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Media Policy: An Overview of the Field

Media policy involves policymaking – and the associated policy research – directed at a wide range of substantive issues and technological contexts, and employing a diverse array of theoretical and methodological perspectives. It is important to note, however, that in the communications field there are a large number of somewhat indistinct policy arenas that overlap with the media policy field, each employing distinctive terminologies and each reflecting somewhat different (and in some cases, broader) areas of emphasis. These affiliated policy arenas range from telecommunications policy to communications policy to information policy to cultural policy. While it is beyond the scope of this entry to define all of these concepts and to articulate their points of intersection with, and their points of distinction from, media policy, it is important to recognize that the field of media policy rests within a broader policymaking milieu that includes substantive areas such as regulation and policy related to telecommunications infrastructures, information access, and cultural expression (McQuail, 1992). And, perhaps most important, it is necessary to recognize that the boundaries separating these concepts are not always clear and are, in fact, becoming increasingly porous as the digitization, convergence, and globalization of communications technologies blur traditional technological and regulatory distinctions.

The term "media" however, remains prominent in this converged policymaking environment. Critics of the term tend to insist on associating it only with traditional "mass media" and thus argue for its diminished relevance in a technological environment in which it frequently has been argued that traditional mass media are in decline. Such a narrow interpretation neglects the centrality of "mediation" to a wide range of

communications processes, regardless of the specific technology at issue or communication dynamic involved (i.e., interpersonal versus mass communication). Thus, newer communications technologies such as hand-held devices and the Internet all fit within the parameters of media policy given the given centrality of specific mediating technologies. Similarly, the boundaries of media policy extend beyond the electronic media (though they tend to be the most heavily regulated), into the realms of print media, recorded music, and motion pictures. In these ways, the field of media policy certainly intersects quite frequently with other related policy arenas such as telecommunications and cultural policy.

As should be clear in any case, the meaningful boundary lines of media policy do not revolve around particular communications technologies or dynamics. Rather, it is more appropriate to define the field in terms of its emphasis on particular substantive communicative concerns. This perspective is well-reflected in Braman's (2004) definition of media policy, in which she defines the field as specifically dealing with issues of "freedom of expression and participatory decision making regarding the fundamental structures of society" (p. 179). As this definition suggests, media policy is firmly grounded in both the political and the cultural dimensions of communicative processes (McQuail, 1992). This definitional focus for media policy will become increasingly clear as the contours of the field and its theoretical underpinnings are outlined here.

Reflecting the wide-ranging concerns that fit within the definitional focus of media policy, it is perhaps to be expected that the field is characterized by a tremendous degree of methodological diversity. Historical research has examined the interplay of

various stakeholder groups across a wide range of media policy issues in an effort to inform contemporary policy deliberations (e.g., Horwitz, 1989; McChesney, 1993). Effects research has informed long-standing policy debates such as the issue of the regulation of violent or indecent content and the development of educational content for children. Audience behavior research has addressed the dynamics of media consumption in ways intended to inform policymaking related to both established and new technologies (e.g., Hindman, 1997; Webster, 2005). Content analyses have explored the relationship between the structure of media organizations and media markets and the nature of the content provided in an effort to inform policy issues related to ownership regulation, content regulation, and license allocations (e.g., Hamilton, 2000a).

All of these methodological approaches build upon a body of economic- and legally-grounded analyses that continue to provide the analytical core of media policymaking, despite persistent criticisms that such emphases on the part of policymakers neglect the full range of political and cultural concerns that are at the core of media policy (Baker, 2001; Stucke & Grunes, 2001). Indeed, if there is one enduring trend in terms of the interaction between the communications field and media policy, it is that the field as a whole has been largely dissatisfied with the extent to which it is able to shape and inform policy debates. This dynamic reflects a broader tension that long has characterized media policymaking – that of the tension between economic policy objectives (such as competition, consumer satisfaction, and efficiency) and political/cultural policy objectives (such as fostering a diversity of viewpoints, as well as media system that serves the needs and interests of local communities) (Entman & Wildman, 1992). To the extent that economic policy objectives have, over the past three

decades, become an increased priority for media policymakers (van Cuilenburg &

McQuail, 2003), it is perhaps not surprising that the communications field has

experienced some marginalization from the policymaking process, given that the field's

expertise lies more in the political/cultural, rather than the economic, realm. Yet when

we explore the field of media policy and its major theoretical underpinnings, the

centrality of political/cultural policy objectives becomes immediately clear, such that

questions about the appropriateness of contemporary policy emphasis inevitably arise

(Napoli, 2001).

Theoretical Foundations of Media Policy

Media policy is framed, first and foremost, by a number of guiding normative theoretical

constructs, all of which are subject to divergent interpretations. These constructs provide

the theoretical underpinnings for the development of baseline criteria for assessing the

performance of media systems and for crafting policies that enhance the system's

performance (see McQuail, 1992). Across different national contexts, the specific criteria

are likely to vary somewhat, or the terminology may be somewhat different, but the core

principles outlined here can be seen as the fundamental building blocks of effective

media policy, and, consequently, central criteria that inform and guide media policy

research.

Free Speech

As was noted above, free speech is one of the core components of contemporary

definitions of media policy. In U.S. contexts, the free speech principle arises from the

First Amendment guarantee of freedom of speech, with analogues to be found in various international contexts (see, e.g., Youm, 2002). In some international contexts, where a government-granted right to speak freely is not always as explicitly articulated, we have seen in recent years a free speech movement grounded in the notion of a "right to communicate" Regardless of the specific national context, in most cases the centrality of free speech as a media policy principle arises from notions of the core function that mediated communication serves in the democratic process. That is, free speech is presumed to guarantee the free flow and widespread dissemination of ideas and viewpoints that are essential to creating a well-informed citizenry capable of accurately ascertaining their best interests and voting accordingly (Fiss, 1996). In these regards, the role of free speech in media policymaking is tightly intertwined with the role of the media in the democratic process (Sunstein, 1995).

Media policymaking is, somewhat paradoxically, both empowered and constrained by the free speech principle. The empowerment is derived from the fact that many media policies are motivated, at least in part, by a commitment to enhancing the speech opportunities available to the citizenry. Thus, for instance, policy efforts directed at maximizing broadband deployment are premised, at least in part, on bolstering the extent to which individual rights to communicate are maximized. Similarly, efforts to diversify media ownership are premised in large part on maintaining a wide distribution of the uniquely influential speech opportunities associated with the ownership of media outlets (see Baker, 2007). The constraints are derived from the fact that many media policies – even those directed at enhancing the speech opportunities available to the citizenry as a whole – can simultaneously impinge upon the speech rights of particular

individuals or groups. Thus, for instance, the same efforts to diversify media ownership on behalf of enhancing free speech can be seen as impinging on the individual speech rights of those owners of media outlets seeking to obtain additional outlets and bring their voice to markets or communities that they have yet to reach (Napoli, 2001).

This somewhat paradoxical situation illustrates what is perhaps the central tension associated with the role of free speech (be it in terms of the First Amendment or a broader right to communicate) in media policymaking – the issue of the appropriate distribution of this speech right on the part of policymakers. That is, to what extent should speech rights be oriented around the rights of the individual speaker rather than around the rights of the collectivity of speakers and listeners (see Napoli, 2001)? This tension is particularly well illustrated by the current state of broadcast regulation in the United States, where regulation of the industry traditionally has been grounded, in part, in the notion that the speech rights of the listeners or viewers are as important – if not more important – than the speech rights of the speakers, given the unique technological and institutional contexts in which broadcasting operates (see Barron, 1967). That is, to the extent that broadcasters utilize a scarce public resource – the broadcast spectrum (many scholars have criticized the validity of the "scarcity rationale" [see Coase, 1959]) – that is allocated by the federal government at no meaningful cost to the recipient, then those broadcasters forfeit some of their First Amendment rights in the name of serving the rights of the citizenry to be well-informed and to have access to a diverse array of sources and viewpoints – key elements of a vibrant speech environment in which the right to receive information is placed on comparable footing as the right to speak. It is on grounds such as these that a wide range of content regulations, ranging from limitations

on indecency to affirmative content requirements such as children's programming, balanced programming, and preferential access to political candidates, have been based. For the most part, such requirements would not be able to withstand First Amendment scrutiny in other technological contexts – a fact that illustrates the important point that, traditionally, the scope of the protection of speech rights has been dependent, at least in part, on the characteristics of the particular technology via which communication is taking place (see Pool, 1983).

The approach to free speech reflected in the U.S. broadcast regulation model clearly emphasizes a "collective" approach to speech rights over a more traditional "individualist" approach, with the government regulating individual speakers with (presumably) an eye towards magnifying the collective free speech benefits of the citizenry as a whole. Such an approach clearly conflicts with more traditional approaches to the notion of free speech to the extent that individual rights become subservient to the collective good – and it is this clash of often conflicting priorities in the allocation of speech rights that is at the core of the role of free speech as a guiding media policy principle

The Public Interest

The concept of the public interest has a long and contentious history in media policymaking (see Napoli, 2001). The inherent ambiguity of the term is, no doubt, the primary reason that the concept has had such a contentious a history. To the extent to which the public interest serves as the primary benchmark against which most media policies are assessed, it is not surprising that this normative principle long has been

contested territory. The concept of the public interest represents the standard that most media policymakers often are expected to adhere to in their decision-making. That is, policy decisions should not reflect or cater to the interests of individual interest groups, but rather should reflect a broader awareness of the policy outcomes that would best serve the populace as a whole.

As McQuail (1992) illustrates, the concept of the public interest can have embedded within it a wide range of specific normative criteria, ranging from diversity, competition, and pluralism to access and objectivity. The specific criteria with which the public interest concept is invested will of course vary across nations (e.g., Hitchens, 2006; McQuail, 1992). These criteria also have varied over time (see Aufderheide, 1999; van Cuilenburg & McQuail, 2003), as regulatory philosophies and structural and technological conditions have changed. They can also vary at any given time across different stakeholder groups, which of course contributes to the concept becoming highly contested territory within individual policy debates. But what is perhaps most important to recognize is that the public interest concept traditionally has served as a normative guidepost not only for policymakers in their decision-making, but also, to a certain degree, for media organizations in their decision-making, to the extent that the political and cultural dimensions of media industry performance generally require attention to concerns beyond revenues, profits, and efficiencies (see Napoli, 2001). Thus, the public interest concept perhaps represents the most direct mechanism via which policymakers, media critics, and researchers assess and past judgment upon the performance of individual media markets or entire media systems, and upon which advocacy for change is most frequently premised.

The Marketplace of Ideas

The notion of well-functioning marketplace of ideas – and the appropriate role of policy in promoting and protecting such a marketplace of ideas – is perhaps where the tensions between the economic and the political/cultural rationales for media policymaking have been the most pronounced, as it is also the guiding metaphor out of which both analytical perspectives toward media policy have largely originated. Thus, like each of the core theoretical constructs for media policy discussed thus far, the marketplace of ideas also is subject to multiple, potentially conflicting, interpretations. But certainly, the metaphor contains within it a rather comprehensive conceptualization of the scope of media policy as both a professional practice and a field of academic inquiry.

Policy scholars grounded in economics naturally interpret the marketplace of ideas metaphor in a way that emphasizes the "invisible hand" and that prioritizes a reliance on marketplace incentives over government interventions to achieve desired social outcomes, but also in a way that generally cedes tremendous authority to the marketplace for determining desired social outcomes (see, e.g., Owen, 1975). This analytical perspective has been expressed perhaps most famously in Reagan-era U.S. Federal Communications Commission Chairman Mark Fowler's articulation of a "marketplace" approach to broadcast regulation in which "the public's interest . . . defines the public interest" (Fowler & Brenner, 1982, p. 4). Of course, such an analytical perspective naturally leads to strong opposition to government regulation of media markets in favor of large-scale deregulation

It is worth noting, however, that in recent years there has been something of a retreat from this rather extreme perspective, even from among those who have traditionally adopted a primarily economic lens toward media policy issues (see, e.g., Stucke & Grunes, 2001). Deregulatory arguments today are now more often couched in First Amendment theory or in assessments of the media marketplace that emphasize the growing importance of new media technologies, the diminished significance of the traditional regulated media and, consequently, the irrelevance of contemporary efforts to continue regulating what is perceived as an increasingly shrinking and struggling component of the overall media system (see Baker, 2007).

Political/cultural approaches to the marketplace of ideas metaphor have, as one might expect, a very different theoretical grounding, drawing not from economic theory but rather from democratic theory, particularly the work of John Milton and John Stuart Mill, who articulated notions of truth being achieved via the free competition of ideas and the greater social good being served via the wide dissemination of ideas and viewpoints (Schwarzlose, 1989). From a media policy standpoint, of particular importance is the application of this perspective to the democratic process, where emphasis traditionally has been placed on the centrality of the competition between diverse and antagonistic viewpoints to an informed citizenry and effective self-governance (e.g., Meiklejohn, 1948/1972).

Media policy, from this perspective, therefore needs to prioritize the extent to which the media system serves the informational needs of the citizenry and facilitates the effective functioning of the democratic process. Out of this interpretive approach grow

emphases on diversity, pluralism, and localism as key elements of a robust marketplace of ideas (see Hitchens, 2006; van der Wurff, 2005).

Key Issue Areas for Contemporary Media Policy

The theoretical constructs outlined above inform three broad substantive areas of concern for media policymaking. These substantive areas are intended to be inclusive of the range of policy issues and concerns that characterize the media policy field. These substantive areas are: a) content; b) structure; c) infrastructure. Content can be thought of as policymaking directed primarily at directly influencing the nature of the content provided by media outlets. Structure refers to policymaking directed primarily at influencing the structural elements of media markets, such as competitive conditions, ownership patterns, and related dimensions of the characteristics of content providers. Infrastructure refers to the distribution technologies and networks by which content is disseminated. Each of these issue areas is described in greater detail below; however, it is important to emphasize at the outset that these substantive areas are not wholly distinct. Issues of infrastructure policy bear on issues of content (Yoo, 2005), as do issues of structure (van der Wurff, 2005). For instance, policies directed at the operation of communication networks can indirectly impact the nature of the content that is produced (Yoo, 2005). Structural policies, in fact, frequently have been implemented with the intention of indirectly impacting content (and thereby circumventing possible First Amendent/free speech impediments to more direct efforts to affect content [see Napoli, 2001]).

Content

Content-related policy concerns generally seek to either protect the citizenry from potential harms associated with particular types of media content, or to benefit the citizenry via the imposition of affirmative requirements on content providers to offer certain types of content deemed to be socially valuable.

Protective policies typically have focused on content deemed to be potentially harmful (particularly to children) or at least potentially offensive to the sensibilities of the typical media consumer. Thus, for instance, there is a long tradition of content regulation in broadcasting that focuses primarily on constraining indecent language and sexuality. Media violence also has been a long-standing concern in the media policymaking arena (Hamilton, 2000b). Policymakers have been concerned about the effects of violent content – particularly on children – across a wide array of media, ranging from comic books to motion pictures to (perhaps most prominently) television and (most recently), the Internet. Given these concerns, media effects research examining the possible relationship between the consumption of violent and violent behavior has maintained a position of prominence in media policymaking circles throughout each wave of technological development. This has led to efforts such as V-Chip legislation that requires that television manufacturers place a device in new televisions that facilitate viewer or parental blocking of both indecent and violent programming.

V-Chip policies are reflective of more indirect (and often industry-initiated) approaches to content regulation that have characterized non-broadcast media (where First Amendment protections generally are stronger) such as video games, recorded music, and motion pictures, where ratings systems have been put into place to facilitate

restricting children's access to certain types of content and minimizing accidental exposure to such content by audience members who might find the content offensive. More direct forms of content restrictions tend to remain confined to terrestrial broadcasting, though efforts to impose a more broadcast-oriented content regulation model have been attempted in the on-line context, and policymakers have initiated preliminary inquiries into extending such an approach to other media such as cable television and satellite broadcasting (Congressional Research Service, 2005). Whether such efforts could ever survive First Amendment scrutiny is doubtful. And, of course, the global nature of the Internet imposes tremendous challenges to any nation seeking to impose such content restrictions in the on-line realm.

Another important form of "protective" policies relating to media content involves national restrictions on the importation and exhibition of foreign content. Such policies typically are grounded in both cultural concerns related to preserving and promoting domestic cultural values, traditions, and expressive opportunities in the face of an increasingly globalized media marketplace, and in economic concerns related to protecting and promoting domestic media industries from foreign competitors. Limitations on television programmers' ability to air foreign-produced content can be found across a wide array of nations, ranging from Canada, Australia, and France to China, Malaysia, and Singapore. Similar restrictions can be found in many nations pertaining to motion picture importation and theatrical exhibition.

Turning to affirmative content requirements, policymakers also frequently have seen fit to require media outlets to provide certain types of content – typically content judged to enhance the political, intellectual, or cultural development of the citizenry. In

the U.S., such requirements have been in decline over the past three decades (Napoli, 2001), though affirmative requirements for broadcasters related to educational children's programming remain, as do requirements for cable and satellite systems to devote certain amounts of channel capacity to local and non-commercial and educational content providers. Similar content requirements (often focusing on issues of children's programming and localism) can be found in other nations. In Australia, for instance, certain broadcast licensees must provide explicit quantities educational children's programming and programming dealing with material of local significance.

Obviously, whether the context involves restrictions on what type of content can be provided or requirements regarding the provision of certain types of content, such government involvement in the content arena represents the most aggressive and potentially the most invasive and problematic mechanism available to media policymakers, as such approaches can be seen as running counter to the free expression principle at the core of media policy.

Structure

Structural policy concerns focus primarily on issues related to the ownership patterns and structure of media systems. That is, policymakers across a wide array of national contexts have approached the regulation of the ownership and structure of media outlets as a primary mechanism for preserving and promoting the various normative principles that reside at the core of media policy. Thus, diversifying the ownership of media outlets and restricting foreign ownership have been seen as an important means of maintaining a robust, pluralistic marketplace of ideas in which principles of free speech and a media

system that best serves the public interest can be realized. Questions of the effectiveness and appropriateness of such policy approaches have, however, become increasingly prominent in recent years, as technological change, the blurring of traditional industry distinctions, and the globalization of media markets all have contributed to a reassessment of the appropriate approach to structural regulation of the media.

In the U.S., for instance, there has been, in recent years, an ongoing debate over policies pertaining to local and national ownership limits for media outlets. Ownership policy has become particularly contentious, perhaps because of the extent to which the issue straddles the economic and socio-political terrains of media policy. That is, ownership policy directly engages traditional economic policy concerns such as competition and efficiency to the extent such policies impact competitive conditions in media markets and the extent to which media owners can take advantage of potential economies of scale associated with the ownership of greater numbers of media outlets. Ownership policy also directly engages socio-political policy concerns related to the diversity of sources of information available to the citizenry, the extent to which media outlets are locally owned and oriented, and, perhaps most important, the extent to which the speech opportunities associated with the ownership of media outlets are widely versus narrowly disseminated. The extent to which the media ownership issue resides firmly in the camps of the two traditionally distinct analytical perspectives that have been brought to bear on media policy (Entman & Wildman, 1992), the fact that this policy issue has become highly politicized, highly contentious, and, ultimately, very difficult to resolve.

Other national contexts where the issue of media ownership has been particularly pronounced include Italy, where the election of the nation's most powerful media owner,

Silvio Berlusconi, to the office of prime minister, raised a wide range of questions

regarding the relationship between media ownership and the political process, and the

appropriate policy responses to managing this relationship (see Doyle, 2002). Australia

and the U.K., like the U.S., have been immersed in contentious debates regarding the

reform of media ownership policies, and, like the U.S., the trend appears to be one of a

gradual relaxation of these rules (Hitchens, 2006).

Another important structural dimension of media policy involves the commercial

versus non-commercial orientation of outlets serving individual media markets. In

Europe, in particular, there has existed a strong tradition of public service television and

radio, though over the years most European media markets have – via the efforts of

policymakers – become increasingly privatized, and, by association, increasingly

commercialized (Hitchens, 2006). Similar processes have taken hold in other parts of the

world as well. And, it is important to recognize, concerns regarding privatization and

commercialization, and the appropriate policy responses, extend into the new media

realm as well (Mueller, 2002).

Infrastructure

Infrastructure, in this case, refers to the transmission mechanisms for media content. In

some instances, these infrastructures have historically been under governmental control,

in which case the allocation of access to the particular infrastructure becomes a

fundamental policy issue. Thus, for instance, spectrum policy, has been – and continues

to be – a core concern in the media policy arena. Early spectrum policy concerns

involved establishing the key components of a regulatory apparatus, as well as the

mechanisms for license allocation (Hazlett, 1990; McChesney, 1993). In recent years, the nature of spectrum policy concerns has changed dramatically, reflecting the increased flexibility of spectrum uses brought about by the process of digitization, as well as a stronger governmental commitment to privatization of the spectrum. This privatization process has, itself, become a major source of policy debate, as have issues related to licensed versus unlicensed spectrum uses and issues related to spectrum usage priorities that are most efficient and that best serve the public interest.

In other instances, policymakers have seen fit to institute policies in an effort to spur the growth of certain infrastructures. Most recently there has been substantial attention devoted to the issue of the broadband infrastructure and possible mechanisms for accelerating its build-out and, perhaps most important, ensuring that the infrastructure reaches – and is reasonably accessible to – sectors of the citizenry facing significant barriers to access. Such concerns reflect a long-standing policy tradition of concern for widespread access to key elements of the information infrastructure, whether it be in terms of universal service policies for telephone service or Internet access, or in terms of ensuring the allocation of broadcast licenses to even the smallest of communities (see Napoli, 2001). Widespread access to the various infrastructure components of the media system has been, and remains, a core media policy issue.

Contemporary Challenges for Media Policy

Media policymaking must navigate an increasingly complex technological environment, with new media technologies not only introducing new forms and sources of content into the media mix, but also providing new mechanisms for the delivery of traditional media

content. In such an environment, effectively defining media markets becomes increasingly difficult, as does maintaining an accurate sense of the roles and functions of the different media in the lives of the citizenry. For instance, policymakers must come to grips with how the migration to increasingly interactive media platforms, and the associated increased prominence of user-generated content might impact policy approaches to media (Benkler, 2006). To the extent that we are witnessing technology-driven "de-institutionalization" of the media, the question arises as to how this process should be reflected in media policies, which traditionally have been directed at large-scale media institutions and traditionally have been formulated with such institutions in mind.

These increased analytical challenges facing policymakers (and policy researchers) are accompanied by changing dynamics regarding the placement of the burden of proof in the assessment of individual policies. That is, individual policies are coming under increased scrutiny by policymakers, stakeholder groups, and the courts, in terms of the extent to which they legitimately achieve the objectives that motivated their introduction. No longer is much deference granted to the predictive judgments of policy professionals. Rather, contemporary media policymaking involves increasingly ambitious efforts to systematically assess the impact of individual policies, as well as to test the underlying assumptions upon which individual policies may be based.

Such developments, of course, point to an increasingly influential role for research in the media policymaking arena – particularly in relation to the stakeholder battles (e.g., between industry groups and public interest/advocacy organizations) that remain a prominent component of media policymaking. But such developments also

raise the question of whether the full range of policy impacts always will be discernible by available empirical methods, and if not, do policies reflecting values that perhaps should be considered self-evidence potentially suffer in the face of increasingly evidence-based policymaking? The implications of such questions become magnified in the face of contemporary dynamics involving the role of research in policymaking that suggest that a fairly narrow spectrum of research perspectives contribute to policymaking (Mody, Wildman, Bauer, & Kim, 2005) and that resource imbalances among the various stakeholder groups can further skew the nature of the research that ultimately impacts policy decision-making (Napoli & Seaton, in press).

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