# Digital intermediaries and the public interest standard in algorithm governance

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Digital intermediaries such as search engines and social media platforms have emerged as some of the most significant media organizations of the 21st century. However, these organizations have systematically resisted being characterized as media companies, preferring instead to be characterized as something fundamentally different – technology companies (see, here, here, and here). One could argue that this position represents a conscious effort by these companies to restrict the scope of discussions about how they should be governed, in order to curtail connections between their functionalities and the discourse of social responsibility (and accompanying regulation) that has been associated with traditional electronic media. To the extent that this (mis)perception resonates with different stakeholders, it creates a potentially problematic gulf between the role and function that these platforms are performing in the contemporary media ecosystem and the ways in which their performance is assessed, as well as the ways in which they are governed.

Traditionally, assessments of media performance and approaches to media governance have been grounded in the concept of the public interest. The concept of the public interest has a long, well-established tradition in the realm of the governance of traditional media, serving not only as a guidepost for policymakers in their formulation and assessment of policies; but also as a professional norm for certain categories of media professionals (e.g., journalists); as well as an evaluative and rhetorical tool for civil society organizations in their assessments of media performance and their advocacy efforts on behalf of the broader public.

## Public interest for intermediaries has centered on what they shouldn't be doing

This value-based framework has not yet been rigorously applied to these digital intermediaries, perhaps due to the lingering perception that these are technology companies and not media companies. To the extent that it has, it has taken the form of what I have argued is a restrictive, individualist interpretation.

The notion of a restrictive (rather than an affirmative) articulation of the public interest refers to the fact that the emergent meaning of the public interest in the realm of digital intermediaries is thus far much more oriented around the activities that the operators of these platforms should not be engaged in (e.g., uses of personal data), and the type of content flows that need to be restricted (e.g., copyrighted materials, pornography, graphic violence), rather than on articulating, imposing, or adopting specific activities that they should be engaged in, or content flows they should be facilitating, in order to effectively serve users' information needs.In the realm of traditional electronic media, we have seen affirmative approaches to the public interest take the form of obligations (both internally and externally imposed) to provide, for instance, certain amounts of news or public affairs content, or certain amounts of content produced locally, or addressing local interests and concerns. Similar affirmative manifestations of the public interest have yet to take hold in the realm of digital intermediaries.

It is individualist in that it emphasizes the extent to which digital intermediaries provide an enabling environment in which individual responsibility and autonomy can be realized in relation to the production, dissemination, and consumption of news and information. This formulation can, in many ways, be seen as an extension of the valorization and empowerment of the individual media user that has been a prominent theme in the discourse on the Internet in general. From this perspective, in terms of whether digital intermediaries serve the public interest by providing the news and information essential to a well-functioning democracy, the responsibility essentially lies with the individual users and how they make use of these platforms.

## Other legitimate public interest concerns have been marginalized

Consequently, legitimate governance concerns, such as those related to social responsibility in algorithmic design, have tended to reside at the periphery of digital intermediary governance discourse, and, with some exceptions, haven't begun to take any meaningful form within the specific realm of public policy. Meaningful discussions, for instance, regarding if and how the public interest should manifest in algorithmic construction and operation have yet to take place, due perhaps to continued uncertainty about how to situate algorithmically driven media platforms within the traditional institutional frameworks that have been applied to media. In general, it seems that concerns about personal privacy and data practices have overshadowed and, consequently, marginalized such concerns for many of the stakeholders engaged in digital intermediary governance.

## A broader debate about the public interest for digital intermediaries is required

What's needed at this point is a significantly broader and deeper discussion about algorithm governance in the public interest; about the integration – either through regulatory oversight and/or professional codes of conduct – of well-articulated news values and/or the kind of institutional articulations of social responsibility that have, up until the Internet era, accompanied the development of each significant news platform. These discussions need to be infused with a more robust notion of the public interest than can currently be found in the realm of digital intermediary governance.

Deference to broad, general, tech company mantras such as Google's "don't be evil," or Facebook's "giving people the power to share" seems increasingly inadequate in an evolving media ecosystem in which algorithmically-driven platforms such as social media and search engines are playing an increasingly significant role in the production, dissemination, and consumption of the news and information that are essential to a well-functioning democracy. Perhaps a more robust, expansive notion of the public interest for digital intermediaries can (and should) be built upon established media policy principles such as plurality, diversity, and localism. Or, perhaps it should emerge independently, in way that fully reflects the particular unique characteristics of the Internet as a media platform. In any case, the governance frameworks for these platforms needs to evolve in accordance with how these platforms have, themselves, evolved, so that there is greater congruence between the power they wield and the responsibilities they should possess.

*This article 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.*

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