

RonNell Andersen Jones and Sonja R. West (Eds.), **The Future of Press Freedom: Democracy, Law, and the News in Changing Times**, New York, NY: Cambridge University Press, 2025, 485 pp., open access.¹

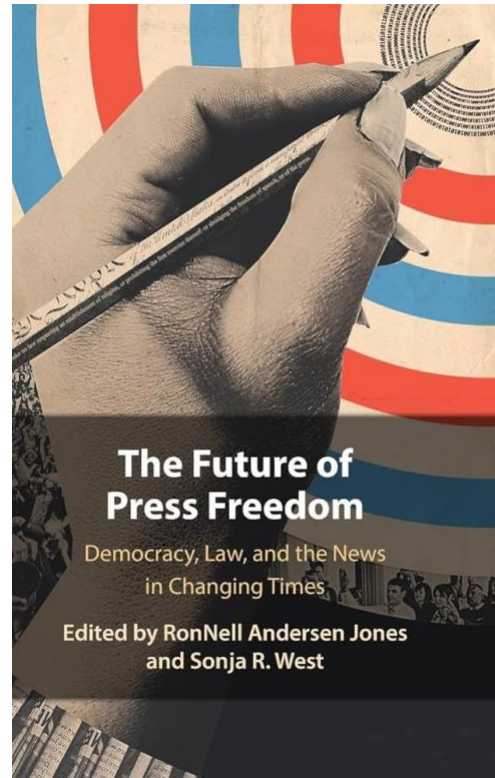
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In the introduction to his edited volume on why human rights still matter, Mahmood Monshipouri (2020) notes that “[i]t has become fashionable in academic and policy circles to cast a dark *shadow* on the future of human rights” (p. 1). The book **The Future of Press Freedom: Democracy, Law, and the News in Changing Times** is an opposite example, that of an optimistic vision of the future of the right to free speech in the United States. Edited by RonNell Andersen Jones and Sonja R. West, two distinguished First Amendment scholars, and written by professors and practitioners of law and communication studies from all over the United States, it consists of 26 chapters, roughly united by the topics of the role of the media in a democracy, current threats to press freedom, state of existing legal protection of the freedom, and ways to support it in the future.

It is probably impossible to review all contributions to the volume in a short book review, thus the review aims to look at the most remarkable elements of the authors’ perspective, the *future* of press freedom. It should be noted that cumulatively, the book provides an extensive overview of the crumbling Fourth Estate in America, reminding the reader again and again that the heyday of the press is over. The media market has failed; it is no longer viable and cannot support the marketplace of ideas, so important for a democracy. More important for the reader is that the authors generally refuse to accept such fatalism and come up with novel and practically and theoretically grounded recipes for a future success of press viability and freedom.

Among the sociopolitical suggestions for safeguarding the future of journalism that serves democratic needs, I would single out the concepts of “communicative citizenship” and the “citizen communicator,” introduced by Nik Usher. Usher suggests to move away from the concept of the “good citizen” as only a consumer of information/voter to placing communication at the center of civic participation: “a good citizen plays the civic role of communicator, not as a replacement for journalists, but instead as a facilitator of the flow of reliable civic information from institutions to their fellow community members” (p. 40).

¹ <https://www.cambridge.org/core/books/the-future-of-press-freedom/842C61CE63FEC39BB762FCFD421EE33B>



Calls for preserving viability of press freedom are effective when public trust in the press is being enhanced. Without trust, the robustness of the press function is impossible. In this regard, Lili Levi suggests that “the press and its allies” pressure “for normalizing self-examination across the entire sector to enhance compliance with fundamental journalistic norms” (p. 99). In the catchy phrase of Richard L. Hasen in chapter 17, trustworthy journalists cannot “consistently present empirically verifiable false statements as true or consistently deny the truth of empirically verifiable true statements” (p. 297).

Campaigning for press freedom should change its vocabulary, suggests Erin C. Carroll in her chapter on the role of language in presenting media functions. She argues that “the watchdog” metaphor is to be replaced with “independence” of the press, while the word “proxy” is outdated as the press role today evolves toward being a “curator” (pp. 121–123). Carroll also objects to the use of the very term “press function,” replacing it with “benefit” that the press provides, as “benefit” has an emotional appeal that “function” lacks (p. 120).

Unsurprisingly for the First Amendment writers, most of the book chapters are on the legal issues related to press freedom. Taken together, they produce a current snapshot of the comprehensive catalogue of the legal doctrines, juridical threats, and opportunities for reform.

Some authors use the opportunity of the book project to express their resistance to the current threats to reverse the *New York Times Co. v. Sullivan* and other cases, crucial for the Press Clause implementation. Among them is Samantha Barbas, who points out that if that happens, “libel suits could again become weapons of blatant political suppression” (p. 248). On the other hand, the repudiation of the existing judgment in *Food Lion, Inc. v. Capital Cities/ABC, Inc.*, as Alan K. Chen explains in chapter 14, would help restore the important tradition of undercover reporting, “critical to public discourse and, in turn, to our democracy” (p. 246).

In her treatise on the Freedom of Information Act, Margaret B. Kwoka explains the arguments for the formation of the federal information commission to administer and enforce the free flow of information in the United States. She believes that establishing such a body “could be designed to withstand political pressure and facilitate access to information for the press and beyond” (p. 268). Indeed, such an oversight mechanism for public access to information is recognized internationally and functions in 103 countries and territories of the world (see Richter, 2024, pp. 18–19).

Those even vaguely familiar with what Martha Minow calls here “mountains of scholarship and policy proposals on the subject” would not be surprised to see in the book her suggestion to “amend the statutory immunity of platforms from legal liability,” or “tax digital ads to support local journalism” (pp. 477–478). Minow also suggests to “shift power” from Internet companies to users “by requiring transparency and explanations of the algorithms” that BigTech uses to select content, or “by putting content curation in the hands of users” (p. 478).

Several chapters focus on *state* constitutions in the United States as an alternative or additional source of protection of press freedom. Recognizing that the Supreme Court has recently declined to interpret the First Amendment “in ways that extend special privileges to the press” (p. 208), Christina Koningsor

suggests that it is state-level constitutions that can be used for the purpose, by serving as a powerful and independent source of law to protect the media (p. 208) and providing arguments for expanded federal guarantees (p. 204). State constitutions, notes Minow, even embrace positive duties on government to support the press (p. 470), paving the way for the local news media to receive various kinds of public subsidies and grants from state governments (see also Victor Pickard in this volume, p. 430).

And here comes the most popular—among the writers of the book—idea that one of the positive duties on government to support the press is the duty to support it financially. Central in this regard is probably the chapter here by Pickard. He argues that press subsidies, especially to local journalism, are not only consistent with U.S. history (and he provides examples) and international standards but also constitutional (pp. 418–419). As the market alone could no longer provide the levels of journalism that an informed American citizenry requires, an affirmative intervention by the state, in a “viewpoint- and content-neutral” manner, is desired and required (p. 421).

The book’s authors provide specific ideas on how public funds can be spent. Guided by the doctrine of the right to know, Wesley Lowery suggests creating “an actual federal public trust to ensure every American has access to the news and information they need to be full citizens in our democracy” (p. 386). The federal money will be used to “direct federal news and information money directly to local communities” (p. 386) thus “providing vital public information” that the press “would otherwise be disinclined by market forces to produce” (p. 390). The funds would ensure that “trained professional journalists” are available in every city hall and statehouse to “sift through and interpret” accessible public record to be created of every government meeting and a transcript taken and archived of every court proceeding. Then such information is to be “actively disseminated to citizens in order to inform public opinion” (p. 387). In their chapter, Christina Koningisor and Jacob Noti-Victor provide a broad menu of specific law-substantiated possible or/and existing tools for “government-set and market-set rewards” (p. 444) to the media.

It is probably only Levi who cautions against idealizing public funding of the press, especially “when the explicit political partisanship of today seems to lead people to accept politically motivated censorship so long as it is consistent with their political views” (pp. 89–90).

The book’s stated aim is to “galvanize support for press freedom and for reshaping legal protections” (p. xviii). In this regard, Carroll wisely observes that “[t]o deliver the press from extinction, the public needs not only to *know* what the press does, it needs to *care*” (pp. 116–117), meaning that beyond conceptualizing the future of press freedom as a matter of doctrine and theory, its advocates must conceptualize their cause as a matter of rhetoric.

Time will show whether the volume will ignite the “Marshall Plan” for the press, or more likely, serve as an important source for a future “Hutchins Commission on Freedom of the Press,” but the time is really ripe.

References

Monshipouri, M. (Ed.). (2020). *Why human rights still matter in international affairs*. New York, NY: Routledge.

Richter, A. (2024). *The need to accelerate worldwide progress: UNESCO 2023 Report on public access to information*. Paris, France: UNESCO.