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THE WILD WEST OF DIGITAL JOURNALISM

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Abstract. The article discusses the challenges posed by the rise of digital journalism, contrasting it with traditional journalism's standards of impartiality, fact-checking, and ethics. Digital platforms, where user-generated content dominates, have disrupted the media landscape, often prioritizing engagement over journalistic quality. The European Union is taking steps to introduce regulations like the European Media Freedom Act (EMFA) to promote quality journalism and safeguard democratic discourse. The second part is dedicated to the concept of quality journalism and the framework measures that are yet to be adopted in the context of the European Media Freedom Act.

Keywords: digital journalism; European Media Freedom Act EMFA; quality journalism

Independent journalism is one of the cultural foundations of modern democracies. Democratic societies are based on the informed choice of their citizens. Digital transformation opens new opportunities for economic growth and social change and is particularly significant for how people communicate and inform themselves. At the same time, it is accompanied by a number of problematic and concerning effects.

Instead of traditional journalism with high standards of impartiality, fact-checking, and journalistic ethics, a new media ecosystem of digital journalism is emerging, where standards are still being established and enforced. Are we witnessing *the Wild West* of digital journalism – a metaphor for chaos, lack of rules, fierce competition, and the rise of unchecked inequalities, the triumph of *the law of the strong* over *the strength of the law*?

In the first part of this article, the characteristics that make the metaphor in the title (The Wild West) relevant will be outlined. The second part will be devoted to the emerging regulation of digital journalism in the EU.

1

Data shows that *an increasing share of citizens are no longer informed by traditional media* – print media, radio, and television—but by social media, forums, and chats. According to Eurobarometer, 60% of surveyed Bulgarians use social networks to

follow the news and current events, with this share being 47% on average for EU countries. Print media, radio, and television have long played the role of intermediaries between events and citizens, however, in the digital age, they are just one element of the new *information ecosystem*.

The predominant content on video-sharing platforms and social media is not journalism but user opinions and reviews, which are not subject to established ethical and journalistic standards. In traditional media, journalism is governed by rules and editorial standards that are the product of long-term development. In traditional media, people have access to content verified for accuracy, based on information gathered legally. In social media, news often does not adhere to known ethical and journalistic standards, and the share of news and current affairs content is minimal. In 2023 and 2024, Meta closed the Facebook News section for users in the UK, France, Germany, the USA, and Australia. “We know people don’t come to Facebook for news and political content – they come to connect with people and discover new opportunities, passions, and interests.” Instead of sating their motivations behind this decision, the company notes in its blog: “News makes up less than three percent of what people see on Facebook worldwide, and it’s a small part of the Facebook experience.”

Disinformation in social media is not an anomaly but a natural consequence of the algorithms used, given the business model of these products in the attention economy. “That’s what platforms do – optimize the use of users’ time and data. They have no interest or concern about what happens to news outlets or journalists,” says Emily Bell of Columbia University.

Trust in traditional media is declining. Overall, trust in news is low. Bulgaria ranks 41st out of 46 markets in terms of media trust. Television and radio continue to enjoy the most trust, both public programs and the two leading commercial media groups.

The decline in trust is followed by a decline in advertising directed toward traditional media. The withdrawal of advertisers forces the introduction of alternative business models. Data shows that subscriptions are most often chosen by users seeking entertainment – sports, music, or movies – while citizens pay for news much less frequently. In Bulgaria, only 11% of those surveyed in a Reuters Institute study say they pay for online news. Meanwhile, subscriptions for entertainment content are growing – Spotify increased its subscriptions by 31 million in 2023 alone, Netflix added 13 million new subscribers in the last quarter of 2023, while the most successful news company globally, The New York Times, has a total of 9.7 million subscribers, including those for news, cooking, sports, and tech reviews. In the English-speaking world, no news media has more than 10 million subscribers.

The number of news consumers is decreasing (in absolute numbers and as a share). A significant community (57% in Bulgaria) of *news avoiders* has emerged. Bulgaria is the absolute champion in the number of people who actively avoid news in 2023 and in the growth of news avoiders – 10% compared to 2022. High levels of selective avoidance of topics like the war in Ukraine (39%), national politics (38%), and crime

(30%) have been recorded. For some people, divisive political debates are a reason to turn off the news entirely. At the same time, the share of people interested in the news continues to decline. In Bulgaria, this group is a minority. These trends are dangerous for the health of democracy, linked to civic participation, voting, and the active exercise of civil rights.

The number of regional and local media is declining, despite being preferred according to public opinion research because they have a unique connection with their audience, provide practical utility, and are closer to the people. First in the USA and more recently in Europe, studies have been conducted on so-called *news deserts* – areas or communities with little or no access to diverse and independent local, regional, and community media and information. News deserts are not necessarily remote areas with poor internet access – such areas can even include relatively urbanized regions with high media ownership concentration and a lack of external pluralism, or areas where journalism is under pressure and internal pluralism is absent. The lack of *access* to independent, pluralistic journalism is a problem, as is the lack of access to news at all, because in both cases, citizens cannot make informed choices.

Society needs quality journalism, but the standards of quality journalism cannot be established in societies without the rule of law. The establishment of a society governed by the rule of law is not a spontaneous process and cannot occur without institutional involvement. In democratic societies, the state guarantees media independence and journalistic freedom. But the media are particularly sensitive to any interference in their independence and freedom of expression, which explains their resistance to any form and type of regulation.

This perspective of resistance can be illustrated by the assessment of journalist Petar Volgin, now a politician, on the new media legislation of the European Union: “From reading history books, I have come to the following conclusion: when some government, whoever they are, starts to regulate the mass media, you can be sure it is not about principles. It’s about censorship. It’s about direct successors of Joseph Goebbels and Andrei Zhdanov.”

Is it indisputable that in societies lacking or having ineffective regulation, freedom of expression is protected? The practice during the years of democratic transition in this country shows the opposite: the lack of regulation and an entirely *market-driven approach* in the media sector does not lead to media freedom and an informed civil society.

The lack of appropriate measures creates favourable conditions for media concentration. The Wild West, both past and present, is characterized by fierce competition and enormous inequalities in the absence of regulation. A study of media pluralism in the EU, conducted since 2014, shows a very high risk for media pluralism in Bulgaria. The combined share of advertising revenue for the four leading television groups is 90%. There are no specific competition rules intended for the media sector. The constant growth of media concentration threatens not only the pluralistic coverage

of public life but also the very existence of many media outlets. With the adoption of the European Media Freedom Act (EMFA) in 2024, the situation is expected to change, as the EU introduces more ex-ante regulation to assess and prevent media concentrations from the standpoint of media pluralism and editorial independence, as well as to protect journalism and its sources.

Where the concept of unlimited freedom of expression prevails, there is a decline in the content quality. Radio and television in the EU remain more heavily regulated than platforms for sharing audio and video content. While social networks are becoming a primary source of news content, they remain relatively unregulated. The significance of media ownership is well illustrated by the case with *Twitter*. When Musk bought *Twitter*, he removed much of the content moderation rules, fired thousands of moderators, and reinstated far-right populist users. Recently, Musk changed the policy on sexual content, lifting many existing restrictions: “We believe in the autonomy of adults to engage and create content that reflects their own beliefs, desires, and experiences, including those related to sexuality.” The lack of rules is not absolute: sexual content must be “created and transmitted only with mutual consent,” but it remains unclear how this mutual consent will be verified and how children will be protected from illegal and age-inappropriate content. In the European Union such content is subject to regulation. Musk eliminated *Twitter*'s globally recognized legal department, which ensured effective freedom of speech for the network's users and protected their anonymity when powerful entities sued the company to reveal the identities of critical voices. Under Musk management *Twitter* shifted from protecting anonymity to unprincipled cooperation with authorities.

Experiments with the so-called *social networks of unlimited freedom* have ended with their takeover by content full of violence, harassment and conspiracy theories. “Welcome to hell, Elon,” wrote ***The Verge***: “There’s one step before you get the advertising money: it turns out most people don’t want to participate in terrible, unmoderated internet spaces filled with racist scum and bullies. Which means aggressive moderation. Every alternative social network has learned this lesson the hard way. Content moderation is what defines the quality of the user experience. This is the business you’re in now. The longer you pretend you can turn it into something else, the deeper Twitter will drag you into the muck of defending indefensible speech. Anyhow, welcome to hell.” The Wild West of digital journalism. **Regulation is necessary.** The subject of debate should be its goals, scope, and means. This is a matter that is resolved by a state's media policy. For the EU Member States certain media policy issues are coordinated at the community level.

For a well-informed citizenry, efforts are needed in two directions: increasing the amount of high-quality news content that is visible and accessible to people, and decisively reducing disinformation, manipulative and misleading information, and propaganda.

2

In recent years, the European Union has taken more active positions in favor of its citizens, debunking the notion of a "looming Euro-censorship." *The market approach* is replaced by cautious introduction of requirements ensuring access for European citizens to quality media content and media services of general interest. The EU Member States should introduce and enforce the following three key requirements:

Article 7a of the Audio-visual Media Services Directive (AVMSD)

Adopted at the initiative of the European Broadcasting Union, which brings together public broadcasters across Europe, Article 7a AVMSD states: "Member States may take measures to ensure the adequate prominence of audio-visual media services of general interest." This provision responds to technological changes that have transformed consumption patterns and the way people watch television. In the digital age, viewers often consume news through platforms where public broadcasters lack sufficient visibility and thus cannot effectively fulfil their public service mission. The business models of platforms prioritize financial interests over public interest, which would otherwise motivate them to give prominence to quality content.

The EU provides the opportunity for national legislation in every Member State to require *the visibility of services of general interest*. Decisions are made at the national level, with no prescriptive guidance from EU law. The rule primarily applies to public media services but can also be implemented to other providers and services. The law is open to non-linear content, such as audiobooks and documentaries, explicitly outlined in AVMSD.

It's worth noting that Bulgarian law lacks a legal definition of "media services of general interest." In response to a query from the European Regulators Group for Audio-visual Media Services (ERGA), the Bulgarian media regulator stated that ideal national legislation should include such a definition. As an example, the regulator pointed out the German Interstate Media Treaty, which includes criteria such as the proportion of news on political and other current events and the time allocated to regional and local information. In fact, the absence of a common definition in EU law is intentional, allowing national legislators to freely define criteria that reflect the characteristics and traditions of their societies. Services of general interest can be both linear and non-linear, with German law explicitly stating that the latter may include audiobooks, films, series, reports, documentaries, entertainment, informational, or children's programs.

The "must-carry" rule

When discussing measures that ensure access to content of general interest, *must-carry* and *must-provide* rules should be mentioned. The essence of the *must-carry rule* is to facilitate access to the relevant service. EU law (Art.114 European Electronic Communications Code) provides that Member States can introduce must-

carry obligations for certain media services that serve public interest objectives. The obligations are imposed "only when necessary to achieve objectives of general interest". The European Court of Justice has ruled that it is up to the Member States to define such services.

In Bulgaria, the must-carry rule was initially introduced for cable and satellite operators, requiring them to transmit TV public program service (BNT1) free of charge. Subsequently, this obligation was extended to DVB-T providers concerning several public and commercial television channels that meet certain legal requirements. Later, an amendment to the Electronic Communications Act removed the free transmission requirement and introduced cost-orientation payment.

Article 3 of the European Media Freedom Act (EMFA)

For the first time in EU media law, the European Media Freedom Act (EMFA) includes a provision (Article 3) requiring Member States *"to ensure an access to a plurality of editorially independent media content and ensure that framework conditions are in place in line with this Regulation to safeguard that right, to the benefit of free and democratic discourse"*.

This rule primarily concerns *news content* and content related to *current events*. Recital 14 clarifies that *media service recipients should be able to access quality media services created by journalists in an independent manner and in accordance with ethical and journalistic standards, which are therefore a source of reliable information. This is particularly important for news content and content related to current events, including a broad category of content of political, social, or cultural interest at the local, national, or international level.*

The focus on news and current events content is due to its importance in shaping public opinion, its ability to directly influence democratic participation and societal well-being, and the role of quality journalism in countering the spread of disinformation and foreign information manipulation.

Bulgaria is in the process of preparing framework conditions to ensure the right to access quality journalism, as stipulated in Article 3 EMFA.

But what is *quality journalism*?

The European Media Freedom Act (EMFA) can assist national lawmakers within the EU in this regard. According to the EMFA:

- The right to access only applies to quality journalism ("quality media services produced by journalists"). News content and content related to current events "shape public opinion and directly impact democratic participation and societal well-being".
- Quality journalism covers news and content related to current events, regardless of format (e.g., documentaries, magazines, talk shows) and distribution method (including online platforms). The examples given in the regulation indicate that the legislator envisions both media services (such as magazines and programs) and individual shows or other content (such as publications).

- Quality journalism deals with issues of political, social, or cultural interest.
- Quality journalism is characterized by pluralism, independence from interference, adherence to ethical and journalistic standards, and the reliability of information. While these guidelines are not accompanied by legal definitions, Member States can further clarify and detail these criteria at the national level.
- Quality journalism plays a role in counteracting the spread of disinformation and foreign interference.
- Quality journalism must be protected, including from attempts to silence journalists, whether through threats, harassment, censorship, or the rejection of dissenting opinions. The protection of journalists' right to information is also crucial, as without it, the media cannot fulfil their functions. Disinformation is neither a contribution to opinion pluralism nor an exercise of freedom of expression, nor does it fall under the scope of quality journalism to which society should have access.

The European legislator's concept is similar to the *American approach to journalism* in addressing *critical informational needs*, which are defined as “those forms of information necessary for citizens and community members to live safely and healthily, have full access to education, employment, and business opportunities, and to participate fully in the civic and democratic life of their communities, if they so choose.” (Friedland et al. 2012).

In the so-called *consumer approach to quality*, the focus is on how journalism helps citizens (on a personal level) and their communities make informed choices. Good journalism is responsible for meeting the critical informational needs of its citizens.

In addition to the consumer approach, there is the *product-based approach* to quality. Here, media content is analyzed at the output of the editorial process (the product). Features of quality journalism are studied, such as accuracy, impartiality, diversity of topics and sources, and completeness concerning topics of public interest. The list can be even more comprehensive: “The dimensions of quality in news media include, among others, timeliness, balance, clarity, completeness, independence, diversity, factual accuracy, impartiality, legality, neutrality, objectivity, professionalism, relevance, and credibility.” (Bachmann et al. 2022). Quality journalism is ethical.

The quality must be subject to evaluation, operationalization, and measurement. The creation and adoption of mechanisms for assessing and measuring news media quality is a difficult practical task.

The quality journalism often receives financial support because of its *remit*. Supporting quality journalism is also supporting democracy by facilitating society's right to access independent, diverse, and quality editorial content. For instance, Swedish law states the purpose of financial support as follows: “The purpose of financial support is to strengthen democracy by promoting public access to independent news across the country through various widely accessible news media with high-quality editorial content.”

Financial support for quality editorial content helps compensate for reduced advertising revenues, preserve jobs, create additional employment, increase journalists' income and job satisfaction, improve knowledge and skills in ethics, fact-checking and foster innovation and more local news (Murschetz 2018).

A key issue in supporting journalism with public funds is the risk of *dependency on government*, which can lead to biased, pro-government media content. Such dependence can hinder the media's critical role. Furthermore, there is potential for *corruption and abuse* in the funding process, with resources not always being invested in media as intended and, in some cases, returning to the individuals providing the funds.

Different forms of financial support for media services with public resources exist, primarily depending on whether the media outlet is public or commercial. Public radio and television provide a public service and are compensated with public resources (government subsidies, taxes etc.), often accompanied by revenues from commercial communications (advertising). In commercial media, regardless of type (print, radio, television, online), the main financing methods are direct subsidies for quality journalism or state advertising. According to the 2023 Media Pluralism Monitoring Report, 26 EU Member States and Candidate States lack effective rules for transparency in the allocation of state advertising. Poland and Turkey are considered high-risk states in this regard, while Bulgaria is a medium risk state.

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