

How We Are Governed

How We Are Governed:
Investigations of Communication,
Media and Democracy

Edited by

Philip Dearman and Cathy Greenfield

**CAMBRIDGE
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P U B L I S H I N G

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This book first published 2014

Cambridge Scholars Publishing

12 Back Chapman Street, Newcastle upon Tyne, NE6 2XX, UK

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

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ISBN (10): 1-4438-5406-9, ISBN (13): 978-1-4438-5406-1

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PREFACE

Originating initially from work presented at the *Media, Communication and Democracy: Global and National Environments* conference held at RMIT University in September 2011,¹ this book explores and demonstrates the interdisciplinary relations between communication and politics. It gathers together scholarship within the field of Communication & Media Studies whose focus is on the formal arenas of politics and public policy as well as on politics in the broader sense of an informal negotiation of social relations of power between people.

Overall, the book coheres around the authors' concerns, dispersed across many different domains, with how we are governed. The book's attention to this question revolves particularly, though by no means exclusively, around how communicative practices and technologies are integral to governing. Asking how we are governed means considering whether the arrangements entailed in the instances presented here can best be described as democratic or otherwise. It is a question informed by the view that Communication & Media Studies is asking the right questions when it seeks to make a contribution of some sort to "democratic potentialities" (Gouldner in Halloran 1998, p. 14).

Each chapter focuses on some empirical instance or instances of media-politics and of media-democracy relations, on how these have been or are being exercised, on how they are being interrogated and reinvented. Some are strongly informed by the studies of governmentality associated with Foucault's historical work on relations of power and knowledge, explicitly pursuing a governmental description and analysis of communication practices and technologies. Others complement a governmental approach through their attention to formative policy struggles and pervasive negotiations of power.

The chapters take readers from the current limits of media regulation and the erosion of authority of elected politicians (Flew), to questions about the guardianship of public life, the various forms this has taken in contemporary Australian politics, and the emergence of activist organisations operating across adjacent media as self-appointed monitors or intervenors in this regard (Griffiths); from questions about whether judicial inquiries, such as the Leveson Inquiry in the UK, are able to hold the powerful to account or instead are a means of containing and limiting anger (Freedman), to the actuality of Web 2.0 communication in the

formation of “the will of the people” in Germany (Elter); from questions about how to weigh optimistic perspectives on citizen participation in politics against pessimistic views of a “shallow brutality” afforded by various “new” media (McNair), to the straitening of democratic arrangements through predominant kinds of televised economic literacy (Nolan); from new opportunities for online participation in the “illiberal democracy” of Singapore (Morieson), to overlaps and tensions between training for citizenship and market formation in public-private partnerships concerning cyber-safety in Australia (Dearman); and from the concerted public relations challenge ranged against one national government by a transnational business-backed market populism (Greenfield & Williams), to a consideration of personal and political rivalries caught up in decisions about how Australian “soft power” can be extended through television programming broadcast into Asia (Tebbutt).²

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Notes

1 The conference was jointly organised by the European Union (EU) Centre (RMIT University), the School of Media and Communication (RMIT University) and the Media and Democracy in Central and Eastern Europe Project (University of Oxford). Several papers presented at the conference have since been published in Volume 45 of *Communication, Politics & Culture*, which is available at www.rmit.edu.au/cpcjournal.

2 All chapters included here have been blind peer reviewed.

CHAPTER ONE

INVESTIGATING COMMUNICATION, MEDIA AND DEMOCRACY

PHILIP DEARMAN AND CATHY GREENFIELD

The fortunes of democracy and the role of media in those fortunes is a currently boundless topic. The urgency of climate change response, the challenge to liberal-democratic institutions and norms of an Asian century and of violent internecine struggles in Middle Eastern nations, the dominance of transnational finance sectors, the political disaffection of some citizenries and the authoritarian energising of others—all make for a thick vein of description and speculation about the capacities and fitness of existing democracies,¹ routinely bound up with allied interest in the future of established models of journalism, their current performance, and the social and political consequences of pervasive digital technologies. In other words, the relations between media and democracy presently make for a rich field of inquiry. It encompasses, for example, the practices and consequences of *WikiLeaks* (the emblematic digital organisation of early 21st century “communicative abundance” (Keane 2009)), changing technologies for educating and informing citizens, and new ways of undertaking electoral and political campaigns. It is a field marked by various reports and reviews seeking to establish appropriate policy directions for nation-state regulation of media in a period of digital convergence, and by the formation of new online models for the guardianship of public life. It is a field rife with democracy’s political competitor, the latent “auto-immune disease” of populism (Alonso et al. 2011, p. 12). And it is a period when the daily business-cycle and all its tips and tricks has displaced social policy concerns from mainstream news agendas (even if you have a view, like some, that they no longer matter!) and when, as ever, what we call democracy operates on different scales and is attached to widely varying objectives.

This book takes stock of matters arising at this time, which are at once “political” and “communicative”. Our aim in this chapter is to briefly outline an approach to communication, media and democracy which departs from the instrumental sense of communication that can be the price of Political Science’s focus on legislative and party politics and politics (what is the limit of their power? are they on message? do they know their audience?), which accepts the importance of various media in doing and understanding capital-P Politics *but at the same time* engages with the diverse senses of communication that are bound up with the social relations of power in lower case-p politics—in, for example, the political economy of health, or of aging, or of finance.² This introduces two points. First, attention to communication is not satisfied by media-centric study,³ and, second, politics necessarily spills over from the important but (dominantly) narrower concerns of Political Science. In arguing this we wish to assist an ongoing “redistribution” (Latour 2007, p. 814) of possible conceptions of politics and communication, a move which does not at all displace attention to media texts or political administrations, but which multiplies the things that can be said about these fields of communication and politics. In this way, our interests diverge somewhat from the more familiar ambit of the sub-discipline of Political Communication.⁴ They align more, to take just one example, with the identification of the political in the daily negotiations of “everyday investors” within pervasive technologies of investment in financialised economies (Langley 2008, p. 91). But, just as Dean included analyses of national states in his overview of “the continued force of the political” and diverse early-21st century projects for “governing societies” (2007, p. 2), neither do we stand back from attention to electoral politics. Precisely how the more circumscribed sense of electoral politics figures in the overall politics–media nexus we are pursuing deserves a little consideration, despite it being arguably a well-worked relation.

We can take our cue here from a number of scholars, starting with Thomas Meyer who at the turn of the century could convincingly argue that a lot of otherwise good scholarship takes an “overly broad and sweeping approach” to how media affect the process and structure of politics (Meyer 2002, pp. 58–59)⁵ and a lot more to boot is limited to a conception of the media–politics nexus in the weak sense of “influence”.

Meyer’s case in *Media Democracy: How the Media Colonize Politics* (2002) is an amalgam of established theses about the public sphere, about the dominance of television and infotainment, and of less familiarly stated concerns and assumptions. These latter are to do, especially, with his account of what politics consists of, or the domain of politics. His

perceptiveness on this count, about politics, is what makes *Media Democracy* a useful starting point: too often in writings about media and politics there is either a lack of specification of politics, or its too narrow conception through either a functionalist political sociology or an instrumentalist political science. Meyer's account of politics' threefold aspect—polity, policy, and political process—and his emphasis on the “intermediary sector of politics” as well as parties, captures more usefully the scale, time-frames and (to employ an awkward but apt phrase) constitutive extensiveness of politics. Polity designates constitutions, systems of rules, unwritten norms, and political cultures. Policy involves the effort, always in evidence, “to find solutions for politically defined problems by means of programs for action” (Meyer 2002, p.12), and the political process is “the effort to gain official acceptance of one's chosen program of action” (p. 12). The political process is organised by parties and—especially in its crucial “protracted duration” (Meyer 2002, p. 41)—by intermediary bodies (including churches, trade unions, non-government organisations such as groups promoting social security) that provide “forums, stabilizing factors and sources of energy for the long-term discourses about the definition of problems and alternatives for action” (2002, p. 22). The particular weightings and specific assembling of these dimensions may vary considerably, but all are entailed, all are important albeit in different ways from one case to another.

With this understanding of politics in place, Meyer avoids the common mistakes of claiming either too much for the role of media in relation to the political domain, or too little—as simply external “influence”. Despite his strong assertion that politics has been colonised by dominant characteristics of the media, (crystallised by Meyer as its “uncompromising presentism” (2002, p. 44), an outcome of its dual filters of news values and of aestheticising rules of presentation) and that this colonisation has far-reaching consequences for the operation of democratic politics in all its aspects, still politics goes on outside its media presentation:

the question of whether political programs have really worked never quite pales into insignificance under the blinding klieg lights of media attention; in fact the traditional questions reassert themselves when we are faced with the experience of crises in our everyday lives. (2002, p. 76)

As Meyer puts it, “but old-fashioned politics is never fully eclipsed” (2002, p. 75). Or yet again, the communicative culture of politics is not completely exhausted by media culture, even as that media culture is a “characteristic and crucial part of it” (2002, p. 76).

All these considerations are useful for dealing more precisely with the disposition of the neighbourliness between media and politics—a metaphor that allows for all the varied kinds of relations possible between neighbours, and, hopefully, displaces the lure of deterministic explanations. Our metaphor of neighbourliness is designed to avoid making either “politics”, endowed with a singular character, or “the media”, as some kind of unified totality, into a determining cause. Meyer’s overall thesis is that what now typically exists is media democracy,

understood as the colonization of politics by the mass media [which] fundamentally changes the role and mode of operation of political parties. To the extent that parties have to—or perhaps want to—submit to the functional imperatives of the logic of mass communication, their communicative time-frame and center of gravity shift; they respond differently to their political environment. (Meyer 2002, p.24)

Parties having, or wanting, to submit to the imperatives of accelerated and intensifying digital social media applications is of course currently altering the communicative time-frame and calculations of political parties.⁶

Peter Dahlgren has more recently drawn on Meyer in his investigation of the state of media and political engagement in Western democracies, whereas he says, “the media have become the prime scene of politics” (2009, p. 53). He also notes that this is a scene where there are now more actors and forces making themselves felt: spin doctors, public relations experts, media advisors and political consultants, and all their various practices. To add to this, we can note Nigel Thrift’s suggestive observation that “[p]olitical life in democracies is a life constantly stirred by the media” (2008, p. 250). This is his way of referring to the saturation use of affective technologies—new technologies of affect which have migrated from corporate practices of “generating engagement” in consumers (2008, p. 248) to the parliamentary political arena (in, for example, political advertising, daily tracking polls, the techniques of the permanent campaign). Most obvious in new alignments between politics and consumerism, the use of these technologies of affect mean that political time is being reshaped into “an increasingly anxious business” (Thrift 2008, p. 250), punctuated by the production of “affective firestorms” around issues or around politicians, and all this “against a general background of increasing lack of formal political engagement in the population as a whole” (2008, p. 250).

A further contribution to our understanding of the current state of media–politics relations we take from David Nolan (2008) and his identification of the trends of celebrity journalism, of the dominance of

image, and of commercial imperatives. While attention to such trends is hardly new, Nolan's suggestive contribution is to locate these as the particular elements of a recognizably neoliberal regime of governing within which journalism relays norms such as scepticism about expertise, on the one hand, and, on the other, enthusiasm for markets rather than government bureaucracies to ensure a "democratic" conduit for the wants of the ordinary person. In other words, Nolan pays attention to what a lot of journalism is teaching audiences about what counts as democracy.

None of these writers treat the intimate relations between media and politics as a new thing, as if politics had some earlier, separate existence from communication technologies. Neither are they particularly sanguine about the consequences of the current state of media-politics relations for democratic politics, though it would perhaps be more accurate to say that none of them are engaged in anything so reductive as reading the fortunes of democracy off the state of these relations. We mention these writers here precisely because they approach these media-politics relations, instead, as the current conditions within which struggles for, and against, democratic arrangements (or for and against deepening or extending these arrangements beyond those of electoral democracy) are being conducted.

Some other writers have drawn attention to aspects of broader media-power relations which are said to facilitate, though certainly not guarantee, "more social justice and more democracy" or "democratic transformations" (McNair 2006, p.17). Brian McNair has done this with his analysis of the cultural chaos spawned through the proliferation of communication channels, a chaos that does not belie the efforts and successes of power elites at exercising control in societies, but provides capacity for "disruption and interruption, even subversion of established authority structures" (2006, p.3). John Keane's

(2009) descriptions of "communicative abundance" in media-saturated societies—especially the abundance provided by the Internet—similarly see it, in partnership with a strong human rights agenda in the post-WWII period, as enabling a new form of "monitorial democracy", a significant supplement to electoral representative democracy.

Both McNair and Keane take pains not to fall into overblown claims for the social and political benefits of either cultural chaos or communicative abundance.⁷ If there is a hint of populism in their respective diagnoses of elites and their authority being now more susceptible to disruption or to scrutiny—populism because this susceptibility is to the benefit of those who are "not elites"—then both writers are aware of the traps of crude populism. This crude kind of populism circulated widely in early equations of the affordances of the

Internet, interactivity especially, with a general reviving of a Jeffersonian democracy, in the ideal of “all individuals [being] able to express themselves freely within cyberspace” (Barbrook and Cameron 1996, p. 45). As Barbrook and Cameron put it in the mid-1990s, this “Californian ideology” of technological determinism and libertarian individualism became the “hybrid orthodoxy of the information age” (1996, p. 49). Subsequent criticism of the utopianism of this orthodoxy notwithstanding, claims about the inherent democratising effect of the Internet continue to proliferate in rationales for the adoption of social media in electoral politics, in businesses and in other organisations.

While such claims are presented as being about democracy, they are better understood as populist or riding on a populist notion of democracy. Populism is a view of democracy in which the figure of “the people”—or an equivalent identity like “the public”, or a less homogeneous aggregate of individuals—is both central and taken as the natural basis for governing. This view conflates democracy with popular sovereignty—a doctrinal truth in liberal representative democracies but guaranteeing therefore only doctrine, not democratic practices and relations. Implicit in this view is the romantic assumption that constituencies and their interests are given, natural, pre-political, and that “the people” as the preeminent constituency, requires simply the expression of its interests for politics, or governing, to take its rightful course. Hence the view that the Internet will confer a democratic benefit, by extending to “ordinary people” a means of expression that has previously been blocked. This is of course, a poverty-struck notion of democracy, not because it values expression or “voice”, but because it stops at “voice” and because it treats interests or what is being voiced as somehow given, somehow pre-social, thereby radically circumscribing the scope and role of democratic politics.

To distinguish democracy from this populist view, to think about it in terms of how power is exercised rather than in terms of sovereignty or right, is to view it as the practical arrangements through which people come to participate in decision-making concerning activities they are engaged in or affected by. This view of democracy as a technology for decision-making and the disaggregation from populism that it allows leads us to a small but not unimportant point regarding how we work on media-politics. Identifying what particular configurations of media-politics relations mean for democracy is not to be done in terms of whether these relations allow or block expression of the interests or will of “the people” or the public or ordinary individuals in aggregate. More pointedly, it is not to look for whether certain media have “democratic affordances” that they can somehow inevitably lend to the activity of politics. Rather it is to be

interested in how, and with what rationale, particular media—overlapping, contesting, and adjacent old and new media—are used to bring into being particular kinds of constituencies able to formulate particular interests. It is to apply an empirically attentive and non-reductive eye to the diverse and dispersed operations of governing, from electoral politics to civics education, from regulatory frameworks to the formative routines and practices of citizen journalism, from reality television to international diplomacy—and to pose the question of their contingent contribution to democratic arrangements for public decision-making.

In formulating the scope of this volume we were particularly interested in scholarship whose focus is on the formal arenas of politics and public policy, on connections that can be made between politics and communication technologies and practices, as well as on politics in the broader sense of an informal negotiation of social relations of power between people. In different ways, this scholarship tells us something about how a range of populations is governed in the 21st century, how the conditions of that governing are contested and negotiated. These populations are various: located in particular countries, ranged across national borders, and embedded in specific organisations or institutions. To say they are “governed” is to use an older notion of government, the sense of a pervasive, complex and heterogeneous exercise of power that extends well beyond the State, though by no means ignoring it.⁸ The virtue of approaching politics in terms of a broad governing of populations is that it highlights the ongoing work of forming and re-forming political constituencies and interests. It guards against common sense assumptions that these are ever simply given—whether in the form of a public, elites, classes, or communities—and that the work of politics, and of communication, more or less follows in their wake.

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Notes

1 On these and further considerations see, for example, Keane's (2010) overview essay outlining the "global questions" facing democracy; and Davis on the "crisis literature" of established democracies (2010, pp. 13–16).

2 This is an approach which informs our teaching in the Politics Economies Communication program at RMIT University, as well as the ambit of *Communication, Politics & Culture*, a journal with which we both have editorial connection.

3 See Mattelart (1996) on what is marginalised in media-centric approaches to communication.

4 Though see Davis (2010) for a well-informed discussion of methodological limits of the field and an innovative expansion of it, including rethinking the professionalisation of party politics through the "governmentalisation" of states and their rulers (p. 40).

5 Thanks are due here to Peter Williams' generative reading and discussion of Meyer's work with us.

6 See, for example, Chen's (2013) exploration of the implications of digital media for Australian political life.

7 The kind dealt with by Curran's (2012) sober assessment concerning the Internet's contribution: "the internet has not revitalised democracy" (p.17).

8 A sense of the term which preceded the dominant, broadly liberal, and conceptually narrower notion of government (Dean and Hindess 1998).

CHAPTER TWO

CONVERGENT MEDIA POLICY

TERRY FLEW

Introduction

This chapter considers the implications of convergence for media policy from three perspectives. It notes the traditional concerns and priorities of media regulation, from the theoretical perspectives of public interest theories, economic capture theories, and capitalist state theories. While it has been said that “regulation of the media of communication is as old as blood feuds over insults, and...as classic an issue as deciding whose turn it is to use the talking drum or the ram’s horn” (Michael 1990, p. 40), how it has been evaluated differs considerably across different theoretical paradigms, with the “economic of politics” approach, in particular, challenging the dominance of public interest approaches to understanding media regulation.

This has become particularly relevant in the early 21st century, where questions of how media are regulated, how they should be regulated, and whether they should be regulated at all, are being asked worldwide. A series of changes in the media environment have necessitated new approaches to media policy, associated with: media convergence; media globalisation; the blurring of boundaries between media forms and industries; the greater ability of media consumers to themselves become producers of media content and distribute this material across global media platforms such as YouTube; and the uncoupling of media content from particular media platforms (e.g. TV being watched on smart phones, Internet content being accessed from “smart” TVs). Such changes have been seen as marking a shift from the *mass communications* media paradigm of the 20th century, towards a *convergent social media* paradigm, requiring not only new policies for new media, but a wider rethink of both the principles of media policy and the regulatory instruments through which it is enacted (Flew 2011).

Media convergence presents a number of challenges to national systems of media regulation, including: (1) determining who is a media company; (2) regulatory parity between “old” and “new” media; (3) treatment of similar media content across different platforms; (4) distinguishing “big media” from user-created content; and (5) maintaining a distinction between media regulation and censorship of personal communication. These questions are discussed in light of the failed attempts to reform media policy in Australia, based on a series of media policy reports undertaken in 2011–12, including the Convergence Review, the Finkelstein Review, and the ALRC National Classification Scheme Review. In the conclusion, I argue that public interest approaches to media policy continue to have validity, even as they grapple with the complex question of how to understand the concept of influence in a convergent media environment.

Media Policy and Regulation: Competing Perspectives

National media regulation developed over the 20th century with the rise of mass media of film, broadcasting and, to a lesser degree, print. In particular, broadcast media were subject to extensive government regulation on the basis of “public good” characteristics of the media product, and the need to manage access to spectrum. Industry-specific regulations governing ownership, content and standards were developed, arising from the perceived centrality of the broadcast medium to public communication, the capacity of media owners to influence public debate, and concerns about potential risks to children and others from exposure to harmful media content (Doyle 2002; Picard 2011). While many of these regulations are “negative” in the sense of setting controls over access to broadcasting licences or restrictions on what can be screened, there have also been more “positive” regulations, that aim to stimulate various forms of local content production, including local drama, provision for cultural and linguistic minorities, children’s programming, and documentary and factual programming.

Public service media have been central to such provision in many parts of the world, and until the 1980s held a monopoly over broadcasting in many nations. In Europe, where public service broadcasting has been strongest, the European Union approved a protocol that defined the mission of public broadcasting as being “directly related to the democratic, social and cultural needs of each society and to the need to preserve media pluralism” (Schejter 2008, p. 1609). In other parts of the world, such as

Canada, Japan and Australia, public service broadcasting exists as part of a dual system with regulated public broadcasters, who have legislated requirements in terms of local content provision. Even in the United States, typically seen as the least regulated media market, the Federal Communications Commission (FCC) has sought to maintain principles such as localism, where the public interest obligations of broadcast licencees include the expectation that they provide programming that will “serve the needs and interests of their communities of license” (FCC 2008).

In terms of *why* media regulations take the form they do, the principal answer has been that they serve the *public interest*. Robert Horwitz has observed that “the ‘official’ view of legislative intent” is one where:

Regulation is established in response to the conflict between private corporations and the general public. The creation of regulatory agencies is viewed as the concrete expression of the spirit of democratic reform (1989, p. 23).

In relation to media policy, van Cuilenburg and McQuail have observed that:

Policy formation in this, as in other fields, is generally guided by a notion of the ‘public interest’, which democratic states are expected to pursue on behalf of their citizens. In general, a matter of ‘public interest’ is one that affects the society as a whole (or sections of it) rather than just the individuals immediately involved or directly affected. (2003, p. 182)

The criticism of public interest theories of regulation has been about whether they are naïve in terms of understanding actual practices of media policy and regulation. The normative proposition is that “regulatory administration neither adds to nor subtracts from the policy decided by law makers...[and] civil servants are simply office carriers dedicated to carrying out the duties that constitute their particular role” (Christensen 2011, pp. 97–8). However, critics have argued that the history and conduct of regulatory institutions has seen regulatory failure, arising out of factors such as media regulators developing a common worldview with the industries they regulate, the ability of regulated industries to influence regulator conduct, and ways in which the political process bears upon how regulators approach the industry in question (Horwitz 1989, pp. 27–9).

The critique of public interest theories of regulation has gone in two very distinct directions. *Economic capture theories* have argued that regulatory failure arises out of two inter-related processes: regulated

businesses use the process as a way of securing economic rents and controlling the entry of new competitors into the market, while government regulators maximise self-interest by working closely with regulated businesses, to the apparent detriment of the public interest (Christensen 2011, pp. 97–9). Drawing upon neo-classical economics, and applying rational choice theory to the political and policy spheres, these theories identify the problem of regulatory reform as being one where the benefits of the *status quo* are concentrated among a small number of industry and policy “insiders”, and the costs of change are well understood by these interests, whereas, the benefits of change are more uncertain and diffused among the population more broadly (Dunleavy and O’Leary 1987, pp. 108–11).

As these theories are typically put forward by those with a strong belief in the positive role played by markets in economic life, and indeed evaluate politics as akin to economic behaviour in “markets” for political power and influence, the characteristic recommendation arising is that there should be deregulation, or a reduced role of governments in controlling the activities of private corporations, combined with measures to increase the level of overall competition in those industries (Berg 2008; cf. Stedman-Jones 2012, pp. 126–33). Alternatively, technological change and changing consumer tastes and preferences are identified as themselves driving change towards a preferred deregulatory outcome: the take-up of cable and satellite television in the 1980s and 1990s, and the role now being played by the Internet in enabling alternative modes of content delivery and new services, are seen as undermining the traditional foundations of media regulation.

The second major critique of public interest theories of regulation comes from *capitalist state theories*, which have viewed liberal pluralism as both politically naïve and intellectually complicit in regimes of power and domination. Proponents of this critical approach argue that regulatory agencies, and particularly those who head them, come to hold common class interests with dominant corporate actors. Barrow (2007, p. 91) draws attention to Ralph Miliband’s observation in *The State in Capitalist Society* (1968), that political power in capitalist democracies had “shifted from the legislative to the executive branch of government and to independent administrative or regulatory agencies”. This meant that even though governments “speak in the name of the state and are formally invested with state power [that] does not mean that they effectively control that power” (Miliband 1968, pp. 49–50). In the current context, such arguments have been associated with critiques of the political ideology of *neoliberalism*, where it is argued that “human well-being can best be

advanced by liberating individual entrepreneurial freedoms and skills, within an institutional framework characterised by strong private property rights, free markets, and free trade”, and that “the role of the state is to create and preserve an institutional framework appropriate to such practices” (Harvey 2005, p. 2).

A number of authors have argued that neoliberalism has been the ascendant ideology in media policy internationally since the 1980s. David Hesmondhalgh proposed that the political influence of neoliberalism “helped to de-legitimize public ownership and certain forms of regulation in nearly all forms of economic activity” (2013, p. 131). Des Freedman argued that a shift towards neoliberalism in US and UK media policy drove “a much narrower and more consumer-oriented role for the media” and a much greater focus on “the largely economic benefits that may accrue from the exploitation of the media industries” (2008, p. 219). Toby Miller has summarised neoliberalism as a doctrine that “understood people exclusively through the precepts of selfishness...[and] exercised power on people by governing them through market imperatives” (2009, p. 271).

We can note, then, that arguments for media policy reform to address the challenges of convergence can be interpreted as being about government regulation better serving the public interest in a time of rapid change. But this brings us to the prior question as to how the public interest is itself understood. From the perspective of economic capture theories, the public interest would be best served by giving freer rein to individuals and markets, by reducing the overall amount of media regulation. Chris Berg, from the Institute of Public Affairs, a public policy think tank that “supports the free market of ideas, the free flow of capital, [and] a limited and efficient government” (IPA 2013), argues that media regulations are based upon a now outdated paradigm of media scarcity that is “entirely unsuited to the contemporary media landscape” where “an infinite range of news and opinion can be now gathered at almost no cost from the Internet, produced by professionals and, increasingly, amateurs” (Berg 2006). A corollary of this argument is that regulations that are nationally-based are simply rendered inoperable in an age of globally networked media. Australian Internet activist, Mark Newton, has argued that “searching for local provincial regulatory responses to a global phenomenon” will only lead to regulatory responses which are “obsolete by the time they’re published, overtaken by global developments which pay scant attention to Australian regulators” (Newton 2011).

Capitalist state theories tend to look for the dominant corporate interests in a field such as media policy, to determine whether they are the real forces driving such changes. Hesmondhalgh summarises the neo-

Marxist perspective on media policy as one where “in general, policy bodies in modern capitalism work towards combining the accumulation of capital on the part of businesses with a certain degree of popular legitimisation”, even if such an analysis “does not always account for how they operate in practice” (Hesmondhalgh 2013, p. 125). A common argument from this perspective is that much of the current “convergence talk” overstates the significance of the changes taking place, in what James Curran has termed “millenarian wish fulfillment” by “the foes of established media organisations, hankering for the equivalent of divine retribution” (Curran 2010, p. 468). In a similar vein, Graeme Turner critiques “digital optimists” who, he argues, draw upon a binary opposition between old and new media, where “the old media is corporate, bullying, exploitative, elitist and anti-democratic, while the new media is grassroots, collaborative, independent, customizable, empowering and democratic” (Turner 2010, p. 128).

Public interest theories of media regulation, then, have been challenged from both the political right and the left, and from libertarians and Marxists. From the market-libertarian perspective, the Internet is foregrounding a new era of individualism to which media regulation appears as a misguided attempt to resurrect a collectivist past of media scarcity and limited consumer choices. From the left-critical perspective, media policy reform is frequently seen as a ruse, attempting to smuggle in neoliberal political agendas under the guise of cybertarian policy discourse. As Maxwell and Miller (2011, p. 594) put it, the “touchstone [of convergence] is environmental destructiveness, tied to the power of the military-industrial-entertainment-academic complex and managerial command over labour”. If media convergence is simply a synonym for new modalities of corporate power, it is hard to see how public interest discourses can be deployed in relation to its management.

The Challenges of Convergence

The 2010s have been a period in which significant proposals for media reform have been developed through comprehensive policy reviews. In the UK, while the Leveson Report has been the most prominent public engagement with questions of how to regulate news media and journalism (discussed by Des Freedman in this volume), the current government has also committed to a comprehensive review of the *Communications Act*, with new legislation to go to Parliament by 2014 (DCMS 2012). In Singapore, the Media Development Authority completed a Media Convergence Review in 2012, observing that “policy and regulatory

frameworks, which were designed for traditional media platforms and industry structures, are no longer able to cope with the characteristics of the converged media environment” (MDA 2012, p. 5). A range of reviews took place in Australia over 2011–12, including the Convergence Review (Convergence Review 2012), the Independent Media Inquiry (Finkelstein 2012), and the Australian Law Reform Commission’s Review of the National Classification Scheme (ALRC 2012; see, Flew 2012; Flew and Swift 2013, for reviews of these inquiries).

All of these inquiries have grappled with the observation, made by the Australian Communications and Media Authority (ACMA), that “regulation constructed on the premise that content could (and should) be controlled by how it is delivered is losing its force, both in logic and in practice” (ACMA 2011, p. 6). The Convergence Review observed that:

Australia’s policy and regulatory framework for content services is still focused on the traditional structures of the 1990s—broadcasting and telecommunications. The distinction between these categories is increasingly blurred and these regulatory frameworks have outlived their original purpose. (Convergence Review 2012, p. vii)

In a similar vein, the former Chair of the Canadian Radio and Telecommunications Commission (CRTC), Konrad von Finckenstein, told the Banff World Media Festival in 2011 that:

The industry is going through fundamental change in technology, in business models and in corporate structures. It has become a single industry, thoroughly converged and integrated. Yet it continues to be regulated under...separate Acts, which date from 20 years ago. Authority continues to be divided among different departments and agencies. (Theckedath and Thomas 2012, p. 4)

Convergence has been defined as “the interlinking of computing and ICTs, communication networks, and media content that has occurred with the development and popularisation of the Internet, and the convergent products, services and activities that have emerged in the digital media space” (Flew 2008, p. 28). Meikle and Young (2011) have proposed that convergence can be understood across four dimensions:

- Technological—the combination of computing, communications and content around networked digital media platforms;
- Industrial—the engagement of established media institutions in the digital media space, and the rise of digitally-based companies such

as Google, Apple, Microsoft and others as significant media content providers;

- Social—the rise of social network media and Web 2.0 services such as Facebook, Twitter and YouTube, and the growth of user-created content;
- Textual—the re-use and remixing of media into what has been termed a “transmedia” model, where stories and media content (for example, sounds, images, written text) are dispersed across multiple media platforms.

In its Review of the National Classification Scheme, the Australian Law Reform Commission (ALRC 2012, pp. 66–74) observed that convergence occurs in parallel with a series of other changes in the global media and communications environment:

1. Increased access to, and use of, high-speed broadband Internet. It has been estimated by Cisco that the global IP traffic in 2016 will be greater than that for every year from 1984 to 2012, as 3.4 billion people are now accessing the Internet, using 19 billion networked devices (Cisco Systems 2012).
2. Digitisation of media products and services. It is estimated that 72 hours of video are uploaded every minute onto YouTube, and four billion videos are viewed every day worldwide from that site alone. Similarly, the Apple iTunes store sells over 10 million songs per day, making it by far the major music retailer worldwide.
3. Globalisation of media platforms, content and services. At one level, it can be argued that media globalisation is not a new phenomenon, as Hollywood movies and American television programs have been a feature of the global media landscape for most of the 20th century. What has changed has been the extent to which digital media content can be sourced, distributed and accessed from any point in the world to any other point in the world. This has led to the rise of content distributors such as YouTube, and media platforms such as Apple iTunes and the Android Market, that span national boundaries and regimes of jurisdictional authority.
4. Acceleration of innovation. The World Intellectual Property Office has observed, for example, that the number of patent applications worldwide has grown from about 1 million in 1995 to 1.9 million in 2008, and the number of patents granted has grown from 450,000 in 1995 to 750,000 in 2008 (WIPO 2010).

5. Rise of user-created content. An important shift in the media associated with convergence is the rise of user-created content, and a shift in the nature of media users from audiences to participants, resulting in the blurring of a once relatively clear distinction between media producers and consumers (Jenkins 2006; Bruns 2008; Leadbeater 2008).
6. Greater media user empowerment. The rise of user-created content and the shift in the nature of audiences towards a more participatory media culture is associated with greater user control over media. This is partly related to a greater diversity of choices of media content and platforms, but also to the ability to achieve greater personalisation of the media content that one chooses to access.
7. Blurring of public-private and age-based distinctions. Historically, there has been more extensive regulation applied to the media that has been publicly available or distributed (cinema, radio and television) than towards print media (books, newspapers, magazines), whose distribution and consumption were considered to be more private and personal in nature. As all media content is now increasingly distributed and consumed online, in environments that are public in terms of their access platforms yet private in terms of their consumption, it is substantially more difficult to restrict access to online content through age-based verification measures.

Policy Dimensions of Media Convergence

It is a feature of all current reviews of media policy that the radical changes in the media landscape require rethinking of both core principles and appropriate policy instruments. Five issues, in particular, have become considerably more complex:

1. Identification of the relevant media industry actors, as the relationships between devices, platforms, services and content are becoming increasingly blurred, and as the rise of “new media” giants such as Google and Apple raises new questions about their relationship to forms of media regulation, such as ownership and content rules, that have traditionally been premised on established media industry “silos”.
2. The question of regulatory parity between “old media” and “new media” platforms and services. This has both a historical

dimension, as the broadcasting industry has traditionally been subject to extensive forms of regulation, but also presents the question of parity between nationally-based media and “de-territorialised” media platforms such as YouTube and IPTV.

3. The question of equivalent treatment of media content across platforms, as digital content now moves easily between print, broadcast and online, and can be accessed across multiple devices.
4. The threshold of influence for media content and its providers, or when is media “big enough” for regulation to be appropriate, in light of the rapid growth of user-created content and small-scale online distribution platforms (e.g., blogging, online video hosting).
5. The continued validity of distinctions commonly made between “media content” and personal communication, and expectations that the latter should have “free speech” protections from government oversight or censorship, as differences between modes of communications based on their “mass” or “public” qualities are blurred in the context of media convergence.

In relation to determining who are now the key media players in a convergent media environment, the contribution of media economist Eli Noam has provided important insights. Addressing the perennial question of whether the concentration of media ownership is increasing or decreasing, and using US media from 1984 to 2005 as the basis for his empirical analysis, Noam (2009) finds that the “digital optimists” are right to perceive that concentration is less pronounced in 2005 than it was in 1984, and that the Internet is an important part of that trend, but that the “digital pessimists” have also been right to observe an increase in media concentration between 1996 and 2005. Noam argues that the key to understanding media ownership questions lies in recognising that a two-tier media system has been evolving, with large *integrator* firms operating in oligopolistic market structures now at its core, surrounded by a large number of specialist firms that undertake much of the actual content production (Noam 2009, pp. 436–437). The second half of the 2000s was a period of crisis for many of the media conglomerates that had dominated the previous decade—companies such as Time-Warner, Disney, News Corporation, Viacom/CBS and Sony—triggering debate about whether there is a “crisis of the media moguls”. But in many of the media markets in which these media giants operate, their challengers are now big ICT and software companies such as Google, Apple and Microsoft: newspapers compete for reader attention with online news portals; TV networks battle

with YouTube for the attention of screen media consumers; TV programs, music and movies are increasingly downloaded from iTunes or Netflix; and so on.

From the perspective of media concentration measures, as considered by Noam, this generates questions about what constitutes the boundaries of an industry, a market etc. From the perspective of media policy and regulation, it also presents the question of territorial jurisdiction. Broadcasters have been regulated by governments not only because of their perceived influence in a given community, but also, as the holders of licences granted by national governments, they are historically easier to regulate. Governments have possessed the power to allocate access to spectrum, and broadcasters could be permitted to operate in a defined geographical space (nation, region, city) by virtue of being awarded a licence by the relevant regulatory agencies. In the case that comes closest to the corporatist models critiqued by economic capture theories, commercial broadcasting licencees could secure above-average profits by restricting competition. This, in turn, justified a series of *quid pro quos* being attached to these licences, including commitments to local content, program standards, children's programming, and programs for minority audiences (Flew 2006).

The broadcast licensing regime has been challenged worldwide by cable and satellite television since the 1980s, and has also been criticised as anti-competitive and as thwarting innovation and the development of new services. In its 2000 report to the Australian government, the Productivity Commission argued that there was a need to dismantle "a policy framework that is inward looking, anti-competitive and restrictive" (Productivity Commission 2000, p. 5), although the fact that it continues over a decade later attests to the continuing political influence of Australia's commercial free-to-air broadcasters. Services such as subscription television, which commenced in the 1990s, were made subject to national laws and regulations as part of their operating conditions, but this has proven to be impossible for services such as YouTube and new Internet Protocol TV (IPTV) services, which effectively operate outside national territorial jurisdictions, and are not "broadcasters" as defined under current laws.

It is important to note that being outside national regulatory systems is not the same as being unregulated. What goes up onto YouTube or onto Facebook can be managed, although it is through *ex post* mechanisms such as user "flagging" for potentially inappropriate forms of content (Crawford and Lumby 2011). On an international scale, some of the dilemmas this presents were seen in Google's response to protests worldwide about the

“Innocence of Muslims” video posted on YouTube. While rejecting a US State Department request to take down the video, and successfully defending its right to host the video in the US Federal Court, it nonetheless geo-blocked access to the video in Libya, Egypt, India, Malaysia, Indonesia and Pakistan, for fear of further inflaming Muslim feelings about the offending video. Whatever the merits of the approach Google took to the video, it can be argued that “the incident shows...Google is acting like a court, deciding what content it keeps up and what it pulls—all without the sort of democratic accountability or transparency we have come to expect on questions of free expression and censorship” (Rosen 2012).

The question of regulatory parity arose in the Australian context around the issue of local content requirements. The Convergence Review argued that government intervention to support the production and distribution of Australian and local content continued to be in the public interest.¹

There are considerable social and cultural benefits from the availability of content that reflects Australian identity, character and diversity. If left to the market alone, some culturally significant forms of Australian content, such as drama, documentary and children’s programs, would be under-produced. (Convergence Review 2012, p. viii)

While it is difficult to quantify the impact of existing Australian content standards for commercial free-to-air broadcasters, the Review estimated that the cost difference between imported content and locally-produced content in the same program genre would be in the range of 1:4 to 1:10. Even if there is an audience preference for locally-produced content, it was concluded that “while some Australian content may deliver higher ratings and therefore higher advertising revenues over time, in most cases this will not offset the substantially higher production costs” (Convergence Review 2012, p. 64). It was estimated that the removal of existing Australian content requirements for commercial free-to-air broadcasters would lead to an overall reduction in expenditure on local production of 43 per cent, with a 90 per cent decrease in local drama expenditure and the complete disappearance of locally produced children’s programming. On top of the overall decline in local production, there would be a shift away from drama and children’s programming towards lower-cost light entertainment genres (Convergence Review 2012, p. 64). This would lead to significant job losses in the Australian film and television industries, with considerable flow-on effects, as well as having adverse social and cultural impacts, including reducing resources available

for innovative forms of locally-produced new media content (Convergence Review 2012, pp. 65–66).²

While the Convergence Review discerned the adverse industry and cultural policy consequences of removing Australian content requirements for commercial free-to-air broadcasters, the question of what would be appropriate policies to secure local content production in the context of media convergence and demands for greater regulatory parity is less clear. The Convergence Review Committee proposed the creation of a Converged Content Production Fund that would assist with the funding of innovative content across media platforms. The Converged Content Production Fund would be supported by a mix of direct government funding, spectrum fees paid by radio and television broadcasters, and contributions to be made by eligible content service enterprises, in lieu of requirements to make a set amount of expenditure on local content.

The Convergence Review's approach has its critics. Goldsmith and Thomas (2012) questioned whether "Australian content" was still being primarily defined in terms of the screen production industries and the staples of TV drama, documentaries and children's programs, arguing that "its focus on the immediate agenda of the established Australian production sector, rather than the opportunities genuinely arising from new platforms and services, represents a lost opportunity" (Goldsmith and Thomas 2012, p. 450). Flynn (2012, p. 474) observed that "the lines between 'professional content' and 'user-generated content' are increasingly blurred", and that "as more made-for-Internet content is created, distinctions between professional and user-generated content are likely to become contested". Google Australia commissioned a study by the Boston Consulting Group, titled *Culture Boom: How Digital Media are Invigorating Australia* (Belza et al. 2012), which argued that local content regulations in the new media environment were unnecessary, as Australian online content creators were already generating a consumer surplus for Australians as well as generating new export opportunities. Leonard (2012, p. 3) observed that "the broad cross-platform agenda [made] the Report unusual, if not unique, in global terms". He observed that the Convergence Review's commitment to basing regulations on the size and influence of a content provider, rather than on the platform upon which content was delivered, was ground breaking. At the same time, in terms of aiming to "future proof" media legislation in the face of unpredictable convergence dynamics, such regulatory radicalism also ran the risk of upsetting both the established media players, by not granting them special status, while also upsetting new media players by appearing to threaten the *laissez faire* environment in which they have largely been able to operate thus far.