

# VI.7

## Media Policy and the Public Interest

*Marc Raboy*

### INTRODUCTION

In the courses I have been teaching on media policy over the past ten years or so, I typically begin by having students read William Melody's 1990 article, 'Communication Policy in the Global Information Economy: Whither the Public Interest?' Reacquainting myself with this piece each Autumn, I am always amazed at how forward-looking and synthetic it is. Melody looked at media policy as a global domain that cuts across national, transnational, local and regional fields, and posed the fundamental question of a global public interest. His groundbreaking work in this area continues to act as a beacon.

Perhaps it was his parallel interest in the media and the telecom industry that made Melody one of the first to anticipate the emergence of a new global communication environment, which would require a reframing and refocusing of communication policy issues. As old institutions and practices were revamped, new ones would need to be invented, but the overarching issues remained the same. Regulatory frameworks, in particular, would need to be retooled in the light of new phenomena such as economic liberalisation, technological convergence and the erosion of the power of state authorities. But the goals that these regimes had been conceived to achieve would remain in place as long as societies continued to consider them valid.

### GLOBALISATION AND NEW REGULATORY PARADIGM

In an era marked by the multiple challenges of globalisation, attempts to define and promote public policy with respect to communication are typically met with scepticism. Globalisation refers here to a context marked by a diminishing role of national governments, increasing transnational concentration of corporate power, the shrinking of constraints of time and space, challenges to conventional thinking about identity, the emergence of new global networks, and the progressive establishment of a new political system of global governance. One of the clichés of this era is that the emergence of a world media system has rendered attempts to regulate media at the national level obsolete. This is still far from a *fait accompli*, and debates over the changing role of the nation state with respect to media are ongoing everywhere. Less apparent but increasingly present in public and

academic debates, are the signs that the global media system is generating its own unique new forms of influencing communication.

In a broad historical perspective, however, what is really new here? Radio, in its infancy, held out much the same promise that is attributed to the Internet today. In order for it to function appropriately, the leading national governments of the day had to meet together and negotiate a series of international agreements specifying the use of the radio spectrum. They allocated its resources to the trust of designated authorities. These authorities then established various types of rules and regulations appropriate to meeting specific public policy objectives.

What distinguished that era from the present one is that radio (and later, television) was regulated according to a logic marked by channel scarcity. Today's media environment is characterized by information abundance. Rather than indicating that media policy is no longer necessary, information abundance and the new problems it generates, require us to think in terms of a new media policy paradigm.

In this new paradigm, regulation still has a role to play in ensuring equitable access to distribution markets for producers and consumers, and in ensuring that the means of communication can be channelled towards social and cultural objectives. Consider the new meaning that needs to be given to one of the classical goals of communication regulation – a concept fundamental to much of Melody's work – *access*.

Access is one of the key concepts of models that see communication technologies as instruments of social and cultural development. In general, this requires mechanisms to ensure accessibility to channels of production and distribution for all those capable of rallying a minimal public, increasing interactivity in the relations between creators and their publics, and providing for feedback that can ultimately result in corrective measures.

To illustrate the complexities of thinking about access, consider what happens when conventional broadcast media and telecom technologies converge. The notion of access has traditionally meant different things in broadcasting and in telecom. In the broadcasting model, emphasis is placed on the receiver, and access refers to the capacity to choose from the range of content on offer. In the telecom model, emphasis is on the sender, and access refers to the capacity to use the means of communication to send messages. Within these two models, public policy and regulation have been recognised as necessary social measures for guaranteeing access.

In the new media environment, a hybrid conception of access is necessary, and public policy will need to promote a model of communication that combines the social and cultural objectives of established institutional forms – not only broadcasting and telecom, but also libraries, the education system and so on. Realising the social and cultural potential of new media requires ensuring maximum access for people to the means of communication *both* in their capacity as receivers and as consumers of services *and* as producers and senders of messages.

A policy model directed at maximising the potential of post-convergence media should therefore address the following: how to ensure access to both available content and the means of communication; how to balance universal services and costs that can be left to users; how to guarantee free choice and fair access; how to distinguish between public communication and private information; how to promote both cultural and economic development; how to situate the user as both citizen and consumer; and how to facilitate both public participation in society and an improved quality of life.

These issues would once have been addressed in each country at the level of a national regulatory authority. The new environment, however, is characterised by the fact that communication policy is no longer ‘made’ at any clearly definable location, rather, most significantly it is made across a range of sites (see Raboy 2001). Specific policy issues, such as copyright or rules governing property transactions, or Internet regulation, migrate from one level to another, often typifying the flashpoint of conflicts between jurisdictions. Global organisations, such as the World Trade Organization, have superseded national bodies as supreme instances of policy definition and enablement. Exclusive multilateral clubs, such as the OECD or the G-8, impose their own agendas on other non-member economies without being democratically accountable to their own national constituencies. International trade accords, such as the North American Free Trade Agreement, further constrain the capacities of participating states – while, paradoxically, the nation state continues to be the main location for media and communication policy debate.

#### EFFECTIVE POLICY INTERVENTION

This complex and multifaceted general structure makes it extremely difficult to intervene effectively in the new policy environment to promote access or other policy goals. The overriding issue in communication policy is thus the issue of *governance*: how and where will decisions about the future evolution of the system be determined and, crucially, who will be involved?

Approaches to communication governance traditionally have spanned the spectrum from the authoritarian to the libertarian, with a broad middle ground covering such institutions as public service broadcasting, post, telephone and telegraph administrations and commercial media (see Golding 1998). In practice, virtually every modern communication system in the world developed within a regime that was circumscribed and characterised by some degree of national regulation. This is now in flux.

‘The changing structure and role of the media needs serious analysis and reconceptualisation’, Melody wrote in a contribution to a Canadian research project in 1994.

Within this broader framework the media can contribute to cultural development and democratisation. But if the focus of analysis is constrained to the traditional notion of public service broadcasting and attempts by national regulators to force transnational corporations to promote local culture, it will be attempting to impose yesterday’s institutional structures on tomorrow’s information society (Raboy et al. 1994: 99)

The new institutional structures are not yet clear, but it is clear that they will involve a range of actors and will transcend national borders. Something akin to a global civil society may well be emerging, but for the moment its links to power and influence are tenuous. At this point, the only actor that has been managing to pursue an agenda with anything approaching consistency is the transnational private sector and concrete policy developments at every level are still being driven essentially by economic concerns.

New media have opened the possibility for unprecedented freedom of expression and information flow. However, if we are not careful, freedom from state control will be replaced by an even more insidious form of corporate control. Unlike state control, corporate control is first of all structural; it is built into the architecture of information systems, by designs intended to maximise the possibility for efficient and streamlined profit-taking, rather than effective uses (Lessig 1999).

A regulatory model for communication governance is the appropriate policy choice for promoting a new global approach to defining the public interest with respect to the media. This raises the question of the legitimacy of intervening in a sector which ought, by definition, to be free. There is not necessarily a contradiction between regulation and the value of freedom. It all depends upon

what is regulated and how one decides to regulate – as well as on the basis upon which regulation is justified (Hoffmann-Riem 1996).

### CONCLUSION

As Cave and Melody (1989) pointed out, the main justification for regulating communication is that regulation provides an opportunity for meeting non-market public policy objectives. This is especially important in a context where the meeting of such objectives has to be spread across a range of organisations within the complex world system that we have today.

In general, the role of regulation should be to promote the public interest with respect to the media and communication on an ongoing basis, and with regard to specific issues. This is too fine a job to be done by governments in the course of their general activities. It cannot be left to the media organisations themselves, for they necessarily have vested interests. The marketplace is too blunt an instrument. Citizens can individually, and through their collective organisations, articulate expectations, but they have no power for implementing these. What is the solution?

Thinking on this question tends to generate new variants on an old theme: terms like self-regulation and co-regulation seek to express what is essentially the hybridisation of the classical regulatory process based in a state-sanctioned, more or less independent public agency. In the new media environment, regulation will have to be negotiated between a range of actors, including state, corporate and civil society representatives. The point is that, in the sphere of communication, there will always be some form of regulation. To imagine things otherwise is at best naïve, as Melody might have put it.