

6-2018

## Media Literacy: A Foundational Skill for Democracy in the 21st Century

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# Media Literacy: A Foundational Skill for Democracy in the 21st Century

TESSA JOLLS\* & MICHELE JOHNSEN\*\*

*The current focus on the validity, credibility, and trustworthiness of media and information is urgent and global. In the past ten to twenty years, the information landscape has fundamentally changed due to an exponential increase in access to information consumption and production. Meanwhile, the role of traditional filters and gatekeepers that monitor accuracy and balance has been substantially reduced. This transformation has given rise to an unprecedented power shift in the way information is produced, consumed, distributed, trusted, and valued. On one hand, empowered citizens can now learn, participate, share, and express themselves as never before. On the other, abuses such as unintended spread of misinformation, disinformation campaigns by malicious actors, and misuse of personal information have become rampant, and citizens must navigate a complex new media landscape without traditionally trusted resources. The challenge for democracies is to find ways to preserve the freedoms that come with more access to information while minimizing the threats that go along with them.*

*Modern education's role in this is to enable students to live, learn, discern, and thrive in a diverse, global media culture, both online and offline. With content readily at hand, education must emphasize information process skills as central to teaching and learning. Media literacy offers empowerment through education and an opportunity to equip all citizens with the skills they need to become lifelong learners who are maximally prepared to navigate and leverage the power of media for their own benefit and that of others. Through media literacy education, students internalize process skills—heuristics—that become automatic filtering systems to apply to any media content, anywhere, anytime. This approach is compatible with the mobility that most people enjoy through their mobile devices and enables citizens to be better informed participants in today's media culture. Media literacy practices and pedagogy can be consistent, replicable, measurable and scalable globally, providing an evidence-based methodology for critical thinking, in both the consumption and production of media.*

*Media literacy provides a pathway to appropriate education for the 21st century. The time is now to prepare all citizens to be effective risk managers, efficient organizers of information, wise consumers, responsible content producers and active participants.*

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## INTRODUCTION

The current focus on the validity, credibility, and trustworthiness of media and information is global and urgent. In the past ten to twenty years, the increase in access to information consumption and production has been exponential, with far fewer filters in place to monitor accuracy and balance. While this has led to many positive outcomes, such as more diverse voices heard,<sup>1</sup> faster and more economical business functions, and easy and free communications with others regardless of geographic distance, unforeseen challenges also arose. As the internet and social media expand their reach and functions, threats range from loss of control over private data,<sup>2</sup> to cyberbullying and increased surveillance, possibilities for authoritarian regimes to reach beyond old methods of international interference, and finding new methods to spread harmful propaganda internationally.<sup>3</sup> While more authoritarian nations, such as

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1. See Harry T. Dyer, *The Internet Is Giving a Voice to Those on the Margins—Losing Net Neutrality Will Take It Away*, THE CONVERSATION (Dec. 19, 2017, 9:02 AM), <http://theconversation.com/the-internet-is-giving-a-voice-to-those-on-the-margins-losing-net-neutrality-will-take-it-away-89259>.

2. See Jonathan Shaw, *Exposed: The Erosion of Privacy in the Internet Era*, HARV. MAG. (Sept.–Oct. 2009), <https://www.harvardmagazine.com/2009/09/privacy-erosion-in-internet-era>.

3. See Sergey Sanovich, *Computational Propaganda in Russia: The Origins of Digital Misinformation* (N.Y. Univ. & Oxford Univ., Working Paper No. 2017.3, 2017), <http://comprop.oii.ox.ac.uk/wp-content/uploads/sites/89/2017/06/Comprop-Russia.pdf>.

China, Iran, and Russia,<sup>4</sup> resorted to censorship, thus limiting their citizens' access to the internet in order to cope with these threats (as well as maintain control), these options are antithetical to democratic societies. So, the challenge for democracies is to find ways to preserve the freedoms that come with more access to information, while protecting against the threats that come with it.

The most democratic way to address this challenge is teaching society to be wiser information consumers and producers through critical thinking and a pedagogy that empowers them to evaluate, analyze, and choose critically whether to act on information. Media literacy education does just that. When students are capable of thinking critically about media messages, they participate in society more as independent thinkers capable of making their own decisions about what information is trustworthy.<sup>5</sup> But, media literacy education is not yet widespread within school curricula today. That must change, because media literacy is critical for citizens in 21st century democracies who intend to remain true to their ideals. It is time to make media literacy education a primary priority, so that those who value democracy can cope with the demands of the new information landscape, without relying on censorship nor techniques only acceptable in more autocratic regimes. Our best option is to enable citizens to thrive in the global village that Marshall MacLuhan foresaw in 1962.<sup>6</sup>

However, today's media, government, and educational institutions are still grappling with how to better prepare youth and adults for living in the global village, where content is now easily accessible and virtually limitless. All citizens need the process skills of media literacy to be efficient managers of information, wise consumers, responsible producers, and active and effective participants in today's media-driven culture—especially as nearly infinite amounts of information explodes through the internet, and specifically, in social media. Yet society continues to value access to content knowledge as being scarce, and built its institutions and pedagogies to reflect that value. Access to content knowledge is no longer scarce, it is plentiful. Meanwhile, providing for teaching the process skills of media literacy is scarce indeed.<sup>7</sup>

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4. See Katherine Ognyanova, *Careful What You Say: Media Control in Putin's Russia—Implications for Online Content*, INT'L J. E-POLITICS 1 (2014); Beina Xu & Eleanor Albert, *Media Censorship in China*, COUNCIL ON FOREIGN REL., <https://www.cfr.org/backgrounder/media-censorship-china> (last updated Feb. 17, 2017).

5. See CATHY J. COHEN ET AL., PARTICIPATORY POLITICS: NEW MEDIA AND YOUTH POLITICAL ACTION (2012), [https://ypp.dmlcentral.net/sites/all/files/publications/YPP\\_Survey\\_Report\\_EXECSUM\\_o.pdf](https://ypp.dmlcentral.net/sites/all/files/publications/YPP_Survey_Report_EXECSUM_o.pdf).

6. See *Explorations: Marshall MacLuhan's Theory of the Global Village* (CBC television broadcast May 18, 1960).

7. See Tessa Jolls, *The Global Media Literacy Imperative*, RUSS.- AM. EDUC. F. (May 2014), <http://www.rus-ameeduforum.com/content/en/?task=art&article=1001036&iid=18>.

This current cultural valuing of content knowledge at the expense of process skills creates a misalignment between how democratic institutions provide for citizens' education attainment and outcomes, what is truly important, what should be valued, and what is measured. These institutional gaps, in turn, underlie calls for change that are symptoms of the underlying mismatch between the plenty of information and the scarcity of process skills. Rightfully, these calls for change mean a re-examination of: the role of media in a democratic society, how institutions and systems (including technology) are organized to address new information and media imperatives, how technology can contribute positively to tracking and verifying the provenance of information, and how society prepares its citizens with process skills and content knowledge so that they can interrogate and engage media effectively through technology.<sup>8</sup> Media literacy education is ideally suited to help address these transitions in a disruptive era marked by changes in media, learning and living in a democratic society.

#### I. CITIZEN JOURNALISM AND THE SHIFT IN ACCESS TO MASS COMMUNICATION

As access to technology tools has expanded access to information and to content distribution, citizen journalism—the collection, dissemination and analysis of news and information by the general public, especially by means of the internet<sup>9</sup>—changed the information landscape dramatically. Now the power of mass communications is in the hands of the many instead of just a few powerful entities. The press, or “fourth estate,”<sup>10</sup>—so vital to the very foundation of democracy—is no longer solely the territory of traditional news, media, and entertainment companies. The internet, including social media sites, like Facebook, Twitter, YouTube, and Snapchat, made it possible for individuals and private organizations to create and distribute content to large swaths of people for little or no cost. Content distributors are able to bypass the traditional gatekeepers of the print and electronic news era, such as professional editors or fact checkers, when they disseminate their information. Meanwhile, the number of people who get their news from the internet is rising steadily while the population of people who receive

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8. See Tessa Jolls, *The New Curricula: Propelling the Growth of Media Literacy Education*, J. MEDIA LITERACY EDUC. 65 (2015), <http://digitalcommons.uri.edu/jmle/vol7/iss1/7/>.

9. See *Citizen Journalism*, OXFORD DICTIONARIES, [https://en.oxforddictionaries.com/definition/citizen\\_journalism](https://en.oxforddictionaries.com/definition/citizen_journalism) (last visited May 7, 2018).

10. See Ming-Li Wang, *The Fourth State Under Siege: The Making of a Democratic Institution and its Pressing Challenges*, NTU Law Review 7(2) 385 (Sept. 30, 2012), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2258929&rec=1&srcabs=985113&alg=7&pos=3](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2258929&rec=1&srcabs=985113&alg=7&pos=3).

their information through other print or broadcast news sources declines.

According to a recent study by the Pew Research Center, forty-three percent of Americans often get their news online, while fifty percent often get news on television. That gap is closing rapidly. In 2016, the gap between the two platforms was nineteen. In 2017, the difference was a mere seven percent.<sup>11</sup>

Clearly, messaging and communication are entering a new era. Are democratic citizens prepared to competently navigate it? Do they have the skills to make wise choices that protect democratic ideals, as well as their own interests in the age of participatory communication? Unfortunately for most, the answer is “no.”<sup>12</sup>

Meanwhile, trust in media is at an all-time low.<sup>13</sup> As trust deteriorates, citizens must navigate the media landscape without traditional trusted resources. Many yearn for the days of tuning in to Walter Cronkite’s reports,<sup>14</sup> newspapers delivered to their door, familiar magazines, and radio programs. But, new media and its power shift are permanent. What remains is a virtual world that presents content ranging from friends’ selfies to ISIS beheadings and an onslaught of real-time headlines from faraway places.

Media literacy—the ability to communicate competently in all media forms, as well as to access, understand, analyze, evaluate, and participate with powerful images, words and sounds that make up our contemporary mass media culture<sup>15</sup>—is absent from most educational curricula or, at best, marginalized.<sup>16</sup> For the most part, students learn to evaluate messages today the same way they did when media information flowed from a relatively small number of sources in the form of a daily newspaper landing on their front porch, or a few evening radio or television broadcasts. During those pre-internet days, the majority of messages in the media were far more limited in quantity and approved

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11. See Kristen Bialik & Katerina Eva Matsa, *Key Trends in Social and Digital News Media*, PEW RES. CTR. (Oct. 4, 2017), <http://www.pewresearch.org/fact-tank/2017/10/04/key-trends-in-social-and-digital-news-media/>.

12. See Sam Wineburg et al., *Evaluating Information: The Cornerstone of Civic Online Reasoning*, STAN. HIST. EDUC. GRP. (2016), <http://purl.stanford.edu/fv751yt5934>.

13. See Anna Nicolaou & Chris Giles, *Public Trust in Media at All Time Low, Research Shows*, FIN. TIMES (Jan. 15, 2017), <https://www.ft.com/content/fa332f58-d9bf-11e6-944b-e7eb37a6aa8e>.

14. See Tom Egelhoff, *Where’s Walter Cronkite When We Need Him?*, KMMS (July 5, 2017), <http://kmmssam.com/wheres-walter-cronkite-when-we-need-him/>.

15. See *About CML*, CTR. FOR MEDIA LITERACY, <http://www.medialit.org/about-cml> (last visited May 7, 2018).

16. See Robert Kubey, *Obstacles to the Development of Media Education in the United States*, 48 J. COMM’N 58 (1998); RENEE HOBBS, ASPEN INST., *DIGITAL AND MEDIA LITERACY: A PLAN OF ACTION* (2010), [https://mediaeducationlab.com/sites/default/files/Hobbs%2520Digital%2520and%2520Media%2520Literacy%2520Plan%2520of%2520Action\\_1.pdf](https://mediaeducationlab.com/sites/default/files/Hobbs%2520Digital%2520and%2520Media%2520Literacy%2520Plan%2520of%2520Action_1.pdf).

by professional editors who, while far from perfect, at least were trained on-the-job to meet some standard of professionalism and accuracy.<sup>17</sup> Although media literacy education was important then, it is absolutely vital now.<sup>18</sup> Today, citizens' interactions with media—both as consumers and producers—are numerous, immediate, and highly accessible through the internet, specifically social media. Social Media Today reports that on YouTube alone, more than 500 hours of content are uploaded by subscribers each minute, with more than 1.5 billion monthly active users (second only to Facebook), as of September 2017.<sup>19</sup> And, a study by the Institute for Communication Technology Management (“CTM”) at the USC Marshall School of Business and CTM Visiting Researcher James E. Short, reports that U.S. media consumption averages thirty-three gigabytes per consumer per day.<sup>20</sup>

Complicating matters, confirmation bias influences people to seek or interpret evidence in ways that reinforce their existing beliefs, expectations, or a hypothesis in hand.<sup>21</sup> Combined with social media algorithms that feed users more of what they already “like,” people are exposed primarily to information “echo chambers,”<sup>22</sup> regardless of whether they consciously choose to be or not. According to the Reuters Institute Digital News Report 2017:

[P]eople are almost twice as likely to share news or comment in social networks when their friends have similar political views, rather than when they do not hold similar political views or when they do not know their views. More sharing or commenting amongst people with whom we agree may make us feel good, but it may also encourage the kind of hyper-partisan polarization . . .<sup>23</sup>

Democratic norms are vulnerable to extreme polarization.<sup>24</sup> Polarization hinders exposure to opposing viewpoints and reduces the

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17. See *Ethics*, AM. SOC'Y NEWS EDITORS, <http://asne.org/resources-ethics> (last visited May 7, 2018).

18. See R. Kelly Garrett & Brian E. Weeks, *Epistemic Beliefs' Role in Promoting Misperceptions and Conspiracist Ideation*, PLOS ONE (Sept. 18, 2017), <https://doi.org/10.1371/journal.pone.0184733>.

19. See Andrew Hutchinson, *Mind-Blowing YouTube Stats, Facts and Figures for 2017 [Infographic]*, SOC. MEDIA TODAY (Sept. 14, 2017), <https://www.socialmediatoday.com/social-business/mind-blowing-youtube-stats-facts-and-figures-2017-infographic>.

20. See James E. Short, *How Much Media? 2013 Report on American Consumers*, INST. FOR COMM'N TECH. MGMT. (CTM), THE USCMARSHALL SCH. OF BUS. (Oct. 2013).

21. See Raymond S. Nickerson, *Confirmation Bias: A Ubiquitous Phenomenon in Many Guises*, 2 REV. GEN. PSYCH. 175 (1998).

22. See Michela Del Vicario et al., *Echo Chambers: Emotional Contagion and Group Polarization on Facebook*, SCI. REP. 6 (2016).

23. See Antonis Kalogeropoulos, *3.5 Participation Online News*, in REUTERS INSTITUTE DIGITAL NEWS REPORT 2017 45, 46 (2017), [https://reutersinstitute.politics.ox.ac.uk/sites/default/files/Digital%20News%20Report%202017%20web\\_o.pdf](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/Digital%20News%20Report%202017%20web_o.pdf).

24. See Steven Levitsky & Daniel Ziblatt, *How Wobbly Is Our Democracy?*, N.Y. TIMES (Jan. 27, 2018), <https://www.nytimes.com/2018/01/27/opinion/sunday/democracy-polarization.html>.

potential for healthy debate based upon mutual given “truths.” It can become an obstacle to democracy as fringe movements develop and traditional parties, desperate not to appear weak, become wary of cooperating across the aisle.<sup>25</sup>

In addition, “news” producers now use attention-getting techniques, such as sensationalized headlines and a focus on news that creates shock or outrage, to provide deliberately false information from both the perspectives of the political left and the right. Filippo Menczer, a professor of Informatics and Computer Science at Indiana University who runs the fake news tracking site Hoaxy, states that “[t]hose people who generate this kind of fake news don’t care about politics. They just care about generating clicks, and so sometimes they generate similar messages for the right and the left.”<sup>26</sup> This disservice to the public and to trust in democratic institutions will continue since such misinformation, emotionalism, and hysteria are lucrative for purveyors up and down the distribution chain. Coping with this through censorship is a dangerous and unconstitutional option in the United States. Fortunately, the First Amendment protects freedom of speech, and rests on trust in the people’s ability to rely upon each other in mutually beneficial ways.<sup>27</sup>

As citizens’ trust in media erodes, more citizens say that media is not living up to its important role in sustaining democracy.<sup>28</sup> Importantly, early Founders saw education as a glue that can help hold a democracy together. Thomas Jefferson said, “I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education.”<sup>29</sup> Alan Taylor, a historian at the University of Virginia, states that the Founders who led the American Revolution viewed education as “more than a mere boon for individuals, education

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25. See Mohamad A. El-Erian, *How Political Polarisation Is Crippling Western Democracies*, WORLD ECON. F. (May 12, 2015), <https://www.weforum.org/agenda/2015/05/how-political-polarisation-is-crippling-western-democracies/>.

26. See *The Rise of Left-Wing, Anti-Trump Fake News*, BBC NEWS: BBC TRENDING (Apr. 15, 2017), <http://www.bbc.com/news/blogs-trending-39592010>.

27. See Nicandro Iannacci, *Is the American Free Speech Consensus Under Attack?*, NAT’L CONST. CTR.: CONST. DAILY (May 3, 2017), <https://constitutioncenter.org/blog/is-the-american-free-speech-consensus-under-attack>; Mark Warren, *Trust and Democracy*, in *The OXFORD HANDBOOK OF SOCIAL AND POLITICAL TRUST* 75 (Eric M. Uslaner ed., 2018).

28. See GALLUP, INC. & KNIGHT FOUND., *AMERICAN VIEWS: TRUST, MEDIA AND DEMOCRACY* (2018), [https://kf-site-production.s3.amazonaws.com/publications/pdfs/000/000/242/original/KnightFoundation\\_AmericansViews\\_Client\\_Report\\_010917\\_Final\\_Updated.pdf](https://kf-site-production.s3.amazonaws.com/publications/pdfs/000/000/242/original/KnightFoundation_AmericansViews_Client_Report_010917_Final_Updated.pdf).

29. See Deseret News, Opinion, *In the Words of Thomas Jefferson: Why Education Matters*, DESERET NEWS (Feb. 26, 2015, 10:24 PM) (quoting *Letter from Thomas Jefferson to William Charles Jarvis*), <https://www.deseretnews.com/top/3087/0/In-the-words-of-Thomas-Jefferson-Why-education-matters.html>.



was a collective, social benefit essential for free government to endure.”<sup>30</sup> Taylor also notes that the Founders declared that Americans needed more and better education to preserve their state and national republics from relapsing into tyranny.<sup>31</sup> And, former Governor of Virginia, William H. Cabell, asserted in 1808 that education “constitutes one of the great pillars on which the civil liberties of a nation depend.”<sup>32</sup>

Today, the need for education, and media literacy education in particular, is even clearer than it was in the days of the Founding Fathers. Modern education needs to enable students to live, learn, discern, and thrive in a diverse, global media culture, both online and offline. Current Common Core content standards<sup>33</sup> in U.S. education do not sufficiently distinguish content standards and process skills for a media age. For example, language arts strands address the traditional reading, writing, speaking, and listening, while ignoring skills such as viewing, producing and representing. A strong media literacy component is needed to focus on process skills that apply to both language arts and mathematics,<sup>34</sup> so that deconstruction skills may be applied both qualitatively and quantitatively.

## II. THE EVOLUTION OF MEDIA LITERACY

A consequence of the current erosion of trust in media is that the contemporary calls for media literacy education are often rooted in the perception that media content is misleading or false, since trust in media in an annual Gallup poll in 2017 was at an all-time low.<sup>35</sup> Though these calls for media literacy are much needed and welcome, they represent the latest wave of wake-up calls for examining the role of media in society.<sup>36</sup>

Media literacy has early roots in the radio days of the 1930s.<sup>37</sup> Media literacy movements were frequently engaged in challenges to violent,

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30. Alan Taylor, *The Virtue of an Educated Voter*, AM. SCHOLAR (Sept. 6, 2016), <https://theamericanscholar.org/the-virtue-of-an-educated-voter/#>.

31. *Id.*

32. *Id.*

33. See *About the Standards*, COMMON CORE STANDARDS INITIATIVE, <http://www.corestandards.org/about-the-standards> (last visited May 7, 2018).

34. See Frank Baker, *Standards, Media Literacy Education*, in THE PRAEGER HANDBOOK OF MEDIA LITERACY 551–59 (Art Silverblatt ed., 2014); DAVID COOPER MOORE & EMILY BONILLA, *NAMLE, MEDIA LITERACY EDUCATION & THE COMMON CORE STATE STANDARDS* (2014), <https://namleboard.files.wordpress.com/2015/04/namlemleccssguide.pdf>.

35. See Leandra Bernstein, *Poll: Mainstream Media Continues to Lose the Public's Trust*, WJLA (Feb. 14, 2017), <http://wjla.com/news/nation-world/main-stream-media-continue-to-lose-the-publics-trust>.

36. See Marieli Rowe, *On the Genesis of Media Literacy in the United States, as Seen Through the Lens of a Wisconsin Participant*, in THE PRAEGER HANDBOOK ON MEDIA LITERACY 463–77 (Art Silverblatt ed., 2014).

37. See Leslie Spence, *Can Radio Listening Be Taught?* The Wisconsin Association for Better Radio and Television (1950).

sexualized, and commercialized media content, and groups such as Action for Children's Television, founded by Peggy Charren in 1968,<sup>38</sup> and Turn-Off TV Week,<sup>39</sup> first introduced by TV-Free America in 1994, were reactions to the perceived negative influence of television on U.S. culture, especially on children. Jerome and Dorothy Singer,<sup>40</sup> Yale professors who noticed and studied the impact of television on children's imaginations and play, emphasized the importance of parent mediation as a way to prepare children for navigating the media. But the overwhelming sentiment of U.S. activists at the time was to attempt to control and censor media content, to stop or limit using visual media, or to avoid engaging with "pop culture"—namely television and new forms of music and expression.

At the time and even lingering today—art critics and academics often drew a divide between what they promoted or perceived as "high culture"—fine art, classical music, literature from the then-accepted canon, and film—"low culture or pop culture"—graphic arts, comics, pop music, and graphic novels or paperback only publications and television shows.<sup>41</sup> "Low culture" media was not considered worthy of teaching nor exploring in classrooms. What's more, media production was looked upon as "vocational" work that did not meet traditional academic standards worthy of serious study—a notion that persists even now in some school systems.<sup>42</sup>

Researchers in the mid-twentieth century also conducted and released studies on the effects of media violence. As a result of fifteen years of "consistently disturbing" findings about the violent content of children's programs, the Surgeon General's Scientific Advisory Committee on Television and Social Behavior formed in 1969 to assess the impact of violence on the attitudes, values, and behaviors of viewers.<sup>43</sup> The resulting report and a follow-up report in 1982 by the National Institute of Mental Health identified several major effects of

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38. See Matt Schudel, *Peggy Charren, Advocate for Improving Children's TV Programming, Dies at 86*, WASH. POST (Jan. 23, 2015), [https://www.washingtonpost.com/entertainment/tv/peggy-charren-advocate-for-improving-childrens-tv-programming-dies-at-86/2015/01/23/e5085916-a323-11e4-903f-9f2faf7cd9fe\\_story.html?utm\\_term=.d135245cdf5e](https://www.washingtonpost.com/entertainment/tv/peggy-charren-advocate-for-improving-childrens-tv-programming-dies-at-86/2015/01/23/e5085916-a323-11e4-903f-9f2faf7cd9fe_story.html?utm_term=.d135245cdf5e).

39. See Lisa Belkin, *Don't Turn Off the TV Week*, N.Y. TIMES: PARENTING BLOG (Apr. 21, 2009, 12:24 PM), <https://parenting.blogs.nytimes.com/2009/04/21/dont-turn-off-the-tv-week/>.

40. See DOROTHY G. SINGER & JEROME L. SINGER, *THE HOUSE OF MAKE-BELIEVE: CHILDREN'S PLAY AND THE DEVELOPING IMAGINATION* 183 (1990).

41. See PETER GOODALL, *HIGH CULTURE, LOW CULTURE: THE LONG DEBATE* (1995).

42. See *Media Arts Schools & Colleges*, TRADE SCHOOLS, COLLEGES & U., <https://www.trade-schools.net/media-arts/> (last visited May 7, 2018); see also Paul Fain, *Spotlight on Vocational Training*, INSIDE HIGHER ED. (Apr. 25, 2017), <https://www.insidehighered.com/news/2017/04/25/vocational-education-surges-continues-struggle-image-and-gender-imbalance>.

43. *Violence in the Media: Psychologist's Study Potential Harmful Effects*, AM. PSYCHOL. ASS'N, <http://www.apa.org/action/resources/research-in-action/protect.aspx> (last visited May 7, 2018).

children seeing violence on television: less sensitivity to the pain and suffering of others, more fear of the world around them, and more likeliness to behave in aggressive or harmful ways toward others.

Major national scandals and tragedies in the 1990s and early 2000s, such as the Clinton impeachment proceedings,<sup>44</sup> the Columbine school shootings<sup>45</sup> and copycat crimes attributed to MTV's "Jackass" show,<sup>46</sup> have also called attention to media's role in shifting societal norms and a need for media literacy. Words such as *fillatio* or curse words are much more normalized in media today.<sup>47</sup> School shootings and internet-inspired copycat bombings are also, sadly, more common to the point where police and some media outlets are modifying how they communicate about such tragic situations.<sup>48</sup>

Since content is not only affected by the subject addressed but the purpose behind providing the content—such as selling toys or foods to young children—the Campaign for a Commercial-Free Childhood recently challenged commercialization of children's media.<sup>49</sup> Response to these alarms has varied, since the threat of regulation through the Federal Communications Commission, Federal Election Commission or Federal Trade Commission has loomed over cable companies, film producers, and news organizations for many years. Ratings systems for television, film, videogames, music, the V-Chip, and other attempts to "grade" content or to limit content access are all responses to mitigate the negative effects of media content on the general populace.<sup>50</sup> Cable in the Classroom, an initiative of the National Cable Television Association ("NCTA"), launched in 1989 and sponsored media literacy programs.<sup>51</sup> But today, this organization no longer exists. Instead, the cable industry outsourced its media watchdog efforts to Common Sense Media, which

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44. See *This Day in History: Dec. 19, 1998 President Clinton Impeached*, HIST., <http://www.history.com/this-day-in-history/president-clinton-impeached> (last visited May 7, 2018).

45. See David L. Altheide, *The Columbine Shootings and the Discourse of Fear*, 52 AM. BEHAV. SCIENTIST 1354 (2009).

46. See Emily Farache, *Another "Jackass" Copycat*, E! NEWS (Apr. 24, 2001, 1:15 PM), <http://www.eonline.com/news/41509/another-jackass-copycat>.

47. See Matthew J.X. Malady, *No Offense*, SLATE (July 1, 2013, 3:33 PM), [http://www.slate.com/articles/life/the\\_good\\_word/2013/07/swear\\_words\\_old\\_and\\_new\\_sexual\\_and\\_religious\\_profanity\\_giving\\_way\\_to\\_sociological.html](http://www.slate.com/articles/life/the_good_word/2013/07/swear_words_old_and_new_sexual_and_religious_profanity_giving_way_to_sociological.html).

48. See POLICE EXEC. RES. F., THE POLICE RESPONSE TO ACTIVE SHOOTER INCIDENTS (2014), [http://www.policeforum.org/assets/docs/Critical\\_Issues\\_Series/the%20police%20response%20to%20active%20shooter%20incidents%202014.pdf](http://www.policeforum.org/assets/docs/Critical_Issues_Series/the%20police%20response%20to%20active%20shooter%20incidents%202014.pdf).

49. See CAMPAIGN FOR A COMMERCIAL FREE CHILDHOOD, <http://www.commercialfreechildhood.org> (last visited May 7, 2018).

50. See THE BOUNDARIES OF FREEDOM OF EXPRESSION & ORDER IN AMERICAN DEMOCRACY 91 (Thomas R. Hensley ed., 2001).

51. See *Cable in the Classroom*, MEDIA & LEARNING, <https://www.media-and-learning.eu/resource/cable-in-the-classroom> (last visited May 7, 2018).

“rates” children’s content in a variety of media.<sup>52</sup> Facebook recently took action to address news literacy by forming working groups of publishers and educators to help determine how to enable people to be informed readers, as well as to provide platform features that enable discernment.<sup>53</sup> But violent and sexualized content, and also content featuring substance use, is more prevalent than ever.<sup>54</sup> And, with the internet, any content is infinitely available anytime, anywhere at the touch of a large—or a very small—finger.

Early versions of media literacy were often fear-based responses to these perceptions of the harmful effects of media consumption, and media literacy was seen as a protective “inoculation” against these effects. Hence, the spectrum of media literacy education runs from protectionism, where media literacy is seen as the antidote for harmful media, to laissez-faire or normalization, where formal media literacy education is seen as unnecessary because of the perceived beneficial effects or innocuousness of media.<sup>55</sup>

### III. EMPOWERMENT THROUGH EDUCATION: UNDERSTANDING REPRESENTATION

Marshall McLuhan’s famous work and phrase, “the medium is the message,”<sup>56</sup> laid important groundwork for the media literacy field, but the major turning point from a predominantly fear-based and change-resistant call for media literacy education began in 1980, with the publication of Len Masterman’s book, *Teaching about Television*, an international best seller that provided a key insight. As Masterman himself noted:

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52. See James Steyer, *Xfinity TV and Common Sense Media: Helping Parents Discover the Right Entertainment for Their Family*, COMCAST (July 17, 2013), <https://corporate.comcast.com/comcast-voices/xfinity-tv-and-common-sense-media-helping-parents-discover-the-right-entertainment-for-their-family>.

53. See Emily Dreyfuss, *Facebook Pushes News Literacy to Combat Crisis of Trust*, WIRED (Apr. 6, 2017, 2:40 PM), <https://www.wired.com/2017/04/facebook-pushes-news-literacy-combat-crisis-trust/>.

54. See Joy Gabrielli et al., *Industry Television Ratings for Violence, Sex, and Substance Use*, 138 PEDIATRICS 1 (2016), <http://pediatrics.aappublications.org/content/138/3/e20160487>.

55. See Renee Hobbs & Amy Jensen, *The Past, Present and Future of Media Literacy Education*, 1 J. MEDIA LITERACY EDUC. 1 (2009), <https://files.eric.ed.gov/fulltext/EJ1095145.pdf>.

56. See MARSHALL MCLUHAN, UNDERSTANDING MEDIA: THE EXTENSION OF MAN (1964).

[T]he big step forward was to recognize a truism: that what we were actually studying was television, and not the different subject contents—that we were not actually studying sport or music or news or documentary. We were studying *representations* of these things . . . We were studying the ways in which these subjects were being represented and symbolized and packaged by the medium. What we are dealing with is not reality, but a symbolic system.<sup>57</sup>

Masterman introduced a media literacy pedagogy based on the idea of empowering people to use media thoughtfully and with agency, by understanding and interrogating the symbolic system that media perpetuates, and by challenging the power and profit motives that underpin media. Masterman's empowerment philosophy of media literacy took hold throughout the English-speaking world, and continues to inform best practices and foundational pedagogy that underpin media literacy teaching and learning. Canadians, most prominently Barry Duncan and John Puengente, built on Masterman's work and brought an empowerment approach to media literacy to North America.<sup>58</sup> U.S. practitioners owe a debt of gratitude to their Northern neighbors for their generosity and tireless work in helping introduce, define, and model media literacy in both Canada and the United States.<sup>59</sup>

Best practices in media literacy pedagogy have always called for a production element—or “writing” the media.<sup>60</sup> But until the advent of smartphones, media construction was an expensive and time-consuming endeavor that required professional equipment and skills.<sup>61</sup> Often, media literacy lessons focused primarily on deconstruction, or “reading” the media. Now Smartphones and social media are pervasive, even with young children. In 2016, the average age for children getting a first smartphone was 10.3 years old; 38% access the internet through their phone (versus 19% in 2012); 50% have social media accounts by age 12 and 11% had a social media account when they were younger than 10. Facebook and Instagram represent the most-used social platforms, with seventy-seven percent of children each. Twitter attracts fifty-nine percent, and Snapchat forty-seven percent, with no other social media

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57. See Len Masterman, *Voices of Media Literacy*, CTR. MEDIA LITERACY (2010), [http://www.medialit.org/sites/default/files/VoicesMediaLiteracyLenMasterman\\_1.pdf](http://www.medialit.org/sites/default/files/VoicesMediaLiteracyLenMasterman_1.pdf).

58. See Tessa Jolls & Carolyn Wilson, *The Core Concepts: Fundamental to Media Literacy Yesterday, Today and Tomorrow*, \_\_ J. MEDIA LITERACY EDUC. 68, 68-70 (2014), <http://digitalcommons.uri.edu/jmle/vol6/iss2/6/>.

59. See Sam Nkana, *History of U.S. Media Literacy Education*, PRAEGER HANDBOOK OF MEDIA LITERACY 544–59 (Art Silverblatt ed., 2014).

60. See Kathleen Tyner, *The Role of Media Literacy in the Media Arts*, PRAEGER HANDBOOK OF MEDIA LITERACY 599–602 (Art Silverblatt ed., 2014).

61. Interview by Marieli Rowe with Jean-Pierre Golay, Former Dir., Centre d'Initiation aux Communications de Masse (Aug. 28, 2011), [http://www.medialit.org/sites/default/files/Voices\\_of\\_ML\\_JP\\_Golay.pdf](http://www.medialit.org/sites/default/files/Voices_of_ML_JP_Golay.pdf).

platforms having a significant presence.<sup>62</sup> Media literacy lessons can easily incorporate both deconstruction and construction,<sup>63</sup> so that students gain experience in the full range of experience—using media and applying media literacy concepts. Media literacy is “new” again.<sup>64</sup>

Media literacy education must start early. Parent mediation is most effective when it starts from birth<sup>65</sup> since parents provide modeling or guidelines for screen time, feedback on messages and values, and questioning of content that teaches children to look beyond the face value of media messages. At a preschool level, early learning environments can reinforce and strengthen how young children process media and use it to learn.<sup>66</sup> Curricula must include a thorough understanding of citizens’ relationships with the media<sup>67</sup> that enables competent engagement with the world, as well as media literacy education that empowers students to challenge unproductive by-products of digital media. This is the best available approach to raise wise media consumers with strong critical thinking skills. Such skills enable youth and all citizens to make sound choices to protect their own interests, as well as society’s democratic ideals. Ultimately, media literacy education can provide the foundation for lifelong learning and an entry path for acquiring, trusting, and mastering content knowledge.

#### IV. THE DEMOCRATIZATION OF INFORMATION AND CULTURAL LAG

Rapid changes in the flow of information and communication in the past fifteen to twenty years have created both positive and negative effects on democratic societies. An example on the positive side: Dave Carroll, a musician and disgruntled United Airlines passenger, had his guitar damaged by baggage handlers and then was refused assistance and compensation by the airline’s customer service department. Carroll made a comic musical video called “United Breaks Guitars” and posted it on YouTube after a year of battling with the airline. To date, the video has garnered more than 17 million views, and its popularity prompted the

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62. *Kids & Tech: The Evolution of Today’s Digital Natives*, INFLUENCE CENT., <http://influence-central.com/kids-tech-the-evolution-of-todays-digital-natives/> (last visited May 7, 2018).

63. CAITLIN BARRY ET AL., IMPLEMENTING MEDIA LITERACY IN YOUR CLASSROOM 1 (2018).

64. Henry Jenkins, *New Media Literacies—A Syllabus*, HENRY JENKINS: CONFESSIONS OF AN ACA-FAN (Aug. 17, 2009), [http://henryjenkins.org/blog/2009/08/new\\_media\\_literacies\\_-\\_a\\_syll.html](http://henryjenkins.org/blog/2009/08/new_media_literacies_-_a_syll.html).

65. Interview by Tessa Jolls with Dorothy G. Singer, Former Senior Research Specialist, Yale U. (July 18, 2015), <http://www.medialit.org/reading-room/voices-media-literacy-international-pioneers-speak-dorothy-singer-interview-transcript>.

66. See Tessa Jolls et al., *Media Literacy Education: A Preschool Imperative for Building Resiliency*, 82 CONNECT!ONS 3 (May 2016).

67. Elizabeth Thoman & Tessa Jolls, *Media Literacy—A National Priority for a Changing World*, 48 AM. BEHAV. SCI. 18, 24 (2004).

airline to offer to pay to repair the damaged guitar and provide Carroll with \$1200 in flight vouchers.<sup>68</sup>

Carroll's experience demonstrates that the power of self-created content can lead to just outcomes. At its best, citizen-created media content also enables more diverse and underrepresented voices to be heard, and allows news to be received directly from the source.<sup>69</sup> In the past, an underrepresented group of people might not have had the means to publish or air their own news and perspectives. Now, the internet allows them to self-generate and publish media by just starting a blog or gathering a following on social media. Also, the internet is effective at bringing together people who want to stir positive change in society. For example, the Facebook page "Israel Loves Iran" has nearly 120,000 global followers, many of whom aim to prevent war by bridging the gap between people in the Middle East.<sup>70</sup> While it is impossible to know whether all people who follow a social media group are aligned with the views of that group and willing to act on its behalf, these groups do bring like-minded people together and encourage action.

But, just like the printing press, radio and television, the internet is not always used for ethical purposes.<sup>71</sup> With so many content producers—including both citizens and traditional message makers—reaching the masses directly online, it is inevitable that misleading, biased, and outright false stories spread in the interest of acquisition of power, financial gain or, as is the case with cyberbullying,<sup>72</sup> outright malice. With a tool as powerful as the internet, this can threaten democracy in many new ways. Unethical or irresponsible use of the internet can erode trust in media and in fellow citizens in four main ways by: (1) deeply dividing people based on ideology;<sup>73</sup> (2) providing a massive, global platform for malicious propaganda;<sup>74</sup> (3) making it relatively easy to cyberbully, threaten and humiliate people for reasons

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68. Mark Tran, *Singer Gets His Revenge on United Airlines and Soars to Fame*, GUARDIAN (July 23, 2009, 6:39 AM), <http://www.theguardian.com/news/blog/2009/jul/23/youtube-united-breaks-guitars-video>.

69. See Serena Carpenter, *A Study of Content Diversity in Online Citizen Journalism and Online Newspaper Articles*, 12 NEW MEDIA AND SOC'Y 1064 (2010).

70. Israel-Loves-Iran, FACEBOOK, <http://www.facebook.com/israellovesiran/> (last visited May 7, 2018).

71. Veronica Ma, *Propaganda and Censorship: Adapting to the Modern Age*, HARV. INT'L REV. (Apr. 28, 2016), <http://hir.harvard.edu/article/?a=13083>.

72. *What Is Cyberbullying*, STOPBULLYING.GOV, <http://www.stopbullying.gov/cyberbullying/what-is-it/index.html> (last visited May 7, 2018).

73. *Partisanship and Political Animosity in 2016*, PEW RES. CTR. (June 22, 2016), <http://www.people-press.org/2016/06/22/partisanship-and-political-animosity-in-2016/>.

74. Saheli Roy Choudhury, *Digital Propaganda and Misinformation Isn't Just a US Problem, Says Google Exec*, CNBC (Nov. 2, 2017, 4:32 AM), <http://www.cnbc.com/2017/11/02/google-exec-says-fake-news-and-extremist-content-are-global-problem.html>.

that are protected by their constitutional rights, such as their points of view, religion, ways of life or beliefs;<sup>75</sup> and most importantly, (4) eroding trust in democratic and economic institutions.<sup>76</sup>

The emergence of a highly divided citizenship is a consequence of the internet's ability to bring people together based upon shared interests and ideologies. A study by economics professors Yosh Halberstam from the University of Toronto and Brian Knight from Brown University<sup>77</sup> states that “[w]hile scholars have long argued that voters should have access to high-quality information from a diverse set of sources, separate literature has documented a tendency towards homophily—a preference for associating with like-minded individuals.” The preference for communication with others who share instead of challenge existing beliefs exists along with another troubling phenomenon. According to a study conducted in 2016 by the Pew Research Center,<sup>78</sup> majorities in both parties express not just unfavorable but *very* unfavorable views of the other party.

While this animosity has risen and fallen at an uneven rate since the 1960s, it has climbed steeply and steadily since the beginning of the 21st century in congruence with the rise of social media and use of the internet to find news and information.<sup>79</sup> As animosity towards the opposing party grows, citizens have less civil conversations about sensitive topics and hyper-partisan rhetoric replaces healthy discussion and debate.<sup>80</sup> This can divide a nation and reduce cooperation in preserving democratic ideals. An 1858 quote from Abraham Lincoln<sup>81</sup> rings true here in the 21st century: “A house divided against itself cannot stand.”

The troubling aspects that come from faster and more diverse access to communication via technology can, in large part, be attributed to “cultural lag,”—a term that describes what happens in a social system when the ideals that regulate life do not keep pace with other changes which are often—but not always—technological.<sup>82</sup> Advances in

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75. Maria Konnikova, *How the Internet Has Changed Bullying*, NEW YORKER (Oct. 21, 2015), <https://www.newyorker.com/science/maria-konnikova/how-the-internet-has-changed-bullying>.

76. *Trust in Government*, OECD, <http://www.oecd.org/gov/trust-in-government.htm> (last visited May 7, 2018).

77. Yosh Halberstam & Brian Knight, *Homophily, Group Size, and the Diffusion of Political Information in Social Networks: Evidence from Twitter* 22 (Nat'l Bureau of Econ. Research, Working Paper No. 20681, 2014).

78. *Partisanship and Political Animosity in 2016*, *supra* note 73 (noting that Pew has asked this question since 1992).

79. *Partisanship and Political Animosity in 2016*, *supra* note 73.

80. *Partisanship and Political Animosity in 2016*, *supra* note 73.

81. *House Divided Speech*, NAT'L PARK SERV.: LINCOLN HOME, <http://www.nps.gov/liho/learn/historyculture/housedivided.htm> (last updated Apr. 10, 2015).

82. Ashley Crossman, *What Is Cultural Lag? How Cultural Lag Affects Societies*, THOUGHT CO. (Apr. 12, 2017), <http://www.thoughtco.com/cultural-lag-3026167>.



technology and other areas effectively render old ideals and social norms obsolete, which leads to ethical conflicts and crises.<sup>83</sup> Existing standards in education, law, politics, social and business interactions, and interpersonal communication simply do not prepare citizens to cope with a 24-hour flood of messaging that can come from virtually anywhere without a filter.<sup>84</sup>

The effects of cultural lag last years. History shows that this is true for many technological advances. “Life support” is one example: medical technology is used to keep people’s bodies functioning long after they would otherwise have been declared dead. This raises cultural and ethical questions about when life ends and who has the right to end life support or prolong existence. The developments of new cultural beliefs, values, and norms lag behind the dilemmas posed by the technological change.<sup>85</sup>

The nation’s educational system is experiencing its own cultural lag when it comes to media literacy curricula and there are consequences.<sup>86</sup> The Stanford Graduate School of Education spent more than a year evaluating how well students across the country can evaluate online sources of information.<sup>87</sup> Because young people are generally social media savvy, it is often assumed that they are also media literate. The Stanford study found this to be false. Among other examples, the study showed that most middle school students have trouble telling journalism from native advertisements, and that college students do not suspect bias in tweets from an activist group. Overall, the students performed much more poorly than researchers expected.<sup>88</sup> Making media literacy education a higher priority within school curricula addresses cultural lag within the education system and takes a strong step forward in overcoming the challenges that come with faster, broader, and more participatory access to information. However, societies have created tools and methods to help cope with the effects of cultural lag and the new flow of information. Although they are still in their infancy, advances are occurring globally on this front. For example, the website [www.faktisk.no](http://www.faktisk.no) was created prior to the September 2017 Norwegian election, when fears were ignited after “fake news” impacted Brexit and the U.S. election.<sup>89</sup> Rival news organizations in Norway, which normally compete against each other as opposed to cooperate, came together to

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83. Crossman, *supra* note 82.

84. Barbara J. Walkosz et al., *Global/Local: Media Literacy for the Global Village*, OFCOM (May 16, 2008), [http://www.medialit.org/sites/default/files/33\\_globallocal.pdf](http://www.medialit.org/sites/default/files/33_globallocal.pdf).

85. Crossman, *supra* note 83.

86. Wineburg et al., *supra* note 12.

87. Wineburg et al., *supra* note 12.

88. Wineburg et al., *supra* note 12.

89. Wineburg et al., *supra* note 12.

create the powerful fact-checking website [www.faktisk.no](http://www.faktisk.no) so that Norwegian citizens would be less at-risk of misinformation as they made their voting decisions.<sup>90</sup> Within three months of launching, [www.faktisk.no](http://www.faktisk.no) became one of the most popular websites in Norway. Fact-checking sites alone are not a panacea. But, as businesses (and educators and innovators) worldwide grapple with the challenges brought by the rapidly changing media and information landscape, more tools can be developed to help societies “catch-up” with technological advances and the challenges of cultural lag. Although there are many examples of innovators who are designing new ways to combat the effects of cultural lag with regard to today’s flow of information, the risks to democracy are too great to wait for these new tools to mature and become widespread.

An effective and efficient way to create sophisticated citizens<sup>91</sup> is to develop a population with sound critical thinking skills and a deeply embedded knowledge of how to deconstruct and analyze messages through media literacy education. Media literacy education teaches children (and adults) that audiences understand messages differently and how to examine who is saying what and why, with an emphasis on the context of media messages in all their forms. This contextual analysis—plus the analysis of the actual textual content of a message (fact vs. opinion, inference vs. evidence, and feeling vs. thinking)—all add up to discernment and the ability to look for how information is framed and for points of view left out of communications. Such analyses lead to scrutinizing messages and data before forming an opinion or sharing on social media.<sup>92</sup> Media literacy is a tool that can help citizens transcend emotional reactions to shocking headlines, colorful advertising, and celebrity endorsements. Media literate users understand logical fallacies and use their intellect to understand the messages sent and form of expression employed. They discern that all media have purpose when attempting to change behavior, spending, or influence votes. While there is no perfect way to eliminate a citizen’s vulnerability to misinformation and abuse of communications tools, media literacy education can

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90. Daniel Funke, *Three Months After Launching, Faktisk Is Already Among the Most Popular Sites in Norway*, POYNTER (Oct. 3, 2017), <http://www.poynter.org/news/three-months-after-launching-faktisk-already-among-most-popular-sites-norway>; Shan Wang, *Competing News Outlets in Norway Are Building a New Standalone Site Dedicated Entirely to Fact-checking*, NIEMAN LAB (Apr. 5, 2017, 12:28 PM), <http://www.niemanlab.org/2017/04/competing-news-outlets-in-norway-are-building-a-new-standalone-site-dedicated-entirely-to-fact-checking/>.

91. Justin Lewis & Sut Jhally, *The Struggle over Media Literacy*, 48 J. COMM. 109 (1998).

92. *CML’s Five Key Questions and Core Concepts (Q/TIPS) for Consumers and Producers*, CTR. MEDIA LITERACY, [http://www.medialit.org/sites/default/files/QTIPS%20CHART\\_o.pdf](http://www.medialit.org/sites/default/files/QTIPS%20CHART_o.pdf) (last visited May 7, 2018).

empower students to interact positively with their society.<sup>93</sup> It equips informed “risk managers,” who are armed to make the best decisions for themselves and their society. Media literacy education has always been important. But, in this age of information abundance, it is an absolutely crucial skill for citizens of free nations that value thriving democracy.<sup>94</sup>

#### V. KEEPING MEDIA LITERACY WELL DEFINED

A challenge for the media literacy field is for civil society, and particularly educators, to maintain a consistent understanding of what media literacy is and how to provide a sound, credible, and effective pedagogy so that it may be taught and learned. Without a coherent understanding, there is a danger of media literacy being diluted or directive in nature, when in practice media literacy pedagogy is inquiry-based, nonpartisan, and non-ideological. Though media literacy methods are used to explore power and profit dynamics, the purpose of media literacy is to possess the tools for exploration and expression, not “all the answers.” Media literacy offers empowerment through education and an opportunity to equip all citizens with the skills they need to become lifelong learners, capable of navigating and leveraging the power of media for their own benefit and that of others.<sup>95</sup>

Media literacy addresses the symbolic system that comprises global media, the role of media in society, the production system behind media, and technology’s impact on media. Media literacy education and pedagogy addresses philosophies, methodologies, and tools for encouraging critical thinking in teaching and learning. In trainings for educators, the Center for Media Literacy (“CML”) emphasizes what media literacy is *not*:

- \* Media bashing is *not* media literacy; however, media literacy sometimes involves criticizing the media;
- \* Media production is *not* media literacy; although media literacy should include media production;
- \* Teaching with media is *not* media literacy; one must also teach *about* media; and
- \* Media literacy does *not* mean “don’t watch” or “don’t use;” it means use carefully, think critically.<sup>96</sup>

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93. Neil Anderson, *Making a Case for Media Literacy in the Classroom*, CTR. MEDIA LITERACY, <http://www.medialit.org/reading-room/making-case-media-literacy-classroom> (last visited May 7, 2018).

94. UNESCO, *MEDIA AND INFORMATION LITERACY: POLICY AND STRATEGY GUIDELINES* (Alton Grizzle & Maria Carme Torras Calvo eds., 2013).

95. See Erica Weintraub Austin, *A Bicycle Riding Theory of Media Literacy*, in *THE PRAEGER HANDBOOK OF MEDIA LITERACY*, 538–44 (Art Silverblatt ed., 2014).

96. See TESSA JOLLS ET AL., *LITERACY FOR THE 21ST CENTURY*, CENTER FOR MEDIA LITERACY, 538–44 (2nd ed. 2018).

For effective use in everyday life, media literacy must be easily and widely understood and emphasize frameworks for process skills that can be constantly improved with practice over time. As Masterman said,

[Y]ou can teach about the media most effectively, not through a content-centered approach, but through the application of a conceptual framework which can help pupils to make sense of any media text. And that applies every bit as much to the new digitized technologies as it did to the old mass media. . . . The acid test of whether a media course has been successful resides in students' ability to respond critically to media texts they will encounter in the future. Media education is nothing if it is not an education for life.<sup>97</sup>

CML uses three basic frameworks (and there are variants) to address the “symbolic system” that Masterman identified to distinguish the media literacy field and to provide a foundational understanding for media literacy:<sup>98</sup> (1) the Media Triangle, which explains the enduring relationship between media producers, audiences, texts, and culture; (2) the Empowerment Spiral of Awareness, Analysis, Reflection and Action (based on the work of Paulo Friere),<sup>99</sup> which provides an overarching context and connections for applying media literacy and critical analysis in every-day life, and (3) CML's Questions/TIPS, featuring the Core Concepts and Key Questions of Media Literacy, which provide specific principles for analysis and for understanding how media operate as a system, and for interrogating media messages in all their forms.<sup>100</sup>

In learning and practicing applications (content subjects or themes) for these frameworks, students internalize new media literacy process skills—heuristics—that become automatic filtering systems to apply to any media content, anywhere, anytime.<sup>101</sup> This approach is compatible with the mobility that most people enjoy today through their mobile devices and enables citizens to thrive in today's media culture.

These frameworks provide an understanding of media systems that transforms and transcends today's “siloeed,” content-centered approach to teaching and learning. Because media literacy focuses on process skills and frameworks for addressing media content, media literacy skills transcend cultural, political, and social boundaries.<sup>102</sup> In a global media culture, media literacy provides a global skill set enriching vocabulary

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97. Masterman, *supra* note 57, at 1.

98. See *Educator Resources*, CTR. MEDIA LITERACY, <http://www.medialit.org/educator-resources> (last visited May 7, 2018).

99. Paulo Freire, FREIRE INST., <http://www.freire.org/paulo-freire/> (last visited May 7, 2018).

100. JOLLS ET AL., *supra* note 96.

101. See Tessa Jolls & Carolyn Wilson, *The Core Concepts: Fundamental to Media Literacy Yesterday, Today and Tomorrow*, 6 J. MEDIA LITERACY EDUC. 68, 68–70 (2014), <http://digitalcommons.uri.edu/jmle/vol6/iss2/6/>.

102. Jolls, *supra* note 8, at 68.

and conceptual approaches that can be commonly shared and discussed with civility. Although the media itself may be local, media literacy is global. There are programs in Bhutan, Colombia, Brazil, South Africa, Norway, Russia, Japan, Egypt, Korea, India and China, among others.<sup>103</sup>

While media literacy education is global in nature, applications for media literacy—such as news, digital citizenship, or gender representation—may be local.<sup>104</sup> Though media literacy process skills can be applied to any content subject—news, gender, addiction, citizenship, history, science, and technology—mastering a content subject cannot and should not be conflated or misunderstood as media literacy. For example, being considered a “good” digital citizen in China may be an entirely different proposition than being a “good” digital citizen in the U.S. But “good” media literacy practices and pedagogy offer an open-ended and boundless approach, while still springing from a foundational common philosophy around inquiry and how symbolic media systems operate systematically and universally.

With this universality in mind, media literacy practices and pedagogy can be consistent, replicable, measurable, and scalable.<sup>105</sup> Media literacy can provide an evidence-based methodology that can be applied to any subject, anywhere and anytime. Important criteria such as education and workforce preparation become increasingly globalized and mobile.

The next generation of young people will grow to adulthood and become voters, financial decision makers, parents, and even community leaders. With the benefit of early and continuous media literacy education, critical thinking and message analysis skills will be intrinsic to them. With that, we can look forward to a new generation of citizens for whom basing choices and actions on sound evaluation of messages and data will simply be second-nature.<sup>106</sup> That new generation will be far less vulnerable to informational manipulation than the current one, as well as better armed to make choices that support democracy and other hallmarks of a free society.

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103. *Global Alliance for Partnerships on Media and Information Literacy*, UNESCO, <http://www.unesco.org/new/en/gapmil/> (last visited May 7, 2018).

104. Walkosz et al., *supra* note 84, at 5.

105. See generally Kathryn R. Fingar & Tessa Jolls, *Evaluation of a School-Based Violence Prevention Media Literacy Curriculum*, 20 *INJURY PREVENTION J.* 183 (2013).

106. See Tessa Jolls & Carolyn Wilson, *Youth Radicalization in Cyberspace: Enlisting Media and Information Literacy in the Battle for Hearts and Minds*, *MILID YEARBOOK* (2016), [http://www.medialit.org/sites/default/files/MILID%20Yearbook%202016\\_o.pdf](http://www.medialit.org/sites/default/files/MILID%20Yearbook%202016_o.pdf).

A. MEDIA LITERACY EDUCATION: FOUNDATIONAL FOR DEMOCRACY IN THE 21ST CENTURY INFORMATION ENVIRONMENT

Media literacy education is not yet institutionalized, however. Gaps in understanding and lack of support for research and development continue to impede growth of the field, especially in the United States.<sup>107</sup> The United Nations Educational, Scientific and Cultural Organization (UNESCO)<sup>108</sup> has advocated for media and information literacy since the late 1940s, and countries such as Finland, Great Britain, Canada, Australia, New Zealand, as well as the European Union as a whole, have taken strong steps to introduce media literacy into education curricula and into regulatory policies:

- \* Finland, known internationally for its effective education system, has a national strategy for media literacy;<sup>109</sup>
- \* Great Britain, through the communications regulatory agency (“ofCom”), has an Office for Media Literacy that takes responsibility for research and for outreach to encourage media literacy;<sup>110</sup>
- \* Canada requires media literacy as a component of the national language arts curriculum;<sup>111</sup>
- \* Australia and New Zealand embed media literacy in national curricula through required media arts strands;<sup>112</sup> and
- \* In the European Union, a study published in 2017 provided a cross-country comparison of media and information literacy in 28 European countries, including trends forecasting.<sup>113</sup> The European Union also calls for annual reporting on media literacy activities by each member country.<sup>114</sup>

In the United States, advocates for media and information literacy have proposed policy at the international, national, and community

107. See Kristen Hawley Turner et al., *Developing Digital and Media Literacies in Children and Adolescents*, 140 PEDIATRICS S2, S123 (2017).

108. See e.g., UNESCO, *supra* note 94.

109. KAVI, FINNISH MEDIA EDUCATION: PROMOTING MEDIA AND INFORMATION LITERACY IN FINLAND (2013), [https://kavi.fi/sites/default/files/documents/mil\\_in\\_finland.pdf](https://kavi.fi/sites/default/files/documents/mil_in_finland.pdf).

110. *Children’s Media Literacy*, OFCOM (Nov. 29, 2017), <https://www.ofcom.org.uk/research-and-data/media-literacy-research/childrens>.

111. *Media Education in Ontario*, MEDIA SMARTS, <http://mediasmarts.ca/teacher-resources/digital-media-literacy-outcomes-province-territory/media-education-ontario> (last reviewed July 2017).

112. See *Literacy*, AUSTRALIAN CURRICULUM, <https://www.australiancurriculum.edu.au/f-10-curriculum/general-capabilities/literacy/> (last visited May 7, 2018); see also *Media Literacy*, TKI: MINISTRY OF EDUC., NEW ZEALAND, <http://media-studies.tki.org.nz/Teaching-media-studies/Media-literacy> (last visited May 7, 2018).

113. PUBLIC POLICIES IN MEDIA AND INFORMATION LITERACY IN EUROPE: CROSS COUNTRY COMPARISONS (Divina Frau-Meigs et al. eds., 2017).

114. See *Media Literacy*, EUROPEAN COMM’N, [https://ec.europa.eu/culture/policy/audiovisual-policies/literacy\\_en](https://ec.europa.eu/culture/policy/audiovisual-policies/literacy_en) (last visited May 7, 2018).

levels.<sup>115</sup> Topics such as media literacy, digital literacy, digital citizenship, and internet and social media safety have been introduced as legislation in at least ten states, and five states—Washington, Connecticut, Rhode Island, New Mexico, and California—passed bills in 2017.<sup>116</sup> In a 2014 report prepared by a bipartisan, blue-ribbon education committee and entitled “Learner at the Center of a Networked World,”<sup>117</sup> the Aspen Institute called for media literacy and social/emotional literacies to be at the center of curricula and education—not the periphery—and proposed an action agenda at federal, state, community, and school district levels.

But these initiatives are not nearly enough, nor do they provide enough momentum to address the yawning crevice in access to the kind of education that literate citizens in this century need. Both democracy and a healthy economy depend on trust in societal institutions, including the media. Competitive advantage relies on a workforce of educated citizens who are prepared to engage effectively and ethically in a connected world.<sup>118</sup> This type of education is needed by the many—not the few—to successfully navigate today’s 21st century media culture. As recommended in *Pediatrics* in November 2017:

Learning environments no longer depend on seat time in factory-like school settings. Learning happens anywhere, anytime, and productivity in the workplace depends on digital and media literacy. To create the human capital necessary for success and sustainability in a technology-driven world, we must invest in the literacy practices of our youth.<sup>119</sup>

Not only are these literacy practices mobile, but they can also be applied to any content and any subject. Since using these skills is so closely associated with using mobile devices that are now ubiquitous, this new type of education—and the ability to access it through technology—is foundational to teaching and learning, to the point that some educators are calling equal access to digital and media literacy a fundamental human right.<sup>120</sup>

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115. See generally RENEE HOBBS, DIGITAL AND MEDIA LITERACY: A PLAN OF ACTION (2010), <https://knightfoundation.org/reports/digital-and-media-literacy-plan-action>; ASPEN INST. TASK FORCE ON LEARNING & THE INTERNET, LEARNER AT THE CENTER OF A NETWORKED WORLD (2014), <https://assets.aspeninstitute.org/content/uploads/files/content/docs/pubs/Learner-at-the-Center-of-a-Networked-World.pdf>; Turner et al., *supra* note 107; KNIGHT COMM’N, INFORMING COMMUNITIES, SUSTAINING DEMOCRACY IN THE DIGITAL AGE (2009), [https://assets.aspeninstitute.org/content/uploads/files/content/docs/pubs/Informing\\_Communities](https://assets.aspeninstitute.org/content/uploads/files/content/docs/pubs/Informing_Communities).

116. See *Your State Legislation*, MEDIA LITERACY NOW, <https://medialiteracynow.org/your-state-legislation/> (last visited May 7, 2018).

117. See ASPEN INST. TASK FORCE ON LEARNING & THE INTERNET, *supra* note 115.

118. VIVIEN STEWART, A WORLD-CLASS EDUCATION 28–31 (2012).

119. Turner et al., *supra* note 107, at S122.

120. See TEENS, SOCIAL MEDIA & TECHNOLOGY OVERVIEW 2015 2–5 (2015), [http://www.pewinternet.org/2015/04/09/teens-social-media-technology-2015/pi\\_2015-04-09\\_tee nsandtech\\_06/](http://www.pewinternet.org/2015/04/09/teens-social-media-technology-2015/pi_2015-04-09_tee nsandtech_06/); Turner et al., *supra* note 107, at S123.

For that reason, media literacy is not a new subject to teach—it is a new way to teach all subjects.<sup>121</sup> Media literacy education, through evidence-based frameworks, offers a meta-frame that applies to *all* academic subjects, thus connecting and integrating the various disciplines in a way that can contribute to multidisciplinary problem-solving through a process of inquiry that can be collaborative or individualistic.<sup>122</sup> But before teachers can begin to utilize such pedagogy, they must first understand media literacy themselves, because most adults did not grow up learning about media literacy, nor did they learn how to teach it. Unfortunately, large-scale efforts to develop these skills are not yet adopted politically nor educationally.<sup>123</sup>

#### B. MEDIA LITERACY: MORE ABOUT EDUCATION THAN MEDIA

There is an urgent need for preservice learning and professional development for teachers, so that they can make the shift from being a “sage on the stage” to being a “guide on the side.” With this approach, the teacher’s role is not to advocate a particular view nor provide directive opinions, but to promote reflection upon media texts and develop the kind of questioning and analytical skills that will help students to clarify their own views. There is a need for evidence-based pedagogies and multimedia, online, and interactive teaching resources. Yet most formal education institutions still rely on teacher-centered approaches, focused on traditional definitions of literacy and pedagogy, primarily using print media.<sup>124</sup> People today most frequently learn outside of classrooms. Youth have the online world available to them in the palms of their hands. They need the educational tools and skills to reach beyond the traditional content silos that upon which education has relied upon for centuries and to connect learning to today’s realities.<sup>125</sup>

The Center for Media Literacy was founded in 1989 by Elizabeth Thoman, who long advocated: “The ultimate goal of media literacy is to make wise choices possible.”<sup>126</sup> The end results of media literacy education are wiser consumers, more responsible producers, and active participants and citizens in both the online and offline worlds. These skills apply to information, misinformation, and disinformation, regardless of political or geographic boundaries.

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121. See *Best Practices*, CTR. MEDIA LITERACY, <http://www.medialit.org/best-practices/> (last visited May 7, 2018).

122. Jolls, *supra* note 8, at 68.

123. Turner et al., *supra* note 107, at S123.

124. Jolls, *supra* note 8, at 69–70.

125. Turner et al., *supra* note 107, at S123.

126. CTR. MEDIA LITERACY, <http://www.medialit.org/about-cml> (last visited May 7, 2018).



### C. MEDIA LITERACY: AN EMPOWERING MEANS TO ADDRESS THREATS TO DEMOCRACY

Developing an empowered population that can identify and avoid misinformation (as well as unjust attempts to invalidate legitimate sources) on its own terms is not only the most effective solution available, it is also the most democratic way to restore trust in media, fellow citizens, and other institutions. It empowers citizens to make informed choices about what information is worthy of their trust, instead of leaving those decisions to governments or other entities, which can cross a fuzzy line between serving the people and outright censorship—something counter to democratic ideals.

History shows countless examples of censorship as a harbinger of democracy's decay, and leaders who use limits on freedom of expression to undermine democratic governments, move to more autocratic forms of rule. A recent example is Hugo Chávez, the former president of Venezuela. According to the NGO Human Rights Watch:

The Chávez government sought to justify its media policies as necessary to “democratize” the country’s airwaves. Yet instead of promoting pluralism, the government abused its regulatory authority to intimidate and censor its critics. It expanded the number of government-run TV channels from one to six, while taking aggressive steps to reduce the availability of media outlets that engage in critical programming . . . The sanctioning and censorship of the private media under Chávez have had a powerful impact on broadcasters and journalists. . . . The fear of government reprisals has made self-censorship a serious problem.<sup>127</sup>

Right now, democratic nations are grappling with how to preserve free speech and at the same time protect citizens from autocratic regimes. These regimes have long aimed to suppress political pluralism and free expression to maintain power within their own nations, and are now increasingly using their principles and tactics to promote their interests internationally.<sup>128</sup> The term “sharp power” is new language that “refers to the information warfare being waged by today’s authoritarian powers, particularly China and Russia.”<sup>129</sup> The term was recently coined by Christopher Walker and Jessica Ludwig from the National Endowment for Democracy<sup>130</sup> to define information that “pierces, penetrates, or perforates the political and information environments in the targeted

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127. *Venezuela: Chávez’s Authoritarian Legacy*, HUMAN RTS. WATCH (Mar. 5, 2013, 5:24 PM), <https://www.hrw.org/news/2013/03/05/venezuela-chavez-authoritarian-legacy>.

128. See CHRISTOPHER WALKER & JESSICA LUDWIG, NAT’L ENDOWMENT FOR DEMOCRACY, SHARP POWER: RISING AUTHORITARIAN INFLUENCE (2017), <https://www.ned.org/wp-content/uploads/2017/12/Introduction-Sharp-Power-Rising-Authoritarian-Influence.pdf>.

129. Joseph S. Nye, Jr., *How Sharp Power Threatens Soft Power*, FOREIGN AFF. (Jan. 24, 2018), <https://www.foreignaffairs.com/articles/china/2018-01-24/how-sharp-power-threatens-soft-power>.

130. See NAT’L ENDOWMENT FOR DEMOCRACY, <https://www.ned.org/> (last visited May 7, 2018).

countries.”<sup>131</sup> Joseph Nye, the political scientist who coined the term “soft power”<sup>132</sup> in the 1980s, warns democratic nations to avoid the temptation to cope with sharp power by using methods that are typical of autocratic regimes. “As democracies respond to sharp power, they have to be careful not to overreact, so as not to undercut their own soft power by following the advice of those who advocate competing with sharp power on the authoritarian model.”<sup>133</sup>

Media literacy education offers democratic societies a way to support independent thinking among their people and arms citizens to minimize their chances of being misinformed or manipulated, without sacrificing the ideal of freedom of expression, or risking censorship or other autocratic methods to cope with today’s information related challenges.

Fact-checkers and fact-checking websites cannot replace the benefits of media literacy education within democratic societies. Sites such as snopes.com, factcheck.org, and Politifact are among today’s most respected sources to confirm or debunk news and information.<sup>134</sup> They are useful for people who are looking for verified information, but media literacy education cannot and should not replace these services. However, citizens who rely solely on fact-checking sites to determine what information is trustworthy are more at risk of manipulation than those who have learned to evaluate and analyze information independently with critical thinking skills acquired through media literacy education. In addition, fact-checking organizations could be encouraged to hold themselves to higher standards when they know that their audience is made up of critical thinkers who make informed decisions and are better able to recognize falsehoods and bias.

Media literacy education does not aim to make ordinary citizens into professional fact checkers. With the current abundance of information, it is impossible to fact check everything. However, media literacy education transforms ordinary citizens into powerful “risk managers”<sup>135</sup> when it comes to information, who are able to discern who and what to trust, identify informational manipulation, produce quality content, and make

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131. WALKER & LUDWIG, *supra* note 120, at 6.

132. See JOSEPH S. NYE, JR., *SOFT POWER: THE MEANS TO SUCCESS IN WORLD POLITICS* (2004). Soft power is the ability to attract and co-opt, rather than by coercion (hard power), which is using force or giving money as a means of persuasion. . . . A defining feature of soft power is that it is noncoercive; the currency of soft power is culture, political values, and foreign policies.

133. Nye, Jr., *supra* note 120.

134. See Jennifer Snelling, *Top 10 Sites to Help Students Check Their Facts*, ISTE (Feb. 1, 2018), <https://www.iste.org/explore/articleDetail?articleid=916>.

135. See Chris Nichols, *Stalled Bill to Help California Schools Fight Fake News to Be Revived*, CAP. PUB. RADIO (Dec. 11, 2017), <http://www.capradio.org/articles/2017/12/11/stalled-bill-to-help-california-schools-fight-fake-news-to-be-revived/>.

informed decisions when using the power of their votes, actions and dollars.

#### VI. INTERROGATING THE NEW MEDIA

Through it all, civil society—both consumers and producers—has maintained and even deepened its relationship and infatuation with media. The penetration rate of smartphones in the U.S. at the end of 2016 was 81% of all mobile phones,<sup>136</sup> and media production through social media is as ubiquitous as consumption. Today, the public not only gives viewership to advertisers who sponsor commercialized content, but also through interactive media, personal data, clicks, click histories, as well as individual eyes, ears, and voices during the media transactions and productions that propel everyday lives. Everyone is a producer now, and virtually anything goes in the virtual world. With these new technology tools available to all, it is apparent that, to have any hope of maintaining a free press and instilling media literacy skills, citizens must stop wishful thinking in regards to influencing, regulating, or censoring content—which has proven, in most cases, fortunately, to be a vain hope. Instead, the focus must shift to educating audiences<sup>137</sup>—who are now also major content producers through social media.

Today, content producers are highly mobile and vie for very short attention spans amidst the bombardment of media messages that splinter audiences.<sup>138</sup> With less attention to be had, and with a myriad of competing choices from a much more disparate distribution network, it is becoming more and more difficult for independent media producers, whether print or video, to garner an audience outside of the major social media platforms. For independent media producers, it is now more difficult to attract advertisers to underwrite a sustainable business model.<sup>139</sup> It is becoming more challenging to lure audiences, and the desperation with which many media outlets act is apparent as sensationalized stories are retracted almost as quickly as issued to compete in a 24/7 news cycle.<sup>140</sup>

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136. Adam Lella, *U.S. Smartphone Penetration Surpassed 80 Percent in 2016*, COMSCORE (Feb. 3, 2017), <https://www.comscore.com/Insights/Blog/US-Smartphone-Penetration-Surpassed-80-Percent-in-2016>.

137. KNIGHT COMMISSION, *supra* note 106.

138. See Frank Furedi, *The Crisis of Attention*, SPIKED (Feb. 2016), <http://www.spiked-online.com/spiked-review/article/the-crisis-of-attention/18068#.WHRviOZNow>.

139. See Bharat N. Anand, *The U.S. Media's Problems Are Much Bigger than Fake News and Filter Bubbles*, HARV. BUS. REV. (Jan. 5, 2017), <https://hbr.org/2017/01/the-u-s-medias-problems-are-much-bigger-than-fake-news-and-filter-bubbles>.

140. See Zach Shonfeld, *The Faults in Our Stories: The Year in Retractions*, NEWSWEEK (Dec. 25, 2014, 2:34 PM), <http://www.newsweek.com/faults-our-stories-year-retractions-294189>.

Content producers, more than ever, cannot be relied upon to set higher content standards nor support enlightening audiences through media literacy education, since many perceive this to be against their self-interest.<sup>141</sup> Yet media literacy offers a path to more trust and confidence in media when consumers realize that no information is perfect nor without bias, and that it is their discernment that ultimately counts towards judging the quality of content. To gain an audience, producers use expedient tools such as confirmation bias or framing to be seen as “one of us,” or to act as an echo chamber for what is perceived as what an audience wants to hear.<sup>142</sup> It is no accident that television anchors or reporters are more willing to express their opinions or their emotions in their stories today.<sup>143</sup>

But with media representing a symbolic system, the virtual world is not transparent; it is opaque. Its purpose is not just to inform, persuade or entertain; it usually aims to gain profit or power and influence. The internet shows a shiny surface of images and information, but that interface hides a vast database<sup>144</sup> that is capable of capturing, quantifying, and sharing every click and keystroke, and in some cases, faces, irises, and the timbre of voices. The internet is used to convey information through those databases on a truly massive scale. “Smart cities” connect “smart homes” where “smart” toys for toddlers are now connected toys that connect to each other and to online platforms. These “smart toys” collect personal information in “smart homes” in “smart cities.”<sup>145</sup> Often, consumers are not aware of how that information may be used or shared, nor whether it is secure.

Technology, entertainment, and media industries frame these questions as privacy issues. However, citizens’ business and personal interests go far beyond that. Each bit of data is gathered, analyzed, packaged, and monetized, and data becomes the new currency of value for a business proposition.<sup>146</sup> The relationship citizens enjoy with media—the relationship between the production system, the audience and the text, depends upon each and every transaction between the participating parties, and yet everyday citizens are unaware and lack value in their ownership or personal property rights. With the casual click

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141. See Lewis & Jhally, *supra* note 91.

142. See Nickerson, *supra* note 21.

143. See Brent Cunningham, *Re-thinking Objectivity*, COLUM. JOURNALISM REV. (July/Aug. 2003), [http://archives.cjr.org/feature/rethinking\\_objectivity.php](http://archives.cjr.org/feature/rethinking_objectivity.php).

144. See Stephanie Pappas, *How Big Is the Internet, Really?*, LIVE SCI. (Mar. 18, 2016, 11:40 AM), <https://www.livescience.com/54094-how-big-is-the-internet.html>.

145. See FUTURE PRIVACY F. & FAMILY ONLINE SAFETY INST., *KIDS & THE CONNECTED HOME: PRIVACY IN THE AGE OF CONNECTED DOLLS, TALKING DINOSAURS, AND BATTLING ROOTS* (2016).

146. See Natarajan Chandrasekaran, *Is Data the New Currency?*, WORLD ECON. F. (Aug. 14, 2015), <https://www.weforum.org/agenda/2015/08/is-data-the-new-currency/>.

of a button, users routinely sign away what few rights they may have.<sup>147</sup> These exchanges undermine trust in media relationships and are becoming more and more urgent priorities for action. No current legal framework governs ownership of personal data that begins to generate from before the birth of each and every individual.<sup>148</sup> In 2014, Tim Berners Lee,<sup>149</sup> a founder of the internet, called for a Magna Carta for the internet<sup>150</sup> because the internet and the data that drives it offer new surveillance opportunities and benefit the few at the expense of the many. Data's value and the monetization of that value is the new bedrock upon which fortunes rest and grow.

This shift in value and how value is created is not widely understood—yet. For example, if most consumers are asked to describe what they see when they see a car, they would probably answer “car” or “automobile,” or give a brand name for a certain type of car.<sup>151</sup> But these days, what they are really seeing is a data collection machine.<sup>152</sup> Cars now have radar, cameras, and sensors that gather data to share information on fender benders with insurers and sell advertising to companies that want to reach bored passengers in driverless cars. Such data-gathering is the difference between today's economy and the economy of the past, because it is data that is driving value creation, products, and services.

Yet citizens do not participate directly in the distribution of the value they help create through data. Today, companies use citizens' own data to know how to find them and to bill them, but citizens typically do not receive a royalty check for the use of their data, nor do they have access to the research and findings, trends and social information that their data provides. Companies like Facebook, Snapchat, and Twitter may know far more about citizens than citizens know about themselves, and even our youngest citizens are being surveilled through smart toys.<sup>153</sup> What should be private, and what should not? And why? Who should have access to the data collected, and why or why not? Who should benefit financially

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147. See TERMS AND CONDITIONS MAY APPLY (Variance Films 2013).

148. See Brian Naylor, *Firms Are Buying, Sharing Your Online Info. What Can You Do About It?*, NPR (July 11, 2016, 4:51 PM), <https://www.npr.org/sections/alltechconsidered/2016/07/11/485571291/firms-are-buying-sharing-your-online-info-what-can-you-do-about-it>.

149. See *Sir Tim Berners-Lee*, WORLD WIDE WEB FOUND., <https://webfoundation.org/about/sir-tim-berners-lee/> (last visited May 7, 2018).

150. *Sir Tim Berners-Lee: World Wide Web Needs Bill of Rights*, BBC NEWS (Mar. 12, 2014), <http://www.bbc.com/news/uk-26540635>.

151. See *Sports and Media Literacy*, 91 CONSORTIUM FOR MEDIA LITERACY 2 (2017).

152. See Peter Valdes-Dapena, *GM: Sure, the Auto Industry Is Transforming. But We've Got This*, CNN TECH. (Dec. 1, 2017, 6:00 PM), <http://money.cnn.com/2017/12/01/technology/gm-ride-sharing-business/index.html>.

153. See Caitlin Dewey, *98 Personal Data Points That Facebook Uses to Target Ads to You*, WASH. POST (Aug. 19, 2016), [https://www.washingtonpost.com/news/the-intersect/wp/2016/08/19/98-personal-data-points-that-facebook-uses-to-target-ads-to-you/?utm\\_term=.49ca8410dc5a](https://www.washingtonpost.com/news/the-intersect/wp/2016/08/19/98-personal-data-points-that-facebook-uses-to-target-ads-to-you/?utm_term=.49ca8410dc5a).

from the data, and is citizens' owning their personal, individual data a human right?

As technology evolves, some solutions are emerging that can complement media literacy efforts to restore trust and personal property rights. For example, micropayments<sup>154</sup> and blockchain<sup>155</sup> technology (or distributed ledgers) are promising developments that can allow for tracking, transparency, and payment systems that delineate and compensate each citizen's contributions of content, data and clicks/attention, both large and small. But it is still early, and much legal and technical work remains.

Yet media literacy is something that citizens can enjoy now. Citizens need to be equipped with media literacy to understand their lifelong relationship with media and the economic structures and processes that support media in a democracy. Individuals need to see that *they* are the true product being sold in transactions between advertisers and publishers and/or platforms, and that ultimately, *they* hold the power in any media transaction, because without an audience and broadband rights, media cannot exist. It is up to the people to demand media literacy education,<sup>156</sup> because becoming media literate—understanding how the global media system works through a systematic process of inquiry—is entirely within their self-interest, as well as the self-interest of society at large, locally, and globally.

#### CONCLUSION

Technology is changing the way civil society communicates, learns, and lives at break-neck speed. Modes of communication that may be commonplace in households in a decade are unimaginable for most people today. But democracy is an ideal that the free world long fought to protect for the best possible chance to endure throughout time. It is up to this generation to add media literacy education as a crucial tool and metaframe to address the cultural and institutional disruption that the internet—and the consequent abundance of information—causes, and to embrace the opportunities inherent in that change. This is a transformational age—a networked age knitted together through technology, that relies on networks of information and people like never before. Media literacy is the path through which to acquire, contextualize,

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154. See *How Do MicroPayments Systems Work?*, QUORA, <https://www.quora.com/How-do-micropayments-systems-work> (last visited May 7, 2018).

155. See *Trust Through Technology*, 94 CONSORTIUM LITERACY 2, 4–14 (2017); Phil Gramm & Hernando de Soto, *How Blockchain Can End Poverty*, WALL ST. J. (Jan. 25, 2018, 7:11 PM), <https://www.wsj.com/articles/how-blockchain-can-end-poverty-1516925459>.

156. See Thoman & Jolls, *supra* note 67.

and apply the content knowledge<sup>157</sup> accumulated through centuries and readily available to all. This transformation means an unprecedented power shift in the way information is produced, consumed, distributed, trusted, and valued—offering empowered citizens an opportunity to learn, participate, share, and express themselves as never before.

With competence in media consumption and production, citizens have the opportunity to revalue and rebalance the unity, individual and societal freedoms, and economic underpinnings that are crucial to democracy. The time is now to create smart policies and educational approaches that empower citizens to analyze the messages they create and receive and, in turn, to make wise choices for themselves and their communities. Media literacy is an essential skill to advance democracy in a hyper-connected global media world. Let us seize this opportunity to make media literacy as ubiquitous as the media itself.

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157. Jolls, *supra* note 7.