



PRINCIPLES FOR POLICYMAKERS

Today's media and communications world needs a fundamental set of principles to help policymakers determine public value. **ROBERT PICARD** and **VICTOR PICKARD** have just such a global set to hand

Media and communications policies are proliferating globally as policymakers race to respond to the increasing array of issues and challenges posed by developments in telecoms, digital media, new platforms, and social media. Some are based on previously established policy regimes and trajectories; others on new approaches specifically developed to address emerging issues. In many cases, there is little concurrence among policies developed for different technologies and policies even for the same technologies are increasingly conflicting among themselves. The values underlying the policies are often unclear and policy is rarely based on principle, but rather on narrow interests or expediency.

Such weaknesses can be avoided if policymaking is guided by principles, an argument we recently put forward in a report for the Reuters Institute at the University of Oxford.¹ We propose principles to guide contemporary media and communications policymaking in democratic countries that are intended to inform efforts toward providing optimal social benefit. By articulating statements of

policy principles that undergird policy objectives across varying issues, technologies and processes, we provide fundamental criteria that have universal appeal but are versatile enough to address a wide range of policy discussions and decisions.

Defining such criteria is not merely a theoretical exercise. Media and communications policies are central to many of the challenges facing societies today, but in many cases, have outpaced policy. Earlier paradigms for broadcasting, telecoms and media are often inadequate for contemporary media and communications. Today's digital systems and networks, cable and satellite operations, internet-distributed content, social media and cross-platform activities necessitate different methods to address contemporary complexities. Furthermore, while domestic policies can address some issues, global policy is often more germane to address contemporary communications challenges.

POLICY PRINCIPLES ARE CRUCIAL

Establishing policy principles to guide both domestic and international decisions is crucial →

◀ for effective and socially beneficial policies. Many existing policies are unable to respond to rapid technological, economic, political and social developments because they are not clearly founded in policy principles but were instead primarily developed to address particular media and communications challenges at specific points of time. Fundamental principles, however, remain constant and can provide guidance on how to respond to new concerns and challenges and to make appropriate policy choices.

Consequently, we have stepped back to articulate principles that are relevant and applicable to a wide range of media and communications platforms, infrastructure and activities addressed at the local, national, regional and global levels. The purpose is to help policymakers and policy advocates think initially at a more principled level and then link policy objectives – and strategies for achieving them – to these normative foundations rather than merely seeking solutions for immediate problems.

We do not intend to encourage policymakers to intervene in all the areas. We also recognise that both private and public resources can be employed and guided to address the challenges. However, both of these resources are finite and both have strengths and limitations. Policies should not inhibit private investments in infrastructure, systems, content and innovation, because these provide social benefit, but neither should private interests be privileged to ignore public interests. Public resources can also be marshalled to address some media and communications issues, but are also limited and not all desired interventions can be effectively addressed by those alone.

To be sure, policy interventions should be sought only when problems and risks are manifest and when it is likely that policy will successfully remedy them. Perhaps the most important principle of policymaking generally is the need to consider the usefulness, potential costs, and knock-on effects of proposed actions. At times, inaction may produce fewer poor consequences than action. Therefore, policymakers need to reflect on potential hazards of being overly active when considering intervention. They should also consider other options such as effective self-regulation and industry-established standards.

Policymakers should seek benefit from both the private and public sectors and ensure that policies do not create significant inefficiencies, unduly distort competition, or crowd out private investment that can also produce public value. Stakeholders in media and communications, including private enterprises, public enterprises, administrative agencies, and other political actors, all have individual interests that can be self-serving and attempt to influence policy intervention for their individual benefit.

Of course, policymakers need to safeguard policy measures from undue manipulation by any stakeholder. The policy principles we suggest are a means for pursuing that objective. In particular contexts, and at specific points of time, policymakers may have to prioritise actions and

engage in trade-offs among policy principles and policies to address pressing challenges. These should be carefully considered to ensure optimal social benefit. Most importantly, they should be based on rationales and decisions that are always transparent.

Media and communications activities increasingly require joint consideration and increased coordination. The boundaries between media and communications are subject to definitional discussion, and are especially germane in countries that pursue policy through different administrative agencies or intervene differently in the two arenas. Media tend to be defined as creators of content and enterprises focused on its distribution, such as broadcast/cable/satellite channels. On the other hand, communications has historically involved infrastructures and systems in telecoms, such as telephone and technological operations for broadcasting and satellite activities. Today these delineations are complicated by the actions of firms

such as Google, Apple, YouTube, Netflix and Facebook that involve both media and communications.

Indeed, our contemporary digital environment, which includes internet and related activities, raises

the question of what, exactly, is a media company. This seemingly banal question has profound implications for assumptions about the social responsibilities of powerful platforms such as Google and Facebook. Platform responsibilities might differ from those of traditional publishers, yet they nonetheless may be implicated in the increasing concerns about so-called fake news (especially around elections), privacy violations and other social problems. These firms are increasingly monitoring, regulating and deleting content, and restricting and blocking some users – functions that are essentially editorial decisions.

WHAT ARE POLICY PRINCIPLES AND WHY ARE THEY IMPORTANT?

Policy principles are coherent statements based on normative foundations and values that help policymakers and organisations respond to issues and take part in legislative and regulatory activities. More fundamental than specific policy tools and objectives, principles are meant to inform policy development and to provide consistency in approaches to varying issues and actions across many different contexts. Ideally, these principles are transferred into policy and practice by providing the fundamental criteria used in decision-making processes.

In practice, principles inform the deliberative and political processes that lead to specific policy objectives and potential policy tools. First, principles are articulated and then used to set policy objectives and determine the means to achieve them. The latter two stages are subjected to



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political processes that determine the final policy outcome. Principles are not neutral because they are normative, reflecting specific values that are subject to contestation. In choosing among policy principles, policymakers should be concerned about the effects of policy on all stakeholders, giving primacy to society's fundamental communications needs. In considering economic and social benefits, any policy analysis ultimately requires some ranking of principles – a process that depends on the unique context of policymaking within a specific country.

The principles that we advocate are based on fundamental values such as accountability, dignity, dialogue, equity, freedom, inclusiveness, openness, security, self-determination, reward and responsibility. Of course, it is to be expected that individuals, private organisations and business enterprises all place different emphasis on common shared values. However, when legislators and regulatory agencies consider principles, they need to focus on deep-seated shared norms and embrace principles designed to reduce harm and strengthen beneficial activities for society as a whole.

Policy objectives and mechanisms themselves are too specific to national settings to be generalised across nations. They are influenced by numerous domestic philosophical, economic, industrial, political and social factors that make it difficult to directly transfer them among countries with similar effect. Principles, however, can be transferred among nations that share underlying values. Democratic nations share a variety of fundamental philosophical beliefs that can serve as the basis for developing domestic media and communications policy.

The principles that we present are also based on common democratic values, including the value of the individual and the community, equal participation in governance, and accountability of those exercising power on behalf of all. They represent both positive and negative liberties present in democratic states, but also incorporate fundamental values embraced by all states, such as maintaining legitimacy, preserving order, promoting general welfare, and benefiting from investment and economic growth. The principles thus address a basic question of policymaking: what is the public value being served? They set the bases for choices by specifying what is valued and why it is valuable to the public.

Policymaking is rarely guided by a single principle, but often informed by several principles simultaneously. This requires policymakers to weigh them and make trade-offs during the policy processes as they design specific policies. Principles underlying these deliberations should be clarified at the beginning of the policy process to help guide policymaking.

Because the values and objectives in open society privilege different social and economic aspects, it is sometimes necessary to emphasise, balance, or de-emphasise some principles. The factors involved in these choices should be clear, transparent and justified. In our normative view, however, ➔

POLICY PRINCIPLES FOR THE DIGITAL AGE

MEETING FUNDAMENTAL COMMUNICATIONS AND CONTENT NEEDS

- Promoting freedom of expression and other rights of communication
- Providing emergency and crisis communications infrastructure
- Addressing market failures in systems and infrastructure
- Promoting production of public goods, public interest content, information and entertainment
- Facilitating citizen participation in debate of issues and developments affecting society

PROVIDING EFFECTIVE ABILITY FOR PUBLIC USE OF MEDIA AND COMMUNICATIONS

- Providing universal access to infrastructure
- Ensuring availability of affordable basic-use technology and levels of services
- Supporting equity/social inclusion with services for people who have visual and hearing impairments or others with specific access needs
- Providing interconnectivity and interoperability of all technologies and services through open architectures

PROMOTING DIVERSITY/ PLURALITY IN OWNERSHIP OF MEDIA AND CONTENT AVAILABILITY

- Seeking diversity of providers and types of content
- Preventing growth and abuse of monopolistic power in media and communications

AFFORDING PROTECTION FOR USERS AND SOCIETY

- Protecting children and vulnerable people from adult and disturbing content
- Protecting personal privacy and data security of users from invasive corporate and state surveillance or misuse

- Providing adequate consumer protections and enforcement mechanisms in media and communications
- Protecting against incitement to disorder, commission of crimes, and racial hatred/ violence

PROVIDING TRANSPARENCY AND ACCOUNTABILITY

- Providing transparency and comparability in terms, pricing of services, and data collection
- Providing transparency in media ownership
- Providing information to ensure that consumers understand algorithms and other automated technological influences on content choice
- Promoting media and communications accountability through legal and self-regulatory mechanisms

PURSUING DEVELOPMENTAL AND ECONOMIC BENEFITS

- Incentivising private investment in infrastructure, services and innovation
- Fostering economic competition among providers of media/communications products and services

PURSUING EQUITABLE AND EFFECTIVE POLICY OUTCOMES

- Fostering meaningful public consultation and participation in the policy process
- Employing multiple policy mechanisms and tools to achieve objectives

Editors note: Each of these principles are major topics in their own right, and subject to many articles in *Intermedia*, past and present. We welcome feedback from IIC members and readers on their priorities for such principles (and indeed if they are the right ones) and examples of work as part of our ongoing discussions on challenges facing policymakers and regulators.

← policymakers should not sacrifice or de-emphasise principles with public/social/ democratic orientations to unduly favour those that primarily emphasise private interests.

POLICY RUBRICS AND PRINCIPLES

The policy rubrics and principles listed in the panel on the previous page derive from our knowledge of policy foundations, a review of the literature, and consultations with media and communications policy specialists. They also were reviewed to ensure that their focus was founded on principle rather than policy or policy mechanisms. Decisions for inclusion were guided by the view that good principles actively seek to produce beneficial outcomes rather than merely creating conditions in which they might materialise.

These policy principles offer a normative invitation to discuss and debate, an essential conversation for any society. But we also believe the principles address fundamental challenges and issues of communications that require policymaking, recognising that the actual policies selected may vary and produce differing outcomes relative to the principles. Our hope is that they may serve as a vehicle to start a broader conversation about core policy principles. Policymakers, scholars,



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and concerned citizens may refer to them as they consider the underlying normative values that underpin a nation’s media system and help define its central role within a democratic society.

Some principles are interconnected or

complementary with regard to specific policy matters, so it is often necessary to consider more than one when addressing policy. Regardless, the aim is to bring into clearer focus those principles that usually remain invisible and merely tacit. Rendering them more visible allows them to be discussed more openly in a public manner.

We classify the policy principles into categories such as meeting fundamental communications and content needs, and there are 23 principles included in these classifications, which are listed in the panel on the previous page.

There are certainly challenges in meeting these principles. For example, a major challenge in addressing digital monopoly power is that competition law relies on defining the relevant market by product, geographic market and competitors involved, and this challenge is especially significant when large international enterprises are involved. Many digital firms offer multiple products and services in both individual countries and globally. Further, cross-boundary transactions present national, regional and global jurisdictional challenges.

As an example of our thinking, see also the box on this page on another big challenge, on algorithms and content.

CONCLUSION

Policy principles are inherently contentious, and the test of a healthy democratic society is to what extent such principles can be openly and publicly debated among diverse constituencies. These principles offer a reference point for broader conversations about the role of media in a democratic society, and the criteria by which media systems should be designed.

Although many policy principles remain universal and commensurable over time and across countries, many others change with cultural and historical contexts. Thus, constant re-evaluations of these principles are necessary. As these reassessments of policy principles occur, it is of the utmost importance that all members of society take part in determining their definitions, delineations, and implementations. Our report strives to help contribute to this process.

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REFERENCE 1 Picard RG, Pickard V (2017). Essential principles for contemporary media and communications policymaking. RISJ report. Reuters Institute, University of Oxford. Available at: bit.ly/2svXlFz

ALGORITHMS/INFLUENCES ON CONTENT CHOICE

This principle is about consumer protection that ensures the public is not unknowingly influenced by concealed choices of advertising, news and informational biases by automatic selection and placement features. The intent is to promote transparency and provide users with greater understanding about content providers’ choices.

Search engines, content aggregators, social media feeds, and other digital content organisations provide both public and private benefits, but are increasingly relying on algorithms and other automated software to create, distribute and highlight certain content in ways that produce social costs. These digital capabilities have led to preferential positioning and presentation bias, filtering and personalisation that reduce choice, optimisation of media to increase selection and improve presentation, and robotic news and information production.

These and other uses of contemporary technologies are hidden from users’ view, typically involve proprietary software, often conceal business arrangements and interests, and mask the intent of those who create and employ technologies. It is crucial for the public to be aware of these algorithms and technologies and the general effects they have on content and information presentation so that they can adequately judge the reliability and importance of the content provided.