

SURVEY ARTICLE

On citizens' right to information: Justification and analysis of the democratic right to be well informed

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I | INTRODUCTION

One of the crucial questions that lawyers, philosophers, politicians, and journalists struggled with during the twentieth century was how to “guarantee that informative and accurate news would flow to the public through the press.”¹ Traditional answers to this question assumed that the key to a well-informed citizenry lay within *speech rights*. The idea was that speech rights would create a rich flow of information from which diligent citizens could learn the important facts and form their own views about public issues.

However, in digital democracies, speech rights are very well entrenched, yet many people are still largely uninformed. To be sure, ignorance is sometimes the result of negligence, but it is undeniable that citizens are often the victims of disinformation campaigns, fake news, and personalized online propaganda. These phenomena make it difficult to understand public issues even if one is disposed to do so. And, importantly, they seem to confirm what scholars like Lebovic himself—but also Lippmann or Habermas—have lamented: speech rights are not enough to guarantee that the public receives an adequate supply of news. The traditional answer to Lebovic's question is, then, at least partially incorrect.

Drawing on these insights, this article shifts the focus from *speech rights* towards the *rights of the public*, and argues that, if we want to guarantee that an adequate supply of news reaches the public, we need to start taking more seriously the idea that citizens have a right to be well informed. As I will show, this idea repeatedly appears in journalism theory and practice, as well as in democratic and legal theory, but it remains a somewhat vague notion: it is not clear what it might mean, nor what

¹Lebovic 2016, p. 2.

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its normative implications could be. This article aims to fill this conceptual gap by conceptualizing what I will call *citizens' right to information* (henceforth CRI).

One motivation for theorizing CRI is to show that a positive right of the citizenry to be provided with quality news is—contrary to appearances—fully compatible with free speech and journalistic freedoms. The key here lies in conceiving this as a *moral* right which imposes *moral*—but not legal—obligations on journalists while, at the same time, compelling the state to foster quality journalism through adequate media policies. Seen in this light, CRI may become a useful landmark whose conceptual clarification could illuminate other discussions, such as journalism ethics. Indeed, it seems that journalists' special democratic rights and duties could hardly be explained without assuming something like CRI. Moreover, CRI might illuminate the discussion on what journalism can mean in our digital era—in which the line separating professional journalists from lay citizens is increasingly blurred—by linking the profession to an ethical commitment to provide citizens with the information they, as such, have a right to. Finally, the concept of CRI might also be useful to guide the discussion of alternative models for quality journalism, which has been recently sparked by the collapse of the traditional advertisement-based funding system. After all, such discussion—just as that of media policy, including Lebovics's question—could be seen as a debate on what is the best way to provide citizens the informational service they have a right to. Of course, all these discussions can be only superficially addressed here. But by connecting them to CRI, this article will offer a perspective to look at them afresh.

The article is structured as follows. Section II lays the groundwork for a democratic right to be well informed, by reviewing previous appearances of this idea, and by contextualizing it within the map of communication rights. Section III offers a systematic framework for justifying and conceptualizing CRI. After showing four possible ways to justify this right, I proceed to spell out its four main characteristics. First, its function is to ensure that citizens are provided with a good informational service that enables them to become well informed and therefore competent political decision-makers. Second, and consequently, its right-holders are all those with participatory rights. Third, its content is not what people want to know, or any kind of information about politics, but specifically information that is useful for updating political knowledge (that is, *democratically relevant* information). Finally, its two main correlative duties apply, respectively, to journalists and to the state.

These two last characteristics—the content and the correlative duties of CRI—are highly controversial: any complete answer to them requires committing to contested normative claims about democracy. My strategy for navigating these difficulties is to draw a distinction between the general concept of CRI and its different conceptions. The general concept, I contend, concerns the democratic, moral, and positive right of citizens to be offered democratically relevant information. As I will argue, accepting this general concept does not require endorsing any contested claims about democracy. It is only when we try to fine-tune the content or the correlative duties of CRI that we need to take sides on issues upon which disagreement abounds. Each one of

these specific, but controversial, definitions of CRI constitutes one plausible conception of this right. This article, I have to say, will not identify—much less defend—any of these conceptions. Rather, its purpose is just to lay out an analytical framework for further discussion, about both the concept and the different conceptions of CRI.

Despite being incomplete, this analysis will be enough to distinguish the right to be well informed from two other rights with which it is often confounded: freedom of information and the public's right to know.

II | CONTEXTUALIZING THE RIGHT TO BE WELL INFORMED

The idea that citizens have a right to receive democratically relevant information is well established in democratic societies. It repeatedly appears in journalism theory and practice, as well as in democratic and legal theory, albeit under different names. In this section, I first offer a brief overview of these appearances, which—despite using different nomenclature—share the intuition that citizens have a right to be well informed. I then locate this idea on the map of communication rights, defining it as a right of the public, rather than as a speech right.

II.1 | Previous appearances

The field of journalism is where the idea of a citizens' right to information has had the most clear and persistent influence. Journalists often justify their more controversial activities, such as whistleblowing or intruding on individuals' privacy, by appealing to citizens' interest in being—or their right to be—well informed. Such journalistic practice is supported by most professional codes of ethics, which often present public service as the profession's main value. What is more, empirical research on journalists' self-perception shows that they usually think of themselves primarily as public servants who work for citizens, rather than for their actual employers, which are often private companies.²

Journalism theory echoes this idea. Scholars tend to agree that the profession's core element is its ethical commitment to informing citizens of what they *need* to know to become competent political decision-makers, rather than of what they are merely curious about, or have a private interest in knowing.³ As Elliot and Ozar point out, journalism is not usually conceived as serving *mere* audiences, but rather as providing a service to the entire political community: that is, to the collection of individuals who deal with public matters. Thus, unlike other professionals such as doctors or teachers, journalists are not committed to serving particular individuals or specific groups of people, but rather the citizenry at large.⁴ This explains why, according to most theorists, journalists ought to treat their audiences as citizens

²Deuze 2005; Weaver and Willnat 2012.

³Frost 2011, chs 2–3; McManus 1994; Sanders 2003.

⁴Elliot and Ozar 2010, pp. 9–24.

rather than as consumers. What is probably the most famous formulation of journalism's basic tenet was coined by Kovach and Rosenstiel, who claim: "The primary purpose of journalism is to provide citizens with the information they need to be free and self-governing."⁵ Often, this predominant view of journalism explicitly invokes the idea of a right, as when Pamela Taylor Jackson claims that "[j]ournalism represents a right to public interest news and information."⁶

Legal scholars and rights theorists have also entertained the idea of a citizen's right to information. Sam Lebovic, for example, refers to "the right to the news" as the right we need to protect if we are to solve the problem of how to adequately inform the public.⁷ More recently, Rowan Cruft has appealed to a human right "to education, specifically about current matters of public interest".⁸ Although his approach to this right is incidental (as he only invokes it in order to ground journalism as a human right in itself), Cruft makes clear that, for him, citizens have a right to be well informed. In fact, he claims that journalists' rights and duties "correlate with human rights to the provision of (good) journalism."⁹

Before Lebovic and Cruft appealed respectively to the right to the news and to the right to good journalism, free speech theorist Owen Fiss defended what he calls the "democratic theory of the First Amendment", which similarly appeals to "the public's right to know and *to be informed*".¹⁰ Legal scholar Stephen Sedley, for his part, has lamented that despite juridical rhetoric appeals to the public's interests, free speech and free press practice often focuses exclusively on protecting communicators' interests. Along similar lines, Sedley holds that whenever something is worth knowing, the interested audience may have a right to receive such information, even if they are unaware of that information's existence.¹¹ One might argue, then, that just as patients have a right to be informed by their doctor, citizens have a right to be informed by journalists. Note that in both cases the right-holders are unaware of what information they have a right to be provided with.

Legal scholar Mark Bovens also invoked citizens' right to be well informed when he argued that twenty-first-century citizens need new information rights. Among these, what he calls "tertiary information rights" would regulate horizontal relations between citizens and other private entities, which might be required to disclose information of crucial importance for citizens qua citizens. That information, which "should remain reasonably accessible to each and every citizen," may include things such as art collections, national events, sports, or cultural manifestations, but—importantly—also "news items".¹²

⁵Kovach and Rosenstiel 2014, p. 14; cf. Charity 1995, pp. 2–20; Rosen 2001, p. 262.

⁶Jackson 2009, p. 149, my emphasis.

⁷See Lebovic 2016, pp. 2, 5, 6, 226, 240, 241, 249.

⁸Cruft 2022, p. 365.

⁹Ibid., p. 367.

¹⁰Fiss 1996, p. 44, my emphasis.

¹¹Sedley 2000, esp. pp. 240–1.

¹²Bovens 2002, p. 336.

Democratic theory has also long held the idea that citizens should be properly informed.¹³ Of course, democratic theorists disagree on the quantity and quality of citizens' informational needs.¹⁴ However, they agree that for democracy to work properly, citizens need to be provided with quality information about certain relevant issues. Jürgen Habermas and Robert Dahl, two champions of democratic theory, might be taken as illustrative examples of this point.

In Habermas's deliberative conception of democracy, decisions are only legitimate if they are the result of a rational discussion through which citizens transform their "mere opinions" into "reflected public opinions", or—as he calls them elsewhere—"considered public opinions".¹⁵ For citizens to acquire these public opinions, Habermas argues, professional journalists should offer them the news, reports, and commentaries they need *as citizens*.¹⁶ As he puts it, "audiences are not only consumers, that is, market participants, but also citizens who have a *right* to partake in culture, to follow political events, and to be involved in the formation of political opinions."¹⁷ These considerations lead Habermas both to criticize news media for wasting people's attention on irrelevant issues, and to defend interventionist media policies.¹⁸

In a similar vein, Dahl finds it unquestionable that, to be competent, citizens need political and social institutions that help them become so. For Dahl, "[o]pportunities to gain an enlightened understanding of public matters is not just part of the definition of democracy. They are a requirement for democracy".¹⁹ Indeed, according to Dahl, one of the fundamental principles of democracy is precisely "enlightened understanding", which states that "each member must have equal and effective opportunities for learning about the relevant alternative policies and their likely consequences".²⁰

Enlightened understanding would be satisfied, in principle, by three basic institutions of democracy: freedom of expression, freedom of association, and the existence of alternative sources of information.²¹ Dahl, however, is aware that these institutions, created during the nineteenth and twentieth centuries, might no longer be an efficient way to promote enlightened understanding in the twenty-first century. "If this is so," he adds, "then democratic countries will need to create new institutions to supplement the old ones."²²

¹³Brown 1996; Rapeli 2014.

¹⁴For a classification of various democratic theories according to their epistemic demands, see Kelly (2012, ch. 2) or Somin (2013, pp. 38–53).

¹⁵Habermas, respectively, 2009, chs 8–9, and 2006.

¹⁶Habermas 2006, p. 416.

¹⁷Habermas 2009, p. 133, my emphasis.

¹⁸See Habermas 2006; 1996, p. 377. See also Section II.V below.

¹⁹Dahl 1998, p. 79.

²⁰Ibid., p. 37.

²¹Ibid., p. 86.

²²Ibid., p. 80.

Dahl here opens the door for deep structural reforms that would adapt our democracies to the specific challenges that our present century poses to relevant information-gathering processes. Remarkably, at the very beginning of the digital revolution, Dahl foresaw the need for new institutions to tackle what would eventually become known as “information disorder”: the huge amount of available information, much of which is indifferent or even detrimental to enlightened understanding.²³ Given the increased availability of information, he contends, democratic countries must “improve citizens’ capacities to engage intelligently in political life,” which would require enhancing old institutions with “new means for civic education, political participation, information, and deliberation.”²⁴

The assumption that, in a democracy, citizens need to be well informed, leads both Dahl and Habermas to struggle with Lebovic’s question about how to guarantee that informative and accurate news flows to the public. Neither of them gives a clear answer to this question, but both are keen to accept institutional reforms, precisely on the basis of what might be called citizens’ right to be well informed.

Indeed, regardless of whether they come from the field of journalism or from the theories of law, rights, or democracy, all previous reflections point towards a right of citizens to be offered the information they need to become well informed. This right is not always explicitly invoked, and when it is invoked, it receives different names—the “right to good journalism”, “right to the news”, or simply “right to information”. Behind this apparent diversity, however, there is a shared intuition: unless citizens are aided in their information-gathering processes, they will not be able to become well informed. And if that happens, the intuition goes, we cannot expect democracy to work well. As James Madison wrote, “[a] popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both.”²⁵ Hence the belief that citizens must be offered the information they need to become well informed.

It is not fully clear, though, what a democratic right to be well informed might mean or imply, for no sufficiently systematic analysis of this right has yet been carried out. However, previous appearances of this idea offer illuminating insights. For instance, by affirming that democracy cannot work well unless citizens are offered quality news, they point towards its grounds. When they suggest that the information that matters is not what one might *want* to know, but what one, as a citizen, *needs* to know, they offer a crucial hint about its content. Similarly, when authors like Cruft, Dahl, or Habermas identify plausible implications that might follow from this right, they offer clues about which duties might correlate to it. In the remainder of this article, I will draw from these insights, and I will lay out a systematic framework for both justifying and analyzing this right, which I will

²³*Ibid.*, p. 187; cf. Wardle and Derakhshan 2017.

²⁴Dahl 1998, pp. 187–8.

²⁵Letter to W. T. Barry (Aug. 4, 1822), quoted in Baker 2001, p. 125.

call *citizens' right to information* (CRI). My first step will be to locate CRI on the map of communication rights.

II.II | A map of communication rights

To make sense of the right to be well informed, the first step is to understand its place in what Emerson calls the “whole system of freedom of expression”: that is, the set of rights that regulate the exchange of information, opinions, and ideas.²⁶ According to Emerson, this system includes two sides: the right to communicate and the right to know, each of which encompasses several further rights.²⁷ Inspired by Emerson, but departing from his terminology, here I propose to classify communication rights into the following two categories, each defined by the role the right-holder plays in the communication process.

COMMUNICATION RIGHTS	
<i>Speech Rights</i>	<i>Rights of the Public</i>
Freedom of Expression	Freedom of Information (FOI)
Freedom of the Press	The Public's Right to Know (PRK)
Right to Communicate	Citizens' Right to Information (CRI)

The first category of communication rights consists of *speech rights*. These are rights whose right-holders are conceived as the emitters of information, opinions, and ideas—that is, those who send or transmit most of the content in the communication regulated by the right. Among these rights, we may include rights such as freedom of expression, freedom of the press, and the right to communicate. The second category of communication rights consists of *rights of the public*. These are rights whose right-holders are conceived as the addressees of content—that is, the audience or the public who receives the information, opinions, or ideas. It is this latter category to which CRI belongs, and on which I will therefore focus.²⁸

To better illustrate the distinctiveness of CRI, let me first briefly present the two best-known rights of the public, which will serve as points of comparison. The first of these rights is *freedom of information* (FOI). Strictly speaking, FOI is not a freedom, but rather a claim-right to access documents and information held by public institutions. Its name is owed to the influential US Freedom of Information Act, which since 1966 has inspired legislation on institutional transparency around the world.²⁹

The other best-known right of the public is *the public's right to know* (PRK). This right is often conceived as a general and unqualified entitlement to information that

²⁶Emerson 1976, p. 2.

²⁷Ibid.

²⁸Note that this distinction between speech rights and rights of the public is not based on the kind of rights that the right-holder has or may have, but on the *role* that she occupies in the conversation.

²⁹Bull and Corder 2012.

is of interest to the right-holder. It includes, as Emerson puts it, “[f]irst, the right to read, to listen, to see, and to otherwise receive communications; and second, the right to obtain information as a basis for transmitting ideas or facts to others”.³⁰ The fact that the public's right to know is of such a “seemingly unlimited nature”³¹ might explain the pervasive disagreements about what this right might actually mean; Maciejewski and Ozar, for instance, have identified twelve different interpretations.³² To simplify things, I will distinguish only two different, but interconnected, meanings usually attributed—often without sufficient explanation—to the phrase “the public's right to know”.

In its *wide* sense, “the public's right to know” is used for the whole category of rights of the public, and might thus be taken as referring to a principle or a very general right encompassing all the other more specific rights of the public. When used in this wide sense, “the public's right to know” is often indistinctly employed to also name specific rights of the public within it, such as FOI or, as we saw in Section II.I CRI, which are conceived as specific instances of it.³³ To avoid possible misunderstandings deriving from this usage, in the following I will refrain from using the term in this wide sense. Instead, I will use “rights of the public” to name the set of rights whose right-holders are conceived as an audience. I will speak of *the public's right to know* (PRK) only in the *narrow* sense of the term. In this sense, the PRK is the entitlement to search, access, and receive the information needed to develop and exercise one's conception of the good. In this narrow sense, the PRK is just one specific right of the public among others, such as FOI and CRI. Even so, the PRK remains—even in this narrow sense—rather a wide right, at least in comparison to other rights of the public. This will become clearer when I address the question of content.

So far, I have reviewed previous appearances of the idea of a democratic right to be well informed. I have also identified the side of the system of communication rights where it belongs, alongside other rights of the public such as FOI and the PRK. However, this is still insufficient for clarifying what a democratic right to be well informed could actually mean. In the following section, I will take the first steps towards such a clarification.

III | CITIZENS' RIGHT TO INFORMATION: A FRAMEWORK FOR CONCEPTUAL ANALYSIS

Against the backdrop of the previous section, in the remainder of this article I will put forward a systematic framework for both justifying and analyzing CRI. This framework comprises five features: grounds, function, right-holders, content, and

³⁰Emerson 1976, p. 2.

³¹Gauthier 1999, p. 199.

³²Maciejewski and Ozar 2005.

³³See e.g. Schudson 2015; Watson 2021.

correlative duties. In spelling out these traits, I will compare CRI to other communication rights, which will help not only to better clarify it, but also to shed light on its difference from these other rights—further emphasizing the existing conceptual gap within communication rights.

III.I | Grounds

In this subsection, I will present two ways in which CRI might be justified. In both cases I will first indicate a general way to justify rights. Then I will apply this strategy to the case of CRI.

The first strategy for justifying a right is to show that there are interests important enough to hold someone to certain duties which, if observed, would protect those interests.³⁴ An important caveat is in order here: rights do not only protect their right-holders' interests. Indeed, sometimes the most important interest served by a right is the interest of a third party, or the common interest of society as a whole, which would be *indirectly* protected by the *direct* protection of the right-holder's interest.³⁵ On this view, for instance, the right to parental leave would be mostly grounded not in any interest of parents, but rather in newborns' interest in being cared for, or in the common interest of a society in its new generations being cared for. Similarly, journalists' right to withhold their sources of information would not rest so much on journalists' interests in keeping their sources secret, but rather on “the interest of all in the free circulation of information which is of public interest,” or on the “usefulness [of this right] to members of the public at large”.³⁶

As these quotes show, communication rights are not alien to the complex relation linking rights and interests. Scanlon shed some light on this intricate relation when he famously argued that freedom of expression protects three kinds of interests. According to him, freedom of expression protects the interests of its right-holders—or, as he calls them, the “participants”—but it also protects the interests of those to whom content is addressed—that is, the “audience”—and of those who might be indirectly affected by the exchange of content—that is, “bystanders”.³⁷

Keeping these complexities in mind, CRI can be justified by appealing to at least two important interests, one of the right-holders, and another of third parties. The first is the interest that every citizen has in becoming well informed, in order to be able to competently advance her own political views. In short, citizens need informative and truthful news in order to understand what political option is best for them. Most references to CRI—some of which I mentioned above—appeal to this individual interest.

³⁴Raz 1988, p. 166.

³⁵See Raz 1995, esp. ch. 3. Cf. Buchanan 2013, pp. 59–64. For criticism of Raz's theory of rights, see Kamm 2007, pp. 244–8; Sreevinasan 2005, esp. pp. 265–7.

³⁶Raz 1995, pp. 248, 179.

³⁷Scanlon 1978.

The second grounding interest of CRI is the interest that every citizen has in her fellows being well informed, so that they do not advance harmful or unjust policies. Note that this line of justification grounds CRI not in any interest of the right-holders themselves, but rather in one of third parties: each citizen's right is grounded in the interest that each of her fellow citizens has in her being well informed. This interest that we have vis-à-vis other citizens arises from the fact that in democracy we face the consequences of choices which, despite their ability to deeply affect our rights and well-being, are promoted by a body of citizens on whom our individual influence is fairly insignificant. Given our vulnerability before the body politic, every one of us has a strong interest in each of our fellows becoming well informed, so that they make sensible choices and avoid promoting harmful or unjust policies.

The second general way of justifying rights does not appeal to interests, at least not directly. Instead, it appeals to other rights. This process—known as *linkage argumentation*—consists in showing that the proper enjoyment of an already justified right is impossible unless another right is granted too. This instrumental right is then justified as a necessary—or at least a very important—condition for the meaningful enjoyment of another right.³⁸ CRI could be justified along these lines by at least two linkage arguments, as follows.

The first starts from the assumption that we have a right to live in democracy, and then argues that having a right to be provided with information about public issues is necessary—or at least very important—for preserving democracy. It is hard to see how democracy could function properly, or even how it could last, if citizens were unable to access a supply of informative and truthful news. A largely uninformed citizenry, unprotected against misinformation and fake news, might easily fall prey to demagogues and end up favoring policies that undermine basic democratic values. What is more, manipulated citizens might easily be misled into choosing undemocratic leaders who attempt to overthrow democracy by subverting the institutional order. An unaware citizenry might not detect these subversive tactics until it is too late, and for that reason, if we have a right to live in a democracy, then we also need a democratic right to be well informed.

The second linkage argument derives CRI from political rights, such as the rights to vote and to demonstrate.³⁹ The core of this argument is that political decisions cannot be considered autonomous—and therefore the exercise of political rights cannot be meaningful—unless citizens are given a fair chance to inform themselves and reflect on what is best. The value of a choice resides in its expressing the autonomy of an agent who chooses freely. As Scanlon says, “lack of information (or false belief) can render a choice involuntary in the relevant sense, undermining its legitimating force”.⁴⁰ For this reason, a meaningful exercise of

³⁸See Nickel 2008.

³⁹Note that having a right to live in a democracy is not the same as having political rights, since not everyone who lives in a democracy has political rights (consider e.g. children and foreign residents).

⁴⁰Scanlon 2013, p.10.

political rights requires that citizens can easily access an adequate supply of informative news—just as CRI states—so that their decisions express their autonomous choices rather than manufactured or ill-formed preferences. As Levitsky and Ziblatt claim, “[c]itizens have a basic right to information in a democracy,” because “[w]ithout credible information about what our elected leaders do, we cannot effectively exercise our right to vote.”⁴¹ Of course, having a right to be well informed does not entail *becoming* well informed. It merely entails a fair chance to do so. But that fair chance makes a crucial difference, for an uninformed vote has a very different value depending on whether the voter could or could not have informed herself.

In sum, CRI can be justified in at least four different ways, depending on whether one appeals to its (individual or collective) grounding interests, to the right to live in a democracy, or to political rights. A complete exploration of these lines of justification, their problems, and their compatibility, remains to be done. For now, let's focus on the main traits of CRI.

III.II | Function

As can be inferred from its previous appearances in different disciplines, the function of CRI is to promote the ideal of a well-informed citizenry as a means to further a well-functioning democracy. As a right of the public, its specific purpose is to guarantee that citizens are provided with the information that they need to become competent enough to carry out their democratic duties and make well-grounded political decisions.

This suggests that CRI resembles *political rights* or, more specifically, *democratic rights*. Political rights are those which are constitutive of a specific form of government, in that they make it possible. Democratic rights are the subgroup of political rights that make *democratic* government possible. The right to vote, freedom of assembly, and freedom of the press are usually included among them.⁴² Given the democratic function served by CRI, we have good reasons to include it within the category of democratic rights.

To further clarify the specificity of this function, let me contrast it with the functions served by the other two best-known rights of the public.

The function of FOI is to promote transparency: that is, to enable citizens to learn about the administration so that they can understand it and hold it accountable. To be sure, transparency is a necessary condition for having a well-informed citizenry: if citizens could not learn about the administration, then they could hardly be competent political decision-makers. However, CRI does not aim to create a transparent administration. Instead, it aims to promote knowledge about the issues that are worth knowing for citizens *qua* citizens, regardless of whether

⁴¹Levitsky and Ziblatt 2018, p. 199.

⁴²González-Ricoy 2013, p. 274.

those issues impinge upon the actions of the administration. This function presupposes that information about public institutions is generally available, but it is conceptually different from the function of promoting transparency. Indeed, it goes beyond that.

Let me illustrate this difference with an example. During the Covid crisis, FOI gave citizens a right to access official documents and data, such as the contracts signed for purchasing vaccines. CRI, in contrast, entitled them to receive assistance in understanding the whole pandemic, so that they could know what decisions should be taken, and favor those decisions. Of course, this might require learning about some of the documents and data of the government, such as vaccine purchase contracts, but also about other things unrelated to the administration, such as the nature of the virus.

The PRK serves a different function too. In this case, though, it is a much wider one. The PRK aims to ensure that citizens can access any information they may find interesting or useful. As Gauthier says, “the purpose of the people’s right to know is to make informed decision-making possible so that citizens may exercise constitutionally protected rights.”⁴³ Obviously, constitutionally protected rights go beyond democratic rights, and therefore the kinds of decisions that the PRK would help citizens to make wisely are not only democratic decisions, but decisions of any kind.

The difference between the function each right serves might be expressed in Rawlsian terms by saying that, while the goal of the PRK is to allow citizens to search and access any information they may want for developing and exercising their conceptions of the good, CRI aims only to ensure that citizens are provided with the information they need to exercise their sense of justice.⁴⁴ This suggests that the function served by the PRK is too broad to single out the information that citizens need *as citizens*, for an individual is—in virtue of the PRK—*prima facie* entitled to any information she wants to know just by the fact that such information is of interest or use to her. For example, if I want to learn German, then I am entitled by the PRK to search and access information about different language schools. A *positive* conception of the PRK might even entitle me to be offered that information. In both cases, this right would assist me in choosing wisely, but the choice between language schools can hardly be considered a political decision, and it would be odd to claim that learning German (or about language schools) is part of what having an informed citizenry takes.

I will further illuminate the difference between these three rights when I address the question of content.

III.III | Right-holders

The second relatively uncontroversial question regarding CRI is that of who its right-holders are. Taking our cue from the above discussion about its function, it

⁴³Gauthier 1999, p. 198.

⁴⁴I thank an anonymous referee for suggesting this way to contrast both rights.

seems reasonable to think that every citizen should be entitled to this right. Since the purpose of CRI is to promote adequate political decision-making, at least those with participatory rights should be entitled to CRI. At the same time, it might seem reasonable *not* to grant this right to those lacking full participatory rights, such as children or temporary residents.

This *prima facie* limit is conceptually dependent on the concession of political rights. Once the boundary of political rights is moved to include (or exclude) some subjects in (or from) the demos, these subjects should *prima facie* be granted (or deprived of) CRI. Such a limit might nevertheless be loosened in some cases. The clearest example is that of minors who are close to coming of age. It seems reasonable to let them enjoy the benefits of CRI even before they acquire full political rights, as this will help them to be well informed when they cast their first vote. This and similar considerations may justify extending CRI to groups which might initially seem unqualified. I will not delve into these questions here, however. Instead, let me clarify something about the character of right-holders in the case of CRI.

Citizens, as right-holders of CRI, are conceived as a *passive audience*. In this respect, CRI clearly differs from speech rights, whose right-holders are conceived as content creators rather than as an audience. But, importantly, here CRI also differs from other rights of the public which conceive of their right-holders as *active* audiences. Think of FOI, whose right-holders are thought of as claimants of information in which they have a specific interest. In FOI regimes, whoever makes a request usually needs to identify which document or data she wants to receive, and sometimes she even has to justify her interest in receiving it. Quite to the contrary, in the case of CRI audiences are not expected to select the information they are to be provided with, nor are they expected to request it through any burdensome process. Instead, the assumption is that there should be an agency (the press) that gathers information, selects the most relevant portion of it, and provides it to citizens, without asking them to make much effort.

The assumption that, as right-holders, citizens are passive audiences does not commit CRI to any anti-participatory version of democracy. It simply corresponds to the so-called “communicative division of labor.”⁴⁵ According to this social strategy, in mass democracies the division of labor in public opinion formation processes is unevenly distributed: while only a few people specialize in participating actively in public discussions, most of the citizenry follows these discussions as spectators, through the media. Of course, any citizen might intervene in these mediated discussions, especially after the digital revolution, but given the size and complexity of mass democracies it seems unavoidable that most of the time, most people follow—rather than lead—the mediated discussions that shape public opinion.

⁴⁵Bohman 2000.

III.IV | Content

So far, I have analyzed three traits of CRI which do not commit us to endorsing any specific normative conception of democracy. In the two following subsections, I will analyze two controversial traits. These are questions which, to be answered precisely, require adhering to a specific normative conception of democracy. Since I cannot justify any such commitment here, my aim instead will be to answer these questions in a way that delineates the general concept of CRI. I will leave for another occasion any in-depth discussion of the alternative conceptions favored by different models of democracy.

The first truly controversial question about CRI is that of its content. Although several authors have asked what information citizens should be provided with in order to become well informed,⁴⁶ very few have dared attempt to answer this question in detail.⁴⁷ In this subsection, I will offer a general and incomplete, yet informative, answer to this question. Roughly, my answer is that the content of CRI includes the information that would best update citizens' political knowledge: information which I refer to as *democratically relevant information*. The three following clarifications may help to flesh out this apparently vague answer.

First, note that this general answer imposes a clear limit on the content of CRI, for it implies that it does not grant an entitlement to every kind of information, not even to all information about political issues or—as it is often called—*political information*. It might be true, as Carpini and Keeter famously say, that “[p]olitical information is to democratic politics what money is to economics: it is the currency of citizenship.”⁴⁸ After all, information about political issues is one of the main sources of democratically relevant information. Nevertheless, these two categories overlap only partially. On the one hand, there is political information—that is, information about politics—which is democratically irrelevant, such as distracting political news. On the other hand, there is information of democratic relevance which is not strictly about politics, such as scientific facts about climate change.

What is more, the category of democratically relevant information does not include all information that contributes to political knowledge, but, as I previously mentioned, only that which would best *update* it. This limit corresponds to a division of labor in modern democracies between educational and informational institutions. According to this division, educational institutions, like the school or the family, provide children with the basic information required for acquiring basic political knowledge, while informational institutions (mostly the press) are meant to provide citizens with new information that completes and refreshes that political

⁴⁶E.g. Christiano 2015, p. 256.

⁴⁷See Rapeli (2014, pp. 31–2) for a review of several of these attempts.

⁴⁸Carpini and Keeter 1996, p. 8.

knowledge.⁴⁹ This specific information is what I am calling *democratically relevant information*, and it is this that constitutes the content of CRI.

Second, although the general answer sketched above is incomplete, it is enough to draw clear distinctions between the content of CRI and the content of other rights of the public. FOI regimes regulate access to information held by the administration, usually referred to as *public information*. No doubt public information is often of huge democratic relevance, as when certain public records serve to prove corruption. However, public information and democratically relevant information overlap only partially. On the one hand, not all public information is democratically relevant, for the administration has a massive amount of information that is of little use to citizens. On the other hand, not all democratically relevant information is public information, given that much of what citizens need to know goes beyond official records.

The PRK, for its part, protects access to any kind of information, regardless of whether it is democratically relevant or not. Gauthier makes this point clear when she states that “ideally, the right to know guarantees citizens access to any available information relevant to political, professional, and personal decisions essential for the existence of constitutional rights in a democratic society.”⁵⁰ In this case, the key difference is that the content of the PRK refers to subjective interests, while the content of CRI is determined by relatively objective standards. Let me briefly clarify this point.

The PRK is a right to learn something that one is personally interested in knowing. In contrast, CRI is a right to learn what one needs to know as a citizen. These informational needs of citizens are objective in the sense that they do not vary according to individuals' curiosity. Instead, they can only be determined by individual-independent factors. As journalism theory emphasizes, what citizens need to know *as citizens* does not depend on what they have an interest in, but rather on the kinds of decisions they face as sovereign political decision-makers. Consequently, the best way to serve the PRK is with a system through which any kind of information is accessible on demand, like the internet,⁵¹ while CRI requires that journalists provide informational services guided by independent criteria of democratic relevance. One may ask then: what are those criteria?

The third and final clarification is precisely that specifying in detail what counts as democratically relevant is extremely difficult. On the one hand, the democratic relevance of an issue varies depending on the context in which democratic decision-making happens. The French unemployment rates of 2020 are not equally relevant in France and in Brazil, nor are they equally relevant in 2021 and in 2050. Similarly, it is impossible to completely determine what will become democratically relevant in the future. Consider how information about coronaviruses unexpectedly acquired the utmost democratic relevance in 2019. These

⁴⁹As noted, for example, by Brown (1996, p. xiii) and Fiss (1996, p. 50).

⁵⁰Gauthier 1999, p. 199.

⁵¹See Williams and Pavlik 1994.

practical difficulties suggest that any account of CRI that settled its content once and for all would be too rigid. Instead of identifying what is relevant in each context, theorists should just try to determine general criteria of democratic relevance. Those general criteria should guide the practice of the journalists who serve CRI. They, and not philosophers, should determine what is democratically relevant in each context.

But how should theorists determine these general criteria of relevance? Besides the practical difficulties just mentioned, an additional problem is that any criterion of democratic relevance is committed to a specific normative model of democracy. This is so because each criterion of democratic relevance is meant to satisfy some specific informational needs that are presupposed in citizens. These needs, in turn, presuppose some standards of rationality, engagement, and participation: in sum, a normative conception of citizenship. Since different models of democracy endorse different conceptions of citizenship, it is impossible to specify criteria of democratic relevance without taking sides with one specific model of democracy. That is why each normative model of democracy has its own criteria of democratic relevance, and hence its own specific answer to the question of content; each one pushing for a different *conception* of CRI.

Think, for instance, of an elitist model of democracy like Schumpeter's, in which citizens—who are assumed to be politically ignorant and largely uninterested in politics—are expected only to select the ruling elites who are to make the actual political choices. After each election, in this model, the chosen elites are to govern for several years, during which citizens need not—and *should* not—pay much attention to public issues. Their only role is to choose, once the legislature is over, whether they want to keep the current governing elite or to replace it with another (supposedly more competent) one.⁵² Within this normative framework, it seems that all citizens need to know is how capable to rule the competing elites are. Consequently, the content of CRI in this model of democracy would be very limited.

To contrast with this elitist view, think now of a deliberative model of democracy, in which citizens are expected to engage often in public issues, to make more political decisions than just electing their representatives, and—crucially—to fairly consider the reasons bearing on each option before making any choice.⁵³ In this deliberative conception, the content of CRI must encompass more information than in the elitist one, for citizens' informational needs are larger in deliberative democracy. Another difference is that, even though a deliberative account of CRI would consider information about candidates' competence democratically relevant—as any theory would do—it would probably not consider this the *most* relevant information. On this view it seems likely that the utmost democratic

⁵²See Schumpeter [1943] 2003, esp. chs 21–2.

⁵³For an overview on deliberative democracy, see Martí 2017.

relevance belongs to the *arguments* bearing on the choices that citizens are to make.⁵⁴

Identifying in more detail the content of these—or other—conceptions of CRI would require a more careful consideration than the one I can offer here, so I will follow this comparison no further. As indicated above, the purpose of this article is to clarify the general concept of CRI, not to delineate, much less to assess, any specific conception of CRI. Those will remain tasks for future research.

III.V | Correlative duties

The last trait of CRI that I will analyze is that of its correlative duties. It is usually assumed that when someone has a right, other parties have obligations to perform (or not to perform) certain actions.⁵⁵ The question is then: what obligations follow from CRI? This is the most complex and controversial of all the questions about CRI and, as will become clear in this subsection, a full-fledged answer cannot be given unless one endorses a normative conception of democracy. Hence, as when I addressed the question of content, I will only offer a partial answer here. To simplify things, I will break down this complex question into two simpler ones.

The first question is whether the duties derived from CRI are positive or negative. Positive duties are obligations to undertake an action, as opposed to negative duties, which only demand not doing something (an omission). By answering whether CRI creates positive or negative obligations, we would determine whether it is a negative or a positive right, since traditionally rights have been classified as positive or negative depending on the kinds of duties they create. Negative rights comprise mostly negative duties: to be honored, they require that third parties do not interfere with the right-holder in a specific sense. By contrast, positive rights are more demanding, since their satisfaction requires that third parties perform an action, usually consisting in the provision of help, goods, or services.

Several authors have pointed out that citizens' informational needs cannot be adequately met only by means of negative rights, such as freedom of expression or freedom of the press. Probably the first of these authors was Walter Lippmann, who, in his famous *Public Opinion*, lamented how little progress had been made since Aristotle's time when it comes to the institutions used for informing ourselves. Such institutional stagnation was caused, according to him, by the archaic belief that the information needed for self-government is within reach. This belief, Lippmann lamented, led democrats to treat “the problem of making public opinions as a problem in *civil liberties*.”⁵⁶ “But in spite of its fundamental importance,” he added,

⁵⁴ As Habermas himself suggested; 2006, p. 420; 2009, p. 171.

⁵⁵ Raz 1988, p. 183.

⁵⁶ Lippmann [1922] 1991, p. 318, my emphasis.

civil liberty in this sense *does not guarantee public opinion* in the modern world. For it always assumes, either that truth is spontaneous, or that the means of securing truth exist when there is no external interference. But when you are dealing with an invisible environment, the assumption is false. The truth about distant or complex matters is not self-evident, and the machinery for assembling information is technical and expensive.⁵⁷

Lippman's crucial insight seems to be that the civil liberties—that is, the negative speech rights—that constitute the legal structure traditionally in charge of ensuring that citizens receive information is inadequate for modern mass democracies. This task requires that someone actually use technical and expensive machinery to assemble and distribute information, and this cannot be achieved with the mere protection against “external interference” granted by negative rights.

Lippmann's insight has been repeated by several scholars, such as Habermas, who claims that “the formation of a public opinion in the strict sense is not effectively secured by the mere fact that anyone can freely utter his opinion and put out a newspaper,”⁵⁸ and Lance W. Bennett, who, after documenting the news media's dependence on official sources, concludes that “press freedom is a necessary but *not sufficient* guardian of the public interest.”⁵⁹ More recently, and probably more clearly than anyone else, Lebovic has suggested the need for positive *rights of the public*. In the first chapter of *Free Speech and Unfree News*, which is precisely entitled “The Inadequacy of Speech Rights,” Lebovic recalls Lippmann's worries. Then he convincingly shows that negative speech rights have traditionally been unable to guarantee that the public receives an adequate supply of news. On this basis, he encourages us “to find protections to the public's right to the news”: a right that he explicitly refers to as a “positive” one.⁶⁰ Along similar lines, although more indirectly, Cruft has recently appealed to a “positive” human right to education about matters of public interest.⁶¹ After all, as he says, “[s]omeone *has* to engage in public interest investigative and communicative journalism” if our right to information is to be fulfilled.⁶²

All these approaches, from Lippmann to Cruft, share the insight that negative speech rights are insufficient to guarantee citizens easy access to democratically relevant information. These rights make it easier to share information, as they remove obstacles to both content creation and content access. They are insufficient, though, because they cannot guarantee that any content created under their protection contributes to democratic enlightenment. Negative speech rights also fail to aid citizens

⁵⁷Ibid., my emphasis.

⁵⁸Habermas 1991, p. 228.

⁵⁹Bennett 2010, p. 105, my emphasis.

⁶⁰Lebovic 2016, pp. 2, 240, 244.

⁶¹Cruft 2022, p. 365.

⁶²Ibid., p. 367, emphasis original.

in discriminating between relevant and superfluous information: a crucial task in digital societies. If CRI is meant to make citizens' lives easier, then it should go beyond these limitations and guarantee that someone actually creates democratically relevant information and makes it easily accessible to the citizenry. All this suggests that we must conceive of CRI as a *positive* right from which positive obligations follow.

The second question then arises: what are these positive obligations? Here I will focus on the two main ones, bearing, respectively, on journalists and the state.

The main obligation deriving from CRI is directed at journalists, whose role-based profession is usually defined, as discussed above, by a duty to inform citizens of what they, as such, need to know. Indeed, in democratic societies the roles of citizens and journalists are often conceived in such a way that the latter have a role-constitutive duty towards the former. This seems analogous to saying that citizens have a role-based right to be properly informed by journalists. The content of journalists' duty vis-à-vis citizens is then directly dependent on the content of CRI: what journalists must do depends on what citizens need to know. This means that we cannot fully specify the content of journalists' duties unless we adopt a stance on the latter question, which, as argued above, is dependent on normative conceptions of democracy.

This explains why different democratic models endorse different journalistic ideals.⁶³ In the aforementioned Schumpeterian model of democracy, for instance, journalists' main obligation seems to meet the ideal of *watchdog* journalism, according to which journalists must invigilate the elites in search of scandals, incompetence, and corruption.⁶⁴ If anything of the sort is found, they should sound the alarm.⁶⁵ Otherwise, unless a major political event—such as an election campaign—occurs, they should leave citizens to their own private affairs. In contrast, in a deliberative democracy, it is not enough that citizens be informed about major political events. They also need to understand the reasons for and against each political choice, and this is incompatible with journalists being a mere watchdog that rings the alarm on special occasions. Journalists should also regularly promote high-quality deliberation on a large scale.⁶⁶

Despite the discrepancies between models of democracy, the general obligations CRI imposes on journalists can explain the moral salience of journalistic practice in democratic societies.⁶⁷ On the one hand, journalists are bound by a special positive duty to reveal newsworthy information—such as the *Pentagon Papers*—if they encounter it. On the other hand, the negative duty to refrain from propagating disinforming content—such as fake news or “bullshit”—acquires a special strength in

⁶³On the relation between democratic models and journalistic roles, see Christians et al. 2009; Hallin and Mancini 2004.

⁶⁴Norris 2014.

⁶⁵Zaller 2003.

⁶⁶See Ettema 2007.

⁶⁷I thank an anonymous referee for highlighting this point and inviting me to develop it.

journalistic practice.⁶⁸ The special moral salience of these duties has the same ground: failing to honor CRI—be it by omission or by action—is morally worse when the person who fails is a journalist, for journalists bear *special* duties towards citizens that derive from CRI.

One might wonder, then: who is a journalist? Although journalism is often associated with having a job as a professional journalist—that is, being hired by a news media entity—what defines journalism as a role-based profession is not a job contract, but an *ethical commitment* to inform citizens of what they, as citizens, need to know.⁶⁹ This in turn raises the question of what gives rise to such commitment, which is too complex an issue to delve into here. However, it seems reasonable to assume that journalism as a role-based profession cannot be restricted to any specific group of individuals—much less in our digital societies, in which everyone can easily publish content—and that therefore anyone could be bound by the profession's special obligations.

Some might then fear that, by imposing such obligations on journalists, CRI becomes incompatible with press freedom or, more generally, with speech rights. Frederick Schauer seems to have entertained this concern when he asked whether, in virtue of the public's right to be well informed, any citizen could sue the *New York Times* for not publishing the *Pentagon Papers*, or force a journalist to obtain some information against her own will.⁷⁰ If so, then CRI would be self-defeating, for it would undermine the very basis of its satisfaction. This worry becomes particularly pressing if we assume that—as I have just suggested—the special obligations of journalism may extend in principle to anyone, for the possibility of being subject to liabilities would extend accordingly.

The concern vanishes, though, when we realize that CRI does not need to be conceived as a legally enforceable right, but rather as a moral right. As such, the kind of obligations deriving from CRI are, strictly speaking, *moral* ones. Citizens have a moral right to be provided with a good informational service, and it is the *moral* duty of journalists—whoever they are—to provide this service. Whether we should create legal provisions stimulating journalists to fulfill their moral obligations and, if so, how to do that, is another issue (which in part depends on how the ethical commitment of journalists arises). I cannot properly address this issue here, but the remainder of this subsection may shed some light on it.

A second obligation deriving from CRI—besides that of journalists—bears on the state, which is morally obliged to promote the conditions under which good journalism can flourish. This obligation requires the state to promote transparency—thus offering a reason for FOI—so that citizens and journalists can learn about the administration. But, fundamentally, this obligation requires

⁶⁸For *conceptual* clarification on misinformation, see Carson 2009; also Wardle and Derakshan 2017. For *normative* discussion on the conflict between disinformation and freedom of speech, see Shiffrin 2014, ch. 4.

⁶⁹As seen in Section II.I On journalism as an ethical commitment, see Black 2010. For further references see also nn. 2–6.

⁷⁰Schauer 1983, p. 72. The same concern motivates Richardson (2004).

the state to create adequate free speech and free press regulations, as well as to enact specific media laws that guarantee the diversity of high-quality journalistic media needed for the fulfillment of CRI. There is huge controversy, though, on what media laws the state should pass.

Within this debate one could identify, broadly speaking, two positions. The traditionally dominant position in Western democracies is *anti-interventionism*. According to this view, the best provider of information is a deregulated marketplace of ideas in which private media organizations compete for citizens' attention. In theory, competition would spontaneously lead profit-driven news media to efficiently offer the best informational services. Consequently, the state's main moral obligation would merely consist in protecting the individual rights that keep the media market functioning: that is, private property and freedom of speech and association. The state should remain vigilant, though, in order to fix any eventual market failures, such as media oligopolies or monopolies. Beyond these rare cases, its moral obligation is precisely *not* to intervene.⁷¹

Others, however, argue that the market is a suboptimal provider of democratically relevant information, and consequently hold that the state must decisively intervene in the media system to enact more ambitious policies. Habermas, who has extensively criticized market-driven media, seems to align with this—the *interventionist*—position:⁷²

When it comes to gas, electricity, or water, the state has an obligation to ensure the energy supply for the population. Shouldn't it have a similar obligation when it comes to supplying this other type of “energy”, whose interruption causes disruptions harmful to the democratic state itself?

The immediate question for the interventionist is: what should the state do to satisfy CRI? A first plausible answer holds that the state should impose regulations on private media, such as the obligation to *fairly* present different views on controversial issues—which the US Fairness Doctrine used to impose. These kinds of regulation have traditionally enjoyed little support, probably due to their conflictive relation with property rights and freedoms of speech and association.⁷³ However, after the digital revolution, some scholars are again turning their attention to whether and, if so, how private media—in this case, *social* media—should be regulated.⁷⁴ A second plausible answer—traditionally more popular—holds that the state has a duty to create public media, which in theory would inform citizens better than private ones.⁷⁵ A third possibility, recently gaining attention, holds that the state

⁷¹See Kelley and Donway 1990.

⁷²Habermas 2009, p. 136.

⁷³See Kelley and Donway 1990, pp. 76–81.

⁷⁴E.g. Brown 2021; Howard 2021.

⁷⁵As often seems to be the case; see Aalberg 2017.

should assist civil society in creating high-quality private media, for instance, by stimulating the proliferation of independent non-profit media.⁷⁶

Whomever one aligns with, it seems clear that any stance on what obligations CRI imposes on the state rests on broader normative assumptions about the role of the state—assumptions which, in turn, point towards different models of democracy. This suggests that, just like the question of content, the question of correlative duties—and therefore the question of whether CRI deserves to be mirrored by legal rights—cannot be properly answered unless one commits to one of its specific conceptions. In general terms, we might say that liberal theories of democracy—such as Schumpeter's elitism—would lean towards anti-interventionism,⁷⁷ while less liberal theories—such as Habermas's deliberative democracy—would be more sympathetic to some kind of interventionism.⁷⁸ Again, I will not take sides in this dispute, since I cannot justify here any commitment of the sort.⁷⁹

It is worth noting, though, how this discussion of the state's moral obligations vis-à-vis its citizens suggests that CRI has the nature of social rights, insofar as it is a positive right that obligates the state to guarantee the provision of a specific service, which in principle could be provided by the market.⁸⁰ The debate between interventionists and anti-interventionists should thus be seen not as a debate about the nature of CRI—which in any case is a social right—but rather as a debate about whether the market can adequately provide citizens with the service they are owed and, therefore, about whether (and how) the state should intervene in the media system. In this sense, this debate mirrors those on whether (and how) the state should intervene to protect other social rights, like basic education and healthcare.

It seems clear, then, that the state's moral obligation to guarantee a good media system does not necessarily entail an obligation to create any *legal* right mirroring the *moral* CRI. In fact, there could hardly be a case for a legal right to information from the anti-interventionist perspective, which assumes that the best way to serve CRI is precisely to leave the market's workings as free as possible from any coercive—that is, *legal*—measure. From the perspective of interventionist positions like Habermas's, CRI might in some cases offer a pro tanto reason for the implementation of legal rights that specifically aim to serve citizens' informational needs. In any case, if created, those legal rights should result from a careful consideration of moral, social, economic, and legal factors, rather than from a mere transposition of moral ideas to the legal realm. Further, they should be consistent with the right to private property and with the freedoms of speech and association.

⁷⁶See McChesney and Nichols 2010.

⁷⁷As pointed out, for instance, by Baker 2001, pp. 166–8.

⁷⁸On deliberative democracy and media regulation, see also Girard 2015.

⁷⁹For further discussion on democratic theory and media regulation, see Baker 2001, ch. 8; Freedman 2008.

⁸⁰On social rights, see Alexy 2002, pp. 334–48.

Before finishing, let me clarify that the two duties discussed here are the main ones deriving from CRI, but not the only ones. CRI seems to create other *positive* duties, like the duty of those who have democratically relevant information, yet lack access to large audiences, to communicate it to journalists. The duty of whistleblowing⁸¹ might be seen as an instance of this duty. Similarly, CRI is able to create *negative* duties, such as the duty not to hinder citizens from accessing democratically relevant information, or the duty not to hinder journalists or the state from discharging their respective positive obligations vis-à-vis citizens. The relation between these obligations and CRI is—like most of what has been laid out in this article, indeed—still in need of much clarification.

IV | CONCLUSION

In this article I have tried to clarify the meaning and the implications of the idea that citizens have a democratic right to be well informed, an idea which, despite being intuitively appealing and frequently invoked, has remained largely under-theorized. After reviewing some of its previous appearances in different disciplines, I located this conceptual gap on the map of communication rights where this right belongs, defining it as a right of the public. Subsequently, I offered a systematic framework for justifying and analyzing this idea by conceptualizing citizens' right to information (CRI) as the moral, democratic, and positive right that citizens have to be offered the information they need to be well informed, so that they can update their political knowledge and make adequate political choices.

Trying to avoid controversies, I have limited myself to delineating the general concept of CRI, and have refrained from discussing in detail its plausible specific conceptions. Although incomplete, this characterization has proven enough to show not only that CRI is compatible with journalistic freedoms, but also that it is conceptually different from the other two best-known rights of the public: freedom of information (FOI) and the public's right to know (PRK).

Of course, much clarification is still needed regarding both the general concept and more specific conceptions of CRI, but the idea that citizens have a democratic right to be well informed now seems clearer than before. What is more, by indicating where disagreement is particularly stark, this analysis has revealed the argumentative battles that one must wage to defend any specific conception of CRI. These are the battles we must fight if we want to answer, among other things, Lebovic's longstanding question about how to guarantee that an adequate supply of news reaches the public.

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⁸¹Ceva and Bocchiola 2019.

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