJ, Email with author, December 20, 2022; Arlene Getz, "Number of jailed journalists spikes to new global record," *CPJ*, December 14, 2022, <https://cpj.org/reports/2022/12/number-of-jailed-journalists-spikes-to-new-global-record/>.

alarm as threats to global press freedom mounted and using its influence to curtail the worst abuses, the Trump administration embraced the new framework for repression, with Trump himself claiming credit for inventing the term “fake news” (he didn’t). The practice reached its low point at a June 28, 2019, press conference with Trump and Putin that took place in Osaka, Japan, on the sidelines of the G20 summit, where the two leaders were caught bantering on hot mics. “Fake news is a great term, isn’t it?” Trump noted, in reference to the journalists covering the event, adding “You don’t have this problem in Russia, but we do.” “We also have,” Putin responded in English, as the two men shared a laugh. “It’s the same.”³⁸

During the period in which we documented a steady rise in journalists imprisoned around the world, we also saw increased levels of violence, much of it perpetrated by criminal and militant groups who were largely impervious to traditional human-rights advocacy.

The two decade-long War on Terror – from the September 2001 attacks to the chaotic withdrawal from Afghanistan in August 2021 – was also characterized by military conflict in which journalists paid an extraordinary price. All told, more than 1,000 journalists were killed during this period, including 189 in Iraq, 139 in Syria, and 53 in Afghanistan. The breakdown gives some sense of the nature of the risk. Two hundred fifty-seven journalists were killed in crossfire incidents, in some cases by the U.S. military, which deployed force recklessly in ways that undermined the safety of civilians. But well over 100 were murdered by both criminals and militant groups, who frequently targeted journalists for reprisal.³⁹ Kidnapping also became an occupational hazard.

Local reporters working in their own countries were most likely to be taken hostage. But kidnapping of international journalists and demands for multimillion ransom also became a favored tactic of Islamic militants in Iraq, Syria, Afghanistan, Somalia, and across the Maghreb, and the funds earned from such undertakings helped fuel the insurgencies. The videotaped murdered of American journalists dramatically shifted global perceptions about the nature of journalism in conflict zones. These killings drove home the fact that the thing that had kept journalists safe – their utility to militant and criminal groups derived from a collective monopoly on mass communication – had been undermined by new information technologies. With militant groups increasingly relying on social media platforms to reach their followers and generate public attention, journalists were now more valuable as pawns and props in terrorizing videos.⁴⁰

The upward trajectory continued after Trump left office, reaching 293 by the end of 2021 and a staggering 363 at the end of 2022. The 2022 surge in imprisonment was due in part to the crackdown in Iran.

³⁸Julian Borger, “Trump jokes to Putin they should ‘get rid’ of journalists,” *The Guardian*, June 28, 2019, <https://www.theguardian.com/us-news/2019/jun/28/smirking-trump-jokes-to-putin-dont-meddle-in-us-election-g20/>.

³⁹Committee to Protect Journalists (CPJ), Email with author, December 20, 2022.

⁴⁰Joel Simon, *We Want to Negotiate: The Secret World of Kidnapping, Hostages and Ransom* (New York: Columbia Global Reports, 2019), 125-126..

The rights-based approach to press freedom advocacy was never going to be effective against non-state actors because criminals and terrorist groups do not feel bound by human rights agreements. Instead, advocacy groups sought to document and publicize the kidnapping and murders of journalists in the hope that negative media coverage would deter criminals from carrying out future crimes. The strategy was of limited efficacy, because criminal and militant groups, ranging from drug cartels in Mexico to Islamic militants in South Asia and the Middle East, were largely indifferent to the negative attention in the traditional media. In fact, as we learned in responding to the kidnapping of *Wall Street Journal* reporter Daniel Pearl in early 2002, a media campaign that humanized the victim could play into the hands of the kidnappers, creating a powerful emotional connection that militants could exploit. When Al Qaeda leader Khaled Sheikh Mohammed murdered Pearl, many around the world who had watched Danny's pregnant wife appeal for his life on television, felt they had lost a friend. The intensive media coverage inadvertently helped amplify Al Qaeda's terrorizing message, allowing the organization to showcase its ruthless determination, which in turn energized its supporters.⁴¹

Recognizing this reality, and following the videotaped murders of journalists James Foley and Steven Sotloff by Islamic State militants in 2014, I made a decision to start a new program at CPJ focused on journalists' security. The logic was that the only way to stop the horrific murders was to make sure that journalists had the tools, resources, and training to avoid being kidnapped in the first place. Our approach was to combine security information and resources with direct assistance for journalists under threat under the rubric of a new Emergencies Department, led by Emergencies Director María Salazar Ferro and Deputy Executive Director Robert Mahoney. We brought on an expert on journalists safety, Colin Pereira, who had worked with the BBC and ITN on their high-risk deployments, and over the next decade built out capacity. This new structure literally saved lives – evacuating journalists under threat – and helped create greater awareness about the importance of safety protocols, especially for international journalists working in high-risk environments. Emergency response work began to consume more time and resources, but also because of its visibility and impact attracted more funding, shifting the culture of the organization.⁴²

The success of the emergency response efforts was deeply gratifying. But it was an implicit affirmation that rights-based advocacy was of limited utility in combating anti-press violence perpetrated by non-state actors. The challenge was not simply that the criminal and militant groups were indifferent to a naming and shaming strategy. It was also that governments effectively resisted pressure to investigate the killings of journalists despite concerted global campaigns. These included the adoption of a UN-designated International Day to End Impunity for Crimes against Journalists, November 2, and UNESCO-led effort to pressure governments to

⁴¹ Simon, *The New Censorship*, 66-71.

⁴² Sherry Ricchiardi, "At-risk journalists can turn to 'Emergencies Response Team' for help," *International Journalists' Network*, October 30, 2018, <https://ijnet.org/en/committee-to-protect-journalists-launches-emergency-team>.

create new structures and safety protocols in order to meet their international human rights obligations.⁴³ Despite these efforts, the level of impunity in the murder of journalists remains over 80 percent, according to CPJ data.⁴⁴

There were some notable exceptions. When the state itself was directly implicated in the crime, it was possible to apply pressure. The 2017 car-bombing of blogger and journalist Daphne Caruana Galizia in Malta was a shocking development in an EU country. Caruana Galizia's three sons – Matthew, Paul and Andrew – responded by launching a relentless campaign for justice, and the media and press freedom community rallied to their support. One critical effort was a campaign organized by the Paris-based group Forbidden Stories, which led to investigative pieces on the murder published around the world under the rubric of the Daphne Project. Caruana Galizia's killing was eventually linked to a prominent businessman, Yorgen Fenech, with ties to corrupt officials in the government of former Prime Minister Joseph Muscat. Muscat resigned in 2019 after Fenech was arrested while trying to flee Malta on a luxury yacht. Fenech faces a possible life sentence. One of the hit men who carried out the crime has confessed and turned state's evidence.⁴⁵

It was the government of Turkey that thwarted the effort to cover up the extraterritorial assassination of *Washington Post* columnist Jamal Khashoggi, who was murdered in October 2018 inside the Saudi consulate in Istanbul by a hit squad dispatched from Riyadh. Evidence leaked to the media by Turkish authorities gave lie to the cover-up. Khashoggi had entered the consulate, but had never left (video footage made clear that a man dressed in Khashoggi's clothing was a body double, and part of the conspiracy).⁴⁶ Turkish authorities leaked a transcript of a secretly recorded audio tape of the murder, which showed Khashoggi had been strangled and his body cut into pieces.⁴⁷ An international campaign led by Khashoggi's fiancée Hatice Cengiz and *The Washington Post* helped isolate the Saudi Crown Prince, Mohammed bin Salman or MBS, who the CIA later determined was likely responsible for the murder.⁴⁸ But as time passed

⁴³ "UN Plan of Action on the Safety of Journalists and the Issue of Impunity," UNESCO, accessed December 17, 2022, <https://www.unesco.org/en/safety-journalists/un-plan-action>; Joel Simon and Elisabeth Witchel, "Globalizing the Battle Against Impunity," In *Regardless of Frontiers: Global Freedom of Expression in a Troubled World* edited by Agnes Callamard and Lee Bollinger, 227-252. New York Chichester, West Sussex: Columbia University Press, 2021. <https://doi.org/10.7312/boll19698-013>; "International Day to End Impunity for Crimes against Journalists," UNESCO, accessed December 21, 2022, <https://www.unesco.org/en/days/end-impunity>.

⁴⁴ CPJ, Email with author, December 20, 2022.

⁴⁵ "The Daphne Project," Forbidden Stories, accessed December 17, 2022, <https://forbiddenstories.org/case/the-daphne-project/>.

⁴⁶ Joel Simon, "Why Turkey can't be trusted to investigate the Khashoggi murder," *Columbia Journalism Review*, November 2, 2018, <https://www.cjr.org/analysis/turkey-khashoggi-murder.php>.

⁴⁷ Aya Batrawy, Christopher Torchia, Suzan Fraser, "Turkish evidence shows Khashoggi killing was planned, Saudi Arabia says," *PBS NewsHour*, October 25, 2018, <https://www.pbs.org/newshour/world/turkish-evidence-shows-khashoggi-killing-was-planned-saudi-arabia-says>.

⁴⁸ Hatice Cengiz, "Human Rights and Journalism," C-SPAN video, May 16, 2019, [c-span.org/video/?460696-1/hatice-cengiz-testifies-dangers-reporting-human-rights](https://www.c-span.org/video/?460696-1/hatice-cengiz-testifies-dangers-reporting-human-rights); Shane Harris, Greg Miller and Josh Dawsey, "CIA concludes Saudi crown prince ordered Jamal Khashoggi's assassination," *The Washington Post*, November 16, 2018,

and oil prices rose, MBS was able to partially rehabilitate himself. MBS seems unlikely to face any legal consequences for his alleged involvement in the crime.⁴⁹

The rise in violence and repression against journalists around the world had led to a dramatic decline in levels of press freedom as measured by leading indices prepared by Freedom House, V-Dem and Reporters Without Borders. But there are other factors as well. The COVID-19 pandemic accelerated deeply negative trends grounded in what has been dubbed by political scientist Larry Diamond as the “democratic recession.” During the first phase of the pandemic, elected autocrats such as Trump, Jair Bolsonaro in Brazil and Narendra Modi in India used lies and misinformation to undermine the public health consensus. Their strategy of “censorship through noise” or “flooding” was based less on suppressing information and more on sowing confusion and paralysis and monopolizing attention. Around the world, at least 80 countries imposed new restrictions on speech and assembly that they falsely claimed were necessary to protect public health. The abrogation of fundamental rights in India at the height of pandemic prompted Freedom House to reclassify India as “partially free,” a devastating demotion for the world’s largest democracy.⁵⁰

While democratic populists have exploited new technologies to impose their own narratives domestically, authoritarian governments have relied on cruder measures to restrict critical expression while also seeking to shape the global information space in ways that advance their interests. China has relied on two measures. The Chinese government has poured significant sums into media development, particularly in Africa where it has underwritten state broadcasters and journalism training. It has also made investments in its global propaganda network, which functions on both social media and traditional media, primarily through the English language service of the CCTV. In a 2010 presentation, accidentally leaked, Chinese officials expressed deep frustration that the West, through global media brands like CNN and the BBC, and also through its control over social media platforms like Facebook, Twitter and Google, had created a global information system that was deeply damaging to China’s interests.⁵¹ But China was able to successfully use its own propaganda networks to shape global perceptions around the origins of COVID-19, deflecting any suggestion that the disease might have emerged as a result of lab leak, while highlighting the ways in which the country was able to use the resources of the authoritarian state to bring the disease under control. According to a global opinion survey

https://www.washingtonpost.com/world/national-security/cia-concludes-saudi-crown-prince-ordered-jamal-khashogis-assassination/2018/11/16/98c89fe6-e9b2-11e8-a939-9469f1166f9d_story.html.

⁴⁹ Alex Marquardt, “US determines Saudi Crown Prince is immune in case brought by Jamal Khashoggi’s fiancée,” CNN Politics, last modified November 18, 2022,

<https://edition.cnn.com/2022/11/17/politics/saudi-crown-prince-immunity-state-department-jamal-khashoggi/index.html>.

⁵⁰ Joel Simon and Robert Mahoney, *The Infodemic*, 68-72; 147-148.

⁵¹ See Simon, *The New Censorship*, 96-102.

released in June 2020, 60 percent of respondents believed that China has responded effectively to COVID-19. Only one third felt that way about the US.⁵²

Russia's efforts to shape global perceptions are more nefarious and more disruptive. As first articulated in the 2013 Gerasimov doctrine, Russia views the use of propaganda and disinformation as a tool of war and has used a variety of information strategies to weaken and undermine its adversaries. Putin's view is that the West has employed information operations to spark unrest and install Western-allied governments, most notably in Ukraine. Similar efforts by Russia are simply a way of leveling the playing field. This is why the Russian propaganda network RT, has been less focused on portraying Russia in a positive light than in amplifying discord and division in the West through selective coverage of social conflict. RT has been accused of seeking to influence everything from the 2016 presidential election in the United States to the 2017 independence referendum in Catalonia. Some commentators and researchers have suggested that the impact of Russia's information operations may be overstated.⁵³ But for press freedom organizations, RT has always presented a significant dilemma.⁵⁴

In late 2017, the US government determined that RT must register under the Foreign Agents Registration Act, or FARA, a 1938 law that was originally intended to protect Americans against Nazi propaganda but was later amended to impose transparency requirements on foreign governments engaged in US lobbying.⁵⁵ CPJ criticized that determination, not because it was legally unsound, but because it would open the door for the Russian government to impose similar requirements on US media operating in their country. In fact, the Russian government response was far worse. Based on the 2012 foreign agents law, amended and expanded in 2017 to apply to media, Russian media outlets receiving international funding – in other words, all those who operated outside the government system of control – must air disclaimers before every news report indicating that they are operating as foreign agents.⁵⁶ To the average Russian, they might as well have raised their hand and said they were spies. Some media outlets were shut down. CPJ's criticism of US effort to enforce FARA against RT was largely tactical, but it was

⁵² See Simon and Mahoney, *The Infodemic*, 32-34.

⁵³ Alan I. Abramowitz, "Did Russian Interference Affect the 2016 Election Results?" Rasmussen Reports, August 8, 2019.

https://www.rasmussenreports.com/public_content/political_commentary/commentary_by_alan_i_abramowitz/did_russian_interference_affect_the_ru2016_election_results

See also, Amanda Erickson, "If Russia Today is Moscow's propaganda arm, it's not doing a very good job," Washington Post, January 12, 2017.

<https://www.washingtonpost.com/news/worldviews/wp/2017/01/12/if-russia-today-is-moscows-propaganda-arm-its-not-very-good-at-its-job/>

⁵⁴ Joel Simon, "Propaganda or not, forcing RT to register sets a bad precedent," Columbia Journalism Review, December 1, 2017, <https://www.cjr.org/opinion/rt-propaganda-foreign-agent.php>.

⁵⁵ Alexandra Ellerbeck and Avi Asher-Schapiro, "Everything to know about FARA, and why it shouldn't be used against the press," Columbia Journalism Review, June 11, 2018, <https://www.cjr.org/analysis/fara-press.php>.

⁵⁶ Daniel Salaru, "Ten years of Russia's foreign agent law: Evolution of a press freedom crackdown," *International Press Institute*, July 25, 2022, <https://ipi.media/ten-years-of-russias-foreign-agent-law-evolution-of-a-press-freedom-crackdown/>.

cynically exploited by the Russian government to criticize all those who did not stand up for the network as hypocrites, and to portray support for human rights as both cynical and opportunistic.

The defense of global press freedom in the modern era is broadly linked to the human rights movement, grounded in law, codified by international agreement and a range of state commitments. But the sharp deterioration of press freedom around the world in recent decades suggests that a rights-based approach is insufficient to confront the current challenges. More importantly, the notion that a defense of press freedom grounded in human rights will eventually yield more open, democratic and accountable societies has been belied by the events of the last two decades, in which repressive governments, terrorists and criminal groups have used the information system to promulgate their own narratives, build support for war, undermine the global health consensus, damage democracy and drive polarization and fear.

A rights-based approach must remain at the heart of press freedom and freedom of expression advocacy, most notably legal advocacy grounded in international law. But it's time to move to what I call a rights plus approach. This is because in order to produce positive social outcomes press freedom must more actively seek to shape the global information space to promote accountability and democratic debate. Public interest provides the most compelling framework through which to do so because it allows press freedom organizations to embrace a hierarchy of action that reflects their values and also their unacknowledged current practice. It aligns neatly with an existing ethos widely shared among journalists. Press freedom organizations should acknowledge their focus on protecting the rights of the media outlets that report on corruption, advance accountability and provide the public with timely and accurate information with a variety of perspectives on the widest range of issues. An embrace of public interest criteria would allow press freedom groups to better articulate their priorities and explain why RT is entitled to a pro-forma defense of its rights, but *Novaya Gazeta* deserves full and robust advocacy. Moreover, as we shall see in the coming section, the broad adoption of the public interest framework would allow the press freedom community to exert greater influence over global information by building alliances with other sectors and forging a new consensus.

II

Media Development or Media for Development

In the struggle to nurture and sustain independent media around the world, the press freedom and media development communities are natural allies. But in my time at CPJ, I found that we were mostly on parallel tracks. In part, this was a question of tactics. While press freedom groups are noisy and often confrontational, media development organizations tend to work quietly to maintain constructive relationships with governments, those that fund them and those that support or in some cases merely tolerate media development efforts in their own countries. But

there are also fundamental differences in terms of approach. While press freedom organizations are orientated around the defense of human rights – generally in response to attacks on individual journalists or media outlets – media development organizations focus on using journalism to create broader social change.

Over the years, there has been a vigorous debate among media development groups about precisely what specific outcome they are seeking to achieve. These range from advancing accountability and combating corruption, to improving the delivery of essential services, to reducing conflict, to increasing tolerance and enhancing social cohesion, to safeguarding democracy. Media development organizations also use a variety of terms to describe the media they seek to build and support – independent media is favored, but the term is often modified by “quality” or “ethical.” There is also a fundamental division between those who see the creation of independent media as an “intrinsic public good” and those who see independent media as a tool to produce higher order social benefits, from improved public health to greater environmental protections.⁵⁷ These different perspectives are sometimes short-handed as “media development” and for “media for development” or even “communications for development,” which can include not just journalism but advertising or other kinds of messaging.

Media development got its impetus from the dismantling of the Berlin Wall in 1989 and the subsequent opening of the Soviet information space. Several years earlier, media entrepreneur David Hoffman, along with two colleagues, had founded an organization called Internews to provide satellite links between the US and Soviet Union, using new technologies to break down barriers and increase understanding. A program that linked the US Congress to the Supreme Soviet via satellite links, dubbed “Spacebridge,” earned Internews a broadcast Emmy. In 1990, Hoffman, leveraging the access and relationships that he had already built in the Soviet Union, transformed Internews into a media development organization. Two years later, Internews opened its first field office in Moscow, bringing technical know-how and funding to the fledgling Russian media.⁵⁸ “[I]t was through the media, that the Soviet people experienced change,” wrote Hoffman in his 2013 memoir, *Citizens Rising: Independent Journalism and the Spread of Democracy*.⁵⁹

In 1990, US Secretary of State James Baker announced the formation of a new International Media Fund. Over the years, a relatively small cadre of funders have underwritten media development efforts, with USAID and the Nordic countries leading on the government side. US-based philanthropic organizations, including the Knight Foundation, and the Open Society

⁵⁷ James Deane, “Media and communication in governance: It’s time for a rethink,” In: *A Governance Practitioner's Notebook: Alternative Ideas and Approaches [PDF]*, edited by Alan Whaites, Eduardo Gonzalez, Sara Fyson, and Graham Teskey. Paris: OECD - DAC, 265-280.

⁵⁸ “Our History,” Internews, accessed December 17, 2022, <https://internews.org/our-history/>.

⁵⁹ David Hoffman, *Citizens Rising: Independent Journalism and the Spread of Democracy* (New York: CUNY Journalism Press), 15.

Foundations (earlier known as the Open Society Institute) also made significant investments. Overall funding for media development is around \$600 million annually, which represents 0.2 percent of all development funding.⁶⁰ But a small investment can go a long way. During the transition, OSF made an \$80,000 grant to a fledgling independent radio station called Ekho Moskvyy. In 1991, the station broadcast Boris Yeltsin's appeal to the Russian public to beat back an attempted coup. Thousands of protests poured into the streets to demand the Russian army stand down. That broadcast is often credited with helping to save Russian democracy (at least for a time).⁶¹

Over the next decade, a constellation of media development organizations emerged across Europe and in the US. These included International Media Support (IMS), based in Copenhagen; Free Press Unlimited, based Amsterdam; IREX, based in Washington, DC; and the Panos Institute, based in London, which morphed into a regionally distributed network in 2015. BBC Media Action – originally founded in 1999 as the “Marshall Plan of the Mind” – along with Deutsche Welle have both expanded their media development efforts in the last several decades.⁶²

In 2005, more than one hundred organizations meeting in Amman, Jordan, united under a new banner of the Global Media Development Forum, or GFMD. David Hoffman was named honorary president. Today GFMD is made up of nearly 150 member organizations, the majority from the developing world, who fall at different points along the continuum from media development to media for development, and represent different specializations.⁶³ For example, IMS focuses on supporting media in conflict zones, like Iraq and Afghanistan. Along with Internews and other groups, they helped build up an impressive array of independent media outlets in Afghanistan, from private television to community radio before it was crushed following the 2021 Taliban takeover. Other media development organizations bring specific expertise, from developing revenue models to financing private commercial media, to supporting the transition of state media to public service broadcasters, with editorial independence and integrity, in the mold of the BBC. The Washington-based International Center for Journalists, ICFJ, founded in 1984, specializes in fellowships and training.

⁶⁰ Nicholas Benequista, Susan Abbott, Paul Rothman, Winston Mano, ed., *International Media Development: Historical Perspectives and New Frontiers (Mass Communication and Journalism)* (Switzerland: Peter Lang Inc., 2019); International Fund for Public Interest Media, “Enabling Media Markets to Work for Democracy: An International Fund for Public Interest Media” (London: BBC Media Action, 2020); “Enabling Media Markets to Work for Democracy: An International Fund for Public Interest Media,” The International Fund for Public Interest Media (IFPIM), 2020, <https://luminategroup.com/storage/894/IFPIM-Feasibility-Study.pdf>.

⁶¹ “The Media Missionaries Encourages Greater U.S. Support for Journalism Around the Globe,” *Knight Foundation*, April 14, 2004, <https://knightfoundation.org/press/releases/the-media-missionaries-encourages-greater-us/>.

⁶² Steve Westlake, Building the BBC-branded NGO: Overseas Development, the World Service, and the Marshall Plan of the Mind, c.1965–99, *Twentieth Century British History*, Volume 33, Issue 1, March 2022, Pages 29–51, <https://doi.org/10.1093/tcbh/hwab027>.

⁶³ “About,” Global Forum for Media Development, accessed December 21, 2022, <https://gfmd.info/about/>.

At the outset, the media development field was infused with a kind of techno optimism derived in part from the role the independent information had in the collapse of the Soviet Union. “Information is the most revealing prism through which to view the essence and the end of the Soviet Union,” wrote Scott Shane, in his magisterial *Dismantling Utopia*. “Information slew the totalitarian giant.”⁶⁴ Jeanne Bourgault began working for USAID in Russia in 1993, managing the media development portfolio which was part of the US democracy-building agenda. With new media emerging across the country, Russians felt suddenly informed and empowered. “For me, it was just magic,” Bourgault recalled. In 2001, Bourgault herself joined Internews. A decade later, she took over from Hoffman as president.⁶⁵

The animating belief among many media development specialists at the time, derived in part from the experience in the post-Soviet Russia, was that free media could play a similarly liberating role in other parts of the world, helping to reduce conflict, create greater accountability and seed democratic governance. This analysis was reinforced by the events of the Arab Spring in which social media and satellite television were viewed as catalyzing long-standing grievances about corruption and human rights abuses that mobilized opposition. The leading apostle of this view was perhaps David Hoffman himself who proclaimed that, “If the twentieth century will be remembered as the most violent in human history, the next century holds the promise of something different – an unprecedented expansion of human freedom . . . With advances in digital communications and information technologies and the spread of mobile phones, we are entering the dawn of the third wave of egalitarianism.”⁶⁶ One of the core assumptions of Internews today is that “high quality information acts as a driver of positive change.”⁶⁷

But there were practical considerations in realizing this vision, such as ensuring that independent media was sustainable financially. One of the great successes of the mid-1990s was B92, the independent Serbian radio station that challenged the Milosevic regime. With its mix of rock music and independent reporting, B92 provided a youthful and appealing contrast to the dull bureaucrats who dominated Serbia’s state-run media. B92’s then editor in chief, Sasa Vucinic, believed that many independent media outlets already had to know how to cover the news in their own countries and didn’t necessarily need American journalists to train them on how to do their jobs. What they needed was capital. In a 1995 meeting with George Soros, as recounted in a 2005 Ted Talk, Vucinic asked for an investment of \$1M in a “media bank” that would provide financing to support independent journalism in countries where it was under threat. Soros scoffed at the idea but eventually agreed to give Vucinic \$500K – enough rope “to hang yourself,” as he

⁶⁴ Scott Shane, *Dismantling Utopia: How Information Ended the Soviet Union* (Chicago: Ivan R. Dee, 1995), 6.

⁶⁵ Jeanne Bourgault, Email communication with author, December 12, 2022.

⁶⁶ Hoffman, *Citizens Rising*, 3..

⁶⁷ “Theory of Change,” Internews, accessed December 18, 2022, <https://internews.org/about/our-strategy/theory-change/>.

put it.⁶⁸ Twenty-five years later, the Media Development Investment Fund or MDIF has provided nearly \$300M in financing for 145 independent media organizations in 47 countries. Its repayment rate is nearly 92 percent, a number that reflects recent write-offs in Russia where MDIF was declared “undesirable” and banned from working in the country. Over the years MDIF has been quite adept at evaluating financial risk, recognizing the limited pool of high-quality media outlets working in repressive environments with solid business plans and strong management, said MDIF CEO Harlan Mandel. The more difficult task is managing political risk. “We won't work in countries where we feel there is no way we can ever enforce a loan,” Mandel noted.⁶⁹

Through these different mechanisms and approaches, the media development community has achieved a significant impact, which has been largely unheralded. Many of the most innovative and resilient media outlets around the world, particularly those working in authoritarian countries, have been nurtured and sustained by the support of media development organizations. These include El Faro, in El Salvador; Rappler in the Philippines; Malaysiakini in Malaysia, and many, many others. Together, these media organizations have shaped global understanding and perceptions, particularly as international news organizations have scaled back bureaus around the world. In a July 12, 2020, column, then *New York Times* media writer Ben Smith described the reporters and editors of these global digital start-ups as “pound for pound, the most impressive journalists in the world.”⁷⁰ That description is apt.

In many instances, these journalists and media organizations have expanded their reach and influence by banding together in transnational networks, such as the Organized Crime and Corruption Reporting Project (OCCRP) and the International Consortium of Investigative Journalism (ICIJ) to produce some of the most high-impact and consequential journalism of the modern era, including the Panama Papers.⁷¹ The OCCRP and the ICIJ are also structured as nonprofits and receive financial support from the same funders. In other words, media development support has helped produce a system of low-cost, high-impact journalism that helps set the global information agenda. For precisely this reason, these same media outlets often attracted significant repression. Because media development organizations tend to eschew public advocacy, they often turned to press freedom groups like CPJ and RSF when they wanted to make some noise. “Thanks for the business,” I often told my media development colleagues. It was our running joke.

⁶⁸ Sasa Vucinic, “Why we should invest in a free press,” *TED*, 2005, https://www.ted.com/talks/sasa_vucinic_why_we_should_invest_in_a_free_press/transcript; Kevin Anderson, “Funds sought to help free media,” *BBC News*, July 15, 2005, <http://news.bbc.co.uk/2/hi/technology/4685289.stm>.

⁶⁹ Harlan Mandel, Interview with author, April 5, 2022. MDIF writes off 9.5 percent of combined loans and investments, according to Mandel.

⁷⁰ Ben Smith, “While America Looks Away, Autocrats Crack Down on Digital News Sites,” *The New York Times*, July 12, 2020, <https://www.nytimes.com/2020/07/12/business/media/freedom-digital-news-sites-autocrats.html>.

⁷¹ “About,” *International Consortium of Investigative Journalists*, accessed December 22, 2022, <https://www.icij.org/about/>; “About Us,” *Organized Crime and Corruption Reporting Project*, August 24, 2007, <https://www.occrp.org/en/about-us>.

Press freedom organizations have supported independent media organizations facing direct government repression, through global media campaigns and direct engagement with governments. But there were other challenges, as noted in the previous section, that were more difficult to meet. Beyond brute repression, authoritarian leaders have been able to control and manipulate the information space, in many cases using social media platforms to build their own narratives and mobilize their supporters. In El Salvador, for example, El Faro has broken story after story linking President Nayib Bukele to corruption, including a scheme to negotiate a truce with the country's gang leaders, who agreed to rein in violence in exchange for better prison conditions, an arrangement the benefitted Bukele politically by reducing street crime.⁷² Bukele has counterattacked, using social media to set a narrative that El Salvador has become more prosperous and secure under his leadership, while hammering El Faro with punitive lawsuits and sweeping surveillance using NSO's Pegasus software acquired from Israel.⁷³ "El Faro was the first Salvadoran media outlet born in democracy," noted editor and co-founder Carlos Dada in accepting the World Press Freedom Hero Award from the International Press Institute in September 2022. "Now democracy is almost completely gone, and yet, thanks to an innovative, modern and greased propaganda machine, Mr. Bukele is the Latin American President with the highest popular support, which raises a paradox: The communities we serve don't support us."⁷⁴

Meanwhile, in the Philippines, Rappler withstood the legal onslaught from former President Rodrigo Duterte, but struggled to compete against the vloggers, social influencers and state aligned media who mobilized to support Ferdinand "Bongbong" Marcos Jr. in the 2022 presidential election. "Facts ... carried little weight with Marcos supporters who already believed the family's narratives that they were victims of a treasonous plot, not oppressors of the Filipino people," wrote Sheila Coronel in *The New Yorker*. "Dismissing Marcos believers as misinformed or manipulated by social media only heightened their alienation from mainstream society. In fact, as the election results showed, *they* are now the mainstream."⁷⁵ In the

⁷² Carlos Martínez, Gabriela Cáceres y Óscar Martínez, "Gobierno de Bukele negoció con las tres pandillas e intentó esconder la evidencia," *El Faro*, August 23, 2021, https://elfaro.net/es/202108/el_salvador/25668/Gobierno-de-Bukele-negoci%C3%B3-con-las-tres-pandillas-e-intent%C3%B3-esconder-la-evidencia.htm; José Luis Sanz, "Sanciones por pacto con pandillas y corrupción enfrentan a Bukele con Estados Unidos," *El Faro*, December 8, 2021, https://www.elfaro.net/es/202112/el_salvador/25888/Sanciones-por-pacto-con-pandillas-y-corrupci%C3%B3n-enfrentan-a-Bukele-con-Estados-Unidos.htm.

⁷³ Maria Abi-Habib, "Journalists in El Salvador Targeted With Spyware Intended for Criminals," *The New York Times*, January 12, 2022, <https://www.nytimes.com/2022/01/12/world/americas/el-salvador-journalists-spyware.html>; Ronan Farrow, "A Hacked Newsroom Brings a Spyware Maker to US Court," *The New Yorker*, November 30, 2022, <https://www.newyorker.com/news/news-desk/a-hacked-newsroom-brings-a-spyware-maker-to-us-court-pegasus>.

⁷⁴ Carlos Dada, "El Salvador: Speech of World Press Freedom Hero Carlos Dada at IPI WoCo: Breaking the Monologue of Power," *International Press Institute*, September 16, 2022, <https://ipi.media/el-salvador-speech-of-world-press-freedom-hero-carlos-dada-at-ipi-woco-2022/>.

⁷⁵ Sheila Coronel, "The Triumph of Marcos Dynasty Disinformation Is a Warning to the U.S.," *The New Yorker*, May 17, 2022,

marketplace of ideas, Marcos, his revisionist history amplified by his fans on social media, was the clear winner against Rappler's efforts to fight back with facts.

The broader landscape is even more bleak. Massive media development investments in Myanmar and Afghanistan have been wiped out by changes in governments that have led to the annihilation of the entire media sector, as noted earlier.⁷⁶ In Russia, where the government has not changed but its political calculus has shifted, Putin has in one fell swoop crushed all vestiges of the independent media sustained and nurtured with hundreds of millions of dollars of media development investment. In hybrid or mixed regimes, the ability of independent media outlets to reach large audiences and drive political debate and dialogue has been subverted by a digital information system that is increasingly co-opted by governments.

Concerned about this state of affairs, James Deane, the head of policy and research at BBC Media Action and the former executive director of the Panos Institute, called for a radical rethink of media development priorities. "Most democratic countries understand with increasing alarm the impact that the current assault on media freedom is having on prospects for democracy, development and stability," Deane wrote on the BBC Media Action site in 2018, adding "[T]he fight to support independent media is being lost." He proposed a new global fund to support independent media.⁷⁷

Deane's appeal was the culmination of a series of blogs that he had posted in the preceding weeks decrying the rising tide of authoritarianism, media repression and disinformation while lamenting the failure of the media development community to create "free, plural and professional" media systems. "Some of our lack of success can be attributed to hubris," Deane acknowledged, citing the failure to grasp the political realities and "a too blind assumption" that a more liberalized and open information environment would topple authoritarians and spur

<https://www.newyorker.com/news/dispatch/the-triumph-of-marcos-dynasty-disinformation-is-a-warning-to-the-us>.

⁷⁶ "About Us," *The Irrawaddy*, accessed December 22, 2022, <https://www.irrawaddy.com/about>; "News," *Democratic Voice of Burma*, accessed December 22, 2022, <https://english.dvb.no/>.

The resilience of the Myanmar media is notable. During decades of military rule, journalists operating from exile managed to provide robust coverage of political events inside the country despite the brutal repression of the regime. After the partial restoration of democracy in 2012, these exile media outlets began operating from inside Myanmar, becoming part of a robust media sector. The violent crackdown following the February 2021 military coup forced independent journalists to flee the country, and their media outlets to once again resume their work from exile. Leading media organizations, such as The Irrawaddy and the Democratic Voice of Burma, have been supported by international donors and the media development community.

⁷⁷ James Deane, "Is it time for an International Fund for Free and Independent Media?" BBC Media Action Insight Blog, July 4, 2018. <https://www.bbc.co.uk/blogs/mediaactioninsight/entries/1d207ec1-0502-4329-b458-87bc1c111c40>

democracy around the world.⁷⁸ Deane’s sober analysis was also reflected in the 2019 volume called *International Media Development: Historical Perspectives and New Frontiers*, whose editors, some of the most prominent scholars in the field, acknowledged that the “donor-driven approach to development work, generally, has not only drawn academic scorn, but also failing marks from independent evaluators. Many donor reviews of media development programs have found it difficult to establish that these efforts – especially when focused on training journalists – have been effective.”⁷⁹

Deane attributed this failure of the international community to a lack of leadership and a lack of imagination – but mostly a lack of money. Given the stakes, the international community had dramatically underinvested in media development and what had been invested had been managed poorly, with donors and their competing agendas determining priorities. An international fund, Deane argued, not only had the potential to attract significant new resources, but to allocate them more effectively by assigning administration to a new entity with sufficient expertise, local knowledge and independence to ensure the funds were invested strategically. Over the course of the next several months, Deane consulted with colleagues, including Ivan Sigal, the executive director of the Global Voices, and Nishant Lalwani, Vice President for Global Programmes for Luminate, an international foundation that focuses on rights and expression as part of the Omidyar Network. Lalwani took on a leadership role, funding a feasibility study that Deane undertook with Maha Taki, his colleague at BBC Media Action.

Deane also spoke with Matthew Bishop, then the director of the Rockefeller Foundation’s Bellagio Conference Center on Italy’s Lake Como. Bishop agreed to host a small convening to discuss the creation of an international fund. Sixteen media development leaders were invited – including Jeanne Bourgault of Internews; Joyce Barnathan, then president of the International Center for Journalists; and Leon Willems, then director of Free Press Unlimited, along with Sigal and Lalwani.⁸⁰ “This meeting is being organized in the belief that the struggle to support independent media and defend informed, democratic public debate around the world is being lost,” Deane wrote to attendees. “It is being lost especially where access to trustworthy

⁷⁸ Deane, “Efforts to support independent media are being outgunned – some thoughts on how it can fight back.” BBC Media Action Insight Blog, April 30, 2018.

<https://www.bbc.co.uk/blogs/mediaactioninsight/entries/ec5e38ea-47da-4ab7-9e04-9b30a47cc2bb>

⁷⁹ Benequista et al., *International Media Development*, 5.

⁸⁰ The full list of attendees included Ricardo Corredor, Chair of the Global Forum for Media Development; Mark Nelson, Director, National Endowment for Democracy Center for International Media Assistance; Steffen Leidel, Head of Digital Innovation and Knowledge Management, Deutsche Welle Akademie; Mohamed Nanabhay, Managing Director, Media Development Investment Fund; Sonia Whitehead, Head of Research, BBC Media Action; George Twumasi, Director, ABN Holdings, Ghana; Indra de Lanerolle, Director, JAMLAB, University of Witwatersrand, Johannesburg; Anya Schiffrin, Director, Technology, Media and Communication, Columbia University; Solomon Mugeru, Head, Africa Bureau, BBC World Service; Hossein Derakhshan, Massachusetts Institute of Technology Media Lab; Sarah Lister, Director, UNDP Oslo Governance Center; Guy Berger, Director, Division for Freedom of Expression and Media Development; Matt Bishop, Managing Director, Rockefeller Foundation Bellagio Center. Letter of invitation, agenda and list of invitees provided via email by Deane July 4, 2022.

information and debate often matters most – where media markets are weakest, resources most scarce, conflict most likely and most devastating, and democracy and the prospects for democracy most fragile.”⁸¹

Deane originally imagined that the fund would be set up to support “free and independent media.” But he later considered that public interest might be the better framework. Public interest implies “a focus on ethical, credible media, working in the interest of all people, all of society, not those with power or money,” Deane explained to me. He drafted a definition which he put on a slide to present to the conference participants. It stated that public interest media is both “free and independent.” Its role is to “inform people on the issues that shape their lives, in ways that serve the public’s rather any political, commercial or factional interest, to enable public debate and dialogue across society, and to hold those in power to account on behalf of the public interest.” The proposed definition, Deane recalled, inspired little discussion or debate, and following additional consultations was incorporated into the feasibility study, published in March 2020.⁸²

That feasibility study – entitled “Enabling Media Markets to Work for Democracy” – outlined an ambitious agenda to transform the media development sector and to challenge its logical assumptions. In an information environment upended by new technology, it was not a lack of training or even a lack of capital that was inhibiting media development efforts. It was a market failure. Citing data from the 2019 Edelman Trust Barometer, the feasibility study argued that there is a strong demand for public interest news and information around the world, a demand that markets were unable to meet. In many parts of the world, this is a result of advertising dollars being redirected away from traditional media and towards social media platforms. This has led to a collapse of local media outlets, particularly in the United States. But in many parts of the developing world the potential advertising market is so small that public interest media was never going to be a viable commercial undertaking. The economic weakness of the media sector opened the door for “capture,” a process documented extensively by Columbia University Professor Anya Schiffrin, in which business interests aligned with the state take over media outlets and operate them at a loss in order to secure some political benefit.⁸³

Only a massive infusion of resources – \$100M a year or a billion over the next decade – could reverse the tide, according to the feasibility study. These funds would come from governments, foundations, and the tech industry, and would more than double the resources available for media

⁸¹ “Bellagio Convening on Reimagining Media Development, February 18-22, 2019,” email to author, July 4, 2022.

⁸² “Enabling Media Markets to Work for Democracy” (*IFPIM*), 2020, <https://luminategroup.com/storage/894/IFPIM-Feasibility-Study.pdf>.

⁸³ Anya Schiffrin, ed, *Media Capture: How Money, Digital Platforms, and Governments Control the News* (New York: Columbia University Press, 2021); Marius Dragomir and Minna Aslama Horowitz, “Media Capture and Its Contexts: Developing a Comparative Framework for Public Service Media,” in *The Values of Public Service Media in the Internet Society*, ed. Miguel Túnñez-López, Francisco Campos-Freire, and Marta Rodríguez-Castro (London: Palgrave Global Media Policy and Business, 2021), 217-246.

development.⁸⁴ The new organization would build an infrastructure to provide direct funding for public interest media, invest where appropriate and also support innovation and research around sustainability. It would adopt an agnostic posture on the type of media it supported – commercial, nonprofit or public service (independent, but with state funding), so long as it served a public interest role.

The International Fund for Public Interest Media (IFPIM) was initially launched in October 2021.⁸⁵ While the name does not roll off the tongue, it does have the virtue of being both clear and descriptive. IFPIM appointed Maria Ressa and outgoing *New York Times* president and CEO Mark Thompson as co-chairs of the fund. It brought on international development expert Sheetal Vyas as its founding executive director, and appointed former Twitter lobbyist, Obama administration official and congressional staffer Colin Crowell as its US representative. In August 2022, Nishant Lalwani stepped down from Luminate to become IFPIM's new CEO. Vyas became chief investment officer.⁸⁶

Following an initial pledge of up to \$30M by the US government at the Summit for Democracy in December 2021, IFPIM has been able to raise a total of around \$50M, a sizable commitment but one that falls short the estimated \$100M a year that the fund needs to raise to attain viability.⁸⁷ Some in the media development community remained concerned that instead of attracting new funding, IFPIM may divert existing resources, and that grumbling has grown louder in recent conversations, though none wanted to be quoted on the record.

The debate within the media development field about precisely what outcomes they hope to achieve has not quieted, and the rivalries and competition for funding remain acute. It's too early to know whether the creation of IFPIM will achieve Deane's vision – producing a new consensus and attracting significant new funding to the sector. But IFPIM has already made an important contribution by elevating the term public interest media within the media development community. As we have seen, the term public interest best expresses the shared aspirations of all those working for a freer and more open global information environment based on a belief in the transformative power of journalism. It's a term that creates better alignment between the groups that seek to nurture and sustain independent journalism, and those that fight to defend it. James

⁸⁴ CIMA called for tripling, 1 percent of total development aid going for media support.

⁸⁵ Sara Fischer, "News veterans lead new global fund for public interest media," *Axios*, September 30, 2021, [axios.com/2021/09/29/news-veterans-lead-global-fund-journalism-media](https://www.axios.com/2021/09/29/news-veterans-lead-global-fund-journalism-media).

⁸⁶ In July 2021, Khadija Patel was named IFPIM program director. Patel, the former editor of the *Mail & Guardian* in South Africa, is the current chair of the International Press Institute.

⁸⁷ While the US indicated that it was prepared to contribute up to \$30M, the total US contribution as of December 2022 was \$20M. Additional funds came from the governments of France, Switzerland, Sweden, Taiwan, New Zealand and Estonia, among others, as well as Google, and several US funders, including the Ford Foundation and Craig Newmark Philanthropies. Deane, personal communication, December 17, 2022.

Deane said it best when I met him in London in June 2021: “Fact-based public debate, that is victory. But you can’t have public interest media without press freedom.”⁸⁸

IV

State Interest: The US Case

One of the key reasons that US journalists played such a critical role during the early years of the human rights movement was because of their ability to influence US foreign policy. In a world in which US power was unrivaled, and the influence of the US media at its peak, a single editorial in *The New York Times* could shape the US response to a human rights crisis. This was Aryeh Neier's vision and one reason he lent his support to the creation of CPJ.

In 2010, with the Cold War clearly in the rearview mirror, and US hegemony giving way to a more complex multipolar world, Human Rights Watch undertook a huge expansion financed by the Open Society Foundations, where Neier then served as president.⁸⁹ The diffused nature of global power, HRW argued, demanded that the organization develop the capacity to influence national governments around the world as well as multinational institutions. I bought into this analysis and undertook a more modest expansion of CPJ, consistent with our size and capacity. We established a new office in Brussels, increased our presence in London, and grew our advocacy department to better target the UN, the OSCE and other multilateral institutions. We also built up our network of correspondents around the world.

Complicating global advocacy, however, was the fragmentation of the media environment. In order to influence power centers around the world you not only needed the ability to engage with national media in multiple languages, you also needed to use social media in a variety of platforms to shape public perceptions. So like many organizations, we invested in social media capabilities and expanded our ability to create our own content, including video reports. These efforts were enormously complicated, enormously expensive, and not always successful.

Over the years, and in meetings in Washington, Brussels and with successive UN secretary generals I pushed for greater support for press freedom and for more outspoken denunciations of specific violations, consistent with a committed and principled defense of human rights. For the most part, these meetings were frustrating. In hindsight, the reasons were obvious. The global information space is a virtual battleground, in which states compete for influence and power. It was an arena in which realpolitik, not rights or principles, was the dominant consideration.

⁸⁸ James Deane, Personal communication with author, June 28, 2022.

⁸⁹ “George Soros to Give \$100 million to Human Rights Watch,” *Human Rights Watch*, September 7, 2010, <https://www.hrw.org/news/2010/09/07/george-soros-give-100-million-human-rights-watch>.

As we have seen, Russia and China (and even Iran) have invested in state-funded propaganda networks in an effort to shape global perceptions and undermine their adversaries. In other instances, state-funded international media are a vehicle to raise visibility and gain leverage, as with Qatar's investment in Al Jazeera, a station that became a global brand and also a major irritant to regional rivals like Saudi Arabia and Egypt. For many of the world's leading democracies, state-funded global media such as VOA, BBC World Service, Deutsche Welle or Radio France Internationale are essential to the exercise of soft power and often a useful way to challenge repressive regimes that seek to censor and suppress news. Nearly every government to one extent or another is also active on social media.

A decade ago, Western governments, led by the US, began efforts to counter "violent extremism," including the use of social media by terrorist and nationalist groups to communicate with supporters and recruit new followers. More recently, the focus has shifted to combating "mis and dis-information," a sweeping and often ill-defined concept that is used to refer to lies and propaganda disseminated by rival governments, including Russia.

For US policymakers, the focus was less about how to protect press freedom and the rights of journalists and more about how to advance US interests in the global information space, putting forward US positions, reducing the visibility of state propaganda and stamping out violent extremism online. One of the most thoughtful US officials on these issues that I encountered in my time at CPJ was Richard Stengel, who served as the under secretary for public diplomacy and public affairs during the Obama administration. Stengel was forthright in recognizing the limitations of the US influence and power to shape the global information space. It's a perspective that even today has not been fully absorbed across the US government.

Stengel's insider-outsider view of these issues reflected his own experience and role. Before joining the Obama administration in 2014 as the top official charged with shaping the US image around the world, Stengel spent his career as a journalist. He collaborated with Nelson Mandela on his best-selling autobiography *Long Walk to Freedom*, and served as managing editor of *Time* magazine for seven years, before joining the State Department.⁹⁰

The position that Stengel held, the under secretary for public diplomacy and public affairs, was created in 1999, the last year of the Clinton administration, with a mandate to "expand and strengthen the relationships between the people of the United States and citizens of other countries."⁹¹ The office oversees everything from the Fulbright fellowships, to US international exhibitions, to the foreign press centers and the spokesperson's office. The term "public diplomacy" was chosen deliberately to contrast with communications strategies of authoritarian states, which are generally directed by Information Ministries that operate in the shadows. But

⁹⁰ "George Soros to Give \$100 million to Human Rights Watch," Human Rights Watch.

⁹¹ "Under Secretary for Public Diplomacy and Public Affairs," *U.S. Department of State*, accessed December 21, 2022, <https://www.state.gov/bureaus-offices/under-secretary-for-public-diplomacy-and-public-affairs/>.

the challenge of the US approach was brought home in the aftermath of the September 11, 2001, terror attacks, when the office was accused of producing propaganda videos. Charlotte Beers, an advertising executive who was nominated by President Bush, launched a “Shared Values” campaign featuring videos of Muslims “living happy, all-American lives,” according to an account in *The Guardian*. The \$15M effort was scrapped after a number of Muslim countries refused to air the programming, which they found patronizing and offensive.⁹²

By 2014, when Stengel was on the job, the focus had shifted from telling stories about satisfied Muslims to “countering” Islamic extremism around the world. The fundamental concern was about the use of social media by the Islamic State to recruit followers, terrorize rivals, demonstrate resolve and provoke military adversaries. The US relied on a series of measures – from engaging with ISIS supporters on Twitter, to highlighting the brutal reality of life in areas under ISIS control – to push back against the ISIS narrative. Stengel helped create a new entity, the Global Engagement Center, to “counter foreign state and non-state propaganda and disinformation” and partnered with the United Arab Emirates to launch the Sawab Center, based in Abu Dhabi, in the hopes that UAE-backing would bring more credibility with a Muslim audience.⁹³

Over time, social media platforms, including Twitter and YouTube, implemented measures to flag and remove terror content, and of course the military effort that ultimately defeated ISIS also disrupted their information operations. “ISIS went from seeming omnipresent on social media to being confined to the dark web,” Stengel wrote in *Information Wars*, his memoir cum policy book published in 2019. Regarding his own efforts to use social media to counter ISIS messaging, Stengel acknowledged, “I don’t know that what we did made any difference.”

If the US counter-extremism strategy had its limitations, Stengel was equally skeptical of US government efforts to counter disinformation. This included Russian propaganda, specifically coverage intended to influence the 2016 Presidential elections. While he was appalled by Russia’s efforts to use RT and social media to stoke divisions and deepen polarization around the election, Stengel was never convinced that RT’s efforts were effective. In fact, he found US efforts to counter Russian propaganda equally feckless, due to low levels of engagement. Democratic governments, Stengel concluded, are not generally good at creating content that people will watch or read. Even if they are, news consumers are skeptical of any information that comes from governments, so utility is limited. “I don’t believe government is the answer,” Stengel wrote in *Information Wars*. “In a democracy, government is singularly bad at combating disinformation.”

⁹² Claire Cozens, “US scraps Muslim ad campaign,” *The Guardian*, January 17, 2003, <https://www.theguardian.com/media/2003/jan/17/advertising>.

⁹³ Richard Stengel, *Information Wars: How We Lost the Global Battle Against Disinformation and What We Can Do About It* (New York: Atlantic Monthly Press, 2019).

Another tool that the US government has used to combat propaganda is the network of Congressionally funded radio and television broadcasters that operate under the umbrella of what was once known as the Broadcasting Board of Governors and today is the US Agency for Global Media. The USAGM, which has a budget of \$750M a year, oversees six media entities – Voice of America; Radio Free Europe/Radio Liberty; Radio and Television Marti, which broadcast into Cuba; the Middle East Broadcasting Network, and the Open Technology Fund, which provides tools to “increase free expression, circumvent censorship, and obstruct repressive surveillance as a way to promote human rights and open societies,” a worthy goal but one compromised by US mass surveillance around the world.

Stengel viewed USAGM media as staid and old fashioned, and despite the legally mandated firewall intended to protect editorial independence, perennially compromised by its status as a US federal agency. Stengel believed that the US governments should get out of the content creation business and that USAGM media should instead aggregate coverage from the US media and distribute it to people around the world. But when Stengel presented the proposal to President Obama, the communicator-in-chief did not bite. “What is the problem we’re trying to address here?” Obama asked, during a Spring 2014 meeting in the White House Situation Room to discuss the role of international broadcasting. The president believed that people around the world wanted usable information, and thought the US should be targeting specific countries where people were potentially persuadable. Whether that goal was attainable is an unresolved question, but one thing is clear: persuasion requires credibility, and this was deeply compromised by the Trump administration, which saw no reason why a media organization funded and supported by US taxpayers should be critical and independent. In 2018 Trump appointed documentary filmmaker (and Steve Bannon friend) Michael Pack to head up the USAGM. Pack, who was finally confirmed in 2020 following years of stonewalling by Democrats, proceeded to gut the organization from within, forcing out loyal staff members and denigrating the work of highly regarded journalists.⁹⁴ One of Joe Biden’s first acts as president was to force Pack’s resignation.⁹⁵

The USAGM claims that its media outlets reach more than 400 million people a week all over the world. During my time at CPJ, and based on visits with USAGM journalists in the field, I came to believe the network performs an essential function, most notably in countries where no independent media exists. Whether it’s worth the quarter of a billion dollar annual price tag is harder to assess. Some in the media development field believe the US would get a much better return on investment channeling those funds to support local media working in their own

⁹⁴ Joel Simon, “Ten questions for the Trump ally who runs US funded media,” *Columbia Journalism Review*, September 17, 2020, <https://www.cjr.org/opinion/ten-questions-for-the-trump-ally-who-runs-us-funded-media.php>; David Folkenflik, “Defined By Scandal At Voice of America, CEO Resigns At Biden's Request,” *NPR*, <https://www.npr.org/sections/inauguration-day-live-updates/2021/01/20/958875488/voice-of-america-ceo-pack-defined-by-scandal-resigns-at-bidens-request>.

⁹⁵ Alex Ward, “Joe Biden ousts the man who tried to reshape US global media,” *Vox*, January 20, 2021, <https://www.vox.com/2021/1/20/22241014/joe-biden-michael-pack-global-media-fired>.

countries. In any case, these are two different funding pools. The vast majority of US funding for media development comes not from the State Department but the US Agency for International Development, which is an independent agency, currently led by Administrator Samantha Power.

The State Department does, however, oversee the response to press freedom violations around the world via the Bureau of Democracy, Human Rights, and Labor, which reports through the under secretary of civilian security, democracy, and human Rights up to the secretary of state. DRL, as it is known, tracks attacks on journalists and coordinates the government response, though individual US Ambassadors operate with considerable latitude. Press freedom and human rights advocates routinely call on the US government to use its influence to stand up for journalists under attack, to insist that crimes be investigated and press for the release of journalists in prison. But over the years, I can think of relatively few successes. When they occurred, it was not because a repressive government was persuaded by the US to honor its human rights obligations, or because it believed respect for press freedom would improve development outcomes. Rather, it was because of crude pressure applied by the US and calculations that were largely transactional. For example, in 2015, the US government used the leverage of a state visit by President Obama to Ethiopia to secure the release of at least five imprisoned journalists.⁹⁶

One effort to broadly redefine the relationship between democratic governments and the global information space is an initiative launched by Reporters without Borders dubbed the Forum on Information and Democracy.⁹⁷ In 2018, with input from leading academics, rights activists and lawyers, the Forum drafted a grandiose declaration enumerating its principles. It proclaimed: “The global communication and information space is a common good of humankind and should be protected as such. Its management is the responsibility of humankind in its entirety, through democratic institutions, with the aim of facilitating real communication between individuals, culture, peoples and nations, in the service of human rights, civil concord, peace, life and the environment.”

The declaration ruminated on the meaning of truth (“The truth, which may take many forms, is grounded on the correspondence between reality and perceptions or on the best available evidence from established methods of scientific, academic, journalistic or other professional practices designed to produce trustworthy information and knowledge”); the importance of the reliable information (“Information can only be regarded as reliable when freely gathered, processed and disseminated according to the principles of commitment to truth, plurality of viewpoints and rational methods of establishment and verification of facts”); and necessity of

⁹⁶ Agence France-Presse in Addis Ababa, “Ethiopia releases journalists and bloggers ahead of Obama visit,” *The Guardian*, July 9, 2015,

<https://www.theguardian.com/world/2015/jul/09/ethiopia-releases-journalists-bloggers-obama-zone-9>.

⁹⁷ “Information and democracy,” *Reporters Without Borders (RSF)*, accessed December 22, 2022, <https://rsf.org/en/information-and-democracy>.

journalists to operate independent of all power and to “serve the public interest and the public’s fundamental rights.”

Based on these principles, and an effort to combat what RSF Secretary General Christophe Deloire has dubbed “information chaos,” the Forum on Democracy developed a series of working groups, including one tasked with examining issues of media sustainability. In June 2021, the working group published a report calling for “A New Deal for Journalism” with significant new state investment in media development, including the redistribution of resources from the highly profitable tech platforms to struggling media, especially local and “high-quality” media. Fifty governments, including the United States, have signed on as partners.⁹⁸

“We defend journalism with its rights and duties,” Deloire told me when I met him in Paris in the summer of 2022. I asked him why RSF had expanded its mandate beyond press freedom to focus on a broad restructuring of the entire global information systems. “Journalists are like players,” Deloire explained. “They play on the field according to rules.”⁹⁹

“But the rules of the game are larger than journalism, the game is about the public debate, public communication, the public sphere,” Deloire continued. “If those rules of the game are against journalism or against democracy, we would waste our time just by defending journalists because they would lose in any case. So we had to find, for the digital era, a new system of guarantees, and we had to help develop this framework to safeguard for the freedom of opinion and expression in our times.”

In a two-part series called *Saving Journalism* and published in January 2021 and January 2022, Columbia professor Anya Schiffrin, along with several colleagues, explore various initiatives to create a more sustainable environment for journalism, particularly local news.¹⁰⁰ Among the various proposals and possibilities are tax breaks for subscribers, direct public investments, increased philanthropy, support for news business models, and the implementation of a “tax on tech,” such as Australia’s News Media Bargaining Code. Under the terms of a law passed by the Australian Parliament in February 2021 despite fierce opposition from Google and Facebook, the platforms are required to make direct payments to large media outlets, several of them owned by Rupert Murdoch. “Despite these inequalities, the redirection of resources from Google and Facebook toward the media sector resulting from the News Media Bargaining Code is an

⁹⁸ “Several progress at the 2nd Summit for Information and Democracy,” *Forum on Information & Democracy*, September 23, 2022, <https://informationdemocracy.org/2022/09/23/several-progress-at-the-2nd-summit-for-information-and-democracy/>; “Latest News,” *Forum on Information & Democracy*, last modified November 14, 2022, <https://informationdemocracy.org/news/>.

⁹⁹ Christophe Deloire, Personal communication with author, June 26, 2022.

¹⁰⁰ Anya Schiffrin, Hannah Clifford and Kylie Tumiatti, “Saving Journalism: A Vision for the Post-Covid World,” (Washington, D.C.: Konrad-Adenauer-Stiftung, 2021); Anya Schiffrin, Hannah Clifford, and Theodora Dame Adjin-Tetty, “Saving Journalism 2: Global Strategies and a Look at Investigative Journalism” (Washington, D.C.: Konrad-Adenauer-Stiftung, 2022).

important step forward,” Schiffrin writes. (Many critics are skeptical of this conclusion.)¹⁰¹ Additional efforts to reorient the information space include the November 2021 report from the Commission on Information Disorder of the Aspen Institute, which called on the US Congress to require greater disclosure and transparency from the tech platforms to aid public interest research and the formation of policy.¹⁰²

In April 2022, former President Obama waded into the debate, participating in a conference on disinformation at the University of Chicago organized by *The Atlantic*. Citing the persistent belief that Biden’s electoral victory was fraudulent and widespread vaccine skepticism in the US, Obama noted that authoritarian societies are even more vulnerable to disinformation. “It is difficult for me to see how we can win the contest of ideas if, in fact, we are not able to agree on a baseline of facts that allow the marketplace of ideas to work,” the president pointed out.¹⁰³

But the problem with framing the challenge as “combatting disinformation” or even overcoming “information chaos” is the same one that Richard Stengel encountered when he was in the State Department – democratic governments are uniquely unqualified and ill-equipped to succeed. There are few proven strategies that are effective.

Instead of expressing goals in negative and reactionary terms, democratic governments should instead articulate what it is they are trying to create. Democratic governments, particularly the United States, seek to shape the global information system in a number of ways and for a variety of reasons, as we have seen. The US government relies on its own communications strategies, state-funded broadcasting networks, funding and support for media development around the world, the defense of the press freedom and the rights of journalists, and policy and regulation to support public service media and tax incentives for local media. In the US, each of these efforts is carried out by different parts of the government, based on different rubrics, and with different objectives.

¹⁰¹ Anya Schiffrin, “Australia’s news media bargaining code pries \$140 million from Google and Facebook,” *Poynter*, August 16, 2022, <https://www.poynter.org/business-work/2022/australias-news-media-bargaining-code-pries-140-million-from-google-and-facebook/>; For a critical take: Peter Lewis, “One year on from Australia’s showdown with Facebook over the news media code, there’s still a lot we don’t know,” *The Guardian*, February 18, 2022, <https://www.theguardian.com/commentisfree/2022/feb/18/one-year-on-from-australias-showdown-with-facebook-over-the-news-media-code-theres-still-a-lot-we-dont-know>; Bernard Keane, “Media abandons balance in pursuit of Google’s billions,” *Crikey*, February 5, 2021, <https://www.crikey.com.au/2021/02/05/media-abandons-balance-google/>.

¹⁰² “Commission on Information Disorder,” *Aspen Institute*, accessed December 21, 2022, <https://www.aspeninstitute.org/programs/commission-on-information-disorder/>.

¹⁰³ Rick Pearson, “In Chicago, Obama cautions that Putin’s invasion of Ukraine is a warning of how ‘flabby’ and ‘feckless’ democracy has become,” *Chicago Tribune*, April 7, 2022, <https://www.chicagotribune.com/politics/ct-barack-obama-disinformation-university-chicago-20220407-3j1seejo5ngvlpj6eqyzcodplm-story.html>.

In a 2011 speech, then Secretary of State Hillary Clinton championed the “right to connect,” noting “We are convinced that an open Internet fosters long-term peace, progress and prosperity.” Clinton was right to assert that the fundamental right to seek and receive information in one’s own country and across borders must be defended and protected as a matter of principle and law. But a “right to connect” is an extremely poor articulation of the US policy goals in the information space, especially in hindsight. Across the government, the US is focused on “countering” the impact of State propaganda, reducing the visibility of extremist content, and increasing access to the timely, accurate and critical information for citizens around the world. The creation of a global information system that serves the public interest would most effectively advance US interests at this moment in history. And this is one arena where the US does have influence, not directly, but via the social media platforms, which continue to be largely US-based, and therefore subject to US government oversight and regulation.

IV

The Platforms and Public Interest

Like the media itself, the press freedom community struggled to find a way to navigate its relationship with the platforms. Were they natural allies in the fight for free expression? Or were they more like governments, adversaries that should face public pressure?

In 2010, when these questions were still unresolved, I decided to create a new Internet Advocacy program at CPJ. Some of the board objected, noting for example that all of the other work was organized regionally, and that CPJ did not have a “broadcast program” or a “print program.” But of course, the Internet was different. Our approach was to treat the platforms as frenemies, to seek to influence them, but through collaborative relationships rather than public advocacy.¹⁰⁴

We hired veteran tech journalist Danny O’Brien to start up our Internet program, which was based in San Francisco. Despite his background as a journalist, the integration between the Silicon Valley perspective on speech issues and media perspective was not easy. To give one example, media companies viewed efforts to limit content sharing as a corporate and business decision. O’Brien saw it as a free expression issue. Aggressive policing of copyright represented a threat to free expression and press freedom itself because, O’Brien argued, the primary way that people express themselves online is by sharing content, including news articles. O’Brien was joined in this view by many other digital rights activists. Without explicitly taking sides, I decided that this was not an issue for CPJ.¹⁰⁵

¹⁰⁴ Joel Simon, “No press freedom without Internet freedom,” *CPJ*, <https://cpj.org/2014/07/no-press-freedom-without-internet-freedom/>.

¹⁰⁵ Danny O’Brien, Email to author, December 21, 2022.

Personal recollection confirmed with Danny O’Brien via email, December 21, 2022. The debate was grounded in the 2012 battle over two Congressional bills to limit “online piracy,” legislation that a number of media companies

As O'Brien never tired of reminding the staff, the Internet in its original Utopian formulation was a space for free and unregulated speech, where free expression thrived, and where government influence was limited.¹⁰⁶ Even as the Internet was corporatized and consolidated, that vision remained largely intact, at least as far as O'Brien was concerned. He liked to tell me that "the First Amendment was baked into the Internet," and while I never doubted this, I also saw that for the tech companies the commitments to free expression was something of a marketing strategy, a way to position their brands, and an excellent pretext for avoiding the hard calls about content moderation.

I felt this somewhat cynical view was validated year after year, as I watched the platform's free expression commitment crumble as the political realities shifted. The proliferation of extremist content, the rise of state propaganda, the stream of harassment and abuse, the filter bubbles and polarization, all raised the social costs of a hands-off approach. The last hurrah for the free speech framework may have come in October 2019, when Mark Zuckerberg spoke at Georgetown University. The Facebook Founder and CEO argued that the company's decision to allow political advertising that was false and dishonest was grounded in a commitment to free expression.¹⁰⁷ Over a year later, Facebook and also Twitter banned a sitting president from their platform because of a determination, made by a few individuals, that Trump's speech, while constitutionally protected, would lead to significant real-world harm. While that decision struck me as sensible at the moment, it undermined any pretext that content moderation on the platforms was grounded in free expression. The question is, what would replace it?

As the platforms have taken a more active role in regulating content, they have struggled to articulate an overarching framework for their decision-making. In his Georgetown speech, Zuckerberg explained that Facebook (now Meta) embraces the American free speech tradition but also seeks to protect the public from "danger" and "harm." In a 2018 Harvard Law Review piece, *The New Governors: The People, Rules, and Processes Governing Online Speech*, legal scholar Kate Klonick traces the origins of the content moderation process at Facebook, Twitter and YouTube. Given the legal immunity that the platforms enjoy under Section 230 of the Communications Decency Act, Klonick asked, "Why moderate at all?" Klonick suggests two reasons – corporate social responsibility and the bottom line. In the first bucket she puts brand identity along with democratic and legal principles including free speech. In the second she

represented on the CPJ board supported. Tech companies mobilized against the proposed laws, known as SOPA and PIPA, and the bills were ultimately defeated. See also: Jenna Wortham, "Public Outcry Over Antipiracy Bills Began as Grass-Roots Grumbling," *The New York Times*, January 19, 2012, <https://www.nytimes.com/2012/01/20/technology/public-outcry-over-antipiracy-bills-began-as-grass-roots-grumblin-g.html?pagewanted=1&ref=technology>.

¹⁰⁶ Jack Goldsmith and Tim Wu, *Who Controls the Internet?: Illusions of a Borderless World* (Oxford: Oxford University Press, 2006).

¹⁰⁷ Tony Romm, "Zuckerberg: Standing For Voice and Free Expression," *The Washington Post*, October 17, 2019, <https://www.washingtonpost.com/technology/2019/10/17/zuckerberg-standing-voice-free-expression/>.

includes the imperative to limit harassment, trolling and bullying as a business strategy, to ensure users have a positive experience when they use the site.¹⁰⁸ Facebook and Google (which owns YouTube) are members of the Global Network Initiative, which have committed to respecting international human rights principles, including in regard to content moderation.¹⁰⁹

According to Zuckerberg in his Georgetown speech, there are 20 categories of content that are routinely removed – from nudity, to anonymous accounts, to misinformation (sometimes), to terror-related messages. While the decision to deplatform Trump in the aftermath of the January 6 Capitol riot, at a time when Trump’s posts were fueling violent action that threatened democracy and the Constitution, certainly met the threshold of real-world harm, the fact that it was arbitrarily applied and open-ended violated the free expression principles to which Zuckerberg had claimed an overriding and profound commitment, as Facebook’s Oversight Board later determined.¹¹⁰

In his 2019 book *Social Media and the Public Interest*, the communications scholar Philip Napoli argues that because of their power and reach, social media platforms should be regarded as media companies. “Unlike newspapers, radio, and television, which eventually assumed the responsibilities of providing news, one of the primary characteristics of social media platforms, search engines, and content aggregators has been their resistance to being characterized as media companies, insisting instead that they be thought of as primarily – or exclusively – as technology companies,” Napoli noted, adding later, “What has been largely missing from the platforms’ conception of themselves as distributors of news and information is the concept of ‘public interest.’”¹¹¹

As Napoli notes, and as outlined in the opening section of this essay, the term public interest has “a very long, complex, and contested history in the world of media and journalism and has served as a central component of the professional and organizational missions of journalists and news organizations.” It has been, Napoli adds, “a guiding concept for regulators and policymakers who oversee the media sector, in an effort to assure that community information needs are being met and that the news media are playing their proper role in informing and facilitating the democratic process.”¹¹²

¹⁰⁸ Kate Klonick, “The New Governors: The People, Rules, and Processes Governing Online Speech,” *Harvard Law Review* Vol. 131:1598, 1626-1630, https://harvardlawreview.org/wp-content/uploads/2018/04/1598-1670_Online.pdf.

¹⁰⁹ “Global Network Initiative,” *Global Network Initiative*, accessed December 22, 2022, <https://globalnetworkinitiative.org/>.

¹¹⁰ “Former President Trump’s suspension,” *Oversight Board*, May 2021, <https://www.oversightboard.com/decision/FB-691QAMHJ>.

¹¹¹ Philip M. Napoli, *Social Media and the Public Interest: Media Regulation in the Disinformation Age* (New York: Columbia University Press, 2019), Kindle edition.

¹¹² Napoli, *Social Media and the Public Interest*, Kindle edition.

Because of the profound power of news and information to shape democratic discourse, media industries that have failed to internalize a public interest framework have sometimes been regulated to ensure adherence to these principles. Exactly how far public interest regulation should extend has been the subject of fierce debate since the advent of radio. The most aggressive era of broadcast regulation was the half century when the FCC applied the fairness doctrine. “The fairness doctrine was not just about maintaining some degree of balance on the public airwaves; it mandated an enforceable social compact that ensured commercial broadcasters had an affirmative duty to cover particular kinds of information and uphold democratic imperatives that did not reduce to the mere pursuit of profit,” argues Victor Pickard in an essay on 1940’s media policy.¹¹³

Napoli notes that the precepts of public interest media regulation were fairly developed over decades and were based on a series of principles ranging from balancing opposing viewpoints, to diversity of programming and localism. However, and again as noted, because public interest broadcast regulation was based on a rationale of scarcity, the logic collapsed with the advent of cable and the introduction of hundreds of new channels. In loosening regulation for broadcasters, the Reagan administration also raised Constitutional questions that remain unlitigated and thus unresolved. However, it is worth noting that a whole host of public interest regulations remain in place, from requirements for children’s programming, equal access for political candidates and mandates that channels be set aside time for educational and public access programming. Despite the fact that the technology companies have benefited from enormous taxpayer-funded investments – from research to broadband access – they have never been subjected to public interest regulation.

In September 2016, the Norwegian daily *Aftenposten* published a feature on its Facebook page by author Tom Egeland highlighting seven photographs that changed the history of warfare. Among them was the iconic “napalm girl” photo taken by AP photographer Nick Ut showing children fleeing an American bombing raid in Vietnam. The photograph was removed for violating Facebook’s community standards because it showed a naked girl. When Egeland reposted the photo along with his objections he was shut out of the platform. This prompted a huge outcry, with the Norwegian Prime Minister posting the photo in solidarity, and *Aftenposten* editor Espen Egil Hansen publishing an open letter in which he called Zuckerberg the “world’s most powerful editor.”¹¹⁴

¹¹³ Victor Pickard, “The Great Reckoning,” *Knight First Amendment Institute at Columbia University*, February 24, 2022, <https://knightcolumbia.org/content/the-great-reckoning>.

¹¹⁴ Joel Kaplan and Justin Osofsky, “Input From Community and Partners On Our Community Standards,” *Meta*, October 21, 2016, <https://about.fb.com/news/2016/10/input-from-community-and-partners-on-our-community-standards/>; Camila Domonoske, “After Facebook Censored Iconic Photo, Norwegian Newspaper Pushed Back,” *NPR*, September 9, 2016, <https://www.npr.org/sections/thetwo-way/2016/09/09/493267919/after-facebook-censors-iconic-photo-norwegian-newspaper-pushes-back>.

“I think you are abusing your power, and I find it hard to believe that you have thought it through thoroughly,” Hansen wrote.

Under intense pressure, Facebook relented, restoring the post, and later updating its content moderation policies. “In the weeks ahead, we’re going to begin allowing more items that people find newsworthy, significant, or important to the public interest — even if they might otherwise violate our standards,” wrote Facebook executives on a corporate blog published a month after the incident. The new framework, however, would apply in highly limited circumstances. “As always, our goal is to channel our community’s values, and to make sure our policies reflect our community’s interests,” the blog noted.¹¹⁵

Twitter in the pre-Musk era occasionally referenced public interest in regards to content moderation decisions. According to its platform use guidelines, “Twitter generally actions Tweets that violate our rules. However, we recognize that sometimes it may be in the public interest to allow people to view Tweets that would otherwise be taken down. We consider content to be in the public interest if it directly contributes to understanding or discussion of a matter of public concern.”¹¹⁶

As with Facebook, the guidelines make clear that rather than being at the heart of content-moderation decision-making or algorithmic design, public interest is an exceptional criteria applied in rare instances and according to an involved and convoluted process to override core policies.¹¹⁷ In fact, the Meta Oversight Board in a decision related to a program called cross-check that provided extra layers of human review for content moderation decisions involving high-profile users, directed Facebook to prioritize “expression which is important for human rights, including expression of public importance.”¹¹⁸

This can and has been done. A 2020 Council of Europe research paper from Eleonora Maria Mazzoli and Damian Tambini entitled *Prioritisation Uncovered: The Discoverability of Public Interest Content Online* points to voluntary actions taken by social media companies to highlight accurate information at the height of the COVID-19 pandemic as an example of public interest prioritization, with clear social benefit. Whether public interest content is given priority either as a normative value or based on regulation, the challenge, the authors acknowledge, is

¹¹⁵ Kaplan and Osofsky, “Input from Community.”

¹¹⁶ “About public-interest exceptions on Twitter,” *Twitter Help Center*, accessed December 21, 2022.

¹¹⁷ “About public-interest exceptions,” *Twitter Help Center*.

¹¹⁸ “Oversight Board publishes policy advisory opinion on Meta’s cross-check program,” *Oversight Board*, December 2022,

<https://www.oversightboard.com/news/501654971916288-oversight-board-publishes-policy-advisory-opinion-on-meta-s-cross-check-program/>.

definitional.¹¹⁹ While there is no agreed upon standard, as noted earlier, the contextual and subjective nature of public interest is in some measure what makes the term appealing, so long as there is a process for ongoing evaluation and discussion. Several efforts are underway to consider the use of article intelligence to identify and prioritize public interest content, including one by the Organization for Security and Co-operation in Europe.¹²⁰ Various initiatives to codify journalistic standards are already in place, and could be used to elevate and prioritize public interest content. These include RSF's Journalism Trust Initiative, which evaluates journalism according to professional standards, and NewsGuard, a private company based in the US, which uses "trained journalists" to carry out independent assessments.¹²¹

Content moderation decisions are immensely difficult, and as someone who has participated in tabletop exercises with social media companies I understand and appreciate the challenges. Making public interest a central criterion for decision-making will not necessarily make the process easier. But it will make it better. First, it will bring decision-making into greater alignment with high-order editorial function, reducing the kind of conflict that became a crisis when *Aftenposten* published the Nick Ut photograph. Second, it will communicate to users that the platforms are applying some level of subjective judgment (even if this subjectivity is baked into algorithms or applied using AI) not only to conform to "community standards" but in reference to a higher ideal of meeting the needs of an informed citizenry. Third, since public interest is already an established regulatory framework with specific criteria, it opens the door for meaningful government regulation should the platforms fail to meet their public interest obligations.

In fact, it could be argued that the emerging European regulatory framework – the Digital Services Act and Digital Markets Act, which came online in the fall of 2022 – is grounded in a public interest framework, even if not specifically articulated. The Digital Services Act in particular is intended to create an online environment that supports informed societies and democratic participation. Whether the new European legal regime will achieve that result is very much an open question. There is an ongoing and important debate about whether some of the DSA legal requirements are fully aligned with European human rights standards, and there are also questions of enforceability.¹²²

¹¹⁹ Eleonora Maria Mazzoli and Damian Tambini, "Prioritisation Uncovered: The Discoverability of Public Interest Content Online" (Strasbourg: Council of Europe, 2020), <https://rm.coe.int/publication-content-prioritisation-report/1680a07a57>.

¹²⁰ Deniz Wagner and Julia Haas, "Impact of Artificial Intelligence," Organization for Security and Co-operation in Europe, accessed December 21, 2022, <https://www.osce.org/fom/ai-free-speech>.

¹²¹ "About Us," *Journalism Trust Initiative*, accessed December 21, 2022, <https://www.journalismtrustinitiative.org/about>; "NewsGuard Ratings," *NewsGuard*, accessed December 21, 2022, <https://www.newsguardtech.com/solutions/newsguard/>.

¹²² "Digital Services Act includes many RSF's proposals but ignores major issues for press freedom," *Reporters Without Borders (RSF)*, May 9, 2022, <https://rsf.org/en/digital-services-act-includes-many-rsfs-proposals-ignores-major-issues-press-freedom>.

Precisely because the technologies that deliver information are constantly shifting and changing – most recently with Facebook reducing the amount of actual news in its “news feed,” with TikTok gaining market share and with Twitter in turmoil following the Elon Musk purchase – any conception of public interest should apply not just to the platforms. It’s also not necessary to make a determination that the platforms are themselves publishers in order to mandate greater adherence to public interests principles. The public policy goal must be to ensure that information systems serve the public interest and meet the needs of a democratic society.

In a provocative essay about the limitations of the First Amendment to address the speech-related challenges stemming from “flooding” (i.e. drowning out rather than censoring critical speech) and the proliferation of government propaganda, law scholar and technologist (and current Biden administration official) Tim Wu notes that “at its essence, the debate boils down to asking whether these platforms should adopt (or be forced to adopt) norms and policies traditionally associated with twentieth-century journalism.” Wu invites readers to imagine a “law that makes any social media platform with significant market power a kind of trustee operating in the public interest, and requires that it actively take steps to promote a healthy speech environment.” Wu expresses mild reservations about such a law, believing that it would be difficult to administer, and prone to manipulation. But he believes that Congress does have the Constitutional authority to regulate in this manner.¹²³ The question may well be decided in the near term. Two laws in Texas and Florida that seek to limit the ability of social media companies to moderate content are facing Constitutional challenges before the Supreme Court.¹²⁴ In another case, *Gonzalez v. Google*, the Court is expected to rule on whether Google can be held liable for the 2015 terrorist attack in Paris because of its recommended content from the Islamic State.

There are also alternatives to public interest regulation. For example, university professor and social entrepreneur Ethan Zuckerman argues that the US should invest in the creation of the public service Internet, including support for public service digital media in the mold of NPR and PBS. “The American model of introducing public media as a correction to market failures suggests that it’s possible to build ambitious public service media well after the advent of a new medium,” Zuckerman writes.¹²⁵ The case of Wikipedia, the multilingual, online encyclopedia which has a deep public service mission and is sustained largely by volunteer labor, gives some idea of how the digital space could be transformed by substantial government investment to support independent institutions.

¹²³ Tim Wu, “Is the First Amendment Obsolete?” *Knight First Amendment Institute at Columbia University*, September 1, 2017, <https://knightcolumbia.org/content/tim-wu-first-amendment-obsolete>.

¹²⁴ “Amicus Brief: NetChoice, LLC v. Attorney General, State of Florida,” *Knight First Amendment Institute at Columbia University*, accessed December 21, 2022, <https://knightcolumbia.org/cases/netchoice-llc-v-attorney-general-state-of-florida>; “Gonzalez v. Google LLC,” *SCOTUSblog*, accessed December 22, 2022, <https://www.scotusblog.com/case-files/cases/gonzalez-v-google-llc/>.

¹²⁵ Ethan Zuckerman, “The Case for Digital Public Infrastructure,” *Knight First Amendment Institute at Columbia*, January 17, 2020, <https://knightcolumbia.org/content/the-case-for-digital-public-infrastructure>.

While Napoli, Zuckerman and Wu focus their arguments on the US domestic environment, the creation of an information system that serves the public interest is even more important in an international context. Democratic countries must be able to apply their own conception in formulating policies that meet the broader goal, so long as those policies do not violate international human rights protections. There is of course always a risk that public interest media regulation could be co-opted by the authoritarian states to justify media repression.¹²⁶ On the other hand, public interest arguments can be used to push back against censorship. Because the public interest is unknowable in an environment characterized by massive state repression, authoritarian states that claim to be acting in the public interest have a weak case. In such circumstances, an effort to meet the information needs of a repressed population through support for independent media, circumvention technology, international broadcasting networks and rights-based public advocacy is the necessary and appropriate response.

By embracing a public interest framework for content moderation and algorithmic design, US social media platforms can align themselves with the broader goals outlined in this essay – creating a global information system that strengthens democracy, accountability and transparency around the world. This is all the more important as the “metaverse” takes shape. If the organizing principle for the World Wide Web was free expression, then the new Internet, Web 3.0, grounded in blockchain and straddling the real and virtual worlds, must be guided by public interest, at least when it comes to news and information. As noted in the last section, this is not just a matter of US domestic policy. By ensuring that the US social media platforms incorporate public interest considerations into content moderation policies, the US can also help achieve a key foreign policy objective, fomenting a global information system that elevates independent news over government propaganda, extremist content and hate speech.

V

Toward a Public Interest Consensus

Addressing the global press freedom crisis requires a systematic response that engages all sectors seeking to positively influence the global information space and unites them in a shared vision

¹²⁶ Chatham House, “Chatham House Prize 2018: The Committee to Protect Journalists (CPJ),” Youtube, November 18, 2018, https://www.youtube.com/watch?v=sKTEvMZ-wPI&ab_channel=ChathamHouse.

In 2018, CPJ was awarded the Chatham House Prize for “the most significant contribution to the improvement of international relations in the previous year.” In my acceptance speech, I argued that “if we solely define journalism by its public service role and prioritize its contribution to a healthy media ecosystem over all else, we risk opening the door to unwanted oversight and regulation.” That risk remains, but in the intervening four years the disruptions to the information systems have grown so profound that it is unrealistic to expect even informed citizens to sort through the morass and determine the truth. In this context, and as this essay makes, prioritizing the defense of journalism that serves the public interest makes a more direct connection between press freedom defense and positive social benefits, a connection that is more difficult to discern in free speech advocacy grounded in the marketplace of ideas.

that is articulable, achievable and clear. The public interest standard best meets the test. The key advantage, as noted earlier, is that public interest is both a normative value and regulatory framework. The adoption of public interest as an overarching organizing principle thus provides an opportunity to build the kind of cross-sectoral alliances necessary to improve global press freedom conditions in the long term.

As has been repeatedly noted, the meaning of public interest is contested, evolving and contextual. This discretionary zone is an advantage, and rather than seeking to create a consensus around a rigid definition the public policy goal should be to provide productive forums to evaluate and debate the meaning, in a variety of different contexts. By its very nature, the term public interest invites the public itself into the conversation, based on a recognition that the system must serve their specific needs. Thus regulatory structure guided by public interest must have strong mechanisms for civic participation.

For journalists, public interest represents the highest ideals of the profession, including service to the community, the accountability function and contributing to democratic discourse. Within journalism, public interest is generally determined based on subjective criteria that reflects the judgment of editors, reporters and commentators about what information citizens need to exercise power. Many media organizations describe themselves as having a public interest function, and this identity cuts across commercial media, community media, public service media (independent but state-funded) and nonprofit media. Obviously, all journalists have the same rights whether they are covering celebrities, sports or politics. But not all journalism has the same value to society.

The adoption of a public interest framework is intended to supplement and not supplant the baseline defense of human rights, as codified in international law. The defense of fundamental rights must continue to be at the heart of press freedom advocacy, but must be infused with a recognition that in the current environment news and information that advances accountability and democratic debate will not necessarily prevail in the “marketplace of ideas.” Press freedom organizations should therefore adopt a rights plus approach, elevating the defense of journalism that meets the highest ideals of the profession, that is journalism that serves the public interest. The adoption of a rights plus framework would reflect the reality of current practice, in which media defense organizations apply their own values to set priorities. It would also make more explicit to the public the value of a free press.

Governments, foundations and private philanthropies involved in media development should focus their support on media outlets with a clear public interest mandate, especially investigative journalism and accountability journalism that keeps tabs on the powerful.

Democratic governments should recognize a special and sustained interest in supporting, funding and protecting public interest media and developing policies that increase its influence and visibility.

Social media platforms that distribute news and information at scale should adopt a public interest rationale. Once the platforms articulate a public interest commitment, they can be pressured to meet it through public advocacy, congressional hearings and other methods of persuasion. To the extent they fail to meet their commitment, platforms should be regulated in the public interest based on well-established criteria.

Democratic governments should also consider investing directly in the creation of a public service digital infrastructure, as described by Ethan Zuckerman, with the scale of that investment determined by the ability and willingness of the private social media platforms to meet with the public interest commitments. Because the overarching goal would be to create an information system that serves the public interest, governments can adapt the policies in response to changes in technology.

Journalists themselves need to play a crucial role in shaping the global information space. They have much to contribute because their experience incorporates public interest as normative value. But the debate has largely been surrendered to policymakers, technologists and academic researchers.

The challenge for journalists in any public policy debate is that they have a professional obligation to cover the deliberations and thus their direct participation could represent a conflict of interest. This potential conflict extends to media organizations themselves and could limit the involvement of newsroom leaders and executives in the debate. The best-suited institution to represent the interests of journalists and ensure their perspective informs the discussion are journalism schools at leading universities. In the United States, journalism schools have focused largely on professional training rather than research. But the technological transformation of the information landscape represents an existential threat to the profession, and journalists simply cannot remain on the sidelines. Research carried out by journalism schools can inform media and tech policy at both a domestic and international level. Journalism schools can regularly host events and convenings to ensure cross-sectoral dialogue and increase public awareness and education about the evolving threats to information systems. Under the rubric of “protection” these public facing functions can be combined with curricular development to ensure that the next generation of journalists is prepared to confront challenges to their own work as media professionals wrought by technologies, whether there are government information operations, online harassment or shifting financial models.

The adoption of the public interest framework is not a magic bullet that will solve the global press freedom crisis. But it represents a positive vision, and a potential consensus framework to guide advocacy, underpin media development, anchor government response and frame social media policy. It's a critical step on the road to a better – and better informed – future.

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Joel Simon is the founding director of the Journalism Protection Initiative at the Craig Newmark Graduate School of Journalism. This essay was researched and drafted during the course of the 2022, when Simon was a fellow at the Tow Center for Digital Journalism at Columbia University and visiting senior fellow at the Knight First Amendment Institute, also at Columbia. The author is grateful to the Ford Foundation, which provided funding. Among those who read drafts of the report and provided feedback and guidance are Emily Bell, Jameel Jaffer, Patricia Campos Mello, Carlos Lauría, David Kaye, Anya Schiffrin, Silvio Waisbord, Robert Mahoney, Sara Rafsky, Theo Tamayo and Mira Milosevic.