

# The Possibilities of a 'Public Service' Intervention to Support a Good Digital Society

Helen Jay, University of Westminster

The British Academy

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### **Abstract**

This paper advocates that policymakers take a more proactive role in delivering a 'good' digital society, with a particular focus on fostering a healthy digital public sphere. It highlights the limitations of current business, philanthropic and policy approaches, noting that the current debate on digital policy has been shaped by dominant political systems and therefore has tended to have a narrow focus on fostering economic growth and minimising negative harms, rather than considering more 'positive' interventions aimed at supporting better social and democratic outcomes. This is in contrast to UK media policy, where public service broadcasting has been a dominant theme since the creation of the BBC in 1922, and which has sought to deliver positive civic 'freedoms' oriented at the public good through public models, funding and regulation. This paper therefore draws from the fields of media and communications, policy studies and critical political economy to examine what we can learn from the UK's historical approach to media policy to support notions of a 'good' digital society and what a digital 'public service'-style intervention could look like

*Keywords:* platform regulation; internet policy; public service broadcasting; digital public sphere; digital public infrastructure

### Introduction

Despite our knowledge of the risks posed by digital technologies<sup>1</sup>, public policy has done little so far to interrogate the question of what a 'good' digital society might look like, and how it could be achieved. This is particularly true in terms of the digital information and communications tools that shape our democratic and public life, where policy approaches have tended to focus on trying to stem tides of misinformation rather than positing what a healthier digital public sphere could look like. We should ask ourselves, though - is it not possible for our policy approach for a digital society to be more proactive? Can we articulate a more intentional vision for how we want digital technology to support our public domain, built on proactive interventions that are specifically aimed at 'positively' promoting democratic social values such as citizenship, education and civic participation?

This paper will argue that we can - and that in fact, the foundations of such an approach already exists within UK media policy.

# Communications, democracy and digital harms

The concentrated and global scale of the digital platforms (characterised as 'big tech') means that they have a profound impact on both our information environment and our democracy. For media and communications scholars, the relationship between media, communications and democracy has been a central area of focus for many decades. In particular, theorists have drawn on the work of Habermas and his concept of the public sphere<sup>2</sup> to argue that there is a central link between democracy and the role of media and communications.<sup>3</sup> Digital platforms such as search engines and social networks now play a central role within this 'public sphere', and the way people across the world consume information and interact with each other. Fuchs defines the 'digital public sphere' as being 'the publishing of information, critical publicity, and critical public debate mediated by digital information and communication technologies'.4 In line with critical political economy, Fuchs argues that the digital public sphere is driven by economic, political, and cultural power asymmetries in line with wider capitalist trends. Moore references 'civic' power - which he describes as the power to command attention, to communicate news, to enable collective action, to give people a voice, to influence peoples' vote and hold power to account.<sup>5</sup> Digital platforms now hold this power - like established media systems, they influence the public's perceptions of the world and therefore have a particular role in serving and shaping the public interest.

The social and democratic impact of digital technology shows no sign of abating. Indeed, the current rapid development of generative AI technologies has the potential to further intensify technology's influence on domains as varied as culture, business, politics, health and education, while the risks posed may be even more extreme. For example, theorists have argued that generative AI threatens to undermine democratic accountability and corrode social and political trust. The most recent Global Risks Report from the World Economic Forum identified AI-generated misinformation and disinformation as the most immediate global risk the world faces in the next two-year period.

Given this risk, what are the levers we have to enable the digital good in our public domain?

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### **Alternative structures**

An important avenue to consider must be the structural incentives of the current dominant digital platforms – the majority of whom are run as global, for-profit entities. Many critics hold these business models responsible for driving social and individual harms, due to their reliance on data extraction, persuasive technologies, and 'engagement' in order to monetise users attention.8 Crucially, there is evidence that it is divisive, emotional and potentially harmful content that drives attention online,9 and therefore companies are incentivised to promote such content, regardless of the social and democratic ramifications.

If the profit motive is a factor in the exacerbation of digital harms, then it is worth examining examples of technology companies who have set themselves up with different business models. There are some high-profile examples of non-commercial technology companies operating at scale in the information and communications space. Often these are run as not-for-profits and driven by donations from individual service users and philanthropists. For example, Wikimedia hosts Wikipedia, a free online encyclopedia, that is created, edited, and verified by volunteers around the world, and is funded wholly by donations. 10 Signal is an encrypted messaging app which was initially founded with funding from the US government-funded Open Technology Fund, but now relies on donations from users and high net worth individuals. 11 An alternative approach to a philanthropic model has been adopted by Blue Sky, a social network structured as a public benefit corporation, which means that it can raise funds from equity investors and through sales of paid services, but without being obliged to deliver profits to shareholders.12

All of these companies proudly state in their corporate communications that their business models allow them to offer users an alternative to commercial big tech. <sup>13</sup> Certainly it can be argued that they are prepared to take different approaches on issues such as privacy, transparency and interoperability. Crucially though, these companies have decided to operate in this way – and therefore could very easily choose not to. This is the fundamental difference between institutions established, regulated and scrutinised through acts of public policy, and businesses that have voluntarily decided to structure themselves in ways that are

social purpose rather than profit led. This is not to denigrate purpose-driven business models such as social enterprises and benefit corporations. As the British Academy found in their research into the Future of the Corporation, purposeful businesses can play a vital role in helping to solve the social problems of people and planet. However, the same report concluded that there is a current lack of legal, regulatory, governance and reporting process to hold companies to account for their delivery of non-profit related corporate purposes, and a lack of implementation mechanisms to properly embed purpose throughout a company's culture, values, systems of measurement and investor incentives.

This lack of accountability can be seen most starkly in the technology field with the example of the recent struggle over OpenAI's governance. OpenAI, the company behind generative AI technology ChatGPT, was originally established as a non-profit organisation in 2015, but later developed a for-profit arm in order to increase its access to investment capital. To ensure that the company would remain driven by 'the public good', the non-profit's Board remained the overall governing body for all OpenAI activities, with profit caps on the for-profit equity structure. However, this 'governance innovation' blew up in spectacular fashion in November 2023 after an existential fall-out between its Board members and management team, in which the non-profit advocates of the Board expressed concern about the pace of AI development, while OpenAI's CEO Sam Altman was said to be pushing for more rapid and commercial growth. 15 Sam Altman was fired then reinstated after OpenAI's staff threatened to quit and move to Microsoft. Altman has since said publicly that the governance of the organisation was being reconsidered, including whether OpenAI remains controlled by a nonprofit entity. 16 Who gets to decide whether some of the most potentially transformative, but risky, technology of a generation is driven by commercial or public incentives? The OpenAI example suggests that currently, this decision is in the hands of the technology companies and their shareholders. The rest of us can seemingly do no more than cross our fingers that they will decide to do the right thing.

An alternative means to building a good digital society might be to look beyond business to civil society. There is a growing network of charitable foundations, civil society organisations and academia focused on exploring the social and democratic implications of digital technology, including this collection

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- <sup>9</sup> C.E Robertson, N. Pröllochs, K. Schwarzenegger, P. Pärnamets, J.J Van Bavel, & S Feuerriegel (2023). Negativity drives online news consumption. *Nature human behaviour*, 7(5), 2023, 812-822.
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- These include in the US: Center for Democracy and Technology, All Tech Is Human, The Knight Foundation, Center for Humane Technology, Project Liberty, Mozilla Foundation, Aspen Institute, Al Now Institute, DAIR, Omidyar Network. In the UK: Ada Lovelace Institute, Carnegie UK, Chatham House, Open Data Institute. In Europe: OpenFuture, European Al&Society Fund.

of discussion papers from the British Academy's programme on Digital Society. This work has been vital in making sure there are forums for public and ethical considerations to be heard – a notable example being the 'AI Fringe', a series of events that ran in the UK in November 2023 alongside the Government's AI Summit, that specifically set out to prioritise the voices of civil society and academia alongside that of industry. However, it is also reliant on foundations, philanthropy or grant funding for support, and without close relationships with either technology developers or policymakers, can often lack the resource, scale or teeth needed to drive real change.

This begs the question – is it sufficient to rely on technological, business and philanthropic solutions to reliably provide the answers to a good digital society, or is there a role for a more proactive strand of public policy?

### Current approaches to technology policy

A central thread within the field of political economy of communications has been to highlight how media policy choices are culturally, historically and politically specific, shaped by particular actors with particular interests, rather than just the 'natural order' of things. <sup>19</sup> This is no less true in relation to current approaches to technology policy.

The UK's technology policy in recent years has tended to be influenced by free-market principles around promoting investment from an economically valuable technology sector and maintaining freedom of expression.<sup>20</sup> It has also been characterised by a general optimism about the potential of emerging technologies to provide both economic and social benefit<sup>21</sup> - whilst also addressing the need to take action in targeted areas where there is most significant evidence of demonstrable harm. This has involved legal and regulatory developments on issues such as platform competition, liability, content moderation, data privacy and financial protection. The Online Safety Act, for example, is firmly focused on minimising individual rather than civic harms posed by harmful online content, with a particular skew to child protection issues. The Digital Markets, Consumer and Competition Bill is aimed at delivering greater competition within the digital platform market. In response to the development of AI technology, the UK Government has sought to take a more pre-emptive role in considering the risks posed by 'frontier' AI models but remains insistent that

it is taking a 'pro-innovation' approach to AI regulation and that the future of the UK economy is one that can attract and grow leading technology companies. This makes clear that the current political objectives for UK technology policy is to foster economic growth whilst seeking to limit the most extreme individual 'safety' risks - rather than considering more comprehensive interventions aimed at addressing the wider structural incentives of the digital platforms.

Media scholars Tambini and Moore suggest that the current policy debates around digital platforms are indicative of society's wider political and economic power structures: 'internet governance 1.0 has emerged within a particular framework of capitalism that dates to the deregulation of the 1990s and a concern with economic growth based on deregulated 'neoliberal' corporations and private value.'23 It is therefore unsurprising that policy proposals to date have been focused on protecting individuals against consumer harms and promoting greater competition in digital markets, rather than structural interventions that could foster a sense of the 'digital good' based on social and democratic aims. In line with neo-liberal capitalism, the policy rationale around digital platforms to date has essentially been limited to attempts to address the failures of the market.

However, there is precedent for policy interventions that are borne of the desire to foster positive social outcomes rather than merely to minimise negative market failures. Specifically, there is an approach to mandating for technology in the public domain to deliver to public purpose goals, one that is characterized by ensuring that democratic objectives are not subservient to a profit motive, that citizens are provided with reliable, accurate and trusted information, and that debate and discussion amongst diverse groups is enabled without fear or harassment. It is called public service broadcasting.

### History of 'public service' in broadcasting

The first use of the term 'public service' in relation to broadcasting came from American broadcaster David Sarnoff, who referred to broadcasting as a public service in a speech in 1922.<sup>24</sup> However, it was the UK rather than the USA that decided to develop broadcasting along a 'public service' path. This was in part due to Government concerns about the political and national security implications of emerging new broadcast technology, part due to Enlightenment-era

RAI UK (2024) 'AI Fringe perspectives', [accessed 01/03/24].

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<sup>22</sup> Great Britain, Department of Science, Technology and Innovation, (2023) 'A pro-innovation approach to Al regulation', [accessed 01/03/24)].

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beliefs about democratising education and fears over the commercialisation of culture, and in part aided by wider social and political attitudes in the UK after the first World War that supported a more proactive, social democratic state and the creation of public institutions. The BBC's first Director General, John Reith, built upon the BBC's status as a public utility to articulate a higher purpose for broadcasting – 'to inform, educate and entertain', the essence of the public service mission. This overarching philosophy of public service broadcasting has remained resilient over successive decades.

Ultimately, public service broadcasting is an example of a type of 'positive regulation' – one which articulates the kind of positive 'freedoms' it wants to encourage, rather than the behaviour it wants to restrict. In a 1997 paper defending the role of the BBC, economists Andrew Graham and Gavyn Davies argued that 'rules can only stop the undesirable, they cannot promote the desirable. It was not for example regulation that produced public libraries or world class universities or the National Trust'. <sup>26</sup> Public service broadcasting is an intervention that explicitly sets out to promote the desirable – goals such as informed citizenship, trusted information, equal access to knowledge, cultural diversity, equity and representation and shared cultures and identities.

The delivery of these public service goals is implemented through the existence of public service broadcasting institutions - BBC, Channel 4, ITV and Channel 5. The BBC receives public funding via a licence fee, which protects it from market forces. As publicly owned entities, neither the BBC or Channel 4 have shareholders or need to deliver a profit and are therefore less driven by commercial incentives. All of the public service broadcasters have licences granted by Ofcom setting out detailed public service obligations they are required to deliver – including content and access requirements. The public service remits are set by Parliament through statutory legislation, and the leadership of the public service broadcasters are accountable to Parliament for its delivery through their annual reports and attendance at parliamentary scrutiny sessions. Through this combination of funding, ownership models, regulation, and parliamentary accountability, public purpose is built into the media ecosystem by design and intention.

The public service concept has evolved and narrowed over time in response to market and political forces – and in recent years it has itself come under pressure to rearticulate its purpose against a backdrop of intense political scrutiny and technological disruption. What continues to characterise it, however, is an approach to media that treats its users first and foremost as citizens participating in a society, rather than as

consumers in a marketplace. Curran and Seaton argue that 'the public service approach is concerned with serving the needs of society. In essence, this comes down to three things, serving democracy, generating content that has cultural value and promoting social inclusion'.<sup>28</sup>

Given what we know about the implications of digital technologies on our democratic and public life, we should be asking whether, instead of denigrating the public service concept, developing a more proactive public-service based approach to technology policy which foregrounds 'positive freedoms', such as concepts of citizenship and the public good, might provide better social and democratic outcomes.

# Developing a democratic public service digital intervention

What could a digital 'public service'-style intervention look like for our public sphere?

To be clear: while public service broadcasting can provide helpful inspiration for a good digital society, it does not necessitate a 'one-size-fits-all' model. We are at a distinctive historical moment, where decisions about the future of digital technologies are not purely, or even primarily, in the hands of domestic policymakers, and the market position of the global technology companies is already entrenched. Critics of public service broadcasting have also argued, rightly, that it is has been too paternalistic and imposing of an elitist culture. We must also be vigilant against any suggestion that a 'public service' digital intervention should lead to greater government control of the Internet. This is a tension that public service broadcasting has had to navigate for many decades across the world, with different degrees of success. In any democracy, it is important to be explicit that attempts at state interference, either within broadcasting or online, must be robustly defended against.

There is, though, the possibility of a new approach. A proactive, public service intervention explicitly aimed at fostering a 'good' digital society, that does not seek commercial profits but instead prioritises the delivery of public purpose.

There is already work that can help inform what the 'desirable' outcomes of a public service intervention could be. The University of Westminster's 'public service internet manifesto' sets out a range of normative principles including 'fairness, democracy, participation, civic dialogue and engagement.' <sup>29</sup> Kalli Giannelos reviewed academic literature across media and communication studies, political science,

Curran, J. & Seaton, J. (2018) Power without responsibility: press, broadcasting and the internet in Britain. Eighth edition. [Online]. London: Routledge.

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<sup>&</sup>lt;sup>28</sup> Curran & Seaton, Power without responsibility: press, broadcasting and the internet in Britain, p. 500.

Unterberger and Fuchs (2021), The Public Service Media and Public Service Internet Manifesto. [Online]. London: University of Westminster Press.

philosophy, sociology, deliberative democracy, and computer science to define a set of proposed common ethical standards for a healthy digital public sphere. Her recommendations were: trustful networks and platforms, diversity of content and views, and inclusive, respectful and free civic discourse. These standards are offered here as a starting point for consideration - just as the remits of the public service broadcasters are a matter for public debate and consultation, so should these be.

Public service goals could be operationalised through the creation of new publicly funded or owned structures offering alternatives to commercial tech in areas such as search or social media. It could be through regulation that applies public service-style objectives and obligations to the largest existing technology companies. Alternatively, rather than a top-down intervention as we have in broadcasting, digital technology enables more decentralised and participatory forms of dialogue and community representation – for example through not-for-profit grassroots and community technology, or interoperability requirements to ensure that existing public-oriented organisations with common values can benefit from shared hardware and software tools. Such an approach would put more power in the hands of communities to determine the kind of 'good' they want to see.

How would these approaches offer genuine alternatives to our current tech ecosystem? While it is easy to articulate the content-related benefits of a public service approach in broadcasting (more news, current affairs, international and regional perspectives, programming for children), the equivalent benefits of a public service intervention from technology are less visible.

One way forward is to draw inspiration from Jolly and Goodman's notion of a 'full stack approach',<sup>31</sup> to consider how non-commercially driven, public-oriented intervention targeted at digital platforms could deliver public benefit at each layer of the technology stack. For example, at a distribution layer it could include incentives to develop and enable open, interoperable protocols that 'untether content and applications from oligopolistic platforms',<sup>32</sup> and allow different public-minded services to connect and work with each other. At a content layer, it could include a focus on the development of public-service algorithms that recommend and amplify civic and public service content over 'engagement' metrics, digital spaces that deliberately foster non-toxic discussions and debates, and a strong network with 'anchor' cultural, civic and community institutions. All of this

could be underpinned by a commitment to universal access, transparent, accountable and participatory governance, ecological sustainability and a limited approach to data collection that empowers citizens rather than commercially exploits them - for example through the development of personal data stores where users can control, own and port their own data. As with public service broadcasting, the key difference across these interventions is that the user is primarily treated as an empowered citizen, rather than as a consumer or product in the marketplace. The result would be the deliberate development of pro-social search and social media spaces that provide users with access to diverse, high-quality knowledge, information, culture and networks without the requirement to monetise themselves in return.

Such an approach could sit alongside other international attempts to build 'digital public infrastructure'. This is a term that has been adopted by the G20 to support the digital provision of public services such as healthcare, voting tools and road administration, with notable successes in countries such as Estonia and India.<sup>33</sup> This work has helpfully identified the importance of key principles to support digital infrastructure, such as interoperability, digital identity, privacy-first approaches to data collection and the potential of private and public organisations working in partnership to delivering valuable public services.<sup>34</sup> However, the development of better cultural and civic online spaces to enhance our social, cultural and democratic needs does not yet seem to have been adopted as part of these infrastructure considerations, in the same way that Governments have historically funded and supported the creation of parks, libraries and public media institutions. In a world in which Elon Musk bought social network X because of a belief that it is a 'digital town square',35 this is a missed opportunity.

This 'stack' approach is just one model – and there are technology experts, civil society, public media organisations, academics and digital rights activists who are experimenting with others. For example, US scholar and internet activist Ethan Zuckerman has established a research institute that explicitly frames the development of pro-social tools and spaces as digital public infrastructure. <sup>36</sup> Campaigners Trebor Scholz and Nathan Schneider have advocated for the development of worker-owned and democratically controlled online 'platform co-operatives'. <sup>37</sup> Dutch research institute Waag has launched a programme exploring how responsible digital business models can be shaped by public values. <sup>38</sup> European think-tank Open Future has advocated for the

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<sup>35</sup> Hern, A (2022) 'Elon Musk claims he has acquired Twitter to help humanity', The Guardian, 27 October 2022.

<sup>36 &</sup>lt;u>https://publicinfrastructure.org/</u>

Scholz, T., & Schneider, N. (Eds.). (2016). Ours to Hack and to Own: The Rise of Platform Cooperativism, A New Vision for the Future of Work and a Fairer Internet. OR Books.

https://waag.org/en/project/responsible-business-models/

development of digital public spaces.<sup>39</sup> In the UK, the BBC has been working with academics and researchers to develop principles and approaches to support 'responsible innovation' in artificial intelligence.<sup>40</sup> What links these initiatives together is a focus on non-commercial incentives and public-interest goals. However, they are typically disparate, self-initiated projects - rather than policy-designed interventions with intention, incentives, scale or funding attached.

This lack of interest from policymakers is driven by many reasons. A negative approach to regulation is typical of the trajectory from a social democratic political system to a more neo-liberal one.<sup>41</sup> There has been political disdain for public service media even in its current form, let alone an amplified version, and the global technology companies have been forceful in their opposition to regulation of most kinds. It is difficult (but not impossible) for nation-state policymakers to intervene in a global, borderless market, and the challenge of building public service counterpoints that can deliver at any scale is not to be underestimated. But we cannot let these legitimate political and institutional challenges determine the limits of our imagination. Policymakers need to be reminded of the vision of public service models – at their heart, they are about supporting citizenship, participation and equal access to knowledge and culture. Advocates should also support policymakers to understand the feasibility of these ideas - that they have in their gift the tools to support such digital ambitions, such as through the allocation of public funds, fiscal incentives and grant funding for R&D work, the mandating of interoperable standards, imposition of new regulatory obligations, directing existing public assets (including public media) to do more or creating new types of institutions. Such work is not without complexity - but the need to build a better digital society is too great to do nothing.

### **Conclusion**

This paper has proposed that a major way into the possibility of a 'good' digital society is to promote alternative business structures that prioritise public purpose over profit. The story of public service broadcasting is powerful in reminding us that it is possible for public policy to take a more 'positive' role, developing a communications infrastructure that is specifically set up to 'promote the desirable' through a deliberate mix of funding, ownership models, regulation and accountability.

There are lots of different ways to help foster a public service vision for our digital public sphere. It could be a singular institution aimed at delivering public service at scale, or it could be more devolved, comprised of layers and networks and shaped by its users. There are likely to be pros and cons to both approaches – but what is notable is how little this is being discussed as part of the current technology policy agenda.

Ultimately, there is a political choice to make. Are we content for commercial technology companies to lead while civil society tries to work around the edges to minimise the social and democratic risk of their products? Or, as citizens, do we try to articulate a bolder vision of the role we want technology to play in our lives? As I have shown, policymakers and technologists have worked together in the past to develop a more optimistic and proactive vision of the role communications technology can play in promoting a 'good' society. It is time to do so again.

<sup>&</sup>lt;sup>39</sup> Keller, P and Warso, Z (2023) <u>Digital Public Service Primer</u>, Open Future, [accessed 03/03/24].

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To cite this report: Jay, H. (2024). *The Possibilities of a 'Public Service' Intervention to Support a Good Digital Society*, The British Academy

doi.org/10.5871/digitalsociety/9780856726965.001

ISBN 978-0-85672-696-5

Published September 2024

