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## Communication Rights, Digital Literacy and Ethical Individualism in the New Media Environment

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**Communication Rights, Digital Literacy and  
Ethical Individualism in the New Media  
Environment**

**Paper for the Communication Policy and Technology (CP&T)**

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***Introduction***

European media policy gives priority to the notion that all citizens need to be digitally literate to fully participate in the today's Information Society. The knowledge and skills that media and digital literacy provides are a central part of the EU policy framework to promote an open and competitive digital economy, and to improve social inclusion, public services and quality of life. The Audiovisual Media Services Directive or AVMSD (Commission of the European Communities 2007), as Europe's main instrument of media policy, provides the principal platform for promoting media literacy – alongside a variety of other European and national initiatives - and the fact that the Commission will be required to report on levels of media literacy across the EU is an indication of its importance.

The current profile that media literacy enjoys offers, on the one hand, an enhanced public dimension to thinking about the competencies and responsibilities attached to media use. On the other hand, as many critics have commented, it marks also a significant shift of responsibility from collective forms of regulation and control onto the individual who is deemed responsible and assumed to be capable of making informed choices in matters of communication and social interaction in today's mediated environment (Livingstone, Lunt et al. 2007; Penman and Turnbull 2007). In this paper, I would like to argue that, using the classic formulation of Stephen Lukes, the ideal subject as posited in contemporary digital literacy exhibits a form of ethical individualism in which the source of moral values and principles, and the basis of

ethical evaluation is the individual (Lukes 1973). Yet, formulated in this way media literacy is restricted to an understanding of skills, techniques and knowledge that benefit the individual but have little to say about the social context of communication. To fulfil the goals set for media literacy, at least implicitly in current policy discourse, it needs to be grounded within a concept of citizenship and of communication rights and responsibilities beyond the individual user. To illustrate the dilemma, I refer to the EU Kids Online project which maps research on the internet experiences of children, young people and their families, those often in the vanguard of new media adoption, who are exposed to a range of good and bad experiences, risks and opportunities, for which they may be unprepared.

### ***Risks and opportunities in the digital environment***

The rapid diffusion of new online, mobile and networked technologies, especially the internet, among children and young people, is unprecedented in the history of technology (Rice 2006). Children are in the vanguard of internet, with 75% using the internet across the EU27, ranging about half of children online in Greece and Cyprus (both 50%) to two-thirds of children using the internet in many countries and rising to over 90% in the UK and Sweden, 93% in the Netherlands and Denmark, and 94% in Finland (Eurobarometer 2008).

The EU Kids Online project,<sup>1</sup> a thematic network funded under the European *Safer Internet Programme*, has attempted to map the emerging world of risks and opportunities that this extraordinary uptake of online technologies has created. The evidence suggests, according to Livingstone and Helsper, a 'ladder of online

opportunities' through which children's online use develops beginning with information-seeking, progressing through games and communication, taking on more interactive forms of communication and culminating in creative and civic activities (Livingstone and Helsper 2007). Yet, as children's online use grows and develops, so does their exposure to risk - both as recipients of various kinds of possibly unsuitable content and as participants and actors in various forms of risky or even dangerous behaviour. Risk incidence as summarised in the EU Kids final report (Livingstone 2009) provides the following list, ranked in order of prevalence:

- Giving out personal information is the most common risk (approximately half of online teenagers),
- Seeing pornography online is the second most common risk at around 4 in 10 teenagers across Europe
- Seeing violent or hateful content is the third most common risk, experienced by approximately one third of teenagers.
- Being bullied or harassed is fourth, affecting some 1 in 5 or 6 teenagers online, along with receiving unwanted sexual comments (with varying degrees of incidence across Europe).
- Finally, meeting an online contact offline appears the least common though arguably the most dangerous risk at around 9% (1 in 11) online teenagers.

In response to this complex environment that is full of positive opportunities but also increasing risks that are difficult to control, initiatives such as the EU *Safer Internet Programme* have sought in the first instance to fight illegal and harmful online content and conduct through better legislation as well as more effective approaches to regulation. But pre-eminent among the strategies to ensure a safer online environment is the attempt to develop better media literacy through awareness raising and education. As Commissioner Viviane Reding has argued:

*" Everyone (old and young) needs to get to grips with the new digital world in which we live. For this, continuous information and education is more important than regulation."* (Commission of the European Communities 2007)

Within this formulation is a telling emphasis on the individual and what they need to know to play their role within the new media environment. For instance, with regard to advertising, rather than restricting or banning certain practices, the Commission favours a media literacy approach that gives 'young audiences tools to develop a **critical approach** to commercial communication, enabling them to make informed choices'. Policy frameworks now acknowledge that in the digital space, media users, and especially children and young people, who find themselves in vulnerable situations in online environments are best protected through knowledge and awareness rather than mechanical or coercive means of control. This, then, is the problem to which media literacy is now proposed as a solution with the objective of mitigating some of the most internet's most intractable and negative characteristics. At the same, there is a growing question mark over the effectiveness of many such awareness-raising programmes, concern at the low profile and take up of media literacy within

educational settings, and more widespread criticism as to whether such initiatives are playing mere lip-service to a social need that remains inadequately understood. Part of the problem, I suggest, is that at its core media literacy remains an ill-defined and sometimes ill-suited concept, particularly as it is currently formulated within policy discourse, inadequate to a task that is itself sometimes poorly understood.

### ***Ethical individualism and the citizen interest***

Media literacy comes as part of a package of measures with the AVMSD and other European initiatives to ensure an effective European single market for audiovisual media services. Seeking to respond to rapid technological change and to create a more open market within Europe for emerging audiovisual media services, the Directive provides for 'less detailed and more flexible regulation and modernizes rules on TV advertising to better finance audiovisual content'. Proliferating services across television, cinema, video, websites, radio, video games and virtual communities will be better served by greater levels of media literacy and access, enabling consumers to make informed choices and the skills necessary to navigate a complex and crowded audiovisual space.

At the heart of the AVMSD approach to media regulation is a new relationship between the individual (defined either as citizen or consumer) and institutionalized media with far-reaching implications for roles and responsibilities of viewer/users and regulators alike. The new 'media-literate' audience member, is no longer a passive subject, consuming programmes and services that have been selected and approved on their behalf. The media-literate viewer is required or 'challenged to make active choices in a

commercialized and interactive programme landscape' (Helberger 2008: 140).

In an environment of on-demand services, viewers, rather than consuming a pre-ordained media diet, subscribe through what is essentially a service contract for products and services. In the ideology of the AVMSD framework, all needs – civic, social and personal - are addressed through a market in which individuals exercise control through their purchasing power. Responsibility and the ethical dimensions of choice are shifted to the individual user or buyer, supported through media literacy.

In this context, Stephen Lukes' description of ethical individualism seems particularly apposite (in Lukes 1973). Ethical individualism is a view of the nature of morality as essentially individual. In Lukes' formulation:

.. the *source* of morality, of moral values and principles, the creator of the very criteria of moral evaluation, is the individual: he becomes the supreme arbiter of moral (and, by implication, other) values, the final moral authority in the most fundamental sense (p.101).

Ethical individualism is a logical extension of the idea of the primacy of the autonomous individual over the collective. The autonomous individual, central to Western rationalist thought, is free to choose the values he or she wishes to live by. Further, there is no basis on which to evaluate one set of values as superior to another. Facts and values are logically distinct and there is no empirical description of the world that compels us to accept any particular set of moral evaluations or principles. The rise of ethical individualism particularly from the late 19<sup>th</sup> century on is clearly linked with the decline of religion and other overarching frameworks for moral certainty or authority. Max Weber's famous



description of the rise of rationalization and 'the disenchantment of the world', for instance, is captured in his phrase that we are 'destined to live in a godless and prophetless time'. For Kierkegaard, the moral choice between a life of pleasure-seeking versus a life of duty is ultimately one decided by the individual. Nietzsche later extended this analysis into an extreme moral skepticism arguing no moralities, individual or otherwise, were valid or could be trusted. The existentialist version of this doctrine *par excellence* is that of Sartre whose more humanist account derived from the need for the individual to assume the responsibility of being 'condemned' to free choice. Describing the existentialist starting point as the fact that without the existence of God, everything is permissible, he wrote: 'There is no legislator but himself; that he himself [sic], thus abandoned, must decide for himself' (in Lukes, p.105). Ethical individualism is ultimately defined by being resolutely relativist and opposed to any objectivist account which describe moral choices or principles as normative, or as defined not by choice but by reason, by principles of human nature, needs of society or as religiously defined.

My claim, while not developed fully here, is that the approach to media literacy found in AVMSD conflates the individual and the social, and attempts to have it both ways. It posits the individual as the arbiter of choice and the moral compass around which decisions of standards of content, behaviour, and engagement revolve while at the same time claiming that media literacy makes better citizens, extends the benefits of the Information Society to a greater number, and fosters inclusion, improved public services and better quality of life.

To date, this conceptual conflation has been highlighted in debates surrounding the competing interests of 'citizens' vs 'consumers' in media literacy policy (Livingstone, Lunt et al. 2007). In European terms, media literacy is consistently presented as serving both. Media literacy, it is said: '..empowers *citizens* with the critical thinking and creative problem-solving skills to make them judicious *consumers* and producers of content. Media literacy also supports freedom of expression and the right to information, helping to build and sustain democracy'.<sup>2</sup> This tension was noted also in research conducted for the Commission's Media Literacy Expert Group which identified the contradictory goals that, on the one hand, give primacy to economic interests, the development of markets, and the fostering of skills for creating demand as well as employability, and on the other, the political interest in seeking to encourage active citizenship through media literacy (Universidad Autonoma de Barcelona 2007: 67).

Yet the overriding ideological framework of AVMSD and its associated media policy is that of deregulated, free market principles and the primacy of economic concerns over public interest (Silverstone 2004; Freedman 2006; O'Regan and Goldsmith 2006; Smith 2006; Iosifidis 2007). Reconciling the citizen-consumer dichotomy and arguing for a balance of citizen and consumer interests works against the odds when economic logic is framed against softer-focus objectives of citizen interest and issues of social, cultural and democratic value which are invariably harder to define (Livingstone, Lunt et al. 2007: 72). Media policy decisions become increasingly driven by economics, as Des Freedman has warned, because the multiple stakeholders of converged regulatory regimes –

policy makers, civil society interest groups, and industry representative, who may already be ideologically opposed to each other –find it very difficult to agree on values which are nebulous and open to endless interpretation (Freedman 2006: 918).

### ***Media civics and communication rights***

Roger Silverstone (2004) in a short but seminal article, argued that at the core of media literacy there should always be a moral agenda. Media regulation, he suggested, is a form of applied ethics making presumptions about public interest, freedom of expression, rights to privacy, intellectual property and so on, without ever really interrogating its prescriptions or examining why regulation is required in the first place. Calling for a new media civics, he argued that a responsible and accountable media culture can only be sustained 'a moral discourse which recognizes our responsibility for the other person in a world of great conflict, tragedy, intolerance and indifference' (2006: 440). Articulating that moral discourse remains an-ongoing challenge but one to which a reconsideration of communication rights provides an essential starting point.

One of the policy recommendations of the EU Kids Online project is that online opportunities for children are a matter of rights, and that risks can be minimized by considering the responsibilities of children and adults to make collective rather than individual ethical choices (Livingstone 2009). The UN Convention on the Rights of the Child, celebrating its 20<sup>th</sup> anniversary this year, provides one such basis for developing a rights-based approach to media and digital literacy. Several of the UNCRC's key articles deal with the media and communication rights: Article 12 asserts children's rights to express their views freely in all

matters affecting them; Article 13 enshrines the right freedom of expression through any medium of the child's choice; Article 15 deals with freedom of association and peaceful assembly; (Art. 16), the protection of privacy while Article 17 of the Convention highlights the important role of the mass media in disseminating information that promotes the child's well-being understood as content that promotes 'his or her social, spiritual and moral well-being and physical and mental health'.<sup>3</sup> All of the above are directly applicable to the online environment.

The so-called 'Oslo Challenge', formulated on the 10<sup>th</sup> anniversary of the Convention, highlights a number of action points to promote children's media rights such as right of access to the media, including new media; to media education and literacy; to participate in the media; to protection from harm in the media and violence on the screen; and to have the media actively protect and promote children's rights.<sup>4</sup>

### ***Conclusion***

The UNCRC is now an international agreement that countries sign up to and, once they ratify it, are legally required to fulfill. The convention reflects a new vision of the child and childhood. Children are neither the property of their parents nor the helpless objects of charity. They are human beings and the subject of their own rights. The convention offers a vision of the child as a strong, competent individual and as a member of a family and community, with rights and responsibilities appropriate to his or her age and stage of development.

The creation of a body of rights for children – and within that a set of media and communication rights - what these really mean and how they can best be realised - continues to be contested. Promotion of children's rights is based in part on a recognition that awareness of children's vulnerability and thus need for special protection has not prevented them from suffering as a consequence of decisions made in the adult world around them. The creation of a convention on the rights of the child reflects the understanding that the greater the awareness of rights, the more chance there is of securing them. Through the Convention on the Rights of the Child, the human rights of the child are clear, coherent and comprehensive. The defining of children's rights in this way is a pre-condition for their being respected and adhered to.

To date, inter-governmental organizations such as UNESCO and the Council of Europe have made significant efforts in raising the profile of the relevance of a rights-based agenda to the development of a pan-national approach to media education. A working group for the Council of Europe led by Divina Frau-Meigs - the Council of Europe's Pan European Forum on Human Rights - (Frau-Meigs 2006) in the Information Society, has recommended a number of key action points including the need to:

- *Sensitise, raise awareness and facilitate discussion on the human rights roles and responsibilities of state and non-state actors (including children and young people)*
- *Integrate human rights media education into every discipline of children's education and training.*

- *Update human rights literacy and educational materials with regard to Internet and mobile technologies and services*
- *Encourage human rights training and awareness especially of young webmasters who monitor social networking sites*
- *Insistence on human rights proofed hardware and software*
- *Encourage human rights hotlines as a means of informing and empowering users to fully exercise their rights and freedoms online.*

My recommendation is that within this pedagogical context adopting an *applied ethics* focus offers significant potential to make media literacy a real and action-oriented experience for young people. Ethics in this instance has the potential to act as the fulcrum for a full consideration of communication rights and responsibilities in the new media environment and to empower citizens in ways that are more meaningful and sustainable. Communication rights as articulated in UNCRC provide a framework within which we translate principles into practice and define for young people, as the subjects of media literacy, a template for critically engaging with and guiding behaviour, while at the same time holding to account the institutions and regulatory regimes within which the online environment is framed.

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## Notes

<sup>1</sup> *EU Kids Online* (2006-9) is a thematic network examining European research on cultural, contextual and risk issues in children's safe use of the internet and online technologies. It was funded by the European Commission's *Safer Internet plus Programme* (DG Information Society and Media), coordinated by the London School of Economics and Political Science and guided by international and national policy advisors. See [www.eukidsonline.net](http://www.eukidsonline.net)

<sup>2</sup> See Press Release:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1326&f>

<sup>3</sup> Convention on the Rights of the Child. Available at:

<http://www.unhcr.ch/html/menu3/b/k2crc.htm>

<sup>4</sup> See: UNICEF – Magic website:

<http://www.unicef.org/magic/briefing/about.html>