Contemplating a ‘public service navigator’:
In search of new (and better) functioning public service media

Mira Burri

‘It’s not information overload. It’s filter failure’.

A. Introductory remarks

There seems to be broad agreement, both in policy and academic circles, that the institution of Public Service Broadcasting (PSB) must reform. Accord wanes and controversy arises when it comes to the ways forward. There is already a substantial body of literature, which covers the various paths that the PSB should take into the digital present and future in order to remain true to its underlying public interest objectives, which in the West European tradition equals nothing less than sustaining the public sphere with diversity of ideas and viewpoints. These discussions map onto a great number of policy briefs, commissioned and independent reports, as well as onto

4 For a sample, see e.g. the now archived http://www.bbccharterreview.org.uk/ and
actual reform initiatives of different scope and depth undertaken in national contexts.

In the following, we greatly benefit from the existing enquiries on reinventing PSB as a large, multi-faceted media project but focus on one specific question, which may or may not be part of this reinvention process. We ask specifically whether in a transformed information and communication environment, it would not be apt for the new PSB (regardless of its precise organizational form and design) to assume the role of a ‘public service navigator’? We show that there is a need for such a new type of editorial intelligence that links users with content in a way that advances conventional media objectives and in particular that of exposure diversity. We clarify how such a PSN project may look like against the practical reality of searching, finding and consuming content.

Overall, we seek a contribution to the ongoing debates on transforming PSB in the digital age, taking a less travelled and somewhat narrower path of change, which is admittedly also less likely to be followed in the short- to mid-term. As the PSB-related debates are rarely neutral, it is only fair to state from the outset that we are sympathetic of a project of public service media (PSM), which proactively but efficiently endorses the affordances of digital media. In a future-oriented context, it is perhaps also useful to think of interlinking institutions with a public service mandate and situating them in a continuum of past, present and future. The public service navigator (PSN) idea may be one of the ways to do so, as we explain later on. PSN as a model could also well reflect broader changes in media governance, which denote a move away from conventional command-and-control type of regulation towards a more diversified and distributed toolkit of promoting, subsidizing and nudging towards the attainment of certain policy goals, including exposure diversity.7


5 The notion of ‘public service media’ has emerged as common to signify the changed role of PSB in a digital media space and the next stage of PSB’s evolution. We particularly share Donders, more nuanced and evidence-based approach for the transition into PSM. See Donders, supra note 2, in particular at 25–48.


B. Linking PSN with the objective of exposure diversity

In most of the existing media policy toolkits there has been an underlying presumption for a causal link between source diversity – that is, the availability of multiple and diverse content providers and diversity of content. Following this line of causality, there has been the common assumption that diversity of content naturally leads to exposure diversity – ‘[a]s audiences have a greater array of sources and content options to choose from, they presumably take advantage of this greater selection and expand their horizons’. In contrast to source and content diversity, however, exposure diversity has never been explicitly defined as a media policy objective – neither in the US nor in Europe, let alone at the international level. And there may be good reasons for this. As Napoli lucidly explains taking into account the evolutionary path of media policy instruments, the marginalization of exposure diversity as a valid policy goal is for one due to the very nature of any action, which would be targeted to achieve it, as it would strongly interfere with consumer choice and sovereignty (albeit in fact there is less clarity on what such an action could concretely involve). Peggy Valcke aptly points also in this context at the precarious balance between regulating for exposure diversity and safeguarding citizens’ individual rights, in particular freedom of expression.

A second argument, Napoli puts forward for not endorsing exposure diversity as a major media policy objective is that patterns in which audience attention is clustered in the middle ground on few sources/genres/topics are not something new, and possibly plainly represent homogenous content preferences. This argument, Napoli maintains

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9 Philip M. Napoli, ‘Exposure Diversity Reconsidered’, *Journal of Information Policy* 1 (2011), 246–259, at 248. For analysis of these assumptions from European media policy perspective, see Valcke, supra note 7, as well as Helberger (2011; 2012), ibid.

10 Napoli, ibid.

11 Valcke, supra note 7.


13 Napoli, supra note 9, at 250.

14 Ibid., at 251.

15 Valcke, supra note 7, at 302.

16 Napoli, supra note 9, at 250, referring also to Chris Anderson, *The Long Tail: Why the Future of Business Is Selling More of Less* (New York: Hyperion, 2006) and Bruce Owen, ‘Old Media Policy
further, can be potentially strengthened in the new media ecology, which has lowered barriers to entry; in which diversity of choices is arguably significantly increased and where users have access to sophisticated tools to locate the content that best serves their interests. In an environment of so much choice, control, and user empowerment, should exposure diversity remain low, or perhaps even diminish further, then this can be interpreted as evidence that audiences have access to a far greater diversity of sources and content than they either need or want. Essentially, the explanation for these patterns lies not with any structural or marketplace imbalances that policymakers can correct, but with the basic realities of audiences’ tastes and preferences. In the following section, we will disagree with some parts of this hypothesis. We will also engage some more recent and nuanced analyses, which show somewhat paradoxically that the dynamics of new media may promote less rather than more diversity of exposure, and above all, reveal that the overall picture is one of extreme complexity, which is not sufficiently explored so far.

We will argue then that although the balance between state intervention and non-intervention in the media certainly is precarious and individual rights are to be safeguarded, there may be subtler ways of intervening and promoting exposure diversity. In terms of goal definition, it should be clear that we do not single out exposure diversity to the detriment of either source or content diversity, as there is broad agreement that these two endure as key media policy objectives, although perhaps in a somewhat modified shape and intensity of demands for action under the conditions of the digital networked environment.

C. What is different in the new media space and where PSN can help?

I. Highlighting some changes and some problems

The transformations in the digital networked environment epitomized by the advent and

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18 Napoli, supra note 9, at 251.


20 Admittedly this balance has always been precarious and is not something entirely new. The relationship between the media and the state are ‘founded on multiple compromises between the prevention of harm and the promotion of benefit’. See Perry Keller, European and International Media Law: Liberal Democracy, Trade, and the New Media (Oxford: Oxford University Press, 2011), at 10 and 261–401; also Cass R. Sunstein, ‘Television and the Public Interest’, California Law Review 88 (2000), 499–563. Individual rights, including freedom of expression, are also not only to be protecting in a negative but also in a positive manner, which creates certain obligations for the state. See e.g. Judgment of the European Court of Human Rights, Özgür Gündem v Turkey, No 23144/93, 16 March 2000, at para. 43.

wide spread of the internet are multi-faceted, multi-directional and have been well documented by a host of disciplines. Critically for the PSB project, the ways cultural content is produced, distributed, accessed, consumed and reused have changed; social patterns of participation, engagement, community building and cohesion have also been modified.22 ‘Old’ companies and markets have responded to these developments (albeit at times somewhat clumsily, as the PSB institution itself illustrates), many new ones have emerged.23 For the narrow focus of our enquiry here, we highlight only a few of these transformations and then look in a finer-grained way at a few specific developments, which may be important when contemplating a PSN.

1. The macro-picture

Starting with the broader lines of change, one can identify the following features of the new media space:

(i) unlimited ‘shelf-space’, abundance of content and its different organization. In the digital space, the notion of scarcity has been modified and virtually rendered obsolete. Blogs, social networking sites, virtual worlds and many other forms of information and communication, made available over the internet have proliferated and turned into viable media outlets, co-existing next to traditional ones, offering a new way of accessing information and/or entirely new information. The sheer amount of information that is available at all times from any point connected to the internet is plainly mind-blowing. There is indeed scarcity of attention.

What is also worth noting and is often forgotten when describing the new digital media space is the different way information is organized in it. The fact that any type of data can be expressed in digital format has completely changed the rules for organizing information.24 Whereas the Dewey decimal classification was used for organizing libraries, alphabetical order for name registers and genre categories in CD shops, the digital environment enables an encompassing, global, extremely miscellaneous, dynamic and interlinked information archive that can be searched through a single entry point according to unlimited criteria. We will pay particular attention to this cluster of changes in the context of PSN.

(ii) new ways of distributing, accessing and consuming content. Enabled through multiple devices over the almost ubiquitous internet, the patterns of handling information have changed. Instantaneous distribution to millions of people, pulling content instead of passively receiving it, simultaneous consumption from many sources, are but few of the (TV-unlike) features of contemporary online communication. These naturally have serious repercussions for users, businesses and for the entire market for information goods and services. They have also changed the transparency of cultural symbols, and the ways they circulate in global and local contexts.25 This certainly is also critical for any exercise in designing a PSN, in particular for the conditions of

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25 Benkler, supra note 22.
(iii) new modes of content production, where the user is not merely a consumer but also an active creator. Reduced thresholds to participation, as well as the (ever greater) affordances of digital technologies, have allowed individuals and groups of individuals to create new content, to play around and remix existing content.\(^{26}\) This type of creativity, interactivity and co-operation is unique to digital media and is a radical departure from the conventional image of massive and passive audiences, only slightly empowered by their TV remote-controls. PSN is not directly linked to this type of transformations but it may act as an enabler of creativity fostering practices, and its appeal to users may be enhanced if such enabling functions are embedded in its design.

2. The micro-picture

In this section, we seek to gain a more granular idea of media access and consumption in the practical reality of contemporary new and old media, of technological complexity and change. This is admittedly not easy. We do not purport to be able to cover the whole of it and look at a few particular patches, such as the changed role of intermediaries, in more depth. Overall, our goal is to reveal the complexity of the picture, the uncertainty and the simultaneous presence of practices so radically different from one another that if taken in isolation can easily fuel both utopian and dystopian theories of the digital media present and future. We should also be careful, when concentrating exclusively on the new media, as in fact, ‘[s]imple dichotomies – new vs. old, mainstream media vs. blogosphere – do not accurately describe the current environment, with its complex interdependencies among media entities with different structures and motivations’.\(^{27}\)

We often talk of abundance of digital content as a matter of fact but accessing that content in practice is by no means easy.\(^{28}\) Indeed, limitations of legal and practical nature abound, especially as the digital networked environment matures, spreading ‘at all levels of the information environment: the physical infrastructure layer – wires, cable, radio frequency spectrum – the logical infrastructure layer – software – and the content layer’.\(^{29}\) These range from technical standards and other barriers to interoperability,\(^{30}\) intellectual property rights enforced in opaque manner through digital


\(^{27}\) Persephone Miel and Robert Farris, *News and Information as Digital Media Come of Age* (Cambridge, MA: The Berkman Center for Internet and Society, 2008), at 1.


rights management systems (DRM),\textsuperscript{31} or other forms of control through code\textsuperscript{32} and technology in general,\textsuperscript{33} which fall outside of the conventional checks-and-balances of the legislative and judicial processes.\textsuperscript{34} As Verhulst points out and as we expound later on, new technologies have even introduced new types of scarcity as the control over information changes from old to new intermediaries, who may control the flow of, and access to, information,\textsuperscript{35} from multiple and increasing points of entry.\textsuperscript{36}

Next to abundance, we also typically stress the diversity of the content online. Two widespread theories, both grounded in traits of the new media environment, underpin such statements. The first, so-called ‘long tail’ theory, preaches naturally generated diversity, as the reduced barriers to entry allow new market players to position themselves and make use of niche markets, which are economically viable in the digital ecosystem due to the dramatically falling storage, distribution and search costs.\textsuperscript{37} Thus, supply and demand meet not only for ‘mainstream’ products available in the ‘head’ of the snake, but also for many other products, now available in the ever lengthening ‘tail’. Even greater has been the promise of user created content (UCC) as a powerful tool of democratization of content production and distribution. UCC, generated through the new type of ‘commons-based peer production’\textsuperscript{38} can be said to bear the key media policy components of diversity, localism and non-commercialism,\textsuperscript{39} and in this sense could readily fulfil the key public interest objectives without additional intervention. Further, it is argued that the internet-facilitated communication without intermediaries or other substantial access barriers has already created the always aspired to vibrant ‘marketplace of ideas’,\textsuperscript{40} which in the European thinking would correspond to Habermasian notion of an animated public sphere.\textsuperscript{41}

\begin{thebibliography}{9}
\item Burri (2012), supra note 28.
\item Anderson, supra note 16.
\item Benkler (2006), supra note 22, at 59–90.
\item Goodman (2004), supra note 2.
\item Lessig (2006), supra note 32, at 245. To put this in the most optimistic of visions: ‘empowered citizens are seizing control of the political agenda from the corporate handmaidens of mainstream media, forcing the powers-that-be to listen to the true voice of the people. Vigorous debate—now open to all—allows unprecedented levels of participation. Errors and lies by politicians, corporations, and irresponsible media are corrected quickly by the scrutiny of the crowd. Authentic stories about the lives of real people are part of a richer, more human information space. Easy and cheap multimedia production and remixing tools bring fresh new voices to light. The Internet connects us to people and ideas from around the world that we would never have encountered in the past’. Miel and Farris, supra note 27, at 4.
\item Jürgen Habermas, \textit{Strukturwandel der Öffentlichkeit: Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft} (Neuwied: Herman Luchterhand Verlag, 1962); Jürgen Habermas, \textit{Structural Transformation of the Public Sphere: Inquiry into a Category of Bourgeois Society} (Cambridge, MA: MIT Press, 1989). For situating this into the public service debate, see Richard Collins, \textit{Media and
Yet, despite the appeal of these transformative theories, evidence of current practices is much more nuanced. As for the long tail, it seems unclear, at least so far, whether a media environment of unprecedented choice and sophisticated tools for identifying and accessing relevant content genuinely helps or hurts the prospects for content that has not traditionally resided in the ‘head’. One of the inherent characteristics of the new ‘attention economy’ is the granular level of competition for audience, so that as online platforms offer the possibility to track the popularity of individual pieces of information and entertainment, editorial decisions may be distorted in favour of topics and genres that have mass appeal. Also, as global legacy media and internet corporations merge, both horizontally and vertically, in the pursuit of better utilization of all available channels and platforms, diversity may in fact be lost. The question of real consumption is also vexed, as it appears that it remains limited to a handful of mainstream online sources that are, as a rule, professionally produced by white, educated men. The positivism for user creativity is still strong and its long-term effects on legal modelling may be far-reaching, in particular in the field of copyright reform. Yet, in the narrower sense of grassroots content production and its impact on democratic discourse, sceptic voices stress the dangers of balkanization and fragmentation of the public discourse.

Let us consider one example, which is often taken as the very expression of individual freedom of speech online – the blogosphere: As Cammaerts contends, the ‘… radical plurality of the blogosphere, its fragmentation into micro-publics, its semi-deteritorialized nature, its focus on the intimate and on authenticity rather than on the rational and the common good, as well as hierarchization of blogs, is not very compatible with a reference to Habermas’ public sphere theory. From this perspective, an online public sphere seems contradictory’. It rather corresponds to Chantal Mouffe’s concept of agonistic public space as it encompasses the multiplicity of expressions and voices present online. This position though, which favours radical pluralism above a deliberated consensus, as endorsed by Habermas, does not come without dangers. ‘While it can be seen as beneficial to a vibrant (online) civic culture or for the promotion of what Mouffe calls the “multiplicity of voices that a pluralist society encompasses”, there is also a dark side that merely drives on antagonism and

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Identity in Contemporary Europe: Consequences of Global Convergence (Bristol: Intellect, 2002), as well as the references in note 3 above.

42 Napoli (2012), supra note 21.
43 Miel and Farris, supra note 27, at 33.
44 Hindman, supra note 19.
can be destructive for democracy rather than emancipatory’. Cammaerts identifies ‘perils’ at different levels and of different nature. At the structural/organizational level, these are: (i) colonization by the market, expressed in an ‘ever more increasing commodification of content and by concentration trends leading to the creation of oligopolies, both within certain existing niches or across niches, (ii) censorship by states, organizations and industries, epitomized above all by filtering but also by intimidation by states and employers; and (iii) appropriation by political and cultural elites, which are naturally better positioned in terms of capabilities, finance and other sources of speedy and forceful mobilization. At the individual level, such negative processes unfold due to (iv) social control by citizens, intimidation by other bloggers and communities, as well as due to (v) concentrated antipublics and strong antidemocratic voices, questioning fundamental societal values. These perils are reflected in the context of intermediaries too, as we see below.

To conclude for the purposes of this section, in this space of in fact in many ways restricted freedom and contested relationships between commercial and non-commercial, commodified and not commodified, many voices and oppressed voices and plenty of ‘noise’, it is fair to say that we do not yet truly know how people locate, select and consume online information. In addition, ‘[w]e know far too little about how changes in the delivery and consumption of news [and other content] are affecting public awareness, opinion, and civic engagement. The ability to quantitatively measure activity and content available on the Internet may obscure both the importance of how audiences combine offline and online media sources and the examination of what information may be absent from the online space.

It is also crucial to consider how the information needs of the millions [...] who will begin or increase their use of online media in the coming years may differ from those of early adopters. The early adopters themselves are an unclear variable. As the UK Ofcom has suggested, ‘[a] key uncertainty will be whether those who have grown up with the internet as part of their lives will revert to more traditional linear TV viewing habits as they grow older, or whether they will continue to shift their preferences


51 Cammaerts, supra note 48, at 361.


53 Cammaerts, supra note 48, at 363–366.

54 Ibid., at 366–368. See also recently and comprehensively, Hoofd, supra note 50.

55 Cammaerts, supra note 48, at 368–369.

56 Ibid., at 369–371.

57 Miel and Farris, supra note 27, at 3.

58 Ibid., at 2.
towards the internet’. Overall, it could be so that both the pessimistic and optimistic views of digital media transformations are right. To be sure, design of appropriate tools is rendered very difficult.

3. Intermediaries

Another myth of cyberspace, which demands a closer look and is of particular importance to our debate, is that intermediaries do not exist and one can freely choose any content at any time. As digital media practice shows this myth does not reflect reality and in fact, intermediaries with different types of control on the choices we make (and on the possibility for choices we see) abound. We do not discuss here the physical intermediaries as infrastructure and services providers, but focus on those gatekeepers existing at the applications and the content levels – on what Helberger calls ‘choice intermediaries’ or Miel and Farris, the ‘new editors’. Miel and Farris maintain indeed that the changing role of the editors is perhaps the most profound shift in the online media sphere.

Conventionally in the offline/analogue world, editorial roles were concentrated under the roof of a single institution; editorial choices were based on a certain, limited, pool of materials, which were in a way ‘property’ of the news institution; editorial products were finite, bounded by the limitations inherent of each medium, such as the pages of printed newspapers or length of a broadcast; the targeted audience was also addressed in a certain rhythm, which had an influence on the breadth and depth of the content (e.g. daily newspapers, weekly edition or an one-off reportage); the editorial decisions made as to the content and the format reached the entire audience of any given publication or programme in the same way – each newspaper subscriber sees the same front page and each radio listener hears the same stories in the same order.

This was in a way PSN action under the conditions of legacy media and this has also had substantial consequences for the production and distribution of knowledge – indeed for the very notion of knowledge. The picture is decidedly different now, as ‘[d]igital media forms are removing these [analogue] limitations and provoking fundamental shifts in the composition and consumption of media products’. The new editors are multiple, disintegrated and distributed and they seem to be both enhancing and limiting diverse consumption.

Miel and Farris offer a helpful taxonomy of the new editorial institutions. Some of them are truly web-native; others come as an addition to conventional media practices.

(i) Aggregation, which is the process of assembling different types of content in a tailored, personalized fashion and constantly updating it, belongs to the former group. This sort of personalized editor is offered on different platforms, for different types of

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59 Ofcom (2008), supra note 4, at para. 5.52.
60 Miel and Farris, supra note 27, at 4. For a comprehensive analysis of digital media in practice, see ibid., at 10–32.
61 Helberger, supra note 7; Helberger (2011), supra note 8.
62 Miel and Farris, supra note 27, at 27.
63 Ibid.
64 Ibid.
66 Miel and Farris, supra note 27, at 27.
content – be it news, entertainment, gossip, etc. It automatically generates information tailored to a particular user profile in a seemingly seamless and incessant manner. The information used is commonly produced elsewhere. So, as Miel and Farris show, the big three news aggregators (Yahoo!, AOL and Google) all rely on legacy media, such as the Associated Press, for the bulk of their content.\(^67\) Legacy media themselves have responded to the technologically enabled aggregation and offer much more content online than the print or broadcast versions.\(^68\)

(ii) **Search** is nowadays absolutely essential.\(^69\) It is presently the starting point for most online experiences and is the most significant driver of traffic to most websites.\(^70\) The search business is also highly concentrated with very few providers, and Google distancing itself clearly from its competitors. Generally speaking, it is in the long-term interest of search providers to meet the needs of their users – both as consumers and as citizens. Research conducted by the UK Ofcom suggests that demand for public service content remains very strong, and therefore, it should continue to be in the interest of search providers to ensure that their results give due prominence to public service content.\(^71\) This said, it should be acknowledged that search results are generated algorithmically and prone to manipulation using a range of search engine optimization (SEO) techniques. ‘An “arms race” is likely to continue between those search engine providers keen to meet the full range of needs of their users, and those who place the greatest commercial value on the traffic generated by search. Typically, the latter group does not include the providers of public service content’.\(^72\)

(iii) **Social bookmarking** is increasingly important as a mechanism of giving prominence to content too. Here the crowd acts like an editor through different ranking and bookmarking systems, such as Reddit, Technorati and Del.icio.us. As part of the social media phenomenon, these mechanisms succeed in commanding the attention of large groups.\(^73\) Naturally, the marketing industry has swiftly learnt to incorporate these tools and utilize them for the mobilizing consumer attention.\(^74\)

Overall, through all these different mechanisms the network functions as a multi-channel editor. On the positive side, it may be justified to view ‘the networked media environment as a virtual social mind that produces something richer, more representative, and more open to ideas than the top-down mass media model of the past’.\(^75\) On the other hand, this positivism may be deeply flawed. At least so far, there is a great deal of uncertainty as to ‘the ability of this self-organizing mechanism to reliably identify salient information, especially on topics [that] don’t get the intense scrutiny of popular issues like politics’.\(^76\) Often are also the workings of the system somewhat

\(^{67}\) Miel and Farris, supra note 27, at 28. This may disperse some of the conventional criticism that news aggregators may amplify the impact of unreliable non-traditional sources.

\(^{68}\) Miel and Farris, supra note 27, at 29, referring to Ethan Zuckerman, *International News: Bringing about the Golden Age* (Cambridge, MA: The Berkman Center for Internet and Society, 2008).


\(^{70}\) Ofcom (2008), supra note 4, at para. 5.60.

\(^{71}\) Ofcom (2008), supra note 4, at para. 5.60.

\(^{72}\) Ofcom (2008), supra note 4, at para. 5.61.

\(^{73}\) Miel and Farris, supra note 27, at 30.

\(^{74}\) Ibid.

\(^{75}\) Ibid.

\(^{76}\) Ibid.
haphazard – the trajectory from online obscurity to prominence remains poorly understood, even by people privy to the process, as there are simply too many variables.\textsuperscript{77}

To conclude on this section, one cannot help but see the changing roles of intermediaries, the sheer complexity of the online ‘editorial’ processes and the difficulty for individuals to navigate this rich but distributed content landscape. Accessing information becomes in a sense not only a matter of choosing between different sources but also a matter of choosing between different editors. The dangers of living in a ‘bubble’ corresponding to a minimal level of exposure diversity are real.\textsuperscript{78} At the same time, navigating the new informational space becomes heavily dependent on media literacy, with significantly higher skills demand – definitively beyond the threshold of the ‘pre-Internet media landscape’\textsuperscript{79} and beyond the simple online connectivity. We discuss digital literacy later on in this piece. First, however, we look at the availability of public service content, the need for and the possible design of a public service navigator.

### D. What is public service content?

A question one needs to ask when contemplating a ‘navigator’ as a means of connecting user to content is what content is there available to be linked to. In this section, we briefly address this question, naturally with regard to public service content.

It is clear that not only content provided by the incumbent PSB institution is public service content. As a result of increased internet penetration, many people are beginning to meet needs for public service content in ways other than broadcast media, albeit this trend is different for different age groups.\textsuperscript{80} There is also a range of initiatives on different platforms that create and distribute content that is often non-commercial and serving the public interest.\textsuperscript{81} Very interestingly in this regard and usefully for the purposes of our discussion, the UK Ofcom has tried to pinpoint how PSB characteristics are interpreted by users for online media – that is, what the perceptions for public service content outside the TV conduit are. The study identified the following matches:

(i) *high quality* equals usability, breadth, depth and freshness of content, functionality;

(ii) *original offering* equals an experience or service not readily available elsewhere;

(iii) *innovative* equals breaking new ideas or re-inventing existing approaches;

(iv) *challenging* equals making users think;

(v) *engaging* equals experience that is attractive to users; encourages interaction and participation; and

(vi) *discoverable and accessible* equals appropriately signposted, easily discoverable

\textsuperscript{77} Ibid.

\textsuperscript{78} See the references supra note 47.

\textsuperscript{79} Miel and Farris, supra note 27, at 32.

\textsuperscript{80} For instance, while for UK adults as a whole, TV on the main channels is the medium that they would miss most (31%), for 16-24s with broadband, the internet is the medium they would miss most (48%). Ofcom (2008), supra note 4, at para. 4.30.

\textsuperscript{81} See Goodman and Chen (2010), supra note 2, also with diverse concrete examples.
through search and other sites, accessible to user base.\textsuperscript{82}

It is important to stress that ‘discoverable and accessible’ are noted as intrinsic characteristics of public service content – as we argue later on, this criterion may be critical when designing the next generation of PSB.

Another Ofcom commissioned study, which appears of pertinence, looked in particular at the extent and discoverability of online public service content across a range of categories. It concluded that there is a substantial volume of public service content currently available in many genres. The content is however unevenly spread. Provision tends to be best in areas underpinned by competitive markets with a strong mix of well-funded, committed providers pursuing sustainable operating models.\textsuperscript{83} The report found, at the same time, that there is only a limited amount of public service content in other genres where the commercial business models are currently less clear and have yet to prove themselves as effective.\textsuperscript{84} Some types of programming which meet public service purposes, such as nations and regional news, children’s programming and current affairs appear to be unprofitable genres, whether on public service channels or on digital channels.\textsuperscript{85}

Although the data we use here may be country specific and only capturing a snapshot of the market and of consumer preferences, it does provide solid proof for our case of initiating of PSN project. First, it is clear that the contemporary media environment is extremely complex to navigate. There may be tendencies of reducing the diversity of consumption, as well as the possibilities of finding types of content. It is on the other hand clear that users consider as a vital feature of public service content its discoverability and accessibility. Pursuant to the data, it seems also that there may be a reason to approach different genres and types of content differently.

Overall, against this backdrop, it seems beneficial and indeed needed to endorse new forms of ‘editorial intelligence’ to ‘help bring useful information to publics who need it’.\textsuperscript{86} We discuss the possible contours of a PSN in the next section.

E. PSN: Function and design

We conceive of PSN as a mechanism for influencing the conditions of access to content, in particular as its visibility, discoverability and usability are concerned. To be sure, one part of the policies in this context can be framed under the media literacy chapter, focusing on the capabilities of the end user, rather than on the supply side and the

\textsuperscript{82} Ofcom (2008), supra note 4, at para. 4.40 and figure 31, based on a study by MTM London.

\textsuperscript{83} Such as soaps and drama, factual entertainment and sport.

\textsuperscript{84} Ofcom (2008), supra note 4, at paras 4.42–4.43.

\textsuperscript{85} Ofcom (2008), supra note 4, at paras 5.29–5.31, based on a study by Oliver and Ohlbaum; and at paras 6.7–6.10.

information intermediaries. As we highlighted above, the ever more complex digital space demands ever more sophisticated digital literacy skills. So that the problem is no longer so much about access to technology and connectivity but about acquiring ‘a set of multifaceted capabilities to efficiently and effectively navigate in cyberspace, to create, contribute and distribute content, to cope with speed and fluidity’. It is important to stress in this context, that although the use of digital media in contemporary societies is on the rise, there should not be an automatic presumption for digital literacy: ‘People who play Farmville on Facebook may (or may not) have the skills they need to search for information about jobs, education and health care. For young people today, it is vital that formal education begin to offer a bridge from the often insular and entertainment-focused digital culture of the home to a wider, broader range of cultural and civic experiences that support their intellectual, cultural, social and emotional development’. In the specific context of exposure diversity policies, Helberger has suggested newly targeted media literacy actions, which next to educating users, should incentivize them for active engagement with the media, so that a functioning and sustainable public sphere can be ensured.

In the following, we do not address such policies, however. In the context of contemplating a PSN, we focus more narrowly on the intermediary level, on the ways of linking available content with users. The idea behind the PSN is in fact simple and in many senses intuitive as it reflects the reality of digital abundance and indeed disorder and the fragmentation of audiences, which create ‘an important new barrier to public service content achieving reach and impact’. We address in this sense the question of ‘how will people become aware of, or discover, interactive public service content which meets their needs as citizens?’ We also think of PSN specifically as a tool of advancing exposure diversity, as described earlier.

We discuss three different possible scenarios of the PSN project, which are not necessarily mutually exclusive, as we shall see below.

(i) PSN as an add-on to PSB

One could think of adding a PSN function to the existing tasks of PSBs. As discussed

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90 Helberger, supra note 7, at 357. See also in a similar vein, Klaus Schönbach, ‘The Own in the Foreign: Reliable Surprise – An Important Function of the Media?’, Media, Culture and Society 29 (2007), 344–353. See also Wolfgang Schulz and Thorsten Held, Regulierung durch Anreize: Optionen für eine anreizorientierte Regulierung der Leistungen privater Rundfunkveranstalter im Rundfunkstaatsvertrag (Berlin: Vistas, 2011).
91 Ofcom (2008), supra note 4, at para. 5.58.
92 Ibid.
earlier, in a sense, this will not be an entirely new task, as PSB already acts as PSN in many important ways, as it guides and incentivizes users to consume the content that is available on public service channels.

The first issue naturally relates to finding public service content, which as we discussed above is available not only on PSB platforms. In helping consumers find this content and make more informed choices, one can think of better ‘highlighting’ public service content.

Acknowledging the importance of search, one option would be to work with providers of search and navigation to boost the reach and impact of online public service content. This does not entail the creation of a new public service search engine or portal, which is unlikely to deliver value for money given the high level of commercial investment and innovation in existing search tools. Instead, ‘partnerships with existing search and navigation providers could help them ensure they are able to give the prominence desired by their users to online public service content, whatever its source’.

With some but relatively little effort, highlighting public service content could also be done through providing more ‘information about information’, which, when in a manageable form, will effectively assist users in comparing and finding content that is relevant and valuable to them, while delineating it from other ‘noise’. ‘Informing consumers about their choices (in the hope that they will make the right ones) has been repeatedly advanced as a preferable route to the traditional, paternalistic approach in media regulation – which regulates the offering and pre-defines choices’.

Labelling is the most obvious and conventional transparency-enhancing tool known from consumer protection policies that can be employed to meet these ends. Helberger has proposed the so-called ‘diversity’ label in this regard. We are rather in favour of simply extending the brand of the public service broadcaster to more online spaces or of creating an additional ‘public service content’ label, which would mark also content other than that produced and distributed by the PSB. Indeed, such a general-purpose label can spare us the demanding task of deciding which content is diverse and in comparison to what (considering that we are unaware of the type of content already consumed).

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93 Ofcom (2008), supra note 4, at para. 6.19.
94 Ibid.
95 Helberger, supra note 7, at 342. See also in this sense Council of Europe, Recommendation No R(94) 13 of the Committee of Ministers to Member States on Measures to Promote Media Transparency, adopted by the Committee of Ministers on 22 November 1994, at Appendix, Guideline No 1, which states that ‘media transparency is necessary to enable members of the public to form an opinion on the value which they should give to the information, ideas, and opinions disseminated by the media’.
97 Helberger, supra note 7.
A similar idea had been endorsed during the second PSB review in the UK, when Ofcom contemplated launching the so-called ‘Public Service Publisher’ (PSP). The PSP was not conceived as a replacement of existing PSB institution but rather as an ‘add-on’, which uses the affordances of digital media to provide public service content, as well as reflects the changed patterns of use, re-use, creation and communication in the digital environment. PSP was to act as a commissioner of participative content, also for newer platforms, such as games and social networks; it was also meant to adopt a new rights model, which would be more ‘share-aware’, allowing content to be re-used and modified by others. The PSP was supposed to work with other organizations with established distribution arrangements. Most relevantly for our discussion of PSN and labelling, the PSP was not expected to invest significantly in developing a consumer brand proposition. Rather, it could establish itself as a “facilitation brand”, subordinate to other brands in consumers’ eyes, but having an important impact in the decision process – providing a potential mark of quality, much like the “Intel Inside” brand for PCs. This may also have a positive feedback effect and boost the value of the PSB label.

Beyond informing through labelling, there is a separate question of whether PSN should effectively aim at ensuring diversity in consumption. This, as we highlighted in the beginning of this piece, involves a deeper type of intervention and is somewhat controversial from the viewpoint of policy implications and interference with other rights. Helberger has argued still that there could important positive effects of such an intervention, which she aptly refers to as ‘principled consumption’ target. Tools aiming to achieve this target entail some sort of guidance for users to the ‘relevant’ and the ‘quality’ content, making sure that they then consume the ‘right mix’. In this form, a PSN will function as an institution of ‘asymmetrical paternalism’.

Two critical questions arise in this context – of awareness and serendipity – i.e. ‘do people know about the full range of content opportunities available to them online, and how often do they stumble across content which they like but which they did not know existed?’

While findability of public service content seems to be less of an issue, barriers with respect to awareness and serendipity may be more significant, ‘in particular for introducing viewers to content they would not otherwise look for or challenging users’ views and expanding their knowledge “by chance”’. In this context, a host of scholars have stressed that “[s]erendipitous encounters might alleviate some concerns about restrictive coping strategies and a tendency in users to hide in their “information cocoons””, and “promote understanding” and open-mindedness, and thereby also advance democratic goals. The digital space does allow for the random aggregation

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98 Ofcom, A New Approach to Public Service Content in the Digital Media Age: The Potential Role of the Public Service Publisher (London: Ofcom, 2007).
99 Ibid., at 7–8.
100 Ibid., at 8.
101 Helberger, supra note 7, at 346; also Helberger (2011), supra note 8, at 455.
102 Helberger, supra note 7, at 343. Justifying such an approach, see Sunstein (2000), supra note 20.
103 Ofcom (2008a), supra note 4, at para. 3.95.
104 Ibid., at para. 3.98.
106 Helberger (2011), supra note 8, at 454.
107 Ibid., referring to Sunstein, supra note 22, at 27–28.
of different types of content, which can be displayed next to the chosen by the viewer content or in dedicated ‘less searched’, ‘less viewed’ and other type of less popular, not mainstream lists. Another idea stemming from the data presented above that there is a great difference in the availability and discoverability of discrete genres of public service content would be to make cross-genre linkages, so as to both highlight this type of content and increase the chances of overall more diverse consumption.

However, there should be caution in these random offerings, as they can simply be ignored. Research has shown that there must be more to serendipitous encounters than just chance. Schönbach explains that in order to work and incentivize users, surprises must be ‘embedded in the familiar’.  

Or, as Helberger puts it, ‘[i]n order to be able to make sense out of chance information exposure, the information must resonate with some prior knowledge, interest, or experience for the user. In the age of ‘Big Data’, this certainly is doable – the question of balancing between the virtue of the intervention and its possible side-effects, which is intrinsic to such paternalistic actions and we raised at the outset of this text remains.

(ii) PSN as a (discrete) service

As Mark Lemley has argued ‘… there are revenue models to be had that spring from this explosion of content [associated with the internet]. Because the explosion of content comes with a wide array of quality from very good to very bad, there are business models to be had in enabling people to figure out what is desirable and what is not, what is trustworthy and what is not. The role of the media may become, in part, a credentialing role, one that says this is, in fact, information that you can trust; this is, in fact, a video you will like. And that’s a service for which people will pay even though the underlying content is free’. In the same line, the British Ofcom has pointed out while making predictions about the future media consumption that, ‘[o]ur research suggests that many people already find it hard to discern whether or not to trust a website that is new to them, and many are also frustrated by the narrowness of range of online content they consume. The latter frustration is more pronounced amongst those who have grown up with the internet’.  

In this sense, we could envision that the PSN can be endorsed as a discrete service of the PSB or indeed of another organization that would provide high-quality, trustworthy content across a wide range of topics and formats. The experience with some legacy media has been positive in this regard, indeed against the odds, in a world where digital content is mostly available for free. Leading newspapers, like The New York Times, The Times, the Wall Street Journal and the Financial Times, have adopted different

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112 Ofcom (2008), supra note 4, at para. 5.59.
types of paywalls,\textsuperscript{114} making access to digital content actual and archived paid, so as to compensate for falling revenues in print subscriptions and advertising.\textsuperscript{115}

As this will be a service driven by demand however, there is a likelihood that it will be personalized, tailored to the interests and preferences of each individual user and possibly so contributing less to a true variety in consumption and thus, to the goal of exposure diversity. On the positive side, the concerns voiced in the context of paternalism and policy interventions that may go too far, will be cast aside as it is the user herself or himself who actively makes the choice and subscribes to the offered service. Exit remains easy and within the control of the user.

In general, as the digital media landscape is profoundly fluid and uncertain, the value attached to media may be changing. Trust may become absolutely critical, and we refer here not only to the trustworthiness of content, its high-quality, accuracy and authenticity but also to trust in the platform that provides the content – in the sense of its commitment to privacy, to transparency of terms of use and their subsequent changes, and to overall user friendliness.

\textit{(iii) PSN as a broader media policy initiative}

As a third scenario one can think of PSN not as a concrete service, a bundle of services or an institution but as a broader and distributed media policy initiative – as a new mission of public service media. The basic rationale of a PSN, as we described it earlier, that of linking public service content with users remains, but it happens on a larger scale.

To be sure, such a project is not about installing a public service search engine. It is about \textit{curation} of existing content, processes and institutions, so that a culture of consumption diversity is cultivated. ‘Whereas the world of content constraint allowed aggregators to determine consumer choice, the world of content abundance allows them merely to guide consumer choice. Guidance of this kind is growing in value. As information comes at us faster, in greater quantities, and in smaller bits, we experience information overload. The role of the curator in this environment is to serve as a trusted intermediary to filter and accredit information, thereby assisting in the increasingly difficult task of making information consumption choices’.\textsuperscript{116}

Goodman and Chen have aptly elaborated on this curative function of public service media and given excellent examples of already existing projects that show the possible dimensions and impact of such curative functions.\textsuperscript{117} In many senses, envisioning PSN as a broad media initiative coincides with the key elements of \textit{curation} and \textit{connection} of the model of digital PSM so powerfully endorsed by Goodman and Chen. We need to note however that one distinct feature of this model is non-commercialism, and this may be irreconcilable with the European style PSB, which has followed a different evolutionary path in comparison to its transatlantic counterpart of smaller, distributed, community-based public service stations.\textsuperscript{118} We also want to mobilize a different

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\item[\textsuperscript{114}] For data, see e.g. \url{http://www.statista.com/statistics/237971/paywalls-implemented-in-the-us/} (last accessed 3 December 2013).
\item[\textsuperscript{115}] For the different types of paywalls and their effects, see \url{http://en.wikipedia.org/wiki/Paywall} (last accessed 3 December 2013)
\item[\textsuperscript{116}] Goodman and Chen (2010), supra note 2, at 153.
\item[\textsuperscript{117}] Goodman and Chen (2011), supra note 2, at 94 et seq.
\item[\textsuperscript{118}] Van Cuijlenburg and McQuail have analyzed the US and the European models and showed the divergence between them after World War II. While the European model placed PSB at the centre, the US
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concept that may be useful to describe the new and more ambitious mission of the PSN, as part of the broader range of public institutions embedded in societies. In this sense, we would like to talk of PSN as a function of modern memory institutions, as Guy Pessach defines them.\(^{119}\)

We highlighted in the beginning of this piece a few characteristics of digital media spaces stressing in particular: (i) the unlimited ‘shelf-space’, the abundance of content and its different organization; (ii) the new ways of distributing, accessing and consuming content; and (iii) the new modes of content production, where the user is not merely a consumer but also an active creator. We also noted that these affordances of digital media create incredible possibilities and can be mobilized in variety of ways for apt future-oriented PSM design. Indeed, we think that we are still in the beginning of this process. In the following, we focus on the PSN as a way of connecting information across time, generations and cultures.

As it is well known, digitization allows all sorts of data – be it audio, video, text or still images – to be expressed in binary digits, in lines of zeroes and ones. This has offered the unprecedented opportunity to digitize all cultural content, making it available and connected to present cultural processes, as well as retrievable for future generations. This opportunity has been seized by many nations, although developing and poorer countries are clearly lagging behind because of the resource intensive character of digitization projects. The EU has been amongst the leading actors. It has emphasized the political objective of making Europe’s cultural heritage and scientific records accessible to all, while at the same time bringing out its full cultural and economic potential. Various initiatives have followed up this objective leading towards Europeana: the European Digital Library, as a multilingual common access point to Europe’s distributed cultural heritage.\(^{120}\) Europeana\(^{121}\) was launched in November 2008 and allows internet users to search and get direct access to digitized books, maps, paintings, newspapers, film fragments and photographs from Europe’s cultural institutions. Presently some 29 million objects from more than 2,200 institutions from 36 countries are made available on Europeana with numbers constantly rising.\(^{122}\) The content is also socially connected in various sites and platforms, available through an iPad app, downloadable and malleable under different copyright licensing regimes (such as the

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\(^{121}\) http://europeana.eu (last accessed 3 December 2013).

\(^{122}\) http://pro.europeana.eu/web/guest/about/facts-figures (last accessed 3 December 2013).
creative commons licence\textsuperscript{123}). In this sense, \textit{Europeana} not only aggregates content but builds an open, trusted source of cultural heritage, which is also meant to engage users in new ways of participating in their cultural heritage, facilitate knowledge transfer, innovation and advocacy in the cultural sector. The user-friendly format very often also involves teaching basic digital literacy skills, so that users can make the best of both the digital affordances and the content available.\textsuperscript{124}

While such projects are to be greeted and encouraged, they may still remain somewhat isolated from everyday media consumption and experience.\textsuperscript{125} There is a genuine need to better embed and contextualize the available data, so that it enhances and possibly diversifies media experience. We think that the PSN as a function of PSB but also of other organizations may in a position to do so.

We think that a PSN can help not only highlight valuable public service content in this case but also link it to materials of the near and more distant past, as well as to platforms, which allow reacting to as well as reworking this content. This could happen in various ways – either through a fully-fledged campaign of the PSB or by smaller, more experimental and potentially user-driven projects, which are however well interlinked and accessible through a single point of entry.

One may ask of course why is such a tool needed. The reasons are multiple but few are salient. The most obvious one is that this could be a unique way to make content available and relevant across the timeline of past, present and future, offering possibilities also for additional filtering and contextualization. The second relates to the need to react to the ongoing privatization and commercialization of contemporary memory institutions.

One can conceive of memory institutions as ‘social entities that select, document, contextualize, preserve, index, and thus canonize elements of humanity’s culture, historical narratives, individual, and collective memories’.\textsuperscript{126} Archives, museums and libraries are well-known examples of traditional memory institutions that have over the years become important hubs of cultural information, as well as curators of contemporary cultural processes. Still however they have rarely functioned in interlinked ways, as analogue did not allow this, but were rather singled initiatives, which fought for the gains of network effects in attracting audience. In recent years, we

\textsuperscript{123}http://creativecommons.org/licenses/ (last accessed 3 December 2013).

\textsuperscript{124}A similar, although much smaller project, has been the BBC Archives. It aims at digitizing the entire collections of BBC audio and video material, reaching back to the 1890s. An interesting add-on to this was the BBC Creative Archive pilot, which ended in 2006 after releasing more than 500 pieces of content under the so-called Creative Archive Licence. The latter allowed creating around and on top of the content and making it available under similar terms (no commercial use; share alike; give credit; no endorsement; UK only). The Creative Archive content is made available to internet users for use within the UK, as UK citizens pay the BBC licence fee (which includes TV, radio, online, as well as other services such new technology investment and collecting the fee). See http://www.bbc.co.uk/archive/ (last accessed 3 December 2013).

\textsuperscript{125}There are multiple other challenges related to digitization projects like Europeana. Some of them may be of technical character relating for instance to compatibility of different formats and standards, or to the availability and quality of metadata. Many others stem from the intellectual property barriers to digitization – to access to contemporary works and dealing with orphan works. These issues are by no means trivial and demand discussions with various stakeholders, so that solutions that serve both public and private interests are found. See e.g. \textit{Europeana Strategic Plan 2011–2015}, available at http://www.pro.europeana.eu/c/document_library/get_file?uuid=c4f19464-7504-44db-ac1e-3db78e922d7&groupId=10602 (last accessed 3 December 2013).

\textsuperscript{126}Pessach, supra note 119, at 73.
have seen the emergence of new ‘networked memory institutions’, as online platforms, social networks, peer-to-peer file-sharing infrastructures, digital images agencies, online music stores and search engines’ utilities, which take up important derivative functions. The preservation of digital artefacts covers now much more than the scope of tangible preservation by traditional memory institutions (museums, archives, libraries, and private collectors), and becomes decentralized and dynamic involving also many private individual or community-based projects. Pessach highlights amongst others two important trends in the remaking of our institutions of cultural remembering. The first is that most of them are ‘for profit’ organizations, such as the Google Books Project, digital archives of newspapers and photographs or online music stores like Apple’s iTunes and Rhapsody. These, even if presently functioning under free access, can change the business models and make access and use conditional on a payment (as we saw above with example of leading newspapers). Second, the ‘fact that digitized cultural retrieval deals with intangible goods that are governed by copyright law stimulates the privatization of networked memory institutions through two accumulative tracks: (1) the commodification of digital cultural artefacts, including buyouts of copyright portfolios with cultural significance by commercial enterprises; [and] (2) copyright law’s pressure on traditional public-oriented memory institutions (e.g., museums and libraries) to change their policies toward third parties who wish to access and use copyrighted, cultural works that such institutions posses and manage’. Against this backdrop, the PSN may have a role to play in making content searchable and available on reasonable terms, but also in preserving the public service character of key social remembering functions.

F. Concluding remarks

In this article we strived to conceptualize a Public Service Navigator (PSN) as one possible way of reforming public service media and making them fitter for the digital networked environment. We also tried to link this project to the goal of exposure diversity, which appears particularly pertinent as a measure of media policy performance in times of content abundance. We highlighted some of the features of the new digital space but above all wanted to reveal the complexity of the societal processes evolving at both the macro and the micro levels, and the related danger of making sweeping conclusions about the impact of the internet on diverse media consumption. In this sense, our first conclusion is that it is absolutely essential to develop a more nuanced understanding of the evolution of the contemporary media environment and to better trace how patterns in the delivery and consumption of content change and how they are affecting public awareness and engagement, both online and offline.

Despite this fluidity and uncertainty, we nonetheless suggested that there is a room and

127 Pessach, supra note 119, at 73.  
128 Ibid., at 82.  
129 Ibid., at 82–84.  
131 Pessach, supra note 119, at 92. Pessach goes on to argue that technological protection measures (TPMs) that restrict access to and use of digital copyrighted content only exacerbate the situation adding another layer of control. At the same time, the existing exceptions and limitations to copyright do not enable sustainable digitized cultural preservation and retrieval outside of commercial market settings (ibid., at 93).
indeed a need for new type of editorial intelligence that would allow for a better link between the user and public service content, potentially also diversifying the content offer. This project seemed a good idea because we saw evidence that there is a great variety of public service content available outside the conventional dedicated public platforms, and at the same time there is a demand for public content that is discoverable and accessible. In this line, we suggested that the PSN seems particularly advantageous, as it could highlight and enhance the value of existing and archived public service programming by making it available and interlinked on different platforms and by ‘capitalizing on the wide range of providers – private, public, voluntary sector and individuals – who are already producing an unheralded diversity of digital and interactive content which in many respects meet public purposes and characteristics already’.132

We tried to elaborate different scenarios for the design and function of a PSN, which tried to make better use of the new digital media affordances. These ranged from a mere labelling exercise to a further reaching PSN function that tries to embed huge amounts of cultural information in contemporary media experience and serves social remembering. The common thread for all these PSN suggestions was the need for curation as the new strategy of filtering for public purposes. We did not conduct any cost-benefit analysis but it is evident that there should be more work to determine whether the benefits of any particular intervention outweigh its costs, and whether public interventions may be crowding out private investment in content, which may in turn limit consumers’ choice and welfare.133

We hope that this article will stimulate thinking about the future of public service media as essential societal drivers of information flows, cultural and civil conversations and engagement, and innovation.

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133 Ofcom (2008), supra note 4, at para. 6.21.