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Reith Lectures 2002: A Question of Trust

Lecture 5: Licence to Deceive

1. Testing and Trusting

We all know the story of the hero who goes courting a Princess. Her father refuses consent and sends him on demanding quests in distant lands. On the face of it this is not the ideal preparation for marriage, or for ruling the kingdom. But the point of the quest is that the King needs to judge the hero's commitment and steadfastness. If the hero persists in his quest the King will have reason to trust him; if Princess and hero remain steadfast through long years of questing, each will have reason to trust the other's love and loyalty, and they will live happily ever after. Quests are tests of trustworthiness.

Everyday tests of trustworthiness are simpler. A brief exchange of words, a few questions, a short meeting and we begin to place some trust, which we then revise, extend or reduce as we observe and check performance. But how are we to test strangers and institutions? How can we judge claims and undertakings when we can't talk with others, or observe them, let alone send them on lengthy quests? How can we tell that they are not deceiving us?

Perhaps we are in luck. We live in an age of communication technologies. It should be easier than it used to be to check out strangers and institutions, to test credentials, to authenticate sources, and to place trust with discrimination. But unfortunately many of the new ways of communicating don't offer adequate, let alone easy, ways of doing so. The new information technologies are ideal for spreading reliable information, but they dislocate our ordinary ways of judging one another's claims and deciding where to place our trust.

When Kings of old tested their daughters' suitors, most communication was face-to-face and two-way: in the information age it is often between strangers and one-way. Socrates worried about the written word, because it travelled beyond the possibility of question and revision, and so beyond trust. We may reasonably worry not only about the written word, but also about broadcast speech, film and television. These technologies are designed for one-way communication with minimal interaction. Those who control and use them may or may not be trustworthy. How are we to check what they tell us?

2. Informed Consent and Trust

Informed consent is one hallmark of trust between strangers. For example, when I understand a pension plan, a mortgage, or complex medical procedures, and am free to choose or refuse, I express my trust by giving informed consent. We give informed consent in face-to-face transactions too, though we barely notice it. We buy apples in the market, we exchange addresses with acquaintances, we sit down for a haircut. It sounds pompous to speak of these daily transactions as based on informed consent: yet in each we assume that the other party is neither deceiving nor coercing. We

withdraw our trust very fast if we are sold rotten apples, or deliberately given a false address, or forcibly subjected to a Mohican haircut. So everyday trust is utterly undermined by coercion and deception

Informed consent is supposed to guarantee individual autonomy or independence. But I think this popular thought is pretty obscure, because so many views of autonomy are in play. Some people identify individual autonomy with spontaneous choosing. A New York student of mine once decided that she would strip and streak across Broadway with a group of male students, and so convinced herself that she was autonomous. She had at least shown that she could act in defiance of convention, and probably of her parents, but hardly of her male contemporaries. Her eccentric choice was harmless enough, but in other cases spontaneous choosing can be harmful or disastrous.

Other people identify individual autonomy not with spontaneous, but with deliberate choosing. But deliberate choosing doesn't guarantee that much either. The real importance of informed consent, I think, has little to do with how we choose. Informed consent is every bit as important when we make conventional and timid choices, or thoughtless and unreflective choices, as it is when we choose deliberately and independently. Informed consent matters simply because it shows that a transaction was not based on deception or coercion.

Informed consent is therefore always important, but it isn't the basis of trust. On the contrary, it presupposes and expresses trust, which we must already place to assess the information we're given. Should I have a proposed operation? Should I buy this car or that computer? Is this Internet bargain genuine? In each case I need to assess what is offered, but may be unable to judge the information for myself. Others' expert judgement may fill the gap: I may rely on the surgeon who explains the operation, or on a colleague who knows about cars or computers or Internet shopping. But in relying on others I already place trust in my adviser: as Francis Bacon noted, "the greatest trust between man and man is the trust of giving counsel" 1. When we draw on friendly-- or on expert-- help we ultimately have to judge for ourselves where to place our trust. To do this we need to find trustworthy information. This can be dauntingly hard in a world of one-way communication.

3. Trust and the Media

Today information is abundant, but it's often mixed with misinformation and a little spice of disinformation. It can be hard to check and test what we read and hear. There are easy cases: we can check weather forecasts for their accuracy by waiting for tomorrow; we can rumble supermarkets that don't sell goods at advertised prices. But there are hard cases: how can parents judge whether to have a child vaccinated or to refuse a vaccination? How can we tell whether a product or a service will live up to its billing? Yet for daily and practical purposes we need to place our trust in some strangers and some institutions, and to refuse it to others. How can we do this well?

We know what we need. We need ways of telling trustworthy from untrustworthy informants. And we have tried to make this possible by promoting a revolution in accountability and requirements for transparency in public life. I have argued in previous lectures that we need more intelligent forms of accountability, and that we

need to focus less on grandiose ideals of transparency and rather more on limiting deception. Do we really gain from heavy-handed forms of accountability? Do we really benefit from indiscriminate demands for transparency? I am unconvinced. I think we may undermine professional performance and standards in public life by excessive regulation, and that we may condone and even encourage deception in our zeal for transparency.

Meanwhile, some powerful institutions and professions have managed to avoid not only the excessive but the sensible aspects of the revolutions in accountability and transparency. Most evidently, the media, in particular the print media-while deeply preoccupied with others' untrustworthiness-have escaped demands for accountability (that is, apart from the financial disciplines set by company law and accounting practices). This is less true of the terrestrial broadcasting media, which are subject to legislation and regulation. The BBC (I thought I had better mention that, given where I am!) also has its Charter, Agreement and Producers' Guidelines 2, and those include commitments to impartiality, accuracy, fairness, giving a full view, editorial independence, respect for privacy, standards of taste and decency - I am not claiming that compliance is perfect.

Newspaper editors and journalists are not held accountable in these ways. Outstanding reporting and accurate writing mingle with editing and reporting that smears, sneers and jeers, names, shames and blames. Some reporting 'covers' (or should I say 'uncovers'?) dementing amounts of trivia, some misrepresents, some denigrates, some teeters on the brink of defamation. In this curious world, commitments to trustworthy reporting are erratic: there is no shame in writing on matters beyond a reporter's competence, in coining misleading headlines, in omitting matters of public interest or importance, or in recirculating others' speculations as supposed 'news'. Above all there is no requirement to make evidence accessible to readers.

For all of us who have to place trust with care in a complex world, reporting that we cannot assess is a disaster. If we can't trust what the press report, how can we tell whether to trust those on whom they report? An erratically reliable or unassessable press might not matter for privileged people with other sources of information. They can tell which stories are near the mark and which are confused, vicious or simply false; but for most citizens it matters. How can we tell whether newspapers, web sites and publications that claim to be 'independent' are not, in fact, promoting some agenda? How can we tell whether and when we are on the receiving end of hype and spin, of misinformation and disinformation? There is plenty of more or less accurate reporting, but this is very small comfort if readers who can't tell which are the reliable bits. What we need is reporting that we can assess and check: what we get often can't be assessed or checked by non-experts. If the media mislead, or if readers cannot assess their reporting, the wells of public discourse and public life are poisoned. The new information technologies may be anti-authoritarian, but curiously they are often used in ways that are also anti-democratic. They undermine our capacities to judge others' claims and to place our trust.

4. Press Freedom in the Twenty-First Century

So if we want to address the supposed 'crisis of trust' it will not be enough to discipline government, business or the professions-- or all of them. We will also need to develop a more robust public culture, in which publishing misinformation and disinformation, and writing in ways that others cannot hope to check, is limited and penalised. Yet can we do so and keep a free press?

We may use twenty-first century communication technologies, but we still cherish nineteenth century views of freedom of the press, above all those of John Stuart Mill. The wonderful image of a free press speaking truth to power and that of investigative journalists as tribunes of the people belong to those more dangerous and heroic times. In democracies the image is obsolescent: journalists face little danger (except on overseas assignments) and the press do not risk being closed down. On the contrary, the press has acquired unaccountable power that others cannot match.

Rather to my surprise and I think ultimately my comfort, the classic arguments for press freedom do not endorse, let alone require, a press with unaccountable power. A free press can be and should be an accountable press.

Accountability does not mean censorship: it precludes censorship. Nobody should dictate what may be published, beyond narrowly drawn requirements to protect public safety, decency and perhaps personal privacy. But freedom of the press does not also require a licence to deceive. Like Mill we want the press to be free to seek truth and to challenge accepted views. But writing that seeks truth, or (more modestly) tries not to mislead needs internal disciplines and standards to make it assessable and criticisable by its readers. There is no case for a licence to spread confusion or obscure the truth, to overwhelm the public with 'information overload', or an even more dispiriting 'misinformation overload', let alone to peddle and rehearse disinformation.

Like Mill we may be passionate about individual freedom of expression, and so about the freedom of the press to represent individuals' opinions and views. But freedom of expression is for individuals, not for institutions. We have good reasons for allowing individuals to express opinions even if they are invented, false, silly, irrelevant or plain crazy, but hardly for allowing powerful institutions to do so. Yet we are now perilously close to a world in which media conglomerates act as if they too had unrestricted rights of free expression, and therefore a licence to subject positions for which they don't care to caricature and derision, misrepresentation or silence. If they had those unconditional rights they would have rights to undermine individuals' abilities to judge for themselves and to place their trust well, indeed rights to undermine democracy.

Like Mill we may support freedom of discussion, and think that it is fundamental to democracy, and so support the freedom of the press to foster what in the US is charmingly called wide-open, robust debate. But for that very reason we cannot support freedom for media conglomerates to orchestrate public 'discussion' in which some or many voices are unrepresented or caricatured, in which misinformation may be peddled uncorrected and in which reputations may be selectively shredded or magnified.

A free press is not an unconditional good. It is good because and insofar as it helps the public to explore and test opinions and to judge for themselves whom and what to believe. If powerful institutions are allowed to publish, circulate and promote material without indicating what is known and what is rumour; what is derived from a reputable source and what is invented, what is standard analysis and what is speculation; which sources may be knowledgeable and which are probably not, they damage our public culture and all our lives. Good public debate must not only be accessible to but also assessable by its audiences. The press are skilled at making material accessible, but erratic about making it assessable. This may be why opinion polls and social surveys now show that the public in the UK claim that they trust newspaper journalists less than any other profession.

5. Assessable Communication and Kantian Autonomy

The received wisdom on press freedom assumes that freedoms and rights can be free-standing. In fact there are no rights without counterpart obligations or duties. Respecting obligations, performing our duties, is as vital for communication as for other activities. At the very least we have obligations to communicate in ways that do not destroy or undermine others' prospects of communicating. Yet deceivers do just this. They communicate in ways that others cannot share and follow, test and check, and thereby damage others' communication and action. They undermine the very trust on which communication itself depends: they free ride on others' trust and truthfulness.

Duties not to deceive owe more to the classical notion of autonomy advanced by Immanuel Kant than to John Stuart Mill's discussion of individual autonomy. Kantian autonomy is a matter of acting on principles that can be principles for all of us, of ensuring that we do not treat others as lesser mortals-- indeed victims-- whose abilities to share our principles we are at liberty to undercut. If we deceive we make others our victims, and undermine or distort their possibilities for acting and communicating. We arrogantly base our own communication and action on principles that destroy trust, and so limit others' possibilities for action. Ways of communicating can be unacceptable for many reasons: threats may intimidate and coerce; slander may injure. But the most common wrong done in communicating is deception, which undermines and damages others' capacities to judge and communicate, to act and to place trust with good judgement. Duties to reject deception are duties for everyone: for individuals and for government and for institutions and professions -including the media and journalists.

At present the public have few reliable ways of detecting whether reporting is deceptive or not. We could improve matters without any trace of censorship, and without imposing regulatory burdens of the excessive, centralising sort that are failing us elsewhere. A lot could be altered by procedural changes, such as requirements for owners, editors and journalists to declare financial and other interests (including conflicts of interest), and to distinguish comment from reporting, or by penalties for recirculating rumours others publish without providing and therefore checking the evidence. Chequebook journalism might be reduced by requirements to disclose within any 'story' who paid whom how much for which 'contribution'. I leave it to this knowledgeable audience to suggest how one might ensure that journalists do not publish 'stories' for which there is no source at all, while pretending that they are protecting a source.

Only if we build a public culture-and especially a media culture-in which we can rely more on others not to deceive us, will we be able to judge whom and what we can reasonably trust. If we remain cavalier about press standards, a culture of suspicion will persist. We will still place our trust for practical purposes, but we will do so suspiciously and unhappily. Our present culture of suspicion cannot be dispelled by making everyone except the media trustworthier. To restore trust we need not only trustworthy persons and institutions, but also assessable reasons for trusting and mistrusting. These cannot be found by rehearsing suspicions, or by recirculating them again and again, without providing evidence.

We say that we want to end the supposed crisis of public trust, and we've tried to do so in part by making many professions and institutions more accountable so that they are trustworthier. In these lectures I have queried both diagnosis and remedy. We may constantly express suspicion, but it is not at all clear to me that we have stopped placing our trust in others: indeed that may be an impossible form of life. We may constantly seek to make others trustworthy, but some of the regimes of accountability and transparency developed across the last 15 years may damage rather than reinforce trustworthiness. The intrusive methods that we have taken to stem a supposed crisis of trust may even, if things go badly, lead to a genuine crisis of trust.

If we want to avoid this unfortunate spiral we need to think less about accountability through micro-management and central control, and more about good governance, less about transparency and more about limiting deception. If we are to restore trust we shall have to start communicating in ways that are open to assessment, and to do this we need to rethink the proper form of press freedom. The press has no licence to deceive; and we have no reasons to think that a free press needs such a licence.

Footnotes:

1 Francis Bacon, Essays XX, Of Counsel

2 BBC Producers' Guidelines: The BBC's Values and Standards, 2000