1 Introduction

What, exactly, is press freedom, and why does it matter? In the popular discourse of the United States, we do not ask this question very often or very deeply. The answers are obvious and almost cliché: the public has a right to know, journalists are the people's watchdogs, they afflict the comfortable and comfort the afflicted, democracy dies in darkness, and voters need objective information to be good citizens. Popular histories of modern U.S. journalism celebrate heroes who spoke truth to power and brought down institutions—Ida B. Wells, Nellie Bly, Ida Tarbell, Edward R. Murrow, I. F. Stone, Bob Woodward, Carl Bernstein, Walter Cronkite. They often are remembered as most effective when they were left alone to pursue their visions of what they thought the public needed. These virtuous, creative, public-spirited, hard-working storytellers occupy powerful positions within the modern mythology of press freedom. If we just get out of the way of good journalists and let them tell truth to power, they will produce the information that vibrant democracies need.

This myth is somewhat true, and these heroes were indeed expert storytellers who challenged each era's norms. But when we think about press freedom only or even mostly as the freedom of journalists from constraints, it becomes a narrow and almost magical phenomenon that depends on individuals and heroism. It says that journalists already know what the public needs, and just need freedom from the state, marketplaces, and audiences to pursue self-evident things like truth and the public interest. These brave journalists and publishers show their commitment to the public and the power of their independence by going to court and sometimes jail to protect sources and fight censorship. If journalists and publishers can get truth to the public, then individual readers and viewers will be able to make informed

decisions about how to think and vote. Ultimately, the press wants to be left alone so that *you* can be left alone. The kind of democracy that dominates this common image of press freedom relies on a lot of independences—a lot of *freedoms from*.

This book tries to challenge this mythology. I want to complicate the idea of press freedom and show that it emerges not from individual heroes but from social, technological, institutional, and normative forces that vie for power, imagine publics, and implicitly fight for visions of democracy. I see press freedom as a concept to think with—a generative and constructive tool for looking at any given era of the press and public life and asking, "Is *this* version of press freedom giving us the kind of publics we need? If not, how do we revise the institutional arrangements underpinning press freedom and make a different thing that we agree to call 'the press'?" Alternatively, how do we adjust our normative expectations about what publics should be, creating a different image of freedom that we then might demand from institutions that make up the press? If we see press freedom not as heroic isolations—journalists breaking free to tell truths to the publics they imagine—but as a subtler system of separations and dependencies that *make* publics, then we might see each era's types of press freedom as bellwethers for particular visions of the public. Ideas of press freedom become evidence of thinking about publics. Rethinking press freedom can be a way to see how press power flows, a prompt to ask which flows produce which publics, and a challenge: what types of news, publics, or presses are we *not* seeing because our vision of press freedom is so narrow?

If you think press freedom is a particular thing, you will likely look for that thing when you want to see whether a democracy is healthy or whether journalists are doing their jobs. Assumptions about press freedom can shut down conversations about the press and democracy: "We have a free press, so the election result is what it should be" or "We have a free press, and corruption is still rampant!" or "If we had a free press, then we'd have a different government" or "A free marketplace is a free press because truth comes from competing viewpoints." Statements like these—coming from journalists, audiences, politicians, advertisers, publishers—assume that we already know what we mean by a free press and that our problem is just implementing it.

But if we can liberate the idea of press freedom from these assumptions and assumptions that equate it with whatever journalists say publics need,

then press freedom becomes a generative and expansive tool—a way to think about publics, self-governance, and democracy. Because, as C. Edwin Baker (2007b) puts it, different democracies need different media, we can complicate democracy by thinking more creatively about press freedom.

Given this moment, when media systems are in a fundamental flux, this book offers a way to think about press freedom as sociotechnical forces with separations and dependencies that help to make publics. I aim to engage with and use this moment of fundamental change to show what press freedom could mean. Contrary to the dominant historical myth in the United States, I argue that press freedom should not be seen simply as journalists' freedom to write and publish. Rather, press freedom is a normative and institutional product of any given era: it is what people *think* press freedom should mean and how people have arranged people and power to achieve that vision.

Most simply, press freedom is the right and responsibility to create separations and dependencies that enable democratic self-governance. It is the power and obligation to know and defend the publics that its separations and dependences create. Today these separations and dependencies live in distributed, technological infrastructures with new actors and often invisible forces, so for the networked press to claim its autonomy, it needs to show how and why it arranges people and machines in particular ways. It needs to understand how its humans and nonhumans align or clash to create some publics but not others. It needs to be able to defend why it creates such meetings, and when necessary for a particular image of the public, it needs to develop new types of sociotechnical power that let it make new types of publics.

Rather than abandoning or collapsing the idea of press freedom—seeing it as naive or anachronistic—my aim is to revive and redeploy it. I trace the idea of press freedom through theories of democratic self-governance, situate it within the press's institutional history, argue that each era of sociotechnical change creates a particular meaning of press freedom, and ask how the contemporary, networked press might claim its freedom and make new publics. Instead of being seen as a holdover from a time that no longer exists, press freedom could be viewed as a powerful framework for arguing why and how the networked press could change.

Interspersed with this tour of institutional forces, I try to deploy my framework and use this new notion of press freedom to argue for a particular normative value—a public right to hear. I claim that the dominant,

historical, professionalized image of press freedom—as whatever journalists say they need to be *free from* to pursue self-evident public interest—privileges an individual right to speak over a public right to hear. It confuses journalists' freedom to publish with publics' rights to hear what they need to hear in order to sustain themselves as publics—to realize the inextricably shared conditions under which they live, discover and debate their similarities and differences, devise solutions to predicaments, insulate themselves from harmful forces and nurture contrarian viewpoints, recognize the resources that hold them together, and reinvent themselves through means other than the rational, informational models of citizenship that dominate the traditional mythology of U.S. press freedom. For publics to be anything other than what unconstrained journalists imagine them to be, press freedom can be defensible only if it can be shown that the press's institutional arrangements produce expansive, dynamic, diverse publics.

In an era when many assumptions about communication and information are being reconsidered, it is difficult to say exactly what journalists can or should be free from. A better question to ask might be, "How is the networked press—journalists, software engineers, algorithms, relational databases, social media platforms, and quantified audiences—creating separations and dependencies that enable a public right to hear, make some publics more likely than others, and move beyond an image of the public as whatever journalists assume it to be?"

Three stories can help illustrate the phenomenon. First, in September 2008, high in Google News's list of results for a search on "United Airlines" was a story in the *South Florida Sun Sentinel* on United's recent bankruptcy filing (Zetter, 2008). The story detailed how United had lost significant revenue, could not meet market forecasts, and needed protection from creditors and time to restructure. A Miami investment adviser responsible for publishing news alerts through Bloomberg News Service saw the story and added it to Bloomberg's newsletter; United's stock dropped 75 percent in one day before trading was halted. Unfortunately for United, the *Sentinel*'s website displayed the current date (2008) at the top of its page; it did not include the story's original date of publication (2002). Google's Web crawler mistook the old story for a current story, creating a perfect storm of misinformation: the *Sentinel* displayed dates in a confusing manner; Google's crawler read the only date it saw and made an assumption; the investment adviser assumed that Google highly ranked recent information; Bloomberg

subscribers and high-frequency traders assumed that the newsletter contained timely and actionable information; and the stock market assumed that its behavior was rational and based on true information. This is a story of networked press freedom because although the *Sentinel* may have tipped the first domino, the failure is the fault of no single actor. A sociotechnical failure of data, algorithms, individuals, and institutions together led to the creation of false news that drove action.

Second, in 2008, the *Pocono Record* published an online story about Brenda Enterline's sexual harassment lawsuit against Pocono Medical Center. In comments left by readers under the story, several people anonymously said that they had personal knowledge of incidents relevant to the lawsuit. When Enterline's attorneys subpoenaed the newspaper for access to the commenters, the paper refused, claiming that it had a right and obligation to protect the commenters' First Amendment rights to anonymity (Digital Media Law Project, 2009a). The Pennsylvania district court agreed, essentially extending a de facto shield law around the *Pocono Record*'s reporters and commenters. In contrast, also in September 2008, a grand jury in Illinois successfully subpoenaed the *Alton Telegraph* for the names, home addresses, and IP addresses of anonymous commenters who left responses to an online story the paper had run about a murder investigation. The paper argued that "the Illinois reporter's shield law protects the identities of the anonymous commenters as 'sources,'" but the court disagreed, saying that such a shield covers only reporters and not commenters (Digital Media Law Project, 2009b). Such cases have continued, with an Idaho judge ruling in 2012 that the *Spokesman-Review* had to reveal the identity of an anonymous commenter accused of libel, and a 2014 U.S. federal court ruling that the NOLA Media Group had to reveal names, addresses, and phone numbers of its anonymous commenters (Hare, 2014). Even though the First Amendment protects Americans' right to speak anonymously (Hermes, 2013) and several states have shield laws designed to protect newspapers from releasing information against their will (Digital Media Law Project, 2013), it is unclear exactly where newspapers stop and audiences begin. The press may sometimes be free from compelled testimony, but there is little clarity on what exactly the press is and therefore who can claim its freedoms.

Finally, in 2016, Norwegian writer Tom Egeland posted to his Facebook account a story that included Nick Ut's Pulitzer Prize–winning photo of

Vietnamese children running away from a U.S. military napalm attack. One nine-year-old victim was a naked girl. Facebook removed the post because it contained "fully nude genitalia" and "fully nude female breast," in violation of the company's community standards. When Egeland appealed the removal, his account was suspended. The Norwegian newspaper *Aftenposten* then posted the image and a story on the censorship to its company's Facebook site—and its post also was censored. The leader of Norway's conservative party then posted the image and a protest against the censorship—and her post was censored. Facebook initially defended its decisions saying that although it recognized the photo's iconic status, "it's difficult to create a distinction between allowing a photograph of a nude child in one instance and not others." It relented only after the Norwegian prime minister also posted the image with her own protest. Facebook eventually stated: "Because of its status as an iconic image of historical importance, the value of permitting sharing outweighs the value of protecting the community by removal, so we have decided to reinstate the image" (Levin, Wong, & Harding, 2016).

This is a story of networked press freedom. A Facebook user posts an image that has been recognized with one of journalism's highest awards. It triggers a review by Facebook's vast content-moderation operation tasked with policing millions of pieces of media in near real time (Chen, 2014). The user is suspended for appealing the decision. The incident attracts the attention of a news organization, political elites, and worldwide audiences. Eventually, Facebook relents after deciding for itself that the image is iconic, historically important, and worthy of sharing. In this incident, the journalist's right to publish and the public right to hear are not housed within any one organization or profession. They instead are distributed across an image with agreed-on historical significance, platform algorithms surfacing content, social media companies with proprietary community standards, vast populations of piecework censors implementing standards quickly, editorial protests of professional journalists and elite politicians, and an eventual reversal by a private corporation only after *it* thinks that an image should be shared. Here, press autonomy is not just the freedom of Nick Ut, Tom Egeland, or the *Aftenposten* to publish. It is the product of a *network* of humans and nonhumans that make it more or less likely that a public will encounter media and debate its meaning and significance.

There are many more such stories. This book is about putting them in context—to show how these seemingly idiosyncratic incidents are indicative

of the larger challenge of figuring out what democratic self-governance requires, what kind of free press should help to secure it, and how such freedom is distributed across a network of humans and machines that together create publics. If nothing else, my hope is that readers will take away from this book both a skepticism about the idea of press freedom and a sense of its promise as a tool for interrogating the networked press. If someone says "We need a free press," my hope is that this book will nudge you to ask, "What kind of freedom, what kind of press, and for what kind of public?" Inspired by Michael Schudson's (2005) question "autonomy from what?," I try to ask "autonomy *of* what and *for* what?"

I develop this framework through four chapters that normatively ground the idea of press freedom, trace its historical roots, situate it within theories of technology, and examine how it plays out in the stories that members of the networked press tell each other about their profession. Chapter 2 argues that democratic self-governance requires more than an individual right to speak; it also requires a public right to hear. I revisit political theories of freedom to argue that democratic autonomy cannot be achieved by simply protecting individual speech and then assuming that a marketplace will somehow produce the quality, diversity, and relationships that people need to understand how and why to live together. Self-governance comes from encountering people and ideas that you have not chosen to consider, but that you *need* to encounter if you are to discover and manage the unavoidably shared consequences of communal life. The idea of democracy emerging from self-made individuals with unfettered rights to speak is an inadequate way of thinking about collective self-governance. Autonomy is about both negative and positive freedoms—a right to pursue ideas, relationships, and actions without unreasonable constraints *and* a capacity to realize versions of yourself that you could not develop independently and that come only through relationships with others (Berlin, 1969). Reviving a narrow and often overlooked body of research on the press's role as a guarantor of positive, affirmative self-governance (Baker, 2002; Emerson, 1970; Fiss, 1996; Meiklejohn, 1948),[1] I suggest that the press—as a public-facing institution of social communication with rights and obligations defined in constitutions around the globe—can be a counterweight to libertarian images of independent self-governance. With an admittedly narrowed focus on the United States, I trace how the U.S. Supreme Court has historically understood—and largely avoided—questions of press freedom

and argue that we might look to newer and more controversial political theories of listening to motivate a renewed theory of press freedom.

Chapter 3 asks this double-barreled image of autonomy—as both freedom from and capacity to—to do double duty. I argue that both individual autonomy and institutional autonomy require positive and negative liberties. That is, just as individuals realize their full selves through a mix of individual and collective action, press freedom also depends on how journalists both separate themselves from and depend on nonjournalists. It is sociologically untrue to think that the press does its work by being free from states, markets, or audiences. At different times and in different ways, journalists depend on these entities to do their work. Further, the press *should* depend on them because doing so frees and prevents the press from pursuing only the kind of publics that it alone thinks are worth pursuing—one that is often dominated by an "information model" of citizenship (Schudson, 2003a) that is a small fraction of the democratic role the press could play (Schudson, 2008b). In this chapter, I use field theory and neoinstitutional sociology to show how press freedom has always entailed separations and dependencies and trace several other kinds of publics that a free press could help create if it acknowledged the relational basis of its freedom.

Chapter 4 connects this distributed model of press freedom to media technologies and to the role that digital, material cultures play in creating press separations and dependencies. I offer a brief history of how the press's image of what it thinks it is free from or dependent on is always bound up with questions of what media and communication technologies are thought to be. I connect to science and technology studies to suggest that if the press could see itself not just as a user of technologies but as an *infrastructure*, it would be better able to see how its social and material dynamics lead to different types of publics. The networked press does not convene audiences *through* technologies; its infrastructural dynamics create publics. To understand what kind of publics it could create, the networked press needs to understand how its separations and dependencies—powerful and invisible as infrastructural relations usually are—entail new kinds of meetings among humans and nonhumans, people and machines that together create the information under which people encounter ideas, consequences, tensions, and individuals they would not have sought out on their own. Thus, the networked press—as infrastructure—is not separate from publics but deeply intertwined with them.

Chapter 5 traces where the networked press exists today. Based on a seven-year corpus (2010–2016) of journalistic trade press focused on sociotechnical dynamics—the stories that journalists tell themselves about themselves, which Matt Carlson (2015b) calls "metajournalistic discourse"—I describe how the networked press's autonomy exists in twelve sociotechnical dynamics: observation, production, alignments, labor, analytics, timing, security, audiences, revenue, facts, resemblances, and affect. The typology is not exhaustive or exclusive (some networked press dynamics are not covered in the trade press, and many also exist in other sociotechnical domains), but it is both a snapshot of a historical moment and a generative framework for thinking about networked press freedom going forward. I argue not that the networked press should configure itself in any particular way or realize any particular public, but that by seeing itself as a set of sociotechnical separations and dependencies, the press may better be able to decide and defend what kinds of publics it can create.

In chapter 6, the conclusion, I offer some reflections on how this model of networked press autonomy might be used by journalists, technologists, regulators, designers, educators, and audiences. The networked press is infrastructure that touches on nearly all aspects of society, so any reforms that are made to the press will require engaging with a wide range of actors and various types of power.

My aim in this book is not to dismiss earlier theories of press freedom but to argue that they tell only part of the story. That the press is a product of multiple forces and many different kinds of power is nothing new. But if we want to understand the networked press's potential to create new publics, we might use the idea of networked press freedom as a kind of diagnostic. If we do not like the publics the networked press creates, we should examine its infrastructure and make changes. If we do not like the networked press's infrastructure, we need to show why it leads to unacceptable publics. If a new element of the networked press appears, we need to be able to say quickly and thoughtfully what its relationships are and how they create new publics. And if we have an idea for a new element that we think should be part of the networked press, we must be able to say why we need the new public it might help create.