

***Norms for the New Public Sphere* philosophy project, Universities of Stirling and Warwick—written evidence (FON0035)**

House of Lords Communications and Digital Select Committee inquiry: The future of news: impartiality, trust, and technology

Summary

We are the *Norms for the New Public Sphere* philosophy project based at the Universities of Stirling and Warwick, funded by the Arts & Humanities Research Council. Our response to the call for evidence focuses on the moral-political function of news media in securing democratic legitimacy and respect for rights.

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For more details of the project and authors, see concluding section below.

Trends over the next 12 months and 5 years

1. *What impacts (positive and negative) do large technology platforms and online news aggregators have on the UK's news environment, including media plurality? And how might this change?*

Democratic legitimacy needs voters to be well-informed, to have the right to participate in public debate, and to see their and others' views fairly represented within the media ecosystem. This requires access both to well-funded investigative media and to media plurality.¹ Social media platforms have had some positive influence on plurality by enabling previously marginalised participants to bypass legacy media 'gatekeepers' (e.g. newspaper editors' judgements, advertisers' biases). Nonetheless, platforms' and aggregators' algorithms typically present users with preference-reinforcing content that reduces the plurality accessible to any one user, generating a polarisation that damages democratic debate. This polarisation is reinforced by how platforms' and aggregators' automated selection algorithms can present content out of context in ways that make originally-informative content false or misleading.²

¹ See the reports by our *Norms for the New Public Sphere* project: <https://newpublicsphere.stir.ac.uk/outreach/> On the democratic and rights-serving functions of news media, see e.g. Rowan Cruft, 'Journalism and Press Freedom as Human Rights', *Journal of Applied Philosophy* 29 (2022), 359-76; Jonathan Heawood and Fabienne Peter, 'Political Legitimacy and the News Media', in Carl Fox and Joe Saunders (eds.), *The Routledge Handbook of Philosophy and Media Ethics* (Routledge 2023).

² On polarisation, see e.g. Alison Goldsworthy, Laura Osborne, Alexandra Chesterfield, *Poles Apart* (Penguin 2021). On how online communication is inevitably understood 'out of context', see e.g. Lucy McDonald, 'Context Collapse Online', in Patrick Connolly, Sandy Goldberg and Jennifer Saul (eds.), *Conversations Online* (Oxford University Press forthcoming).

2. *How is generative AI affecting news media business models and how might this evolve?*

This issue is largely beyond our expertise but we note the damage that cheaply available AI content can do to the relative affordability of expensive human-driven investigations, and also the damage it can do to news professionals' accountability as authors for their content.

Note also that the term 'Generative Artificial Intelligence' can be misleading, as both 'generative' and 'intelligence' imply the creation of something new, when in fact the technology uses algorithms to read and repackage existing media (text, images, audio etc.). Recognising this makes clear that news media produced or uncritically supplemented by this technology is vulnerable to the same concerns mentioned in Question 1 above – that the technology can reinforce existing polarised positions rather than supporting media plurality. Generative AI also prompts further concerns about legal challenges around copyright and fair use, when the source material was inputted without the original creator's consent.

3. *How are perceptions of due impartiality evolving and what challenges do news organisations face around impartial reporting?*

False and misleading content undermines democratic legitimacy, leading citizens and politicians to make ill-informed or misled decisions. Partial or partisan content can contribute positively to democratic debate, but only when its partiality is explicit and understood as such, where this includes open understanding of content creators' political and financial motivations.

What it is for news media to qualify as 'impartial', especially concerning evaluative claims, is a subject of lively philosophical debate.³ Whether or not these debates can be resolved, it is clear that impartiality is expensive, requiring a well-funded independent and plural investigative media that is sufficiently financially robust to be able to tell both those in power and the ordinary reader/consumer awkward truths that they do not want to know.

We believe the debate about news media impartiality would be enhanced by recognition of the necessary place, alongside both traditional legacy media and new social technology platforms, of what we call a 'Co-Creational Model' of news media. This model recognises the importance of genuine public participation in news media production. See the complementary submission by Prof. Fabienne Peter and colleagues from the Co-Creational Model project.

4. *What factors affect trust in news and how might this evolve? Trust in news media only serves democratic legitimacy and rights when the news media deserves this trust by being trustworthy.⁴ For the news media ecosystem to be trustworthy, it needs to fulfil at least (a) epistemic standards*

³ For an overview of philosophical debates about the nature of impartiality, see Troy Jollimore, 'Impartiality', *The Stanford Encyclopedia of Philosophy* (Winter 2023 Edition), Edward N. Zalta & Uri Nodelman (eds.), <https://plato.stanford.edu/archives/win2023/entries/impartiality/>. On impartiality in news media, see e.g. Lewis Raven Wallace, *The View from Somewhere* (University of Chicago Press 2019).

⁴ A point stressed by Onora O'Neill; see e.g. her *A Philosopher Looks at Digital Communication* (Cambridge University Press 2022).

requiring content producers to show respect for, investigation and assessment of evidence; (b) accountability standards requiring content producers to be open about their financial and political motivations/pressures, and to show commitment to publicly acknowledging and correcting errors; (c) identity and representation standards requiring media plurality to enable a full range of content representing a diversity of views and identities to be expressed and accessed, including marginalised voices.⁵ We believe that the Co-Creational Model contributes to (c) while respecting (a) and (b), and again we refer to the complementary submission by Prof. Fabienne Peter and the Co-Creational Model project.

a. *To what extent is trust linked to perceptions of impartiality, or to other trends in online news?*

News media that fails to meet the standards of trustworthiness outlined above will not deserve the public's trust, and some of these trustworthiness-undermining failings will involve failures of impartiality.

But worryingly, other trends in online news can undermine trust even in *trustworthy* outlets. For example, the algorithm-driven problems of polarisation and out-of-context content (see answer 1 above) can lead readers not to place trust where it is deserved. Further, if the online epistemic environment is too 'polluted' so that it is unclear what is reliable and what is not, it can be perfectly reasonable to withhold trust in media communications that would be trustworthy in other environments.⁶

b. *What impact do concerns around disinformation have on trust in the information environment? (And to what extent does this differ between different sections of society?)*

Both disinformation (intentional falsehoods) and misinformation (unintentional falsehoods) can undermine trust in news media, including by making distrust reasonable – if, e.g., it is clear that there are many falsehoods around but there is no obvious way to distinguish the true from the false. As the question notes, what it is reasonable to believe can also vary with one's subject position, including how far one's views and interests have been represented or respected in the media historically – and hence how much one can trust the media to take one's perspective into account despite the media's biases and blindspots.⁷

Evaluation

1. *How well are news organisations responding to factors affecting their business models, and are any changes needed?*

⁵ See our project reports: <https://newpublicsphere.stir.ac.uk/outreach/> See also Lani Watson, *The Right to Know: Epistemic Rights and Why We Need Them* (Routledge 2021); Rubén Marciel, 'On citizens' right to information: justification and analysis of the democratic right to be well informed', *Journal of Political Philosophy* 31 (2023), 358-84.

⁶ Regina Rini, 'Fake News and Partisan Epistemology', *Kennedy Institute of Ethics Journal* 27 (2017), 43-64.

⁷ On unjust failure to believe, represent and engage, and unjust epistemic oppression, see Miranda Fricker, *Epistemic Injustice* (Oxford University Press, 2007).

We take this opportunity to comment on the *philosophical foundations* of the need for a well-funded news media, in order to clarify what news media business models should be supporting. As noted at the start, democratic legitimacy depends on citizens and politicians making well-informed choices resulting from open debate in which people can participate as equals. Ordinary citizens do not have the time, resources and special training to uncover all the information that is relevant to democratic choices in modern complex societies. We therefore believe that democratic legitimacy, and citizens' rights to live under a regime with legitimate power, require that substantial social resources be devoted to the investigative work and communication/dissemination performed by a dedicated independent news media. This need not take the traditional legacy media form of a small group of powerful outlets with mass audiences. But there is a vital moral case for sufficient social resources to be devoted to something like independent investigative journalism and its dissemination, as well as to outlets for disseminating citizens' knowledge including that of historically marginalised groups.⁸

We lack the empirical expertise to comment in detail on the current success of news media business models, but we are doubtful that current business models – advertising-funded online or offline, consumer-funded, license-fee-funded – are fully succeeding in delivering the well-funded, independent, diverse and representative news media that democratic legitimacy needs. We see some aspects of traditional collective action problems here: without state intervention, few 'ordinary' individual economic actors have sufficient incentive to contribute to the funding of news media (leaving only a wealthy few able to do this).⁹ But state support should be sufficiently arms-length to ensure media serves the people and truth, rather than the state. We see no perfect solution to these familiar problems, but recognise the BBC license fee as a respectable attempt to solve them, and would welcome work on related arm's length non-market funding models that can do more to support media diversity and smaller news media organisations. Again, the submission from Prof. Fabienne Peter and the Co-Creational Media project is relevant here.

2. *How adequately are UK news organisations providing impartial and trusted news? What actions are needed to address any shortcomings?*

Our philosophical focus is not on these empirical issues, but we note that the problem is not only citizens' *distrust for trustworthy news media* but also citizens' *trust for news media that does not deserve trust*. Trust in itself is thus not what should be aimed for, but rather news media trustworthiness. Attempts by news media producers to meet (a) epistemic standards, (b) accountability standards and (c) representation and diversity standards, as outlined under Question 4 above, can get us close to trustworthiness. Insofar as 'impartiality' is only about (a), it is only part of the issue.

a. *How should news organisations balance competing demands to provide content that aligns with particular values on the one hand, and provides trusted and impartial news on the other?*

⁸ See footnote 1 above.

⁹ See e.g. Russell and Garrett Cullity, "The Free Rider Problem", *The Stanford Encyclopedia of Philosophy* (Winter 2020 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/win2020/entries/free-rider/>

We do not see content that is 'partial' in the sense of representing a particular political, moral or evaluative outlook as in itself untrustworthy – so long as the news media content expressing this outlook meets (a) epistemic and (b) accountability standards, and is part of a news media ecosystem that meets (c) representation and diversity standards. Stronger consumer and regulatory demands for proper (a) evidence-responsiveness and (b) accountability mechanisms would, we believe, make partial political content more trustworthy.

3. *How adequately are news media organisations ensuring that efforts to provide trusted information and tackle disinformation do not alienate some sections of society in the process?*

Different sections of a diverse liberal society are likely to take different views on what counts as evidence relevant to political decisions, and on what counts as responding appropriately to such evidence.¹⁰ A plural media ecosystem will give voice to this diversity, with different people trusting different content producers. This inevitable plurality of outlooks is different from polarisation (in which one fails to recognise alternative views) and mis/disinformation. Regulators, platform providers and news content producers need to work to avoid polarisation and mis/disinformation while respecting the plurality of reasonable, evidence-responsive views on political questions.

4. *How well is regulatory oversight working?*

It is unclear that regulatory oversight in the UK appropriately manages the pervasive effect of large international technology platforms, including on legacy media. It is also doubtful that legacy media was appropriately regulated before the rise of new technology.¹¹

a. *Are any changes needed in the way Ofcom oversees due impartiality and the extent of its remit?*

The core question is what kind of impartiality is necessary for public debate to support democratic legitimacy. In our view, while some of the focus of Ofcom's conception of due impartiality is helpful – e.g. requiring presentation of differing views, and avoidance of personal political or evaluative discussion by presenters – it would be useful if impartiality was taken to encompass *responsiveness to evidence* and *accountability* (points (a) and (b) above). Inclusion of 'alternative' views that do not demonstrate evidence-responsiveness or accountability does not constitute impartiality.

b. *Are any changes needed in the way Ofcom oversees media plurality?*

See previous answers.

5. *Are there any actions the Government should take to address concerns around due impartiality, trust, and the influence of technology platforms?*

¹⁰ This is one aspect of what John Rawls calls 'the fact of reasonable pluralism' (Rawls, *Political Liberalism* (Columbia University Press 1993).

¹¹ As revealed by the Leveson Inquiry and the earlier Calcutt Report.

See previous answers, especially under Question 4 in the 'Trends' section and Questions 1 and 2 in the 'Evaluation' section.

a. *Are changes needed to the Media Bill?*

See previous answers for the underlying principles here.

b. *Are changes needed to the way the Government addresses mis- and dis-information?*

Yes. As noted earlier, there is much more to do in relation to oversight of large international technology platforms and their effect on legacy media. There is also a range of philosophical and empirical work on the appropriateness of a government's own speech including 'counterspeech' that aims to correct mis- and disinformation (e.g. through public health campaigns). Current evidence suggests that counterspeech which simply points out errors or corrects misunderstandings can be counter-productive (by drawing more attention to the mis/disinformation), and positive promulgation of information is more successful.¹²

About the Norms for the New Public Sphere project

Norms for the New Public Sphere is a philosophy project based at the Universities of Stirling and Warwick, funded by the Arts and Humanities Research Council from 2019-2022. The project investigated the opportunities and challenges that new social media pose for deliberation in the public sphere, and developed a set of norms to underpin a media policy framework appropriate to the internet age. The project focused on three core philosophical principles, asking how to understand them, their interactions and limitations, and their implications for a modern public sphere. These principles are: an *epistemic value principle* supporting acquisition and sharing of knowledge; a *liberal self-government principle* protecting equal participation rights; and a principle requiring appropriate space for *privacy*.

Our project produced two reports for regulators and industry here: <https://newpublicsphere.stir.ac.uk/outreach/> The reports identify four broad norms that should govern actors and institutions in the public sphere: (i) Enable Fair and Equal Access, (ii) Avoid Obvious Falsehoods, (iii) Offer and Engage with Reasons and (iv) Support Epistemic Respite. For details, see link above.

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¹² See e.g. Maxime LePoutre, *Democratic Speech in Divided Times* (Oxford University Press 2021), esp. Ch. 3, 'Countering Public Hate Speech' and Ch. 4 'Countering Public Misinformation'.

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