

1. A Vision of the Policy Domain

In this section, we define and defend a vision of *communication and information policy* (CIP) as a comprehensive and integrated policy domain. We also define and describe the three primary modes of advocacy around CIP issues.

1.1 *Communication-Information Policy (CIP)*

Communications and information policy refers to the role of laws, regulations, and public institutions in shaping the deployment and use of communication and information systems. The late 20th – early 21st century is distinguished by a technological revolution in information and communication and a re-structuring of businesses and social institutions employing the technologies. The effects are not confined to the mass media but embrace the entire economy and society. As this revolution has progressed, the boundaries of communities and polities have been redefined, laws and regulations have been rewritten, cultural identities and repertoires have been altered, and economies and organizational capabilities have been transformed. Public policy has played, and cannot avoid playing, a major role in this revolution – either as shaper, facilitator, or obstacle.

Despite its centrality to all kinds of social endeavor, information and communication policy is not typically cited as an issue-area known for sustaining social movements, activism or advocacy. Instead, it tends to be viewed as a highly segmented and technical realm of policy making. But this seems anomalous, given the pervasiveness of the media in modern society, the economic and political importance of information and communication technologies, and the major political and economic struggles that have been and are taking place on this terrain. If information and communication are as critical to modern life as everyone seems to think they are, where is the public engagement over the politics of communication and information?

In seeking to answer a similar question, law professor James Boyle (1997) wrote a paper drawing an extended parallel between the environmental movement and the struggle over intellectual property rights in the digital environment. The analogy was apt. Environmental problems and policies are grounded in what are often highly technical and specialized fields of knowledge. Yet when we speak of “the environmental movement” or an “environmentalist” almost everyone understands what it is and why an individual citizen might be engaged in it or contribute to it. Most members of the public have heard of organizations like Greenpeace or Friends of the Earth and can intuitively grasp how and why a citizen might see as related the passage of a bottle bill, the preservation of wilderness, and a campaign against toxic waste sites. The concept “environmentalist” links a distinct set of social problems to a policy agenda, an ethos, and a social movement.

Communication-information policy does not yet benefit from the same generality, the same linkages. We do not even have a label. There is no such thing as a “communication-informationist” (at least, not yet). To some, the term “media activist” serves as a crude

substitute, but that is inadequate and outdated because it promotes a focus on the mass media to the exclusion of everything else.

Until now, studies of the policy and social problems of communications and information have tended to be segregated into separate literatures. Mass media, especially television, has drawn the lion's share of research attention in communication and journalism schools. The policy issues of telephones, computers, and various other networked media (e.g., postal systems) were neglected for many years. When infrastructural policies were taken up in the late 1960s and early 1970s, they were left to economists and engineers. Issues of intellectual property and privacy became specialties within law schools. As a result of this segmentation, common normative standards and methods of analysis applicable to the whole domain of communication and information policy never developed.

We believe that the digitization of information and communication technologies and the resulting convergence of media forms end that segregation. For that reason, in studying public efforts to shape policy we included not just broadcasting and television-related advocacy but all policy issues related to digital communication and the production and consumption of information products and services. Our view of advocacy includes battles over encryption and privacy, access to government information, the proper scope and definition of intellectual property, universal access, subsidies to content production, telecommunications regulation and radio spectrum allocation. This conception of "media" policy engages people not just as watchers of the tube, but also as transmitters and receivers of data; recorders, modifiers and small-scale publishers of content; consumers of fixed and mobile telephone services; writers and consumers of computer programs; e-commerce customers; users and consumers of government information and participants in governmental processes online.

1.2 Modes of Advocacy

While arguing for an integrated view of CIP, we nevertheless recognize that different communication-information issues and problems have inspired different modes of activism. (See the Table on the next page) A great deal of advocacy and activism around the mass media, for example, has been focused on the *content* of the messages transmitted to the public. Public debate has focused on whether media are politically biased, culturally stereotyped, harmful to health, overly commercial, and so on. Content-oriented critiques of policy tend to be cultural in orientation and effect. Their object is to shape the public environment by affecting the messages to which we are exposed, or to create alternative cultures and worldviews based on alternative sources of message production and distribution. On the other hand, policy controversies around telecommunications infrastructure tend to be focused on *political economy* issues. Political economy concerns questions such as how to find needed sources of capital investment, the conditions of access and interconnection, the costs and benefits of government regulation or prices, market entry and service, the affordability of prices, the effects of competition, or the degree to which various regions or groups should be subsidized. In these debates, norms and expertise involving efficiency, economic

Advocacy Modes in CIP

Content

Definition: Advocacy organized around criticizing or problematizing the *messages* produced by the media.

Examples

- Calls to censor or restrict access to messages deemed offensive or indecent
- Attacks on or exposure of stereotypes or negative representations of ethnicities, races and religions
- Monitoring and criticism of political bias in journalism or the quality of reporting
- Calls for production of socially responsible programs or the suppression of programs and messages deemed irresponsible

Characteristic methods: Monitoring the media, regulatory interventions (e.g. license challenges), advertiser boycotts, persuasion of producers, civil disobedience, alternative production.

Economic

Definition: Advocacy that attempts to influence the conditions of supply of communication and information products and services

Examples

- Efforts to impose price, quality, market entry or market exit regulations on CI businesses
- Attacks on media concentration
- Efforts to direct subsidies toward alternative producers
- Efforts to redistribute wealth among consumers and producers (e.g., universal service programs)
- Efforts to influence or shape technical standards
- Promotion of open source software

Characteristic methods: Legislative lobbying, regulatory advocacy, participation in standards development, support or subsidization of alternative production capabilities

Rights

Definition: Advocacy that asserts individual rights related to communication and information.

Examples

- Defenses or assertions of free expression rights or anti-censorship campaigns
- Advocacy of privacy rights
- Promotion of right of access to government information
- Defenses of fair use in regards to intellectual property
- Claims of property rights (e.g., a claim that consumers have a right to acquire police radar-detection equipment)
- Agitation for new legal rights related to communication-information

Characteristic methods: Litigation under existing law, promotion of legislation to define and create new rights, civil disobedience

development and technological innovation tend to have greater weight, although concerns of equitable distribution are also present. There is a third mode of advocacy that focuses on legal rights or entitlements. Privacy, first amendment and intellectual property-related activism fall most obviously into this category. In each area, activists contend that individuals have a right to engage in certain kinds of activities, and seek to protect that right against the incursions of the surrounding society, even when they are resisting a majority. These rights-oriented norms often run orthogonally to cultural and political-economic norms. Advocates of first amendment protection for racists, for example, may not believe that there is any cultural value to the messages they are protecting, but they do think that the value of protecting an individual's right of free expression outweighs most other considerations. Likewise, advocates of privacy protection may be willing to impose substantial costs or "inefficiencies" on the infrastructure of information handling in order to preserve the security and confidentiality of protected data and an individual person's right to determine how information about him or her is used.

Thus, in addition to being segmented by the specifics of the technological medium, advocacy related to communication and information has followed at least three distinct modes: the cultural or content-oriented mode, the political economy mode, and the rights-oriented mode. Each of these modes is associated with different academic communities, different professional communities, different activist strategies, different forms of law and policy. Roughly speaking, cultural critiques tend to find their home in communication scholarship; political economy analysis is associated with economics and political science departments; rights-oriented thinking is grounded in law schools.

1.3 Toward a Reinvented Activism

This report is based on the assumption that segmentation of communication and information policy by medium or technology is no longer feasible or desirable. Digitization of communications and information processing has incorporated nearly all media forms into interoperable technological systems. This requires an integrated approach to policy – and to public interest advocacy as well. Quite apart from the technological fusing of media forms, which makes policy interdependent, the social and political issues raised by communication and information require treatment in a holistic way. If the information and communication industries account for nearly ten percent of the economy, advocates of cultural norms cannot ignore or avoid concerns about jobs, production and economic growth. If the implementation of information and communication technologies by government (so-called "e-government") will reshape access to government decision makers, information and services, then advocates of democracy cannot be innocent of the constraints and capabilities of technology.

One of the main goals of this report is to broaden and reshape our concept of the relevant policy domain. The issues and problems associated with the mass media need to be incorporated into a broader and more abstract framework of human rights related to communication and information activities. Such a broadening must also involve an understanding that such rights permeate all of 21st century life, embracing the private sphere as well as public discourse.

References

Boyle, J. (1997). A Politics of Intellectual Property: Environmentalism for the Net? *Duke Law Journal*, 47.