Shaping Democracy in the Digital Age: Final Report

Final report of the 'Norms for the New Public Sphere' project

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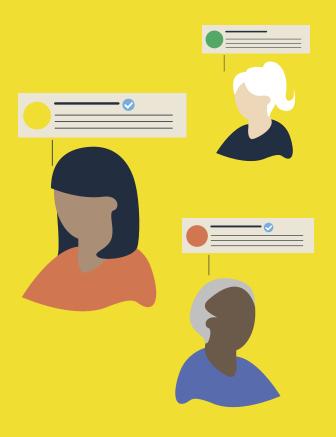
Report Summary

CONTEXT

Social media platforms like Facebook, Instagram, TikTok, Twitter and YouTube have fundamentally changed how societies discuss political ideas. Such discussions used to be mediated by journalists and broadcasters. Now, members of the public can – and do – put forward their own views directly through social media.
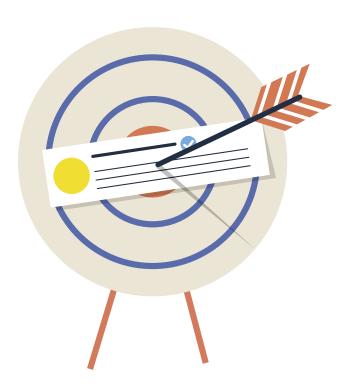
Existing media legislation is not equipped for this new state of affairs. Some say this has created (or exacerbated) problems – such as fake news, polarisation, and online abuse – which threaten democracy. Yet new legislation should not hamper the unprecedented wide participation that social media makes possible. This too would be a threat to open and inclusive political discussion.

Former Head of Civic Engagement at Facebook, Samidh Chakrabarti, has described finding the balance between the 'good' and 'bad' of social media as 'a philosophical problem'. And our 2021 report Shaping Democracy in the Digital Age tackled it as such. We took a step back from debates about the details of regulation, and focused instead on the philosophical foundations that underpin it.

AIMS

Regulating the new public sphere means addressing a myriad of intricate moving parts which can only work together if they have a coherent theoretical foundation. So we set out to identify a series of norms – general guiding tenets – that could help to shape political discussion in the digital age. These norms would allow us to paint a positive, proactive vision of a digital public sphere, which could support democracy and good government.

STARTING POINT

Our starting point was two fundamental principles which philosophers recognise as the goal of discussion in the public sphere:

- **Epistemic value principle:** political debate and discussion should enable the acquisition, production, and sharing of knowledge. (e.g. Estlund 1997, Landemore 2012, Peter 2013)

- **Self-government principle:** political debate and discussion should be democratically inclusive, enabling people to govern themselves rather than be governed by an elite. (e.g. Christiano 2008, Gutmann & Thompson 2004, Lafont 2019)

These principles can be used as a health-check for the public sphere. If most discussion in a public sphere adheres to these principles, then political decisions made on the basis of such discussion (decisions by politicians, civil servants, electorate) will have democratic legitimacy.

If a significant amount of discussion in a public sphere fails to adhere to either principle, then that public sphere isn't functioning well, and political decisions made on the basis of this discussion will not have legitimate authority.

FINDINGS: OUR NORMS

With these principles in mind, we outlined four basic norms that could ensure a well-functioning, democratic public sphere.

Our first norm states the need to **Enable Fair and Equal Access to the public sphere**. This means giving everyone equal legal rights to participate in public debate, to stand for public office, and to vote. But it also means making special efforts to elevate the contributions of those who are economically, socially or in other ways disadvantaged in public discussion.

Fair and equal access to public discussion is essential for a healthy democracy. In line with the epistemic value principle, it allows the full range of politically relevant knowledge, expertise, and experience to be shared to inform political decision-making.

In line with the self-government principle, it also guarantees that the liberty of all participants is respected, and thereby gives them collective control over their government.

Our second norm says that participants in, and caretakers of, the public sphere should aim to **Avoid Obvious Falsehoods**.

A claim is 'obviously false' when facts that falsify it are widely known, making its assertion either intentionally misleading or else reckless or negligent in light of the evidence. The kind of obvious falsehoods at stake include denial of firmly established empirical facts ('the earth is flat', 'Covid is caused by 5G', holocaust denial) and denial of fundamental moral principles (e.g. denial of humans' equal moral status independently of race or gender).

Avoiding Obvious Falsehoods helps ensure that democratic decision-making is well-informed, as required by the epistemic value principle. It also prevents the fragmentation of society's shared empirical foundations, and ensures that important democratic decisions (such as who to vote for) can be made with informed consent in keeping with the self-government principle.

Our third norm, **Offer and Engage with Reasons**, requires participants in the public sphere to explain why they take the positions they do, to consider the reasons offered by others and, when appropriate, to adjust their own views in response to those reasons. This requires individuals and organisations to know what their own reasons are, and will often involve them learning to understand different modes of expression and points of view.
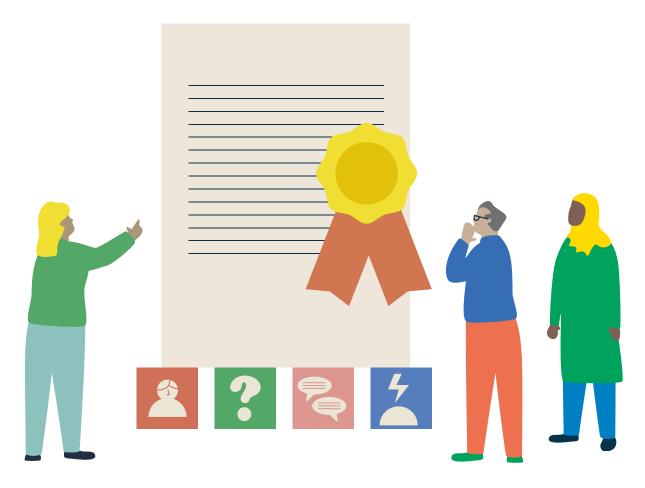
Offering and Engaging with Reasons means that political decisions should be based on understanding of relevant viewpoints (as is needed for the epistemic value principle) and shared deliberation (an important component of the self-government principle), not just the rhetoric of whoever is loudest or most powerful.

Our fourth norm proposes that we **Support Epistemic Respite**. Epistemic respite means time away from new and unfamiliar viewpoints - time to reflect, to decide whether and how they should influence our existing views. It's important that epistemic respite is temporary and flexible.

The goal is to take time to process new information so that we're better able to re-engage again afterwards. How much time should be devoted to it, and how often it's needed, will vary between people at different times. Supporting Epistemic Respite creates space to understand new and difficult ideas (which helps with the epistemic value principle). It also prevents citizens from becoming overwhelmed and disengaging with the public sphere (important to self-government).

We believe future regulation should be underpinned by these four norms. They shouldn't be directly translated into law themselves, but rather offer a theoretical basis from which to create coherent regulation.

In the 2021 report, we outlined the different implications of these norms for social media platforms, politicians, and journalists. We also highlighted how the norms could work in the new public sphere through some concrete examples. Now we showcase and reflect on feedback received from the media industry, policymakers, regulators, and academics.

Report Commentary

Our research led to a variety of interesting discussions with stakeholders. As a result, we received several invaluable inputs that will continue to inform and inspire our thinking. This report will emphasise some recurring themes that we think will play a particularly important role for future debate and inquiry on the issues at the centre of our project.

THEME 1: NORMS AND REGULATION

The first feedback theme we want to highlight concerns the very aim of our project: the value of a norms-based approach to media regulation.

Our goal was to identify a set of norms that could act as a coherent foundation for media regulation supportive of a well-functioning democratic public sphere. These norms are not intended to be directly translated into regulation, but rather to act as guiding principles underpinning regulatory design. (_Shaping Democracy in the Digital Age_, pgs. 4-6).

Craig Westwood, Director of Communications Policy and Research at the Electoral Commission, acknowledged that our philosophical approach could help to restore public confidence in political campaigning:

> _The work of the Norms for the New Public Sphere project provides an important and valuable contribution to the debate about how political discourse is conducted. Campaigning is the lifeblood of politics, and it is essential that candidates, campaigners, political parties and politicians can get to voters and the wider population to discuss their ideas and to inform the way that they vote. But we know that recent changes, including the advent of social media and digital campaign techniques, have led to a significant **decline in public confidence in political campaigning**, and that abuse of candidates is deterring people from seeking to enter public life. **This project provides a fascinating, philosophical lens through which to look at how these and other issues might be addressed, and reversed, to support future public confidence and a richer, more fruitful public sphere.**_

Catherine Miller, Director of the European AI Fund, and editor of our previous report, writes in support of our norm–based approach that it helps focus on the key aims of any regulatory efforts:

> " *The technologies that now dominate the public sphere throw up more than their share of problems.*
>
> *Each day brings a slew of outrage: misinformation, racism, misogyny, political manipulation – some or all of which are attributed to the impact of the internet.* **But designing regulation to address these harms is an endless game of catch–up.** *And as long as policymakers are embroiled in this futile endeavour, they are distracted from the real question: what are you regulating for?*
>
> *Norms reframe the debate. Instead of palliating the consequences of a paradigm set by Big Tech,* **norms are a way for democratic societies to set out a vision of their own** *and to establish the terms that those who make and deploy technologies must abide by.* **This is a fundamental change of dynamic that redesigns the public sphere around the democratic goals of knowledge and participation,** *rather than the economic incentives of technology companies.*
>
> *Although the upholding of democracy tends to get plenty of column inches in lofty ministerial forwards, this gets traded in the hard business of regulatory development where both industry influence and the urgency of more tangible technology-attributed harms, such as paedophilia or teen suicide, takes precedence.* **The articulation of norms through the work in this report is a helpful first step towards naming what is needed for democracy to reassert itself in a digital age. What's needed now is policymakers who are prepared to champion these in practice.** "

In contrast with this positive view, **Baroness Onora O'Neill – former Chair of the Equality and Human Rights Commission**, and an advisor to our project – expressed doubt about the feasibility of social media regulation:

> *While I agree that regulation of social media would be desirable, **it is still far from clear whether it is feasible** in respects that really matter. In my view, a [norm-based] approach of this kind **could work for communication that is likely to inflict private harms but would not be adequate for democracy at large**. Presumably, regulation would have to target not only the users of social media, but controllers or organisers as well. These include tech companies, online actors, data brokers and others who are protected by a cloak of anonymity which cannot be easily stripped away (and that perhaps should not be stripped away). It is a fantasy to think of regulating social media in the same way as we regulate print and broadcasting.*

O'Neill is correct that regulating social media to serve democratic norms is a different aim from regulating it to prevent private harms such as online bullying. But we think that a discussion about the aims of social media regulation – whether it's self-regulation, government regulation, or some other form of regulation – is inevitable and urgent, especially as social media platforms already engage in self-regulation. And we believe our norms can help navigate this debate.

Lorna Woods, Professor of Internet Law at the University of Essex, agrees:

> *In work with Carnegie UK Trust, I argued that the online environment could be viewed as akin to public and semi-public spaces all of which are managed for safety. Taking this model Carnegie proposed a statutory duty of care in relation to the services' respective design, features, operation and business model, suggesting the need for 'safety by design' as well as a role for 'safety tech' [... However … an] aspiration to safety seen as just the removal of the likely harmful is limited; it is hard to go beyond this without some framework for identifying the desirable (beyond the opposite of 'bad'). It is here that **the proposed norms may play a valuable role, and constitute a practical tool in the development of these frameworks**. In doing so, **they could point to ways to improve services to support both public and private spheres online**.*

We recognise that both existing legal regulation and self-regulation have limitations, as do approaches focused on professional ethics, on digital literacy, or on the moral duties of citizens towards each other. Our norm-based approach is intended to offer aims that can guide discussion about the best design for this ecosystem of regulation and roles that govern public political deliberation. The intention is to guide and improve, rather than simply replace, existing forms of regulation.

THEME 2: SOCIAL JUSTICE, OWNERSHIP, AND SYSTEMS CHANGE

The second important theme of the feedback we received concerns our approach to social inequality.

In our interim report we identified four particularly important roles or groups in contemporary democratic debate: politicians and government; members of the public; traditional media professionals; and social media platforms (_Shaping Democracy in the Digital Age_, pg. 6). Whilst we claimed that all of our norms apply to all of these roles, we highlighted different ways that the norms can be achieved by different groups. For example, social media platforms can support our third norm ('Offer & Engage with Reasons') with design choices that make conversation threads easier to follow, whilst traditional media professionals could do more critical interpretive work that makes political positions intelligible to a wider range of people (_Shaping Democracy in the Digital Age_, pg. 18).

One view present in the feedback stressed the necessity of greater onus being placed on social groups with greater political power. In our report, we pointed to some such measures – like the responsibility of the government to ensure that broadband is genuinely affordable, and of platforms to ensure algorithms and codes of conduct don't uncritically replicate existing biases. But there are additional strategies, more sensitive to inequalities, that our report didn't cover.

For example, **Amneet Johal and Alexandra Ruhland–Syquia from the Centre for Knowledge Equity** emphasised power

differentials within the social roles we identified, and pointed out that this entails a further spectrum of responsibility:

> " _The report treats 'the public' and 'traditional media' as internally-homogenous groups whose members have roughly equal power, and equal responsibility for things like creating equal access. But black and other racialised people didn't create, and don't benefit from, institutional racism. They aren't in a position to dismantle it, and so_ **responsibility has to fall on those with greater access to power and privilege.** "

At the same time, they point out that oppressed groups have specific knowledge and an understanding of political issues that do not find easy uptake in political debate:

> " _People who have lived experience of the refugee system – direct first-hand experience – have an acute understanding of the injustices prevalent in the system that is only just [as deportation flights to Rwanda make headlines] starting to leak into the consciousness of those who have never needed to interact with it. Understanding like this is crucial to creating meaningful change, but_ **it's not enough to just encourage 'participation' in existing institutions which are fundamentally hostile.** _Those with power need to be prepared to share it, with a view to dismantling the oppressive institutions that they are comfortable in, and building new, more equitable ones._ "

A related response to the report questions whether the strategies we propose are sufficiently radical and apt to exact actual change. It's true that most of our recommendations operate within existing structures of ownership and power. We focused on how to achieve change given the current digital landscape. And **Moya O'Rourke, an autistic user of social media**, confirmed that some of the phenomena we identify shape her experiences online, and that the measures we suggest do make a positive difference:

> *Having identified that the #ActuallyAutistic hashtag reduces friction from non-autistic contributions, it creates genuine epistemic respite that actually **helps me solidify, recognise and identify my experience**. It also explains why, on TikTok, I get videos that help rather than hinder – I always have a split second check to see if the #ActuallyAutistic hashtag is used.*

Professor Natalie Fenton, Professor of Media and Communications at Goldsmiths and founding member of the Media Reform Coalition, highlighted the limits of this approach:

> *The struggle for a democratic public sphere is intimately related to **the need to devolve power more generally and to give all communities more control over their lives**.*
>
> ***These norms leave us, once more, with a bit of regulatory tweaking and taming;** a slap on the hands for tech giants and people told to try harder to protect themselves and be more digitally literate. [They] **may alleviate some of the symptoms of a severely impoverished digital public sphere, but they won't fix the problem** because they miss accounting for the structural requirements of the industry based on a capitalist model of private ownership of digital assets and the pursuit of shareholder profit from the data users give them.*
>
> *The report recognises that the economic model of social media platforms does not lend itself to engaging with reasons but offers no alternative. One possibility would be to **encourage non-commodified versions of a digital economy based on social ownership of digital assets and democratic control** over digital infrastructure and systems.*

We think these are valuable considerations. Centralised ownership of social media will make our norms significantly more difficult to achieve; for example it impedes Fair and Equal Access to the public sphere. Yet we think that our approach can lead to more change than Fenton acknowledges.

Shirish Kulkarni, Community Organiser for The People's Newsroom initiative at The Bureau of Investigative Journalism, highlights how their initiative, which focuses precisely on systems change and power redistribution in media, puts several of our norms into action:

> *The People's Newsroom Initiative is designed to enable **fair and equal access** to the public sphere, particularly for those who've been systemically marginalised.*
>
> *Our group in Swansea was sceptical about the value of traditional journalistic storytelling. The introduction of a toolkit for understanding and driving systemic change marked a distinct shift in attitude – they started to see how they could **use journalism to build community power and seize back agency which has largely been denied to them**. They see this alternative model of journalism as a counter to norms of traditional journalism which don't reflect their needs or serve them.*
>
> *They have little patience for the **obvious falsehoods** of politicians (on all sides of the political spectrum) and acknowledge that systems change requires that they **engage with reasons** through journalistic approaches aimed at engaging with and analysing responses to problems, rather than simply highlighting failures.*
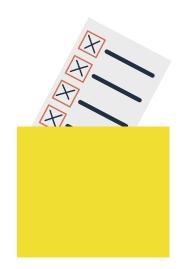>
> *As a result, members who were previously disengaged from news (and sometimes wider society too) are now sharing and engaging with news and society, and see themselves as having the power to effect change.*

The example of the People's Newsroom Initiative highlights how our norms can help improve the practice of an organisation which focuses on media and journalism as a participatory endeavour co-created with local communities. More broadly, we think that our approach can help shed light on how the news media can contribute to an enhanced democratic culture, avoid some of the worst threats to democracy from social media, and enable wider, fairer and more reasoned participation in news production and consumption.

THEME 3: DEMOCRATIC INSTITUTIONS

The third theme we identified in the feedback to our report concerns the suitability of our norms to support democratic institutions.

In our interim report we emphasised the importance of a political culture in which political issues and policy proposals can be debated and scrutinised. A system of regular elections is not, by itself, sufficient for well-functioning democracy, because a public sphere that is polluted with propaganda and conspiracy theories cannot support such a political culture, and the freedom of citizens' choices is undermined by manipulation (*Shaping Democracy in the Digital Age*, pgs 4-5).

Responses to this element of the report were broadly positive. **Ed Humpherson, head of the Office for Statistics Regulation,** was similarly optimistic about the benefit of highlighting the importance to democratic legitimacy of an open, healthy public sphere for political discussion:

> *Our role is to promote and safeguard the production and publication of statistics by central Government in the UK. We do so by setting the <u>standards</u> government bodies must adhere to when collecting and publishing statistical data. [...] We summarise our vision as follows: statistics should serve the public good.*
>
> *[...O]ne thing that has concerned us is not so much the collection and publication of statistics, but how those statistics are used in public debate. We are particularly troubled where statistics are not equally available to all.* ***This issue aligns well with, and perhaps extends, Shaping Democracy in the Digital Age's point that liberal democracy requires "each person to be able to participate as (in some fundamental sense) an equal in public debate."*** *We consider that this equality is infringed where there is unequal access to the statistical information that is used in debate – either because the statistical information is only available in full to Government participants in the debate, or because it is not available in an easily understandable way.*
>
> *[...W]e want statistics to be available to participants in public sphere debates, and we consider that the whole purpose of official statistics is to inform, support and enable debate in this sphere.* ***The report's exposition of the nature of the public sphere and its importance is elegant and helpful****. And my broader conclusion? Organisations like mine should procure a philosopher (or three) in residence.*

Ellen Judson, head of the Centre for the Analysis of Social Media (CASM) at Demos, cautioned against focusing too heavily on the role that truth and reasons play in maintaining or undermining democracy:

> *When we think about the risks of disinformation and misinformation, we tend to think that the problem is that people might form false beliefs on the basis of them. People might believe that Covid-19 is caused by 5G towers or that the earth is flat – termed in this report 'obvious falsehoods'. As such, the principles proposed, 'to offer and engage with reasons' and 'to avoid obvious falsehoods', have a clear motivation. If people have access to more true information, fact-checks where exposed to false information, and are engaged with through reason and evidence-based debate, then the risks of disinformation – of false beliefs being formed – should lessen.*
>
> *However,* ***there is a risk that in focusing on how we should engage in debate online we overlook how online environments are shaping people's beliefs in ways that deviate from epistemic ideals****. Online discussion isn't driven by truth and reasons - and so trying to engage on those terms overlooks how our emotions, values, predispositions, ingrained tropes and prejudices, are being weaponised and manipulated to alter our attitudes. This is one way disinformation campaigns can be so successful - they bypass considerations of truth and falsity altogether, and simply aim to shock, confuse, scare or outrage.*

We agree that our second and third norms (Avoid Obvious Falsehoods, and Offer and Engage with Reasons) cannot support democratic institutions on their own. But we think alongside other norms, like our fourth one (Support Epistemic Respite), which focus on the environmental and arational aspects of online engagement, we can begin to tackle the problems that Judson highlights:

> *[S]omething has gone wrong when [the design of] online environments encourage[s] people to engage in ways which are insincere, avoid reasons, and promote falsehoods.* ***We need to take a step back from thinking about how to change what is false online, and focus instead on how to change what is being incentivised.***

Finally, **Mark Bunting, Director of Online Safety Policy at Ofcom**, writes about our project in relation to the UK's Online Safety Bill and the measures it proposes:

> *This project has considered how social media have transformed the ways in which societies discuss and respond to matters of political and social importance. Regulation is one strategy for reasserting democratic control over online platforms' governance of online debate, and their power to determine the boundaries of legitimate and harmful speech.*
>
> *The UK's Online Safety Bill seeks to achieve this in two ways. First, it requires online services to take proportionate steps to tackle the dissemination of illegal content online. While no service in which users freely communicate and share content can be entirely free of harmful material, there should be no safe space for child sex abuse material, terrorism, fraud and scams.*
>
> *Secondly, it requires the biggest services, and those with particularly risky features, to be more transparent about their rules, the way they enforce those rules, and the effectiveness and unintended consequences of the technologies used to moderate online speech. While these platforms will remain free to set their own terms regarding legal content, as the regulator we will require their terms to be clear to users, and consistently applied.*
>
> *The project to reinject democracy into the governance of online speech is long-range and challenging. At Ofcom, we recognise regulation is not a complete solution and comes with risks of its own. We look forward to continuing to participate in this vital debate and welcome responses to our* [emerging proposals](#).

As Mark Bunting notes, the Online Safety Bill focuses primarily on harms that are more individually targeted than the broad principles of democracy on which we focus.

In their earlier quoted comments, Catherine Miller and Lorna Woods observe that our norms-based approach provides an important supplement to the focus on regulating individual harms: our norms offer positive democracy-serving aims for regulatory design, for the design of social and professional roles, and for the design and actions of the big social media platforms that have become such important hosts for democratic debate.

Next Steps

We're very grateful for all the engagement with our work so far. Although the Norms for the New Public Sphere project has reached its end, the members will all continue to work on these issues, and the many discussions we've had – both those referenced in the report and others – will inform this.

The whole **project team** is writing a joint book Between Truth and Democracy: Norms for the New Public Sphere, contracted to Oxford University Press for 2024-5.

Prof. Fabienne Peter is also completing her own book The Grounds of Political Legitimacy, to be published by Oxford University Press in 2023. The book compares democratic and expertise-led pathways to political legitimacy.

She and **Dr Jonathan Heawood** have secured funding for a follow-on project on news media, which will run until December 2022. The project explores how the production of news can both be socially inclusive and maintain a high epistemic standard.

A larger project building on this with **Prof. Rowan Cruft** is currently being planned. Prof. Cruft is also working further on the ways in which the representation of citizens' views in a public conversation is necessary for democratic autonomy.

Dr Natalie Alana Ashton will continue to work on power and social media, exploring how knowledge is developed in marginalised online communities and further developing the concept of 'epistemic respite', as part of the Social Epistemology of Argumentation project at VU Amsterdam.

Dr Michele Giavazzi will continue to explore how the epistemic conduct of democratic citizens contributes to the safeguard of proper civic relations, at the University of Aberdeen.

CONTACT US

We look forward to continuing the vibrant, constructive discussions that have begun over the last three years, and invite any interested parties to contact us at the links above, or by emailing
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