CHAPTER 4

Journalism, Truth and the Restoration of Trust in Democracy: Tracing the EU 'Fake News' Strategy

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Introduction

Digitalisation, particularly its social media dimension, is inextricably linked with what most scholars, politicians and journalists consider an unprecedented 'fake news' epidemic, which is putting the very legitimacy of democratic government in peril (Alvares & Dahlgren, 2016; Edson

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et al., 2019; Newman et al., 2018). At the same time, digital media are considered the catalyst in the (re)surfacing of extreme political ideologies and the disruption these cause to democratic discourse conventions and trust in representative democracy (Inglehart & Norris, 2016; Sunstein, 2017). Consequently, we observe an increasing radicalisation of political discourse, often characterised by 'trench warfare dynamics' (Karlsen et al., 2017) and extreme political views (Ernst et al., 2019). Thus, the process of public opinion formation through the public sphere is disrupted in the double sense of the erosion of the trustworthiness of news and of the consensus of core democratic values. For critical media scholars, it is clear that the digital spread of misinformation, division and hatred is a 'peril for democracy' and a pollutant of '[t]he channels of information that inform democratic citizens—the lifeblood of democracy' (Ward, 2019, p. 33).

Nevertheless, the empirical evidence that supports the 'fake news' epidemic thesis and the link between extremism, digital media and the declining trust in democratic institutions—including journalism and the democratic public sphere—is inconclusive, if not scant (Allcott & Gentzkow, 2017; Halberstram & Knight, 2016; Hong & Kim, 2016; Rosanvallon 2008; Srijan & Shah, 2018). Phil Howard observes that 'only one part of the political spectrum—the far right—is really the target for extremist, sensational and conspiratorial content. Over social media, moderates and centrists tend not to be as susceptible' (University of Oxford News and Events, 2018). In a similar vein, Karlsen et al. (2017) point out that the echo chambers that were meant to signal the fragmentation of the public sphere remain empirically elusive. Cas Mudde (2018) picks up on this point—corroborated by a study on selective exposure to misinformation by Guess et al. (2018)—to highlight that it is rather hyperbolic to talk of a 'fake news epidemic', because it is clear that: (a) only a small group of people with a specific political/ideological profile read and spread 'fake news' online (the vast majority of these being extreme-populist right wingers); and (b) people read some 'fake news' but also read a lot of 'normal news' too (Mudde, 2018). Instead of focusing on pan-European legislation that will tackle a non-existent 'fake news epidemic', Mudde redirects our attention to mainstream media's click-bait strategies—strategies employed to ensure that as many people view their articles and, thus, increase their revenue. He also highlights the lack of in-depth investigation and analysis in journalistic work, whereby mainstream news outlets publish reports that are based on uncorroborated evidence and/or on single sources. In this, Mudde echoes much of the

literature on post-truth and 'fake news', in which journalism is one of the core villains in the 'prophecies' about the state of democracy in the post-truth era (Farkas & Schou, 2020, pp. 58–60).

In this chapter, we disentangle the complex relationship between the democratic public sphere, journalism and truth. Instead of holding journalists individually accountable for the spread of 'fake news', we consider the various enabling and constraining factors of journalistic work and practices. Journalists are not individuals that are closer to the facts or more devoted to the truth than are others. Rather, they are embedded in a professional field of journalistic practices, which help to establish the value of information and establish their use in a way that becomes acceptable and convincing for the majority. To account for this complex relationship between journalism, truth and trust in democracy, we discuss institutional approaches to journalism and identify constraints to the traditional model functioning of journalism in light of new digital challenges.

The chapter proceeds as follows—first, we give an overview of the literature on the relationship between journalism and trust, distinguishing two levels of truth and trust in the public sphere. We then link these levels of truth-trust to the digital transformation of the public sphere and its impact on information abundance, plurality of views and hyper-scrutiny in public debates. Subsequently, we assess the EU's anti-disinformation strategy and propose relevant news media actions in light of these new challenges to meet the public sphere's normative standards in democracy.

Between Truth and Trust: Journalists as Informed Opinion-Makers

Journalism's relationship to truth is ambivalent. On the one hand, journalists claim the 'ontological truth' of news and their privileged role as 'truth finders' through their own methods of investigation. On the other hand, they do not work like scientists and, therefore, do not have the epistemological means that could substantiate the 'truth' in journalism work (Broersma, 2013, p. 33). In practice, this means that journalists have to weigh various accounts of truth and to acknowledge that their informed opinion cannot lay claim to an absolute truth, but instead remains tentative, contested and open to revision whenever new information comes forth and doubts about the correctness of available information are raised (Hendricks & Vestergaard, 2018, p. 53). Their mediating role notwithstanding, there is no guarantee that society can agree on the truth-value of information and its public uses.

The modern public sphere, which is grounded on the principles of free speech and publicity, is not only dependent on 'scientific facts' but also on intersubjective agreement. It requires a shared epistemology among the truth finders and their publics (Waisbord, 2018, p. 1871). Journalists are, then, critical mediators of truth and a safety valve that prevents the imposition of one institution's or person's truth on the whole of a society. They 'tell the truth', which they uncover from the 'facts out there', by applying de-personalised and rationalised working methods (Broersma, 2013, p. 32). At the same time, journalists stick to rules of impartiality and fairness. They support public reasoning by allowing for the expression of plural voices (governmental and oppositional, mainstream and marginal) and, therefore, ideally arrive at a balanced account of different versions of the truth. This includes the difficult task of critically putting to the test the validity claims raised by these plural voices in a way that informs public opinion.

The public sphere is inherently driven by critical debates and exchanges that contest the value of information and the degree of informed opinions. Information is, therefore, not synonymous with 'the truth', which only needs to be picked up by journalists and amplified to become accessible for broader publics. Truth is not an external input to news, but an unstable outcome of fact-finding, information-seeking and contestation, where journalists act as professional brokers. News media derive their trustworthiness from their 'selectivity' capacity rather than a claim of representing 'the absolute truth' (Kohring & Matthes, 2007), specifically, their capacity to (convince the public that they) select reliable and appropriate sources and information, and provide credible and objective assessment of these (Kohring & Matthes, 2007). Readers of the news, as well, change their expectations and learn and experience that news does not represent 'the truth' but 'a truth'. What counts then is not simply the truth-value of information and news but also trust in the institutions and procedures that generate news and allow for the establishing of the value of news as a collectively binding force for the political community at large.

Trust in journalists is, in this sense, a prerequisite for society to reach agreement about the value of information and of the public use of information to identify and detect problems. At the same time, a well-functioning journalism and public sphere are needed to generate trust in the functioning of democracy. Trust has, thus, a plural meaning. It is trust in representatives, who defend or contest the value of truth; it is trust in

the procedures that allows for the establishing of the value of truth; and, ultimately, it is also trust in the mediators, specifically, in the institution of journalism.

This complex relationship between the public sphere, journalism and truth allows us to re-conceptualise the making of truth and falsehood in public debates. The public sphere is not simply there to establish truth through its intermediators in journalism. Journalists are not defending truth standards against what is identified as 'fake' or 'wrong', but operate within a field where the value of information remains principally contested. Standards and procedures of journalism are therefore not applied in a way to detect truth in an absolute way and defend it against falsehood, but to approach truth in the most reliable and acceptable way. The truth-value of information is not attached to it as an attribute that decides over its use in public debates; it is rather the (unstable) outcome of such procedures of critical debates and journalism practices.

'Fake News' as Proclaimed Truth

From the above, it becomes clear that what is critical for the democratic functioning of the public sphere—besides the content of news—is the procedure through which the value of information is established. This is either through an argumentative exchange, which remains principally open and inconclusive (trust in the procedures and institutions of public contestation) or through personal attributes and style of representatives who proclaim the value of information through the media. In the first case, the value of information relies on an argumentative exchange in search of truth, and in the second case, it relies on the blind faith of publics and the face value of information received by them. Journalism and the news media have, thus, principally two options when generating trust in the value of information:

- Truth through argumentation. This is the type of truth we arrive at through the consideration of different arguments in a critical and open exchange among journalists, experts and political representatives. Truth is the unstable and preliminary outcome of the procedures of fact-finding and fact-checking. Even if arguments and debate do not lead to an ultimate agreement on the value of information as truth, democracy can still rely on trust in the process of establishing the truth and the collectively binding forces generated

by it. Procedures of establishing the truth: this is what journalists ought to adhere.

- Truth through proclamation. Contrary to the Socratic, or deliberative, type of truth established through the exchange of arguments, proclamatory truth entails the acceptance of the truth-value of information based on the authority or the person defending it, the suggestive force of the underlying dogma, or followers' blind trust in the proclaimed truth. Truth would be an external, but stable and unquestionable input that determines the content of news. Expressions of critique or distrust in the value of information are not foreseen or even precluded. Journalism and the news media would then simply be a forum for trusted authorities to proclaim truth, which would have an ultimate binding force for their followers. The press would ultimately be partisan, and readers would align according to the trustworthiness of news sources for whom journalists are only the mouthpiece.

We can see that the latter mode of establishing the value of information through proclamation would easily lead to the strengthening of trust in single representatives at the cost of undermining trust in the procedures that allow establishing the truth. The public sphere would not be 'deliberative', but become 'representative' again, as in the pre-modern era (Habermas, 1989), with the difference that not one general absolute truth is defended with authority, but several versions of categorical truth. The result would be polarisation of different 'trust communities' that diverge in how they interpret the value of information. This model of journalism as a mouthpiece for the proclamation of partial truths is not new; we find it in the partisan press of the pre-digital era, and in many cases, it remains a core pillar of national media systems today (Brüggemann et al., 2014; Hallin & Mancini, 2004).

The 'fake news' debate thus relates to a shift from deliberative to categorical conceptions of truth, and it is, therefore, no coincidence that critical observers also speak of the return of the partisan press that spread their partial truths to faithful adherents, such as Fox News in the United States (US) (Levendusky, 2013). The denial of the promoters of 'fake news' to enter an argumentative exchange and their often-aggressive strategies to proclaim their truth against science, bears the risk of a retreat of reason in public debates. Deliberative rationalists, in turn, might

take a more defensive stance by highlighting consensus about scientific facts instead of epistemological struggles over knowledge. As public contestation of scientific facts is increasingly perceived as risky, science communication in the media is, thus, either reduced or oversimplified. This might be an indicator of the fact that also deliberative democrats increasingly lose trust in the media as mediators of the value of information and in public sphere procedures of establishing the truth. Following this line of argument, if existing media infrastructures become dysfunctional and the public sphere is disrupted, democracy needs to be protected from the damaging effects of a disrupted public sphere and deliberative fora ought to be sheltered.

We therefore need to approach the role of journalism in the digital age not as an institution that ought to merely re-assert its authority, but rather to reinstall procedures of truth finding that have a collective binding force and do not divide society into different trust communities represented by different types of media. This requires non-partisan journalism, independent of financial and political influence (Broersma, 2013; Davies, 2019; McNair, 2017; Michailidou & Trenz, 2015; Ward, 2015, 2019). It is under this prism that we unpack, in the following, the interplay between different layers of trust building shaped by competing expectations about the ideal functioning of journalism. We distinguish between three interrelated functions of journalism in democracy: publicity, public opinion formation and legitimation. Each of these functions can be enhanced, but also fundamentally challenged, by digital transformations. We then review the disruptions to these functions that arise from digital transformations and critically discuss the counter-strategies that are proposed by the EU.

Publicity as Challenged by Information Abundance/Overload/Surveillance

Publicity relates to the public sphere's function in democracy to make matters of shared concern visible and relevant in public, to the public and by the public, in a manner that ensures plurality of voices and the safeguarding of basic principles of civil public exchange (Dewey, 2012[1927]; Splichal, 2002). The abundance of information available online risks overloading legacy media institutions' abilities to verify the accuracy of content distributed online and challenge governments' policymaking ability (Voltmer & Sorensen, 2016). Online publicity is further

distinguished by the hybridity of content and data that flows in semi-public and semi-private spheres, with both content providers (e.g. cultural industries or news industries) and individual users losing control over the flow of data. The freedom of access and openness of digital media content and services often comes at the price of pervasive surveillance, which may limit individuals' freedom and narrow their sources of information, as well as empowering business and states vis-à-vis citizens (Webster, 2017).

In a chain-reaction process, the declining quality of reporting and questionable democratic credentials of media owners fuel the decline in trust in the institution of journalism globally and across Europe (Gallup, 2019). Direct attacks against freedom of speech and the press have also become more frequent, provoked, especially, by populist leaders and new authoritarian governments. In some countries, like Hungary, Poland and Italy, the press freedom index is in steep decline, and governments have also entered a 'war' with journalism, putting increased pressure on the free press, restricting budgets and the autonomy of public service broadcasting (Reporters Without Borders, 2020).

In the struggle over digital publicity, we observe how media industries' and governments' monopoly on information is challenged by the rise of digitally driven political mobilisation, with some digitally driven movements transforming into mainstream political parties, such as the Five Star Movement in Italy or the transnational DiEM25. Digital movements of opinion may be civil society-driven, or they may be launched by individual influencers through YouTube or Instagram, often reaching out to millions of people worldwide (Barisione et al., 2019). Social media campaigns can become decisive in democratic elections or referenda, such as Brexit. Thus, the mobilising function of digital communication means that while political representatives no longer rely on the mediating function of journalists to reach out to their electorates, they also face a challenge to their legitimacy as representatives of the people's will by digitally empowered, formerly passive, audiences and new political actors.

Public Opinion Formation as Challenged by Plurality/Polarisation of Voice

The public sphere functions as the carrier of public opinion and will formation regarding both the substance of democratic government and the norms of what are appropriate political expressions (Habermas, 1974; Neidhardt, 1994). It facilitates not only the participation of citizens in

public exchanges about the form and content of government, but also citizens' self-perception of this role. Digital transformations have multiplied voices and opinions that are channelled through a plurality of media, but, at the same time, new digital divides have emerged and media competences are distributed unequally (Bright, 2017). Through digital media, individuals can become richer in information and more connected, but they can also more easily withdraw from public life, as can their private life also be more easily intruded by companies and governments. New sources of biases in opinion have emerged through targeted campaigning, stealth propaganda, inauthentic online expression and unaccountable algorithmic filtering, which may potentially result in manipulation, polarisation and radicalisation of substantial amounts of citizens.

The COVID-19 crisis offers plenty of examples in this direction. 'Fake news' has circulated in every country about everything from how to avoid getting infected, celebrities having tested positive for the disease, to the origin of the virus and possible cures (Brennen et al., 2020; Naeem et al., 2021). Unsubstantiated and alarmist 'fake news' has readily found fertile ground among frightened and frazzled publics around the world, from Greece to Australia, from the US to South Africa. Nevertheless, professional news media, social media platforms, scientists and the general public have come together to scrutinise the credibility of such claims, using precisely the same platforms, sources and strategies to reach out to wider audiences (Trenz et al., 2021).

The COVID-19 case is the latest to offer encouraging evidence that public spheres around the globe have retained enough strength to withstand polarisation, fragmentation and the ensuing susceptibility to misinformation, even under conditions of a global pandemic. Public sphere scholars' early concerns regarding possible audience fragmentation across several digital public spheres have yet to be corroborated to the degree originally feared of corrosive 'echo chambers' (Bruns, 2019; Fletcher & Nielsen, 2017). Instead, empirical analysis shows that the same digitally driven infrastructures and modes of participation that fuel intense polarisation, and even tribalisation, of the public sphere also facilitate cross-camp exchanges and subject the claims of opposing factions and parties to intense scrutiny. The higher the stakes for the public good, the more likely is it that moderate voices will not be drowned but brought under the public spotlight to reinstate reason and balance in the public debate—such as in cases of intense financial crisis, a global pandemic or escalating tensions between nuclear powers.

Legitimacy as Challenged by Hyper-Scrutiny/Hyper-Cynicism

The public sphere constitutes the ideational dimension of democracy. It requests good arguments and justifications for why opinions should be considered valid, and political decisions as just and legitimate (Bohman, 1996; Peters, 1994). The sheer volume of information available to individuals, coupled with the democratisation of participation in the public sphere through social media, discussion platforms, participatory journalism, personalised/curated news feeds and blogs, results in increased scrutiny of the traditional knowledge-producers, mediators and gatekeepers of the public sphere (journalists, experts and politicians). This increase in the seemingly plurality of voices and opinions harbours a dark side, which media and political institutions are still struggling to address in an effective yet democratic manner. While public scrutiny of political and intellectual elites is welcome, if not necessary, in a democracy, the hyper-scrutiny taking place in the digital public sphere may have the unwelcome effect of weakening a commonly accepted benchmark for normative critique and moral standards (Davies, 2019). Digitalisation has multiplied the arenas for the diffusion of selective information that claims validity and also involves media users in constant truth-seeking. This extension and perpetuation of practices of truth-seeking through argument exchange (everything can be questioned all the time) carries with it the danger of the loss of a shared epistemology to assess truth claims (Waisbord, 2018). There is, in the words of Mark Andrejevic (2013), a discrepancy between the digitalisation-fuelled utopian quest for the pure truth and the 'cultural logic of big data', whereby no frame is accepted as reliable or trustworthy, and all frames, particularly those of journalists and other public actors, are treated as by definition flawed or suspected for biases. 'What we are witnessing is a collision between two conflicting ideals of truth: One that depends on trusted intermediaries (journalists and experts), and another that promises the illusion of direct access to reality itself' (Davies, 2019). Through digital media, regular users are blended with an information overflow and the requirement to become self-selective and develop individual strategies of 'mastering the web' without relying on intermediaries, such as journalism.

At the same time, digital and global communication have led to fundamental value and identity conflicts, which shatter the normative underpinning of the modern public sphere. On the one hand, public

sphere transformations have contributed to a 'silent revolution', a long-term process of cultural change that marked a shift towards liberalism, with political competition confined to mainstream parties. While on the other hand, Inglehart and Norris (2016) argue that this development has reached a turning point, as new political parties and leaders have emerged in all Western societies who mobilise electorates along a new cultural cleavage that pits adherents of liberal values against adherents of illiberal or authoritarian values.

Group identities take on a transnational dynamic as much in politics (e.g. the #metoo recast of gender equality and the revived environmental activism led by Greta Thunberg) as in culture and entertainment (e.g. the collective understanding of those using Facebook or Netflix, or the fans of a specific TV series or movie saga, coming together across the globe to virtually debate their favourite characters). As a result, the digital transformation of the public sphere pushes the boundaries of the political community, redefining communitarian nationalists and cosmopolitans along a globalised, interconnected axis. In facing the challenge of immigration and refugees, for instance, social media are used simultaneously for the mobilisation of solidarity and for the expression of racism and xenophobia (Michailidou & Trenz, 2019). In Brexit campaigns, social media had become the site for the confrontation between pro-Europeans and Eurosceptics, but debates were not so much about the advantages or disadvantages of European integration than about national sovereignty and the boundaries of the political community (Brändle et al., 2022).

The rise of populism, illiberalism and political extremism undermine the authority of the intermediaries of truth and encourage their adherents to search for their own facts against established media and journalism. They, thus, build up their support base of seemingly self-empowered digital media users. In turn, policies that aim to stamp out misinformation, or algorithms that aim to detect 'fake news' online, equally build on the dichotomy between biased and pure truth, and the promise to come up with a clear-cut response. This disregards the old insight of public sphere theory that news making and decisions about the authority of information have always been political acts to the extent that journalism and news media prioritise some stories over others, that they also prioritise according to news organisation agendas and the personal biases of the journalist. As such, journalists are not closer to truth, but rather more faithful to the procedures that allow to establish information value and truth in a way that is consensual to a majority.

Such epistemic conflicts are translated into fundamental disagreement and antagonism between social groups that escape established procedures of conflict management and solution. Digitalisation would not necessarily result in fragmentation (the echo chamber argument) but in polarisation. Adherents to different epistemic communities would even question the legitimacy of how others form their opinions. There is no longer agreement on the meta-problem of how legitimately to form opinions with others in public debate. Some forms of public and media debate are dismissed as elitist, and therefore exclusionary, and therefore illegitimate. Others are dismissed as abusive, as refusing even to listen to the views of others, and therefore again, illegitimate.

However, the conditions that facilitate the discursive weaponisation of 'fake news' and the undermining of trust through hyper-scrutiny, also allow for the public sphere to rebound and bring the 'fake news' cry-wolves themselves under scrutiny. The COVID-19 crisis is proving a litmus test for this manifestation of what we have previously termed public sphere resilience (Trenz et al., 2021). When the Norwegian Public Broadcaster NRK, for example, published a news article containing controversial claims by experts (a Norwegian vaccine researcher and a former head of the British intelligence service MI6) about the allegedly man-made origin of the COVID-19 virus, the reaction of the Norwegian scientific community was swift and effective—the article was revised to include an apology for having too few sources and miscommunications (Svaar & Venli, 2020). A new article was published, which explained the disagreements within the field about the composition of the virus, as well as about drawing conclusions about the origin of the virus based on this. In this way, journalists set the hyper-scrutiny of public claims about the virus on a more solid basis, relaying to the public how scientists work to understand the virus and the difficulty of establishing the truth from a scientific perspective.

The EU's Response to the 'Fake News' Challenge

From a policy perspective, this parasitic symbiosis of 'fake news' and the democratic public sphere has functioned simultaneously as a trigger for action and hindrance to national and transnational efforts to tackle 'fake news'/misinformation. The EU has used the principle of freedom of expression to both defend its policies against disinformation, but also as grounds to defend its (relative) inaction. The alarming rate at which 'fake

news' has been taking root in mainstream politics led the EU to classify disinformation as a threat to democratic, political and policymaking processes, as well as public goods, such as public health, security and environment (EC, 2018a, p. 4).[1] At the same time, the EU argued that disinformation needed to be handled differently to illegal content, such as hate speech or incitement to violence. Despite being verifiably false or misleading, it is still legal content and thus protected by the right to freedom of expression as enshrined in the European Union Charter for Fundamental Rights (EC, 2018c, p. 1).

Initially, therefore, the European Commission developed an action plan against disinformation (EC, 2018c), which was voluntary in nature. Online platforms, advertising industry, researchers, media and citizens alike were encouraged to inform themselves of the dangers of disinformation and the potential negative implications it could have on democratic decision-making. The EU's discourse aligned with dominant contemporary understandings of online and social media as spearheading post-truth politics, particularly highlighting the role of online platforms in enabling the proliferation of disinformation and appealing to their responsibility to act to limit its spread. These self-regulatory measures were preferred over binding law, as there was a perceived risk of a backlash against any regulatory action that could be considered as constraining freedom of speech. However, the EU itself criticised the self-regulatory measures that had been imposed by the different signatories and stakeholders and acknowledged limits to this approach (Eike, 2020).

Addressing Information Abundance/Overload/Surveillance in EU News Media Policy

The virtually endless flow and amount of information in the digital era is mostly associated with matters of personal data protection and consumer

[1] The European Commission, recognising the increasing weaponisation of the term 'fake news', has deemed the phrase misleading and having negative connotations as it is "used by those who criticise the work of media or opposing political views" (EC, 2018b, p. 7). Instead, it uses the term 'disinformation', which is, furthermore, intended to imply that "the phenomena is a symptom of a wider problem of information disorder" (EC, 2018b, p. 7) and is defined as "verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm" (EC, 2018a, p. 3).

safety in relevant EU policy documents. As far as the challenge of information abundance and overload is concerned, the EU acknowledges that this challenge also affects citizens' right to free and fair elections in a digital environment. Specifically, the EU recognises that current regulations to ensure transparency and parity of resources and airtime during political elections are out-of-date. The Digital Services Act calls for more transparency, information obligations and accountability for digital service providers, as well as effective obligations to tackle illegal content online. The hope is to improve users' safety online and protect their fundamental rights by making clear obligations for online platforms, including 'notice-and-action procedures for illegal content and the possibility to challenge the platforms' content moderation decisions' (EC, 2020a, p. 2). The EU also wishes to continue the self-regulatory measures to tackle disinformation, proposing that the 'rules on codes of conduct established in this Regulation could serve as a basis and be complemented by a revised and strengthened Code of practice on disinformation' (EC, 2020a, p. 5).

At the same time, the EU has taken lead role in addressing the challenge of hyper-surveillance and the blurring of private and public in the digital sphere by introducing the General Data Protection Regulation (GDPR), a flagship regulation with implications for the digital public sphere on a global scale. Although GDPR is intended as a consolidated framework that guides commercial use of personal data and strengthens data protection for EU citizens, particularly in the aftermath of the 2016 Cambridge Analytica scandal, it also:

> exponentially increases data security responsibilities and risks for organisations, and a strategy is required to cope with GDPR and other regulations. Information technology plays a key role in data governance, systems strategies and management, to accomplish personal data requirements, enhancing information security and developing breach-awareness capabilities aligned with those of the organisation. (De Carvalho et al., 2020)

Balancing Plurality with Polarisation of Voice in EU News Media Strategy

As a counter-measure to the challenge of polarisation of public opinion, the EU is actively encouraging the strengthening of deliberative democracy infrastructure, the freedom and pluralism of the media industry, as

well as raising awareness and building resilience against disinformation and influence operations 'to ensure that citizens are able to participate in the democratic system through informed decision-making free from interference and manipulation affecting elections and the democratic debate' (EC, 2020b, p. 2). The understanding of disinformation as a tool for manipulation of public opinion, and a threat to democratic decision-making, is what produces the argument for tackling disinformation:

> The integrity of elections has come under threat, the environment in which journalists and civil society operate has deteriorated, and concerted efforts to spread false and misleading information and manipulate voters including by foreign actors have been observed. The very freedoms we strive to uphold, like the freedom of expression, have been used in some cases to deceive and manipulate. (EC, 2020b, p. 1)

According to the EU, the COVID-19 pandemic has also been accompanied by an unprecedented 'infodemic' of mis- and disinformation, creating confusion and distrust and undermining an effective public health response (EC, 2020c, p. 1). This digital wave of information—including everything from misleading health information and conspiracy theories to illegal hate speech, consumer fraud, cybercrime and foreign influence operations—is said to demonstrate 'the crucial role of free and independent media as an essential service, providing citizens with reliable, fact-checked information, contributing to saving lives' (EC, 2020c, p. 11).

The media sector is described as a 'precondition for a healthy, independent and pluralistic media environment, which in turn is fundamental for our democracy' (EC, 2020d, p. 4). Following on from this, the EU proposes a series of initiatives to address the risks to media freedom and pluralism, including to 'create a safer and better environment for journalists to do their work, as well as to promote media literacy' (EC, 2020d, p. 4). The EU also underlines the importance of increasing citizens' media literacy in combating disinformation, describing it as including 'all technical, cognitive, social, civic and creative capacities that allow citizens to access the media, to have a critical understanding of it and to interact with it' (EC, 2020d, p. 18). The Commission launched a 'NEWS' initiative for news media to work on collaborative transformation and to:

> [l]ook holistically at the challenges facing the news media industry and provide a coherent response, bringing together different funding instruments under a common banner. This will increase the coherence, visibility, and impact of actions supported under different funding streams, while fully respecting the independence of the media. (EC, 2020d, p. 9)

In a parallel effort to address publicity distortions due to digital advertising, Article 24 of the Digital Services Act (DSA) proposes that online platforms ensure that users can identify 'in a clear and unambiguous manner and in real time' (a) the information displayed is an advertisement, (b) the source on whose behalf the advertisement is displayed, as well as (c) 'meaningful information about the main parameters used to determine the recipient to whom the advertisement is displayed' (EC, 2020a, pp. 58–59).

Transparency as the Answer to Hyper-Scrutiny/Hyper-Cynicism?

The challenges to legitimacy caused by the digital transformation may be eased by the EU's measures to increase transparency of online platforms and service providers, support legacy media and empower citizens through media literacy. Fact-checking groups and civil society also contribute to bringing scrutiny to 'fake news' producers, as well as to governmental and corporate online platforms. Avaaz is an example of such resilience in civil society, with their extensive fact-checking of online communication, and political activity advocating further regulations from the EU. In this way, the public sphere is showing resilience to 'fake news' both from the top-down and from the grassroots-up. The digital transformation has enabled the rapid growth of online campaigning, which offers new tools, such as, the combining of personal data and artificial intelligence with psychological profiling and complex micro-targeting techniques, as well as algorithmic amplification of messages. While some of these tools are regulated by EU law, such as the processing of personal data, others are 'framed mainly by corporate terms of service and can also escape national or regional regulation by being deployed from outside the electoral jurisdiction' (EC, 2020b, p. 2). Having formerly considered self-regulatory measures more appropriate, the EU now seems to find that regulation is needed. In 2020, the EU proposed the Digital Services Act (DSA) aimed at protecting citizens' fundamental rights in the online

environment, by adapting commercial and civil law rules for commercial entities operating online (EC, 2020a). This regulation is designed to protect EU citizens and will even apply to online platforms established outside the EU, when these are used by EU citizens.[2]

Conclusion

In this chapter, we have discussed the 'fake news pandemic' not as a failure of journalism as a collective actor and institution, but of established procedures or truth finding within the broader public sphere. Although there is abundant empirical evidence for the disruption of the democratic public sphere (Bennet & Pfetsch, 2018; Schlesinger, 2020), such disruptions do not necessarily lead to a post-factual or post-truth democracy. The challenges of the post-truth era can also activate resistance and resilience mechanisms across all three core functions of the public sphere, both at the macro/policy level and the micro/individual level. Focusing on the former, we have reviewed here key EU actions and regulations aimed at addressing disruptive digitalisation processes. That there is any regulatory action at all in this direction is in itself an indication of resistance—albeit at an elementary state—against the most democratically corrosive aspects of digitalisation. In terms of substance, the EU actions and regulations address all three core functions and relevant challenges of the digital public sphere in a manner that strongly denotes, not only a liberal democratic normative outlook (privacy protection regulation, for instance), but also a (neo?) liberal economic ideology. The latter comes through in the voluntary nature, for instance, of the counter misinformation actions initially proposed in the period 2018–2020. More recently, however, we see a shift both in terms of urgency and in the wording of EU regulation and actions, whereby the role of professional journalism is explicitly recognised as a pillar of democracy. The earlier voluntary character of proposed actions has also now turned mandatory for social media platforms and digital public sphere behemoths, such as Google and Apple.

[2] The DSA states that "[t]his Regulation shall apply to intermediary services provided to recipients of the service that have their place of establishment or residence in the Union, irrespective of the place of establishment of the providers of those services" (EC, 2020a, p. 43).

Crucially, the recognition of news media not only as commercial enterprises but also as a public good indicates a first step, albeit reluctant, away from the hyper-marketisation outlook that has defined the digital public sphere era thus far.

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