

Prominence as Censorship: State-Engineered Visibility and the Degradation of Free Speech

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The emerging dispute over the United Kingdom’s proposed media “prominence” regime concerns far more than the commercial relationship between YouTube and traditional broadcasters. It raises a fundamental question for the digital age: can speech remain meaningfully free when the state influences which speakers are made visible? The government’s 2026 media green paper proposes exploring legislative measures requiring major online platforms to make content from public-service media and other designated news providers prominent and easily discoverable. Although the proposal does not directly prohibit independent speech, it would introduce governmental judgment into the architecture through which speech reaches an audience. This paper argues that state-engineered prominence represents a consequential degradation of free speech. Modern censorship need not operate through confiscated presses, criminal prosecutions, or explicit bans. It can work through ranking, recommendation, discoverability, monetization, and institutional certification. A creator may remain legally free to publish while being rendered economically marginal and politically obscure. When governments privilege approved institutions in systems where attention is finite, nominal freedom can coexist with practical suppression. The resulting order is onerous because it imposes unequal burdens, and Orwellian because it presents the management of public perception as the protection of public truth.

Keywords: free speech, prominence regime, algorithmic governance, public-service media, YouTube, censorship, discoverability, independent creators, trusted news, Orwellian politics.

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1. The Transformation of Censorship

Traditional accounts of censorship focus upon prohibition. A government censors when it bans a book, closes a newspaper, prosecutes a dissident, blocks a transmission, or punishes a speaker. Under this model, the decisive question is whether a person is formally permitted to express an idea. If the idea may legally be spoken, printed, uploaded, or transmitted, then freedom of speech appears to remain intact.

That model is no longer adequate. Digital speech exists inside systems of selection. Billions of possible messages compete for limited human attention, while platforms decide which fraction of those messages will be placed before particular viewers. Search rankings, recommendation engines, home-page placement, autoplay systems, notification mechanisms, monetization rules, and trending lists collectively determine whether speech becomes socially consequential or disappears into obscurity.

The practical power of speech therefore depends upon at least three distinct freedoms: the freedom to produce an expression, the freedom to distribute it, and the freedom of others to discover it. A person who may speak but cannot reasonably be heard possesses a weakened form of liberty. The speech continues to exist as data, yet it may cease to exist as an effective contribution to public life.

This distinction does not mean that every low search ranking constitutes censorship. No platform can display everything simultaneously, and every ordering system necessarily makes selections. The problem arises when the state uses legal authority, regulatory pressure, or the threat of future legislation to determine which classes of speakers should receive preferential access to public attention. At that point, ranking ceases to be solely a matter of private platform design and becomes an instrument of public policy.

The distinction between banning and burying is consequently one of method rather than necessarily one of effect. A banned statement cannot be accessed. A buried statement theoretically can be accessed, but only by someone who already knows that it exists and is sufficiently motivated to search for it. For the general audience, the result may be nearly the same. The message is absent from the ordinary field of perception.

Modern censorship can therefore be architectural. It does not always command, “You may not say this.” It may instead arrange the environment so that favored institutions are encountered first, repeatedly, and automatically, while disfavored or uncertified speakers remain technically available but practically peripheral. Such a system preserves the appearance of openness while managing the probability of exposure.

This is why algorithmic prominence must be treated as a free-speech question rather than merely a media-regulation question. The central issue is not whether independent creators

retain an upload button. It is whether the state should participate in deciding whose speech is structurally amplified and whose speech must struggle beneath an officially constructed hierarchy of credibility.

2. The Proposed UK Prominence Regime

The UK government published *Watch This Space: A New Strategic Direction for UK Media* on June 23, 2026. The consultation, scheduled to remain open until August 31, 2026, presents a broad strategy for preserving public-service media as audiences increasingly consume news and entertainment through online platforms rather than traditional broadcasting.

One of the green paper's most consequential proposals is the exploration of legislation requiring social-media platforms to make news from public-service-media providers prominent and easily discoverable. The government indicates that the protected category might also include national and local news publishers. The stated justification is that prominent access to recognized sources could counter misinformation, particularly during elections, emergencies, social unrest, or national crises.

This proposal should be distinguished from the narrower prominence protections already established by the Media Act 2024. That legislation created a framework under which designated public-service on-demand services receive protected visibility on major connected-television platforms. Ofcom has subsequently worked on rules governing how public-service content should be presented on smart televisions, set-top boxes, and streaming devices.

The 2026 green paper contemplates extending the principle much further. The earlier framework principally concerns the placement of services such as broadcaster applications within television interfaces. The newer proposal reaches toward social feeds, recommendations, search systems, and other environments in which individual pieces of content compete directly for attention. The movement is therefore from ensuring that a public-service application can be found to potentially ensuring that designated institutional content is favored within the ongoing stream of public communication.

The government has not yet enacted a universal law ordering YouTube to place BBC material above every independent video. For some aspects of public-service prominence, it has expressed a preference for voluntary agreements and has stated that final legislative decisions have not been made. Nevertheless, the explicit exploration of statutory requirements, combined with the prospect of legislation if platforms do not cooperate, gives the consultation coercive significance. A "voluntary" arrangement negotiated under the shadow of regulation is not equivalent to an ordinary voluntary agreement.

The dispute therefore should not be exaggerated into the claim that the British government has already seized direct control of YouTube's entire algorithm. But neither should it be minimized as an inconsequential request that broadcasters receive better advertising. The government is considering whether public authority should shape the relative visibility of speakers within privately operated but publicly indispensable communication systems.

That is a profound change in principle. Once the state establishes that certain sources are entitled to algorithmic privilege because they have been classified as trustworthy, socially valuable, or democratically necessary, the foundation has been laid for an official hierarchy of speech. The immediate beneficiaries may be familiar institutions such as the BBC, ITV, Channel 4, Channel 5, and qualifying newspaper organizations. The enduring precedent, however, is that governments may influence the distribution of public attention according to officially defined standards of institutional legitimacy.

The danger lies not only in the first list of preferred organizations. It lies in the creation of the list-making power itself.

3. Visibility as a Constitutive Dimension of Speech

Freedom of speech is often treated as though it were exhausted by the legal permission to utter words. That conception was always incomplete, but it becomes especially misleading in a digital environment. Speech is not merely an act performed by a speaker. It is a social relation among a speaker, a medium, an audience, and an institutional structure that determines whether communication can occur.

The right to publish something on an obscure page that almost no one can discover is not equivalent to the practical capacity to participate in public debate. Both situations may satisfy a narrow prohibition-based definition of liberty, but they do not provide equal communicative power. In contemporary media systems, discoverability is not an incidental benefit added after publication. It is one of the conditions that makes publication meaningful.

Digital platforms have become the principal pathways through which large populations encounter political commentary, scientific explanation, religious reflection, cultural criticism, entertainment, and breaking news. Most users do not independently survey the internet. They encounter a sequence assembled for them. The sequence determines what appears urgent, legitimate, popular, controversial, or worthy of attention.

Consequently, control over the sequence is a form of power over public consciousness. This power does not require the elimination of disfavored ideas. It operates probabilistically. It alters

the likelihood that certain ideas will be seen, heard, repeated, discussed, funded, or remembered.

A prominence regime would exercise this power by assigning institutional status to some sources and translating that status into enhanced visibility. Independent speakers would not necessarily be accused of falsehood. They would simply be placed in a structurally inferior position. Their formal right to speak would remain, but the environment in which their speech competes would have been redesigned against them.

This distinction reveals why the phrase “prominence is not censorship” is too simple. Prominence and censorship are not identical, but neither are they unrelated. Censorship is best understood as a spectrum of interventions that reduce the capacity of expression to circulate. At one extreme lies criminal prohibition. At another lies licensing, financial pressure, exclusion from distribution systems, withdrawal of institutional access, or state-directed deprioritization.

A government need not delete a video to weaken its influence. It can require that approved alternatives occupy the positions most likely to be encountered. Since attention is finite, compelled amplification of one source necessarily changes the competitive environment for others. The effect may be diffuse and difficult to measure, but it remains real.

This is especially significant because algorithmic downranking lacks the visible drama of traditional censorship. There is no confiscated manuscript, shuttered printing house, or imprisoned editor. The creator may not know why viewership declined. The audience may never know that other material was available. The intervention becomes nearly invisible because it is embedded in routine interface design.

Such invisibility makes ranking power unusually difficult to contest. A banned author can point to a prohibition. A downranked creator may possess only unexplained statistical decline. The state and the platform can each deny having silenced anyone. The content remains technically accessible, and therefore the system can present itself as fully open.

Yet practical speech has been altered. The manipulation is not located in the existence of the message but in the pathway between the message and the audience.

The digital age therefore requires a broader doctrine of free expression. The state should not be permitted to evade scrutiny merely because it influences distribution rather than publication. Government action that systematically advantages approved speakers within essential communication systems should be examined as a potential burden upon the speech of everyone else.

4. The Manufactured Authority of “Trusted News”

The phrase “trusted news” appears reassuring because trust is associated with accuracy, responsibility, and social stability. Yet trust is ordinarily a judgment made by audiences through experience. When trust becomes a regulatory classification, its meaning changes. It no longer describes confidence that has emerged organically. It becomes a credential conferred through institutional processes.

This transformation is politically consequential. A government-defined class of trusted providers does not merely recognize reputation. It can produce reputation by granting preferred access, repeated exposure, favorable placement, and the symbolic endorsement of official selection. Institutional prominence then becomes evidence of authority, while authority is simultaneously used to justify institutional prominence.

The result is circular. Approved organizations are made more visible because they are treated as trusted, and they are increasingly trusted because they are made more visible. Independent sources are less visible because they lack recognized status, and their lack of visibility can then be interpreted as evidence that they are marginal, unreliable, or socially insignificant.

This dynamic resembles the creation of an informational caste system. At the upper level stand certified institutions whose speech receives a presumption of public value. Beneath them stand uncredentialed speakers who may participate, but without comparable access to the mechanisms through which public legitimacy is created.

The problem is not solved by widening the approved category to include newspapers, local publishers, or selected digital organizations. A larger official list remains an official list. The underlying power still resides in determining who qualifies, what standards apply, how status is renewed, and which conduct can result in exclusion.

Every eligibility system creates boundary cases. A digital investigative outlet may be established but politically disruptive. A local journalist may perform valuable work without belonging to a recognized organization. A specialist may possess greater knowledge than a general broadcaster but lack institutional credentials. A dissident may challenge a consensus that later proves mistaken. A new medium may not fit the categories designed for its predecessors.

Regulators would need to decide whether these speakers deserve protected prominence. Such decisions could not remain purely technical because the concepts involved—trust, accuracy, impartiality, public value, harm, and democratic importance—are inherently contestable. They reflect judgments about evidence, institutional conduct, political legitimacy, and acceptable disagreement.

Even when administrators act in good faith, the system would tend to favor organizations already equipped to satisfy bureaucratic requirements. Large broadcasters employ legal departments, regulatory specialists, standards officers, compliance teams, and established channels of government communication. Independent creators usually do not.

The burden of proving trustworthiness would therefore be uneven. Established institutions would be treated as presumptively legitimate, while challengers would be required to demonstrate that they deserve entry into a category designed around the characteristics of incumbents.

This is one reason the regime would be onerous. It would not merely alter ranking. It would place independent speech under an institutional shadow. Creators would face pressure to imitate the language, procedures, and boundaries of approved organizations in order to appear credible to platforms and regulators.

Such conformity might occur without any explicit order. Platforms anticipating regulatory scrutiny could become increasingly cautious about recommending controversial independent material. Advertisers could prefer certified sources. Search systems could incorporate institutional status into ranking. Creators might soften criticism, avoid sensitive subjects, or abandon unconventional reporting because the probability of reaching an audience had diminished.

The chilling effect would therefore extend beyond those directly downranked. It would influence the behavior of speakers who understand that visibility depends upon appearing compatible with the emerging hierarchy of trust.

The term “trusted news” also obscures the historical reality that major institutions can be mistaken, incomplete, politically influenced, or slow to revise established narratives. Institutional journalism performs indispensable work, but no organization possesses permanent epistemic authority. Errors are not confined to outsiders, just as truth is not confined to licensed institutions.

A free society protects disagreement partly because neither governments nor established media can know in advance which dissenting claim will prove important. The unorthodox speaker may be wrong, reckless, insightful, or prematurely correct. The purpose of open debate is not to presume that all claims are equally sound. It is to prevent political power from fixing the hierarchy of credibility before the contest of evidence has occurred.

5. Orwellian Governance Without Explicit Prohibition

The description “Orwellian” is often used too casually, but it is appropriate when political control is exercised through the management of language, perception, and permissible reality rather than through overt commands alone.

An Orwellian system does not always announce itself as censorship. It describes intervention as safety, guidance, resilience, trust, integrity, or protection from disorder. The vocabulary shifts attention away from the coercive structure and toward the benevolent purpose attributed to it.

A prominence regime could therefore be defended as a mechanism for helping citizens find reliable information. The government would not claim to suppress independent voices. It would say that it was ensuring access to public-service content, strengthening democratic resilience, and protecting audiences during emergencies.

The critical question, however, is not whether the stated goals sound desirable. It is whether the means create an official structure for directing attention toward preferred narrators.

The distinction between propaganda and public information often depends upon who controls selection, framing, repetition, and exclusion. A single government announcement may be legitimate and necessary. A communication environment systematically arranged to favor government-recognized sources is something more consequential. It shapes the background against which citizens decide what is normal, credible, and real.

This does not require broadcasters to publish direct government instructions. Institutional alignment can arise structurally. Public-service organizations depend upon legal charters, regulatory permissions, public funding arrangements, spectrum history, political negotiations, and continuing recognition of their special status. Even when editorial independence is sincerely maintained, these organizations occupy a relationship with the state fundamentally different from that of an independent creator.

Granting them legally protected prominence would deepen that relationship. The state would help secure their access to audiences, while their content would help define the informational baseline presented to those audiences. The arrangement would not necessarily amount to centralized propaganda, but it would create an infrastructure capable of supporting narrative coordination.

The Orwellian danger lies precisely in this ambiguity. The system could remain pluralistic enough to deny that censorship exists while becoming ordered enough to constrain which voices achieve public consequence. Citizens would retain access to alternatives, but only through additional effort. The official or institutionally preferred account would arrive automatically.

This produces a hierarchy between passive and active knowledge. The approved narrative is supplied to the ordinary user. Competing narratives must be deliberately sought. Since most people consume information through convenience, repetition, and default settings, the approved narrative gains a decisive advantage without any need to prohibit its rivals.

Defaults are politically powerful because they govern behavior while preserving nominal choice. A person may technically change a setting, search for another source, or subscribe to an independent channel. But the architecture determines what happens when the person does nothing beyond ordinary use.

A state-influenced default can therefore become a quiet instrument of mass persuasion. It does not compel belief. It organizes exposure.

The regime would be especially troubling during precisely those moments used to justify it: elections, emergencies, wars, public-health crises, and civil unrest. These are the periods when governments face the strongest incentive to stabilize interpretation, minimize dissent, and preserve institutional legitimacy. They are also the periods when independent scrutiny is most necessary.

A framework created to elevate authoritative information during crises could easily become a framework for suppressing uncertainty and narrowing debate. Officials might insist that speed requires reliance upon recognized sources. Platforms might respond by reducing the reach of material that departs from institutional accounts. Corrections might arrive only after the decisive political moment has passed.

The possibility of error is therefore not peripheral. It is central. A prominence system would distribute the consequences of institutional error more widely because it would amplify the institutions already most capable of reaching the public.

When an independent creator is wrong, the error may remain limited. When a state-favored information network is wrong, the error can be standardized across an entire society. The same mechanism designed to protect the public from misinformation can become an efficient distributor of officially validated misinformation.

Orwellianism does not consist merely in the state telling lies. It consists in the construction of systems through which reality is administratively organized. Categories are defined, trusted speakers are designated, preferred accounts are elevated, and dissent remains technically possible while becoming progressively less visible.

The resulting society can truthfully claim that no one has been forbidden to speak. It cannot truthfully claim that speech remains equally free from state-engineered disadvantage.

6. The Economic Suppression of Independent Speech

The free-speech consequences of a prominence regime cannot be separated from the economics of digital publication. Independent creators do not merely use online platforms to express opinions. Many depend upon them for income, professional identity, audience development, and the continued existence of their work. Discoverability is therefore both a communicative resource and an economic resource.

A creator's capacity to continue speaking often depends upon the accumulation of small advantages: appearing in search results, being recommended beside related material, reaching viewers who have not yet subscribed, attracting sufficient watch time to qualify for monetization, and demonstrating enough audience engagement to obtain sponsorship or voluntary support. None of these processes guarantees success, but together they create the possibility of an independent media career.

State-mandated prominence would intervene in this ecology by reserving a greater portion of scarce attention for already established institutions. The resulting harm would not necessarily appear as a direct penalty. No invoice would be sent to the independent creator. No official might announce that a particular channel had been demoted. Instead, views could decline, audience growth could slow, advertising revenue could contract, and new entrants could find it increasingly difficult to become visible.

This is an especially effective form of suppression because it disguises causation. A creator who loses reach may be told that audience preferences have changed, that competition has increased, or that the platform has merely improved its recommendations. The regulatory influence behind the altered distribution may remain opaque. Economic injury is then experienced privately, while the policy that helped produce it is described publicly as a neutral effort to improve trust.

The asymmetry is severe. Public-service broadcasters and large media companies possess established brands, professional production facilities, archives, legal departments, public funding or privileged commercial positions, and access to political institutions. Independent creators frequently possess little more than their time, knowledge, reputation, and relationship with an audience.

A prominence mandate would not correct an imbalance in favor of the weak. It would reinforce the position of incumbents by converting their historical status into a legally supported advantage within the media system that had begun to weaken their dominance.

This represents a form of institutional protectionism. Traditional broadcasters once controlled scarce channels, transmission infrastructure, and scheduled access to audiences. Digital platforms disrupted that arrangement by allowing millions of speakers to publish without first

obtaining permission from a broadcaster. The resulting system is imperfect, commercially manipulated, and highly unequal, but it has nevertheless permitted individuals and small organizations to compete in ways that were previously impossible.

The proposed response to the decline of legacy broadcasting is not simply to improve the quality of public-service programming. It is to alter the distribution system so that those institutions retain a privileged position even after audiences have migrated elsewhere. The state would effectively carry the old hierarchy into the new medium.

This would be analogous to requiring bookstores to place government-approved newspapers at the entrance while consigning independent publications to distant shelves, or requiring search engines to reserve their first results for designated publishers regardless of the user's demonstrated interests. The independent publication would still be available. Yet the structure of encounter would have been politically altered.

Economic suppression can eventually become expressive suppression. A creator who cannot sustain production will publish less frequently, reduce investigative work, avoid expensive subjects, or leave the field entirely. A small digital outlet deprived of discovery may be unable to hire reporters, defend itself legally, or survive a period of controversy. An educator may stop producing specialized material because institutional programming has absorbed the available attention.

The loss does not belong only to the creator. Audiences lose access to voices that would otherwise have developed. Society loses experiments in format, interpretation, education, criticism, and investigation. The damage includes ideas that are never expressed because the conditions required for their expression have been weakened.

Free speech must therefore be understood as an ecosystem rather than a collection of isolated permissions. A government may refrain from prosecuting speakers while still damaging the material conditions that allow independent speech to exist. When regulatory policy systematically transfers attention and revenue toward favored institutions, the state burdens speech indirectly but meaningfully.

The most troubling feature of this burden is that it is cumulative. A small ranking disadvantage applied repeatedly across millions of recommendations can produce a large structural effect. A slight preference for institutional media on each search, feed, homepage, and recommendation panel may gradually concentrate attention, credibility, and revenue within the protected class.

No single decision appears decisive. The aggregate outcome nevertheless may be the reconstruction of media hierarchy under algorithmic conditions.

7. The Creator–Audience Bond as a Political Institution

Independent digital media is often described as entertainment, entrepreneurship, or informal commentary. This language understates its political importance. The relationship between a creator and an audience has become one of the basic institutions of contemporary public life.

The creator–audience bond differs from the older broadcaster–audience relationship. Traditional broadcasting is generally centralized, scheduled, professionally mediated, and largely one-directional. Digital creators often develop through repeated interaction, direct response, visible correction, specialized knowledge, and long-term community formation. Their authority is not automatically granted by a charter, license, or corporate name. It is earned—or lost—through the continuing judgment of viewers.

This does not make independent creators inherently virtuous or accurate. Some are manipulative, sensational, careless, or dishonest. But the relationship they form with audiences is a genuine mechanism of social trust. Viewers may know a creator’s history, methods, strengths, biases, and previous errors more intimately than they know those of a large media organization.

A prominence regime based upon institutional categories risks treating this accumulated relationship as inferior to official recognition. It assumes that trust should flow primarily from institutional status downward rather than from repeated experience upward.

That assumption conflicts with the pluralistic structure of digital knowledge. Different audiences trust different sources for different purposes. A national broadcaster may be useful for election results, while a local resident may provide better information about an unfolding event. A specialist scientist may explain technical evidence more accurately than a general reporter. A dissident journalist may understand a political movement that established institutions have dismissed. A creator with decades of experience may possess no recognized media credential while providing uniquely valuable analysis.

Trust is contextual. It cannot be reduced safely to a permanent label attached to an organization.

The creator–audience bond also contains an important element of accountability. Independent creators can be challenged in comments, corrected publicly, compared with archived claims, abandoned by subscribers, or exposed by competing creators. These mechanisms are imperfect, but they create forms of reputational discipline that differ from formal broadcasting regulation.

Institutional media may possess professional standards and correction procedures, yet it can also diffuse responsibility. A report is produced by an organization, revised by editors, framed by

policy, and presented under a corporate brand. The audience may struggle to identify who made a particular decision or why a specific narrative prevailed.

By contrast, an independent creator often bears personal responsibility for claims. Reputation is closely tied to accuracy and consistency. This can generate both excessive personality cults and meaningful accountability. The point is not that one model is always superior. It is that neither should be granted an automatic monopoly over trust.

Government-engineered prominence would interfere with this plural process of trust formation. It would announce through interface design that some relationships deserve public support while others do not. The designation may be subtle, but repeated placement communicates authority. The viewer learns that certain sources are the normal starting point and that others are optional supplements.

Over time, this can weaken the autonomy of audiences. Citizens become less accustomed to selecting, comparing, and judging sources because the informational environment increasingly performs that judgment for them. The regime may be defended as reducing cognitive burden, but democratic citizenship cannot be reduced to the passive reception of officially optimized information.

A free society requires individuals capable of exercising epistemic responsibility. They must evaluate evidence, recognize uncertainty, compare accounts, revise conclusions, and distinguish institutional prestige from demonstrated truthfulness. These capacities atrophy when public systems continually preselect approved narrators.

The creator–audience relationship is therefore not merely commercial. It is part of the distributed structure through which modern societies think. Weakening it in favor of officially recognized media centralizes not only income but interpretation.

This is why the proposed regime threatens something deeper than creator revenue. It threatens the right of communities to form their own networks of confidence, expertise, and attention without state interference.

8. The Merger of State, Platform, and Institutional Media Power

The modern information environment is already dominated by concentrated power. Large technology companies control the platforms, algorithms, data systems, and advertising networks through which speech circulates. Major broadcasters and publishers possess brand recognition, archives, professional staffs, and privileged access to officials. Governments possess legal authority, regulatory agencies, public funding, intelligence capabilities, and the power to define national priorities.

Each of these institutions can constrain speech independently. Their convergence creates a more serious danger.

The proposed prominence regime would link three forms of authority. The government would define or influence the class of content deserving protection. Platforms would implement the preference through technical systems that most users cannot inspect. Established media institutions would receive enhanced access to audiences under a framework justified by their presumed trustworthiness.

This arrangement creates a closed circuit of legitimacy. The state identifies trusted institutions. Platforms elevate them. Their greater visibility reinforces public recognition. Their recognized status then justifies continued governmental protection.

Independent speakers remain outside the circuit unless admitted through criteria shaped by the institutions already inside it.

Such a system need not involve conspiracy. It can emerge through aligned incentives. Governments want stable narratives and reliable channels during crises. Platforms want regulatory certainty and reduced legal risk. Established media want restored visibility and revenue. Each participant can claim a reasonable institutional goal while the combined structure narrows the range of voices that attain prominence.

This is precisely why structural analysis matters. Political control is not always produced by a single actor issuing commands. It may result from mutually reinforcing arrangements among institutions with different motives.

The platform can claim that it is merely following the law. The government can claim that it does not control individual rankings. The broadcaster can claim that it did not request the suppression of competitors. Yet the independent creator may still be displaced by the cumulative effect of the arrangement.

Responsibility becomes fragmented while power becomes concentrated.

The merger also threatens transparency. Recommendation systems are proprietary and enormously complex. Regulatory negotiations may occur between government departments, broadcasters, and platforms without meaningful public visibility. Compliance could be evaluated through confidential data or aggregate measures. Individual creators might have no practical way to determine whether their content was disadvantaged by a prominence obligation.

A system that affects speech but cannot be independently audited is incompatible with robust democratic accountability. Citizens must be able to know when governmental policy has altered the information they receive. Speakers must be able to challenge discriminatory treatment.

Researchers must be able to examine whether protected prominence has distorted competition, amplified false information, or disadvantaged particular political viewpoints.

Without such transparency, the policy becomes a form of invisible administration. The public sees a feed but not the legal and institutional forces that shaped it.

The danger is intensified by the likelihood of regulatory expansion. Once platforms construct technical infrastructure for classifying sources, identifying preferred institutions, and modifying recommendations in response to government-defined objectives, that infrastructure can be repurposed.

A system initially used to elevate public-service news during emergencies could later be extended to health information, foreign policy, environmental policy, elections, public order, or other categories deemed socially important. The threshold for expansion would be low because the technical and legal precedent would already exist.

Governments rarely describe such expansion as censorship. Each extension is presented as a response to a specific harm. The cumulative result, however, can be an increasingly comprehensive system of managed visibility.

The presence of private platforms does not neutralize this danger. Outsourcing execution to corporations can make state influence harder to recognize. A government may avoid direct censorship by establishing incentives and obligations that lead platforms to perform the filtering.

This arrangement resembles delegated censorship: public authority defines the desired outcome, while private infrastructure determines the precise mechanism. The state retains plausible distance, and the platform retains operational discretion, but the direction of power remains clear.

The proper alternative is not to defend the existing platform algorithms as neutral or just. They are neither. Commercial recommendation systems already manipulate attention, favor engagement, and often privilege large or profitable accounts. But the answer to private concentration is not to fuse it with governmental and institutional-media power.

A genuinely pluralistic reform would seek greater user control, algorithmic transparency, interoperability, meaningful choice among ranking systems, and protection against discrimination based upon political viewpoint or institutional status. It would disperse authority rather than formalize a hierarchy.

The prominence regime points in the opposite direction. It would take an already centralized system and provide the state with a recognized role in determining who should be heard first.

9. Formal Freedom and Effective Freedom

The legal tradition of free expression distinguishes between a right and the restrictions that governments may place upon it. Article 10 of the European Convention on Human Rights, incorporated into UK law through the Human Rights Act 1998, protects not only the freedom to hold opinions but also the freedom to receive and impart information and ideas. It permits restrictions under specified conditions, but those restrictions must be prescribed by law and shown to be necessary in a democratic society.

A prominence regime would present an unusual constitutional problem because it might not operate as a conventional restriction upon any identifiable statement. The government would not necessarily prohibit a speaker from publishing. Instead, it would influence the architecture through which citizens receive information. The possible burden would be distributed across rankings, recommendations, search results, interface positions, and patterns of repeated exposure.

This indirectness should not place the policy beyond free-speech scrutiny. Article 10 protects reception as well as transmission. A communication system deliberately redesigned to favor officially designated sources affects both sides of that relationship. It changes the opportunity of independent speakers to impart ideas and the opportunity of audiences to encounter them through ordinary use.

The legal question would not be whether every platform user possesses an absolute right to a particular recommendation. No such right can reasonably exist. Algorithms must select among more material than any person could consume. Nor does every alteration in ranking amount to a violation of freedom of expression.

The more important question is whether the state may systematically influence those selections in favor of an officially recognized class of speakers without imposing a corresponding burden upon the remainder. That question cannot be answered merely by observing that independent content remains somewhere on the platform.

A government could not plausibly defend a physical distribution policy by saying that a newspaper had not been censored because copies still existed in a locked warehouse. Accessibility in principle is not equivalent to accessibility in practice. Digital environments require the same recognition. A video buried beneath institutionally privileged results may remain available in a technical sense while losing most of its ordinary opportunity to reach an audience.

Effective freedom is not identical to equal visibility. No government can guarantee every speaker the same audience, and popularity cannot be redistributed without creating new forms of compulsion. The state should not be required to manufacture attention for all speakers.

The principle should instead be negative: public authority should not engineer systematic communicative disadvantages according to the institutional identity of the speaker.

This principle preserves the difference between freedom and entitlement. Independent creators are not entitled to guaranteed views, revenue, recommendation, or popularity. They are entitled, however, to an informational environment in which the government does not place its institutional weight behind their competitors merely because those competitors belong to a favored media class.

The distinction resembles the difference between losing a debate and having the seating arrangement predetermined by the government. A speaker may fail because an argument is weak, an audience is uninterested, or competitors are more persuasive. That is an ordinary consequence of expressive freedom. But failure produced by a state-created hierarchy of distribution raises a different concern.

The government may respond that public-service media possesses statutory obligations that independent creators do not share. Broadcasters may be required to provide regional coverage, educational programming, impartial news, accessibility, children's content, emergency information, and culturally significant material. These obligations may justify public funding or other forms of support.

They do not automatically justify preferential placement inside the communicative relationships created by other speakers.

A subsidy supports the production of public-service content. A prominence mandate alters the competitive distribution of attention. The former assists an institution directly. The latter recruits the infrastructure of an entire platform—and indirectly the attention of its users—to sustain the institution's position.

This is particularly important because the UK has already established a narrower prominence framework for designated public-service applications on connected television platforms. Under the Media Act 2024, certain television-selection services can be required to make designated broadcaster applications and their content prominent and easily accessible. Ofcom's implementation work concerns environments such as connected televisions where broadcaster services appear alongside other viewing applications.

The 2026 green paper contemplates movement into a qualitatively different domain. A television interface may reasonably preserve easy access to the principal public-service channels historically supported by broadcasting law. A personalized social-media feed is a continuous competition among individual speakers, organizations, subjects, and forms of expression. Importing statutory prominence into that environment changes the relationship between government and public discourse.

The distinction is comparable to ensuring that a public library contains government publications versus requiring that those publications be placed in front of privately authored works whenever a reader enters. Availability serves access. Mandatory precedence shapes attention.

The danger is greatest when prominence becomes personalized and algorithmic. A visible public-service category on a menu can be recognized and evaluated by the user. A hidden weighting inside a recommendation engine may be impossible to detect. Citizens may not know that a governmental objective influenced what they were shown, what was omitted, or why one source repeatedly appeared before another.

Freedom of expression requires more than nominal abundance when the path through that abundance is politically structured. A society may contain millions of available voices while directing nearly everyone toward the same approved minority.

The resulting order would possess the vocabulary of pluralism and the architecture of managed speech.

10. The Strongest Case for Prominence—and Why It Fails

A serious critique should address the strongest argument for the proposal rather than treating every supporter as an aspiring censor. The government's concern arises from genuine changes in the media environment. Younger audiences increasingly obtain information through social platforms and video services. Public-service broadcasters face declining traditional reach and financial pressure. Commercial algorithms can reward emotional intensity, novelty, outrage, and rapid engagement rather than careful verification. During emergencies or elections, false information can travel faster than responsible correction.

The government therefore argues that citizens should be able to find reliable public-interest information even when platform incentives favor other material. The green paper explores ways to make news from public-service media and other qualifying providers prominent and easy to discover, while the government's announcement specifically identifies the BBC, ITV, STV, Channel 4, S4C, Channel 5, and other providers that might be treated as trustworthy.

This defense cannot simply be dismissed. A democratic society needs institutions capable of maintaining archives, reporting from courts and legislatures, operating foreign bureaus, covering local government, verifying dangerous claims, and providing emergency information. The disappearance of professional journalism would create a serious public loss.

Nor is the existing YouTube system an open marketplace in any simple sense. It is a privately designed attention market whose rules are proprietary, changeable, and directed toward

corporate objectives. Creators already operate under algorithmic governance. YouTube's defense of creator freedom also protects its own control over distribution.

The choice is therefore not between a perfectly free algorithm and government interference. It is between different concentrations of power.

Nevertheless, the prominence proposal fails because its remedy does not correspond precisely to the problem. The unreliability of engagement-driven algorithms does not establish that legacy institutional identity is an adequate substitute for evidence, accuracy, relevance, or audience choice. A broadcaster can produce excellent journalism, ordinary entertainment, shallow commentary, and erroneous reporting under the same organizational name. Institutional status cannot determine the epistemic quality of every item it publishes.

The proposal risks replacing one crude signal with another. Commercial platforms often equate engagement with value. A prominence regime may equate institutional recognition with trust. Neither equation is reliable.

The policy also conflates the protection of public-service functions with the protection of particular organizations. Emergency broadcasting, local reporting, parliamentary coverage, children's programming, and investigative journalism may deserve public support. But the public value resides in the activity, not eternally in the incumbent institution.

A more defensible policy would support the production and open availability of such work without requiring unrelated platforms to favor the entire output of designated providers. Funding a local investigation is different from granting the publisher a permanent advantage in digital discovery. Preserving emergency communication is different from increasing the general recommendation weight of a broadcaster.

The proposal further assumes that institutional media will decline unless its old prominence is reproduced in new environments. That assumption protects organizational continuity rather than necessarily protecting public value. Institutions should not be guaranteed their former share of attention merely because technological change has reduced it.

Newspapers did not receive a right to dominate radio because print readership declined. Radio broadcasters did not receive an unlimited right to dominate online video because scheduled television weakened. Media systems change, and institutions must justify their continued attention through the quality and relevance of their work.

Public-service obligations can warrant public support, but public support should not become a hereditary claim upon future audiences.

The crisis justification is especially vulnerable to expansion. Elections, wars, pandemics, terrorism, civil disorder, natural disasters, and foreign interference can all be described as

periods requiring authoritative information. In practice, modern government operates under a nearly continuous sequence of declared or perceived crises.

A mechanism introduced for exceptional conditions may therefore become ordinary infrastructure. Once established, it would be administratively easier to expand its use than to dismantle it.

The proposal also fails to account adequately for the informational value of dissent during crises. Official accounts are necessarily produced under conditions of uncertainty. Governments possess incomplete information, make strategic judgments, protect confidential sources, and sometimes communicate in ways intended to preserve order. Broadcasters relying upon official briefings can reproduce those limitations.

Independent journalists, witnesses, specialists, and analysts may provide evidence that established institutions overlook or initially reject. Their work can be irresponsible, but it can also reveal institutional error. A policy that reduces their visibility precisely when official narratives are most powerful weakens an essential corrective mechanism.

The state's legitimate need to communicate does not imply a right to preemptively dominate the informational field. Governments already possess press offices, emergency alert systems, public websites, parliamentary platforms, diplomatic channels, and extensive access to major broadcasters. Public-service institutions already possess considerable reach and recognition.

Mandated prominence would add structural amplification to existing institutional advantages.

The defense of local journalism is similarly misdirected. Independent local reporters, community channels, specialist newsletters, and citizen journalists may be among those harmed by a system that preferentially directs attention toward large recognized providers. A policy presented as protecting local information could centralize visibility in national institutions unless eligibility rules are exceptionally broad.

But exceptionally broad rules would create another problem. Regulators would then need to certify thousands of organizations, judge their trustworthiness, monitor compliance, hear appeals, and withdraw status when standards were violated. The system would become a substantial bureaucracy of informational legitimacy.

A narrow category produces exclusion and concentration. A broad category produces administrative complexity and political contestation. Neither resolves the underlying difficulty of converting trust into a governmental classification.

The strongest argument for prominence therefore identifies a genuine problem but proposes the wrong form of remedy. The concentration and opacity of private algorithmic power should

be challenged. The collapse of local journalism should be addressed. Public-service content should remain available. Emergency information should reach citizens rapidly.

None of these goals requires a permanent state-supported hierarchy among lawful speakers.

The appropriate response to opaque private gatekeeping is greater transparency, user sovereignty, and pluralism—not a second layer of gatekeeping operated under public authority. The answer to an algorithm that invisibly favors engagement is not an algorithm that invisibly favors incumbency.

One system commercializes attention. The other politicizes it.

A free society should resist both.

11. A Free-Speech Alternative to Mandatory Prominence

Rejecting a mandatory prominence regime does not require defending the current platform order. YouTube and other major platforms already exercise extraordinary power over visibility. Their recommendation systems are opaque, commercially motivated, unstable, and capable of destroying a creator’s reach without meaningful explanation or appeal. The free-speech objection to governmental prominence therefore should not be mistaken for an endorsement of private algorithmic sovereignty.

The proper objective is to reduce concentrated control over public attention, whether that control is exercised by government agencies, legacy broadcasters, or technology corporations. Reform should disperse power toward users, creators, and competing systems of discovery.

The first principle should be transparency. Platforms should disclose when legal requirements, government requests, public-service obligations, or institutional classifications influence search results and recommendations. A citizen should not encounter a politically structured feed while being led to believe that it reflects only personal preference or organic relevance.

This disclosure should appear at the point of influence. If public-service content has been elevated because of a statutory rule, the interface should say so plainly. Hidden governmental weighting is more dangerous than openly identified public information because invisible intervention prevents users from evaluating the source and purpose of what they are being shown.

The second principle should be genuine user choice. Individuals should be able to select among different recommendation models rather than being confined to a single algorithm controlled by the platform or modified by the state. A user might choose chronological ordering,

subscription-only viewing, topic-based discovery, local reporting, public-service sources, independent creators, or a broadly randomized feed.

These choices should not be buried inside inaccessible settings. They should be intelligible and easy to change. The default should not quietly encode governmental judgments about which institutions deserve priority.

A public-service option could legitimately be offered as one voluntary mode among several. Citizens who value broadcaster curation could select it. Citizens who prefer independent reporting could select another. The essential difference is consent. A chosen public-service feed respects autonomy; a concealed mandatory weighting directs attention without meaningful permission.

The third principle should be institutional neutrality. Government should not require platforms to favor lawful speakers because they belong to a particular organizational class. Public authorities may communicate their own messages, finance public-interest reporting, maintain emergency systems, and support universal access. They should not transform those legitimate functions into a general claim upon the ranking architecture of independent platforms.

Direct support is preferable to indirect displacement. Parliament may choose to fund regional reporting, investigative journalism, educational programming, parliamentary coverage, accessibility services, or emergency communication. Such programs should be administered through transparent rules that do not require suppressing the visibility of competing speakers.

Where public funding is provided, the resulting material should generally be made widely accessible. Public-service journalism could be placed in open archives, licensed for public reuse where appropriate, distributed through standardized feeds, and made available to any platform or citizen wishing to receive it. Availability should be maximized without mandating precedence.

The distinction is fundamental. Government may ensure that important information exists and can be found. It should not ensure that it is encountered before the work of other lawful speakers.

The fourth principle should be protection against coercive informal arrangements. Governments increasingly influence platforms without passing explicit censorship laws. Officials hold private meetings, issue warnings, threaten regulation, publish safety expectations, and encourage voluntary cooperation. Platforms then modify policies while both sides deny that any legal compulsion occurred.

A voluntary agreement reached under a credible threat of legislation may function as regulation without the safeguards of legislation. It can avoid parliamentary scrutiny, judicial review, public debate, and clearly defined limits. Any arrangement through which government seeks changes

to the ranking or recommendation of lawful content should therefore be documented and publicly reviewable.

Officials should be required to disclose the objective sought, the platforms contacted, the categories of content affected, the duration of the request, and the legal authority relied upon. Confidentiality may be necessary in narrowly defined security circumstances, but secrecy should not become the normal method of algorithmic governance.

The fifth principle should be due process for creators. When a platform materially reduces the distribution of lawful content because of a governmental rule, institutional classification, or public-interest intervention, the affected speaker should receive a meaningful explanation. The creator should be able to distinguish ordinary audience decline from deliberate policy-based treatment.

Appeals should not be limited to automated forms or generic statements about community standards. There should be an identifiable decision, an intelligible reason, and a process for correction. Without such safeguards, ranking interventions become unanswerable exercises of power.

The sixth principle should be independent auditing. Platforms should permit qualified researchers to evaluate whether recommendation systems systematically advantage institutional providers, disadvantage particular political perspectives, or impose disproportionate costs upon small creators. Auditing should include aggregate effects, not merely individual removals.

This is necessary because the harm of prominence may be statistical rather than absolute. No single creator may be completely silenced. Yet thousands of creators may each lose a small share of reach, producing a major redistribution of attention toward protected institutions.

An audit must therefore ask not only whether content remains available, but who is shown, how often, under what conditions, and at whose expense.

The seventh principle should be strict separation between emergency communication and ordinary media competition. Governments possess a legitimate responsibility to warn citizens about imminent threats. Emergency alerts concerning natural disasters, attacks, evacuation orders, or immediate public danger may justifiably interrupt ordinary communication.

Such interventions should be narrow, clearly labeled, temporary, and limited to verifiable emergency instructions. They should not become a route for granting general editorial prominence to preferred media organizations.

An emergency message is different from a government-approved interpretation of an emergency. The first may tell citizens that a bridge is closed or that evacuation is required. The

second may attempt to determine which commentary, analysis, or criticism should dominate public understanding. The former can be necessary. The latter enters the domain of political speech.

The eighth principle should be temporal limitation. Any exceptional prominence mechanism should expire automatically unless renewed through an open legislative process. Permanent infrastructures are easily created from temporary fears. Sunset provisions force governments to justify continuation rather than allowing extraordinary measures to become ordinary features of the information system.

The ninth principle should be protection for new entrants. Any media policy claiming to defend pluralism should be evaluated partly by whether a previously unknown speaker can still become visible. A healthy system must permit the emergence of new journalists, educators, artists, commentators, and institutions.

A regime that protects only organizations already recognized by law may preserve the appearance of diversity while preventing its renewal. Cultural and political pluralism depend not merely upon maintaining existing institutions but upon allowing new ones to arise.

The tenth principle should be viewpoint neutrality in the treatment of lawful expression. This does not require platforms to recommend everything equally. It requires that government refrain from advantaging or disadvantaging speech because it supports, challenges, embarrasses, or departs from institutional consensus.

The difficult cases are precisely the ones that require protection. Popular, conventional, and officially endorsed speech rarely needs a free-speech principle. The principle matters when a speaker is obscure, disruptive, uncredentialed, mistaken in some respects, or opposed by powerful institutions.

These reforms would not create a perfectly neutral informational environment. No ranking system can eliminate judgment. But they would make power more visible, contestable, and dispersed. They would move the system away from both corporate absolutism and governmental management.

The fundamental choice is not between regulation and no regulation. It is between regulation that expands individual autonomy and regulation that consolidates institutional control.

A free-speech policy should help citizens decide what to receive. It should not decide for them which institutions deserve to be received first.

12. Conclusion: The Right to Speak in an Age of Managed Attention

The dispute over the United Kingdom's proposed media prominence regime reveals a central problem of twenty-first-century liberty. Speech can remain legally permissible while becoming structurally ineffective. A government no longer needs to ban a publication if it can influence the systems that determine whether the publication is encountered.

This does not make every ranking decision an act of censorship. Attention is scarce, selection is unavoidable, and no creator possesses a right to guaranteed prominence. But compelled institutional preference is different from ordinary selection. When the state uses legal or regulatory authority to elevate an approved class of speakers, it changes the conditions under which everyone else speaks.

The independent creator may still upload. The dissident journalist may still publish. The specialist may still explain. The citizen may still criticize. Yet all may do so beneath a hierarchy designed to favor institutions that the government has designated as especially trustworthy or socially valuable.

This is a degradation of free speech because it preserves expression while weakening its opportunity for reception. It is onerous because the costs fall most heavily upon small speakers who lack alternative distribution systems. It is Orwellian because intervention in the architecture of public consciousness is described as the neutral protection of truth.

The policy's defenders identify genuine problems. Commercial algorithms are opaque. Falsehood can spread rapidly. Local journalism is financially vulnerable. Public-service broadcasters perform valuable functions. Citizens need reliable information during emergencies and elections.

But a legitimate concern does not validate every remedy. The existence of private algorithmic manipulation does not justify governmental ranking privilege. The fallibility of independent media does not establish the permanent authority of legacy institutions. The need for public information does not create a state right to organize the order in which lawful opinions are encountered.

The proposal risks carrying the hierarchy of twentieth-century broadcasting into the digital public sphere. Institutions that once benefited from scarce channels would receive protected status within a medium whose principal democratic innovation was the ability of individuals to reach audiences without first passing through those institutions.

The creator economy is not merely an economic sector. It is an expressive order. It has enabled experts, witnesses, educators, artists, dissidents, local reporters, and unconventional thinkers to construct direct relationships with audiences. Much of its content is trivial, misleading, or

commercially manipulative. Much of traditional media is also trivial, misleading, or commercially constrained. The answer is not to grant either class presumptive sovereignty over truth.

Truth is not produced by institutional designation. It emerges imperfectly through evidence, criticism, comparison, correction, and the continuing possibility that an outsider may challenge an established account.

A government that decides who should be prominent inevitably influences what society considers credible. A platform that secretly implements that decision turns political judgment into technological environment. A broadcaster that benefits from the arrangement acquires authority partly through legal privilege rather than audience choice.

Together, these forces can create a system in which no one appears to censor and yet the public field becomes increasingly managed.

The most important danger is the precedent. Once the principle of mandatory prominence is accepted, the protected categories can expand. News may be followed by health information, election information, foreign-policy information, climate information, public-order information, or any other field declared vulnerable to harmful narratives.

The infrastructure required to identify approved sources and alter recommendations would already exist. Future governments would inherit it. They might use it more aggressively, under broader definitions, during more politically charged circumstances.

Free-speech safeguards must therefore be designed not only for the intentions of the present government but for the capabilities made available to every government that follows.

The appropriate principle is clear:

Government may ensure that public information is available, but it should not engineer a permanent hierarchy of lawful speakers.

Public-service media can be funded without being algorithmically enthroned. Emergency information can be delivered without granting general editorial privilege. Platforms can be regulated for transparency and user choice without being instructed to favor government-recognized institutions. Journalism can be supported without suppressing the discovery of independent journalism.

The freedom to speak has always depended partly upon the freedom to reach others. In the digital age, that connection is mediated by algorithms. Control of those algorithms is therefore a constitutional question in substance even when it is presented as a technical question of media policy.

The printing press could be seized visibly. The broadcast license could be revoked formally. The digital speaker can be marginalized silently.

That silence is precisely why prominence requires scrutiny.

A society does not remain fully free merely because forbidden books have been replaced by undiscoverable videos, or because censorship orders have been replaced by invisible ranking weights. Liberty cannot be measured only by whether words remain stored on a server. It must also consider whether citizens retain meaningful freedom to encounter, evaluate, and choose among them.

The alternative to misinformation is not officially managed visibility. It is an open informational order in which power is disclosed, audiences retain control, institutions remain contestable, and no lawful speaker is placed at a systematic disadvantage by the state.

Freedom of speech in the algorithmic age must therefore include freedom from state-engineered prominence.

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