

A Blog Series: Time for a Plurality Dialogue



*Over the coming weeks, this blog will host insight from leading world experts focusing on the topic of the role of new digital intermediaries in the context of traditional media policy concerns with media pluralism and editorial responsibility. We are pleased to announce that **Robin Foster** will outline his views in a starting blog post next week, and we will have contributions from **Philip Napoli**, **Natali Heilberger**, **Emily Bell**, **Robin Mansell** and others. In this post, the LSE's **Damian Tambini** outlines some of the key questions they will address – and their relevance to questions that European regulators and governments are*

currently wrestling with.

Ofcom yesterday **invited comments** on how the regulator should develop a new measurement framework on media plurality. Under the current Communications Act, Ofcom has duties to periodically monitor media plurality, and also to provide advice to ministers regarding whether media mergers may result in a decline in the diversity of news available to – and consumed by – the UK public. For the first time, the Government has asked Ofcom to include online delivery of news in its reviews.

This opens up a contentious range of issues. Whilst media plurality was once straightforwardly about protecting democracy from a few powerful domestic media companies, the complex ecology of online delivery poses bigger challenges to regulators.

With an apparent **decline** of the traditional gatekeeper power of broadcasters and newspapers, public interest concern has begun to shift to the role of digital intermediaries such as social networks, app stores, search providers and content aggregators.

Editorial functions raise public interest concerns

Whether social networks for example take automated editorial decisions to display or not to display certain news items has been raised recently by **Emily Bell**. Whether it is a human or an algorithm that is the '**decider**' of news display, it matters in a democracy if certain issues are prioritised or excluded. Concerns about 'privatised censorship' and a lack of due process are not new: they were raised about the notice and takedown system for internet content over a decade ago and have been raised again in relation to the new obligation that Google has to protect individuals' '**right to be forgotten**' through removals of search results.

Over the coming weeks, this blog will provide a space for debate, both about the narrow issues of measurement that concern Ofcom, and also a discussion about how established conceptual and legal frameworks may or may not be capable of expressing the range of new public interest concerns that are raised by new intermediaries. Ofcom's immediate concern is with **media plurality**.

Whilst Ofcom will be focused on the current regulatory framework we should also ask whether the framework itself needs to be rethought. Because these proto-editorial functions raise concerns that cut across established institutionalised governance concepts and arrangements, notably in law relating to privacy, data protection, reputation, media ownership, competition and media pluralism, they are often discussed in isolation from one another. But there are linking concerns, fundamentally about size, power, accountability and responsibility, that are attracting the attention of regulators.



Fundamentally this is about democracy, and the legitimacy of democratic processes in which opinion formation processes are subject to – or *perceived* to be subject to – forms of manipulation, or simply monitoring and targeting that are not governed by established and well understood regulation and journalistic ethics.

A fertile academic debate has been underway for some time about the role of these new intermediaries, both in principle, and in relation to the fast changing empirical reality. We will include a range of academics debate on this blog, and also other stakeholders, including representatives of the intermediaries themselves.

Policymakers are taking an interest

In 2012, Robin Foster published his influential '*News Plurality in a Digital World*' which called for a wider stakeholder dialogue on these issues: *the Plurality Dialogue*. Since then, [The European Commission](#), [The House of Lords Select Committee](#), [Ofcom](#) and [DCMS](#) have consulted on media plurality, and the Government has outlined its position that online should be brought within the measurement framework for media plurality. However there has been little dialogue involving experts and stakeholders on how, precisely this should be done.

Competition law by itself cannot guarantee that all consumers have unrestricted access to diverse viewpoints and news: hence the need for ongoing dialogue between policymakers and digital intermediaries about a new regulatory framework. This dialogue would include but not be limited to discussion of how digital intermediaries can transparently support the public right to access diverse content as well as an open debate about editorial guidelines. We have already seen the start of such dialogue with increased co-operation between the government and digital intermediaries in key areas such as child protection online and extremist content, but there is a widespread call for constructive debate on a wider set of issues, and including a wider range of stakeholders including free speech advocates.

It is time for a debate about intermediaries. This starts with Ofcom's question of whether the current framework of regulation and measurement of media plurality is fit for purpose. But we must also reflect on what that purpose is, and whether the concept of media plurality remains the best expression of the public interest in this field.

Further Questions

- Do the 'editorial' activities of digital intermediaries raise public interest concerns?
- If this is the case, does the notion of media plurality offer a public policy framework for addressing them? How should measurement frameworks, such as those used by Ofcom to [measure media plurality](#), be updated to deal with the online sector?
- Should digital intermediaries be required to be transparent about their 'editorial', 'selection' and policy guidelines/algorithms and provide options to disable personalization to ensure that consumers have access to a diverse range of news and current affairs?
- If concerns about plurality are about exposure diversity rather than supply, how involved should digital intermediaries and policymakers be in nudging users towards diverse rather than 'personalised' choice?

This post gives the views of the author, and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics.

October 31st, 2014 | [Featured](#), [Guest Blog](#), [Media Plurality and Ownership](#), [The Plurality Dialogue](#) | 0

[Comments](#)



⌵

