MEDIA, PLURALISM AND DEMOCRATIC ACCOUNTABILITY

Risks to Media Pluralism in a digital environment in Europe

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It is undeniable that freedom of expression, freedom of the media and, consequently, media pluralism, in all its faceted definitions and interpretations, are cornerstones of contemporary liberal democracies. They are instruments to ensure peaceful political and social debate, and are the basis for other essential democratic rights, starting from the right to vote.

Media pluralism: a growing interest for the European Union

In the last two decades, the European policy debate has experienced a renewed interest for media pluralism. This attention was either ignited by some national cases that proved problematic for the intertwining of media and politics (e.g. Italy, Hungary, Poland), or by the challenges posed by the dissemination of disinformation in the new information ecosystem, allegedly disturbing the integrity of elections or referenda (Brexit). Whether blatant or not, due to the concentration and political capture of media, the allocation of financial resources by states to media outlets in non-transparent and discriminatory ways, the lack of independence of media regulators, and the reduced viability of media markets, media pluralism in the EU is deteriorating. Moreover, journalism is suffering a big crisis:

journalists are facing declining working conditions, and are more exposed to political and economic pressures and physical threats. Technological developments have broadened the possibilities to inform and to be informed, but also have affected the media market and opened the door to new global threats and challenges such as the dissemination of disinformation, polarisation of debates, and hate speech in an unprecedented scale [1].

The Council of Europe has developed a set of standards on media freedom and media pluralism that are a living interpretation of freedom of expression (art. 10 of the European Convention on Human rights). The EU has recently become more vocal too on media pluralism. Traditionally attributed to the remit of member states (that have been and are still keen to maintain their powers over the media system), media pluralism is enshrined as a principle in article 11.2 of the Charter of Fundamental Rights of the European Union. While there is no specific competence of the EU devoted to media pluralism in the EU Treaties, it is increasingly becoming a primary EU policymaking interest. Media Pluralism is a condition the EU requires member states (and countries that are willing to access the EU) to comply with. It constitutes a common feature of member States' constitutional traditions and is a key enabler of other fundamental rights and democracy; EU and member states strive to guarantee and protect it as an essential condition for liberal democracies.

The compliance of Member states to the principle of Media pluralism is now consistently assessed in EU the Rule of Law reports that the EC has published since 2020, where media pluralism is considered as a precondition for the rule of law, democratic accountability, and the fight against corruption.

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In the last decade, the European Union has developed consistent actions to support media pluralism: amongst these, the EU funds projects to analyse the state of play of media in member states (like the Media Pluralism Monitor), supports initiatives to promote, preserve and defend media freedom (like the European Centre for Press and Media Freedom), issues recommendations on the safety of journalists, facilitates actions to tackle disinformation online (for instance with the Code of Practice on Disinformation or with the establishment of the European Digital Media Observatory) and much more, including the rule of law reports and mechanisms themselves that should trigger a proactive reaction by MS or, as *extrema ratio*, an EU sanction.

A European and holistic perspective

It is widely agreed amongst academics and policymakers that media pluralism is a democratic value and essential for the integrity of the democratic discourse and procedures. However, the definition of media pluralism, the concrete policies it entails and how it is evaluated at state level, are significantly debated and influenced by political, economic, and legal contexts, by the differing academic approaches, and by the market and technological developments.

The concept of media pluralism can be seen as an output of the “marketplace of ideas” (Stuart Mill, 1859). As interpreted in the US, media pluralism is perceived as a consequence of the absolute right enshrined in the First Amendment, and of the free competition in the media market. This is the optimistic perspective based on which the market will naturally allow different voices to speak and exchange views, and that the citizen will be able to detect the truth from the diverse and opposing information provided by the “marketplace”. “Scarcity of resources”, justified a certain amount of regulation in broadcasting.

In Europe, the notion of media pluralism developed with a similar final goal, albeit with a different policy toolkit steered by different policy choices vis-à-vis the rise of the broadcasting technology and the variety of national contexts. Europe developed a concept (and a substance) of media pluralism that is influenced by the notion of “internal pluralism” (having initially preferred the monopoly of public service broadcasting over the broadcasting marketplace of ideas) functional to the notion of “public sphere” in a Habermasian meaning.

Media pluralism is associated to the definition of deliberative democracy and implies that as a precondition for participating in the democratic debate, citizens must have access to a wide array of diverse information. This vision implies that the state shouldn’t be merely passive, but it should act to guarantee media pluralism and put in place all the policies that meet this goal, ensure the conditions for a plural and inclusive media system covering all geographic areas, and work to prevent political and commercial interests from hindering the role of media in a democratic society. A difficult task, indeed, for the states; a remit that that should rely on strong political institutions and democratic culture. “As the ultimate guarantors of pluralism, States have a positive obligation to put in place an appropriate legislative and policy framework to that end” [2].

Consequently, media pluralism policy-making in Europe is open to many more different interpretations and nuances. Media pluralism has been conceived as a representation of geographical and cultural diversity, as well as a reserve of spaces for minority groups. It also includes an important aspect of public media, providing plural information in the public interest. In many contexts, the importance of media pluralism is only acknowledged during electoral periods. In this case, media pluralism is strictly connected with ensuring that all candidates and parties have equal and fair conditions to access the media. This is needed to satisfy both the needs of a fair electoral campaign and to ensure voters are receiving

information from all the competing parties.

> In Europe, media pluralism is associated to the concepts of public sphere and deliberative democracy: as a precondition for participating in the democratic debate, citizens must have access to a wide array of diverse information

Amongst all the interpretations of media pluralism, the ones that focus on diversity and transparency of media ownership are the most exploited by policymakers, echoing the US perspective. For many years, media pluralism denoted (external) plurality of ownership. Concentration in the media market that evolves towards oligopoly or monopoly was seen as a threat for democratic debate, as it potentially limited the diversity of voices offered by the market itself. In parallel, transparency of media ownership became an important instrument to evaluate both the concentration of the market, and to unveil vested interests of media owners and potential editorial bias.

Media and information pluralism in the digital environment: definitions and risks

What does media pluralism mean in the digital environment? Rapid technological development has disrupted the media ecosystem on which the aforementioned theories of media pluralism were conceived. This brings us to a terminology conundrum: what type of content or service should be taken into account when addressing media pluralism? Within the new digital landscape, “mass media” is replaced by a system of many-to-many communication, content provided on demand, and information received based on profiling. Theories and conceptualisations on “media pluralism” stem from the need to respond to the mass media environment/market, or to requests for diversity among traditional press and broadcasters. The genesis of “media pluralism” is therefore associated with a print and linear broadcasting environment that no longer exists.

Instead, the “new media” environment is characterised by an abundance of offerings, by the segmentation of audiences, by the proliferation of personalised services of information, and by algorithmic-driven communication based on data profiling. While it is widely acknowledged that plural information is needed in order to ensure democratic integrity, what type of communication is considered relevant to the public discourse and what should be taken into account when evaluating the level of pluralism of the digital media environment? Not an easy task: just to mention one example, the Media Pluralism Monitor takes into account all the players that contribute to the media ecosystem, having a potential impact on public opinion, including the digital intermediaries that disseminate information, being it produced by professional media or from other sources, or users-generated.

Moreover, because information is not exclusively provided by media companies anymore,

we should generally replace the term “media pluralism” with the more accurate: “Media and information pluralism”: a larger, and more functional definition incorporating all the information that contributes to define the public opinion and, consequently, the public debate.

Initially, information abundance justified a certain optimism as new technologies allowed cheap and universal systems to disseminate any kind of information. The Web is, indeed, an impressive source of information. Unfortunately, it also opened the door to unprecedented and viral dissemination of disinformation and hate speech. The news consumption has dramatically changed and shifted towards new habits. Younger generations access information almost only via side-door access, using social media as first sources of information, while content is often recommended through non-transparent algorithms. Audiences are pulverized and re-clustered in different ways, through news recommenders, algorithms, messaging apps, social media. This environment is fed by the data of the users themselves, creates more opportunities for targeted information, corresponds to the interests of users, but may leave them less exposed to diverse content and instead more exposed to unverified and untrustworthy news. This business model leads to a risk of polarization of the debate and the negation of the peaceful public sphere that should be the ultimate goal of media pluralism.

Within this framework, changes such as the consolidation of big global companies as intermediaries of information itself, the way these platforms behave as gatekeepers of online information and compete for the (scarce) attention of the user, and the online shift of advertisement revenues which reduces the resources for traditional media, have sparked criticism on whether the digital environment can be effectively open and plural, whether it benefits democratic discourse, or if it limits the integrity of liberal democracies [3].

Two policy approaches can be used, vis-à-vis these risks: either leaving the market to define its competition equilibrium and ensure the new marketplace of ideas; or either defining some policy strategies that could limit the risks associated with the new digital environment and the expansion of the gatekeepers, also to limit the influence they may exert on the democratic discourse.

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Against this background, many authors and policymakers are re-interpretating the meaning of media pluralism. For instance, the most recent academic and policy debate stressed the

importance of defining plurality starting by analysing the condition of the users within the new media ecosystem. Search engines, social networks, apps, and non-linear audiovisual services are new gatekeepers to accessing general information, particularly information in the public interest. In an online environment increasingly relying on personalised news recommenders and personalised information silos, users are less exposed to a diversity of content. Some authors support the theory that citizens are mainly exposed to content which reinforces or confirms their previously formed views, and are progressively less exposed to content of general public interest or, in any case, content that is relevant for a critical participation in the democratic life of a country.

Based on these assumptions, the notion of “exposure diversity” is becoming relevant in compiling a new definition of media pluralism. Exposure to different voices is no longer a matter of how many different media are provided by the market, and is instead an issue of how algorithms can be designed to expose the citizen to diverse content, and, in particular, to “public interest” content. On the other hand, in an “external pluralism” perspective it should be apropos to intervene and regulate the market power of the online platforms that behave as gatekeepers.

A role for the EU?

The time is ripe for the EU to support media pluralism across its Member States. On one hand, the EU must limit the drift of some member states towards illiberal democracies and on the other, it must support media pluralism in its complexity and remain forward-looking. There are two main reasons for doing this: Media Pluralism presents some element of risk in all Member States. The second reason, is that tackling the power of the digital intermediaries cannot be afforded by a single Member State, especially considering the evolution of the media sector and the role online digital platforms have on the information environment and on media pluralism media.

In light of a Media freedom act that was announced by the European Commission there are issues where the EU should try to work more on: enhancing transparency of media ownership; improving transparency and accountability of online platforms and defining democratic systems of oversight for their actions; and economically supporting the media, journalists and quality journalism so that they aren’t driven by political decisions (for instance creating EU funds for journalism and ensuring more transparency for political campaigning online). The EU requires strong attention to the safety of journalists, as they are increasingly subject to physical and digital threats.

The EU is working on two main proposals: the Digital Services Act (DSA) and the Digital Markets Act (DMA). These drafts are intended to define more responsibilities for the very large online platforms and limit the power of intermediaries perceived as problematic gatekeepers. This will have repercussions on digital media and information pluralism. Both proposal drafts are interesting and impressive, and try to cope with the complexity of the information society. Hopefully, they will do it avoiding the slippery slope of creating rules that are too difficult to effectively implement.

Above all, it must be stressed that any policy on media and information pluralism should be based on empirical research, including content moderation and curation practices of online platforms. There are currently ever greater challenges involved in conducting such research, including the limited access to functional data of platforms. Sound policy should therefore, stress the importance of transparency, ensure accountability of online intermediaries and define mechanisms of democratic accountability (particularly when human rights or elections are at stake).

It is telling that this year the Nobel Prize for peace was granted to journalists Maria Ressa and Dmitry Muratov. This award confirms the importance and significance of quality, brave journalism that contributes to the democratic debate and media pluralism. But, if this next joke is allowed, when dealing with digital media pluralism issues nowadays, another Nobel prize that fits well in the discussion is the Nobel Prize in Physics given to the Italian Professor Giorgio Parisi, for the study on complex systems. Media and information society is a complex system, and media pluralism policies nowadays require an equally complex, well-planned, rigorous, holistic, and multilayered system of policy interventions.

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