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# Media Policy Paradigm Shifts

## Towards a New Communications Policy Paradigm

■ *Jan van Cuilenburg and Denis McQuail*

### ABSTRACT

■ This article deals with communications and media policy paradigms. In the US and Western Europe three paradigmatic phases of communications and media policy may be distinguished: the paradigm of emerging communications industry policy (until the Second World War); the paradigm of public service media policy (1945–1980/90); and the current phase (from 1980/90 onwards) in which a new policy paradigm is searched for. In Phase I, communications and media policy primarily referred to the emerging technologies of telegraph, telephony and wireless. Communications policy in that era was mainly pursued for reasons of state interest and financial corporate benefits. After the Second World War, media policy was dominated by sociopolitical rather than economic or national strategic concerns. In this paradigmatic phase, lasting until 1980/90, the ideal of public service broadcasting was at its height, notably in Western Europe. From 1980 onwards, however, technological, economic and social trends fundamentally changed the context of media policy. In many countries, governments opted for policies of breaking monopolies in media and communications and privatizing as much as possible. The old normative media policies have been challenged and policy-makers are searching for a new communications policy paradigm. In this new paradigm, there seems to be a shift in the balance of component political, social and economic values that shape the definition of the public interest

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that media and communications supposedly serve. The authors conclude by sketching the core principles of the new communications policy paradigm that currently seems to be emerging. ■

**Key Words** access, communications policy, diversity, freedom of communication, media policy

### **The emergence of communications and media policy**

The origins of communications policies lie in the interaction between the pursuit of national interests by states and the operations of commercial/ industrial enterprises. Both government and industry have sought mutual advantage by way of privileges, regulations and restrictions. Policies in general refer to conscious (public) projects for achieving some goal, together with the proposed means and time schedule for achieving them. The specific content of government policies reflects the deal made in the particular time and place and the balance of power and advantage between government and industry. At this level of generality, not a great deal has changed, despite the general transition during the 20th century to more democratic forms of government and increasing trends towards globalization. Even so, in the field of media policy there have been significant developments, especially reflecting the changing technologies of communication and the increased importance of communication in 'postindustrial' societies, which are more often known as 'information societies'.

Although for centuries there have been state interventions and regulations relating to transport and travel, for purposes of control, finance or for strategic reasons, it would be anachronistic to speak of communications policies before the series of electronic inventions beginning with the electric telegraph in the mid-19th century. In this article, we identify three main phases of communications policy-making. We may label these consecutive phases as (I) the phase of emerging communications industry policy, (II) the phase of public service media policy, and (III) the phase of a new communications policy paradigm.

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. Despite the

liberalizing and individualizing trends characteristic of capitalist societies, there are an increasing number of issues where material developments give rise to wider concerns and demands for regulation. These concerns relate both to threats (on grounds of health, environment, security and economic welfare) and also to potential shared benefits to be expected from economic, social and technological developments. The actions of governments on behalf of 'the public interest' in matters of communication have for long been complicated by the ambiguous relation of the state to its citizens in respect of freedom of communication. Historically, the state has often been perceived as the main enemy of freedom of individual expression, while at the same time it has also become, through constitutions and legal systems, the effective guarantor of freedom in important respects.

The immediate relevance of these remarks is to underline the difficulty that any communications policy-makers have in defining the 'public interest', and thus in establishing goals for policy. It also reminds us that any communications policy and any regulation stemming from policy is likely to be closely scrutinized and often resisted because of potential limitations on the freedom of citizens or suspected abrogation of communicative power by the state. These introductory comments also draw attention once more to the centrality of communication in information societies and therefore to the power associated with the means of communication, however difficult to establish precisely. In contemporary societies it is at least widely assumed that differential access to the means of communication or the benefits of communication (information, channels of contact) is closely related to the exercise of political and economic power. Over time, issues of communication policy have become more rather than less sensitive from this perspective, despite the enormous expansion and proliferation of the means of communication.

## The general shape of communications policy

### *Main media policy elements*

The main elements or factors of policy for media and telecommunications policy, leaving aside the question of changes over time and differences between contexts, consist of: the goals or objectives to be pursued; the values and criteria by which goals are defined or recognized; the various

content and communication services to which policy applies; the different distribution services (mainly print publishing, cable, satellite and broadcast dissemination and telecommunications); and finally the appropriate policy measures and means of implementation (mainly embodied in law, regulation, self-regulation or market practices).

The relationship between these elements in a given national environment is sketched in Figure 1, adapted from van Cuilenburg and Slaa (1993, 1994). It is a model of policy as formulated by government rather than by media corporations, although we have to recognize a trend towards policy being increasingly embodied in the business strategies of corporations. As far as the influence of business strategy has to be represented in a model of policy of this kind, it mainly concerns three things: the interpretation given to national economic welfare; the balance between services provided for private profit or other social purposes; the ownership of distribution systems and infrastructure.

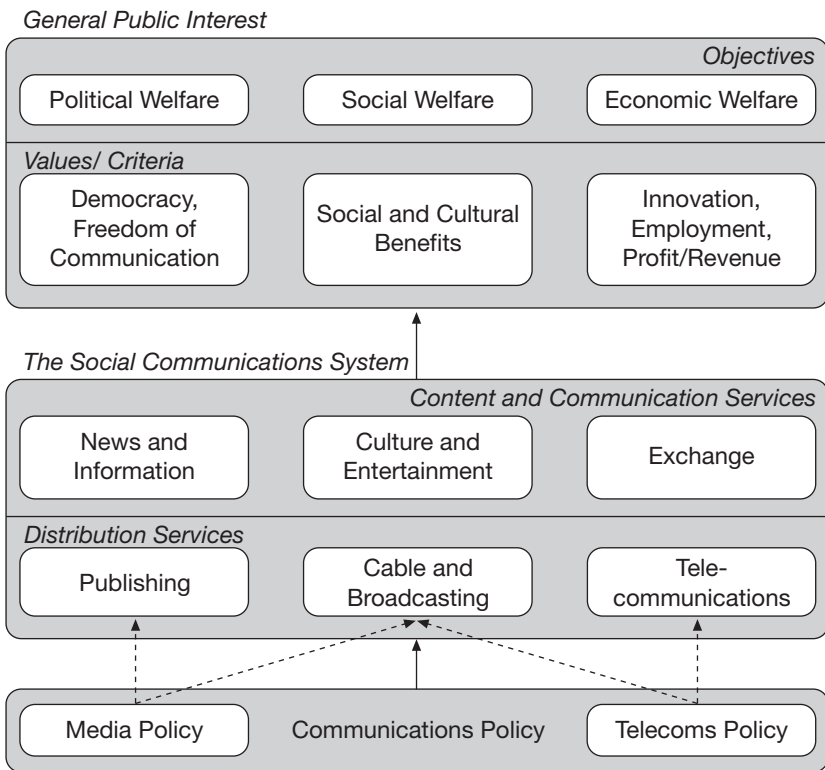


Figure 1 Elements of a national communications policy

### *Public interest*

The general objective indicated at the head of the figure is the attainment of the 'public interest'. This is open to widely varying interpretations, but it is useful to classify subgoals according to whether they have primarily to do with political welfare, social welfare or economic welfare. This tripartite division also differentiates between relevant values and criteria.

The main values associated with political welfare are those that support or are advanced by democratic political institutions. The primary value in this connection is that of freedom of expression and publication. Depending on the national context and relevant political culture, almost equal weight might be given to values of equality and participation. In this connection, equality requires a wide public availability of access to the means and the contents of communication. The policy goal of universal provision is closely associated with equality. Participation in civic life also presumes shared and adequate access to information and ideas and the means to transmit and exchange these goods.

In respect of social welfare, there are more divergent goals and standards, according to national context. But in some degree we find nearly everywhere a premium placed on social order and cohesion judged not only on a national basis, but according to subnational, regional, ethnic or linguistic categories. We cannot easily distinguish between social and cultural policy goals or precisely define the criteria of quality which communication systems should promote. The heading covers not only the promotion of positive social and cultural objectives, but also the prevention of harm and public offence from public communication.

The goal of economic welfare has been subject to changing definitions as far as communication is concerned. Minimum requirements are for infrastructure provisions that allow a national economy to function efficiently in production and market terms. Increasingly, under conditions of an information society, the communication system is an integral part of the economy and forms an important and elaborate market in its own right. Relevant values aside from general ones of efficiency, employment and profitability include those of innovation and interconnection.

### *Media policy vs telecommunications policy*

Traditionally, what we refer to as 'media policy' is still directed towards political welfare goals, and generally towards the 'left-hand side' of the model as depicted in Figure 1. It focuses mainly on newspapers,

broadcasting, cable and other similar means of general public distribution. Its main concerns are with freedom, diversity, quality of content and public accountability. By contrast, concerns located towards the 'right' of the model are likely to be dealt with by telecommunications policy more generally. This involves more attention to infrastructure and architecture, market conditions, regulation of monopoly, etc.

As far as the means for implementing policy are concerned, there has been a gradual convergence and overlap, with the same trends affecting each of the three 'branches' of public interest goals. These trends are discussed later. However, we can observe that concerns on the 'left-hand side' of the model have traditionally been addressed by media-specific law and regulation, while economic welfare has been (and remains) more within the sphere of more general economic and commercial regulatory instruments.

This general model of the social communications system viewed according to the perspective of policy-makers is an artificial composite of elements that will not apply to all national cases very well. It is also anachronistic, combining national experiences over a long period during which society and communication technology have been changing considerably. In order to make more sense of the information and interpretations it summarizes, we need to sketch the successive phases of policy-making which have each left their mark on communication systems and still exert an influence on the way the challenges of today are handled. In the description that follows we make an initial distinction between an early stage of emerging policy for media and communications that lasted approximately until the watershed of the Second World War, which opened the way for change in much of the world and also coincided with the rise of television as a major mass medium.

### **Phase I: Emerging communications industry policy (until the Second World War)**

The first phase is transitional from the time of 'no-policy' and consists of a collection of ad hoc measures designed to regulate and facilitate the introduction of a series of innovations, from the mid-19th century until approximately the start of the Second World War. This phase is characterized by piecemeal accumulation of measures, with varying aims, means and scope. There is no coherent goal, beyond that of protecting or advancing the interests of government and nation, and promoting the development of communication systems, whether by state or private capital investment. During Phase I, the lines were laid down for later

policy and law for telegraph, wireless, film, television, cable transmission, phonography and various related media. A principal characteristic, much remarked on since, was the separation of regimes for different technologies, with particular reference to the means of distribution (see later). This separation was due more to historical accident than to design. Despite the conflicted relations between the Great Powers of the era, there was considerable international cooperation in relation to posts, cables, telephones and wireless telegraphy to facilitate the development of a global communications system.

In the early phase of emerging communications policies, especially as instanced in the US, Europe and the British Dominions, the political functions of communications were largely unrecognized and unregulated. The common assumption was that the medium for overtly political communication should be the printed newspaper, for which there was no policy except freedom from censorship and subjection to the rule of law of the country in which they operated. In Phase I, policy refers primarily to the emerging technologies of telegraph, telephony and wireless, although the cinema was also soon regulated when it arrived at the turn of the century.

### *US telecommunications*

There is clear evidence of policy in relation to the electric telegraph, telephony and wireless. In the US, the telegraph rapidly developed into a private monopoly, largely owned by Western Union. Telephony, when it arrived, was also virtually monopolized, apart from local operations, by another large corporation, AT&T. When Western Union and AT&T merged in 1913, an agreement was reached with government, accepting some separation of services and regulation in return for effective monopoly over long-distance telephone and telegraph (Sussman, 1997: 77). Aside from brief wartime intervals, this model of government-regulated private monopoly was the core of early communications policy in the US. However, the emphasis was on private ownership, and regulation was prompted more by general anti-trust sentiment and support for competition rather than by a vision of service to the public interest. What was good for capitalism was good for America: that is, private industry operating in a competitive anti-trust environment was considered to be the most important mechanism for high-quality and innovative telecommunication services. Nevertheless, the US postal service remained a government preserve, a reminder at least of alternative structures.



*European approach*

The main alternatives were in evidence in Europe. In Britain, the law reserved all telegraph services for the Post Office as early as 1868 and a similar pattern was followed in Germany, France, the Netherlands and Sweden. Aside from minor experiments and deviations, much the same can be said of telephony. The European policy was to make telegraph and telephony, along with postal services, a public monopoly and, as a public utility, effectively a branch of government. Wireless communication followed the same path in its turn in the early 20th century. Even in countries firmly dedicated to capitalism, state monopoly was regarded as the best way to serve the national (and therefore public) interest (as defined by the state itself). The electronic media were seen as engineering and infrastructure too strategically essential to the state and to industry to be left to the uncertainties of the free market. They were scarcely regarded as consumer goods and services. They were also generally regarded as either 'non-political' or outside the scope of democratic political debate, a perception supported by their status as branches of the civil service. Presumably, the imperial(ist) traditions of the main European powers helped to produce and protect this general policy model.

*Common features*

It is not easy to fit the early history of American and European policy-making within the same framework, since the means of policy, in terms of ownership and control, seem so divergent. The American model also led to a more rapid expansion in popular use of the 'new media' of the age (the telephone in particular). Both the 'public utility' model of the European PTTs and the American capitalist model promised a principle of universal access, although the latter delivered more of the reality. Nevertheless, both models shared certain broad features, as follows:

- Treating communications media as branches of industry with strategic importance;
- Separating out different sectors for medium-specific regulation (different regimes based on technology);
- Subordinating communication to the imperative of national interest (economic and military).

These features are logically related in that they each treat the field of communication as an essentially technical matter that should be settled

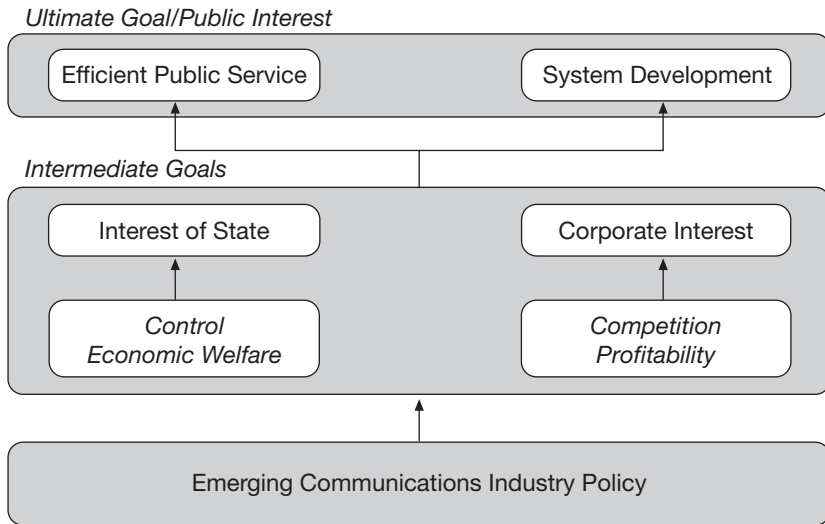
by experts, lawyers and administrators rather than by democratic political choice. There is little reference to the content of communication in policy or regulation (leaving aside the case of radio broadcasting from the late 1920s onwards). Communications are effectively kept out of the sphere of public debate and political contention in most countries, even where radio was concerned in its early years. While this reflects a general policy on the part of both business and government of keeping close control over matters of strategic importance, it also results in a lack of social-cultural content in policy for the then new media. This does not mean that there was no awareness of the growing social and political significance of new mass media, but the policy terrain was effectively depoliticized.

### *Radio*

The case of radio provides a bridge to the second phase of policy, as described later. Although public radio (broadcasting) was perceived initially as an industrial and commercial device, with regulation designed initially to establish order in the market, set standards and safeguard official uses of airwaves, the goals of policy soon changed. During the 1920s and 1930s, there was much legislation and regulation in North America (e.g. the US Radio Act of 1927 and Communications Act of 1934) and in Europe (mostly establishing different forms of public ownership or government control). These measures governed terms of access, purposes and standards of performance according to early notions of the 'public interest'. The term is used in early US legislation but not clearly specified (Napoli, 2001). Control of content was much stricter where public ownership was chosen above commercial exploitation of the new medium and early broadcasting did not benefit fully from constitutional guarantees of press freedom.

### *Main features of Phase I*

The main features of the rationale for policy in Phase I can be summarily presented as in Figure 2. Media policy is pursued in the public interest that is restrictedly defined as efficient public service by way of the communication system, under state control or close supervision, accompanied by technological and economic development of the infrastructure and distribution networks. Against this background, the main criteria for media policy are the public interest as defined by the state and the financial benefit of corporations as defined by themselves. These criteria are judged in terms of control and economic welfare on the one hand, and



**Figure 2** Phase I (up to Second World War): the paradigm of emerging communications industry policy

by competition and profitability on the other. They are typically debated in public by citizens or relevant interest groups.

### Divergence of communications policy ‘regimes’

The separation of different media fields in terms of regulatory regime into three main distinct spheres, defined primarily by technology, dates from the later years of Phase I and follows much the same pattern in many countries. The three spheres (following Pool, 1983) are as follows:

1. That of print media, governed by guarantees of freedom of speech and expression (absence of censorship), subject to the law. This sector is characterized by voluntarism and private initiative, with the role of government limited to marginal issues. In the first phase of policy neither the structure of the press nor its quality was regarded as within the competence of government.
2. That of common carriers, primarily telegraphy and telephony, with strong regulation of ownership and infrastructure, but not of content, and accompanied by certain rights of general public access and of privacy. The public mail service provided the basic model for this. Efficiency, good administration and a certain concept of ‘public service’ were the hallmarks.

3. That of broadcasting, first wireless and later television, along the same lines. Despite differences between Europe and North America in patterns of ownership and forms of financing, there gradually emerged (in the later 1920s) certain common features. These included strong regulation of access and content, restricted freedom of expression, some form of monopoly or oligopoly, a notion of public service (in sociopolitical terms) and pressure towards universal provision. The further development of this mode of control takes us into the second policy phase that we have identified.

As Winseck (1998) has argued, the divergence of regimes, although seeming to follow demarcation lines based on technology with some apparent logic, is actually not itself a necessary consequence of technology. There is no intrinsic reason for the variations in the degree of freedom or the strict allocation of different means of distribution to different forms of control. The regulatory configuration that had emerged by the end of Phase I was not planned in advance, although there was some logic of precedent (e.g. using the mail as a model for telegraph and telephone). It was really the outcome of the pursuit of self-interest, sometimes diverging and converging, on the part of large industrial interests and the state. So, accident and historical circumstances rather than conscious policy seem to account for the separating out of policy regimes.

## **Phase II: Public service media policy (1945–1980/90)**

The second phase of media policy extends from after the Second World War until about 1980, when new media were developing on the basis of improved means of distribution and computerization. It was characterized more by normative and political than technological considerations and by the search for national coherence and stability. Despite the Cold War climate, the spirit of democracy and the wish for international solidarity were able to influence media policy. Neither the lessons of the misuse of mass media for propaganda nor the dangers of monopoly control of the mass press were forgotten.

The postwar (Second World War) phase of media policy was dominated by sociopolitical rather than economic or national strategic concerns. The impetus to a much more self-conscious type of media policy (compared to Phase I) had several origins, but most generally it reflects a more collectivist spirit and the maturation of the politics of full

democracy, which developed only after the turn of the 20th century in many industrial countries. The maturation process involved a more adequate evaluation of the significance of mass media for political and social life in 'mass democracy'. Early 20th-century experience taught lessons about the power of propaganda not only in totalitarian society but also in capitalist societies dominated by large companies with 'press barons' as their allies. In some countries, notably Britain and the US, the press by mid-century seemed less a healthy component of democratic life than an instrument of political power unfairly biased against labour and progressive reform.

In respect of broadcasting, the spirit of social reform, encouraged by postwar 'reconstructionism', emphasized the positive social benefits of broadcasting run for public service goals, as well as offsetting the unfair political bias of capitalist newspapers. On the continent of Europe, the end of the Second World War provided the opportunity and sometimes the necessity for reconstructing the entire media system on more democratic lines after war, occupation or dictatorship. Even the once-sacred print media could legitimately be brought within the scope of policy. The general spirit of the time was favourably disposed to progressive change and to social planning in all spheres of life.

### *US experience*

Further support for a public policy for media was provided by the influence of the 1947 American Commission on Freedom of the Press (Hutchins, 1947; Blanchard, 1977). This made a clear link for the first time between freedom of the press and 'social responsibility', meaning an obligation to provide trustworthy and relevant news and information as well as opportunities for diverse voices to be heard in the public arena. The Commission's report even encouraged the view that government intervention might be needed to secure the essential quality of news and information, should the press fail in this task (Siebert et al., 1956). Not surprisingly, newspaper owners opposed the view that freedom of expression carried duties and rejected all forms of intervention. Even so, the report reflected an influential strand of opinion and had some effect on the longer-term climate of opinion, prompting self-regulation and improvement of standards.

In the US, New Deal politics and the extension of regulation to many areas of national life in support of the war effort made it easier to adopt stricter public policies for radio and then television broadcasting. For instance, the controlling body for broadcasting, the FCC, was

able to impose new requirements for fairness and diversity (e.g. as in the 1946 FCC 'Blue Book', see Krugman and Reid, 1980). The promotion of the virtues of 'freedom' in the context of the Cold War and the global battle for hearts and minds also made the notion of a democratic and public-spirited policy more compatible with an ideology of free enterprise (Blanchard, 1986).

### *The European approach*

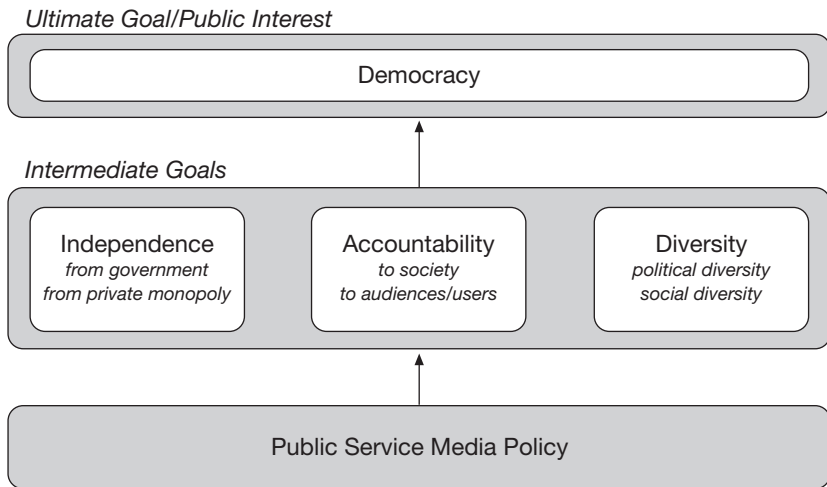
In Europe, the traditional political bias of newspapers (whether to left or right) coupled with growing tendencies towards economic concentration in the postwar period provided the incentive for scrutinizing the press (e.g. the Royal Commission on the Press, 1947–9 in Britain or the Swedish Press Commissions of the 1960s [Hultèn, 1984]). In several countries, pressure was brought to bear (by various means, including legislation) to promote diversity of ownership and content, limit monopoly and deal more effectively with complaints against the press. An emphasis on positive freedom rather than negative freedom of the press was an important element in what Picard (1985) has described as a 'democratic socialist theory of the press'. In general, the various measures taken to maintain press diversity all embodied the spirit of a 'free and responsible press' as a guideline for policy. But they also involved numerous kinds of economic support, including direct subsidies to newspapers, under certain conditions and limits on ownership (Smith, 1977).

The generally more corporatist traditions of European government allowed media policy to go much further than in the US. This was particularly apparent in broadcasting. For three decades after the war, most European countries operated a public monopoly of radio and broadcasting, with Britain the only significant (and partial) exception. Decisions about the expansion of broadcasting and its broad tasks were political decisions and broadcasting (private as well as public) was made accountable to elected representatives of the people for the nature and quality of the services it provided, despite often having considerable editorial independence. A significant element of finance came from public sources. The obligations laid on public service broadcasting in Europe do vary significantly from one country to another. Typically they include commitments to: universal service, diversity of content in political, social and cultural terms; non-profit goals of service to the general public and to special groups and minorities.

For much of the post-Second World War period, Phase II media policy in Europe was largely co-extensive with policy for public broadcasting (despite the concerns about newspaper press noted earlier, which were not easy to convert into effective policy action). The character of this policy began to change from the mid-1970s. It became increasingly preoccupied with the financing and viability of public broadcasting, with preserving or removing its monopoly status and with the problems of incorporating new media developments into existing systems of broadcast regulation. This last comment applies in particular to cable transmission, trans-frontier satellite broadcasting and the new 'telematic' media of videotext and teletext.

The chief contours of the rationale for media policy in Phase II are set out in Figure 3. We can summarize the main features of the public service media policy paradigm in terms of the following main points:

- It is primarily shaped by normative concerns deriving especially from the needs of democratic (thus representative and participatory) politics;
- It is largely bounded by the limits of the national territory and focuses on 'national interests';
- It legitimates government intervention in communication markets for social purposes;



**Figure 3** Phase II (1945–1980/90): the paradigm of public service media policy

- It generally requires active and continuous policy-making and revision.

While each of these features is important, perhaps the main distinguishing feature has been the similar normative commitments that we find in many different national systems, usually expressed in laws and regulations which touch directly or indirectly on media content.

### Challenges to the Phase II policy model

During the 1980s especially, we could see a struggle being played out between the defenders of the dominant sociopolitical normative model and the advocates of a new approach. In the US there was upheaval rather than conflict, showing up in the 1984 deregulation that promoted the rise of cable and the 1984 divestiture, which broke up the Bell Telephone monopoly and separated it from AT&T in the interests of competition and expansion of telecommunications (Sussman, 1997: 75–6). In Europe there was more of a genuine political debate, although the trend was the same and driven by the same causes (McQuail and Siune, 1986; Siune and Truetzschler, 1992). The political aspect showed up mainly in the lead being taken by countries with liberal economic tendencies, especially in Britain and Germany, to introduce competition for broadcast television via privately owned cable systems. Britain went a step further than others by privatizing and opening to competition the British telecom monopoly. But France had a more or less bipartisan policy of privatization and state-sponsored expansion of the new (and some old) media from 1982 onwards. This reflected a view that one way or another the new technology would bring profound change and also national economic benefits for France and could not simply be held back or ignored (Palmer and Sorbets, 1997).

#### *Two opposed policy tendencies*

At the outset of this era of grappling with the challenges of technological innovation and media expansion, two main policy tendencies could be observed. One was simply to break monopolies and privatize as much as possible, under the banner of deregulation, along American lines, and harmonization of markets, European style. The second was to keep operating in the spirit of normative theory and try to develop new media potential by way of public investment and protectionism – in effect to apply the public service model to new territory. This required some



imaginative leaps, since the democratic gain held out by new media was somewhat uncertain (mainly based on the notion of a more informed, interactive and participant political and social life). The speculative gains were offset by more predictable losses following the decline of public broadcasting and the rise of new media moguls.

As it turned out, both of these strategies were held back by the schizoid character of the enterprise. There was limited political wish or will, even on the political right, and little popular pressure, to discard the existing public sector (broadcasting) or to harm various social and cultural interests. The sacrifice of monopoly was about as far as governments would go to create space for new competitors in the media marketplace. The government- and European Community-sponsored ventures into the new technology in the 1980s were not a great success by any standard, but the causes of failure lay in their prematurity and in the generally lukewarm consumer interest in the promised abundance of information and entertainment. These factors also operated to restrain and slow down the project of private sector led media growth.

Currently, communications policy at the level of the European Union is still quite divided: on the one hand firmly pressing for open markets and more competition, on the other hand providing some legitimation for public service broadcasting by way of the 1997 Amsterdam Protocol (Protocol No. 32 annexed to the Treaty Establishing the European Community), but without providing any clarity about the legitimate purposes and boundaries of public service communications (Harrison and Woods, 2001). Despite the long reprieve from execution (still suspended), the normative policy paradigm of the postwar era has declined in authority and scope and changed in respect of the means for achieving its goals, even if it retains some legitimacy and popularity. The causes of decline are too well known to need much discussion here. The lever of change has been technology, since this made it impossible simply to preserve the status quo, but there have been other forces at work.

At its high point, the reign of the public service media policy was marked by the dominance of centralized broadcasting and a mass press, between them reaching whole national populations. This *de facto* situation is slowly but surely giving way to diversity and fragmentation of the mass audience. A new sociopolitical environment (more difficult to pinpoint) has also made it possible to escape from the ideological hold of earlier normative ideas that had their effect through the political system.

The essentially hybrid and interactive nature of new communication technologies has exposed more sharply than ever the lack of logic in the traditional regulatory division into three main sectors (see earlier), quite apart from the end of spectrum scarcity which provided the main official justification for public monopoly. The convergence of communication infrastructures and services has often been cited as the main cause of paradigm shift, but the most influential causes of change are probably the ambitions of media corporations and governments alike to benefit from the economic opportunities offered by communication technology. This is an additional reason for suggesting that the phase we are entering has more than a few echoes of neglected early history.

### **Phase III: In search of a new communications policy paradigm**

Convergence became an agenda item when the former US Office of Technology Assessment published its pioneering study *Critical Connections* (OTA, 1990). Later in the decade, the European Union adopted the same theme for its new approach to communication policy (CEC, 1997). Technological convergence means, for instance, that the boundaries between information technologies and communication networks are technologically blurring: computer and telecommunications are converging to telematics; personal computers and television become more similar; and formerly separated networks become more and more interconnected to render the same kind of services. Multimedia, integrating text, audio and video, is also an example of technological convergence. Along with technological convergence, we currently see economic convergence in the communication and media sector, that is the merging of the branches of computing, communications and content (publishing). It is because of technological and economic convergence that the idea of 'communications policy' was born and took a clear shape in the late 20th century. Ministries of communication were founded and new media laws promulgated. Regulation of mass media became increasingly connected to telecommunications regulation. In addition to technological changes, social-cultural changes are also central to our time. The 'decline in ideology' that has been reflected in the fall of Communism, the increased scope and respectability of the free market and the shift to the right in European politics, is a notable feature of recent developments. Pragmatism and populism increasingly drive policy. Globalization of communication and the permeability of national frontiers by multinational media are also new in the scale of their impact.

Although no distinctive new model of policy has yet emerged, it is not too early to speak of the postwar public service policy model as an 'old paradigm', since it has retreated on so many fronts and been extensively adapted. In some respects, the history of Phase I has had to be replayed, but against an entirely different background, with new political ideas and social values. Once again there are new and powerful technologies with unclear potential for development, vast commercial and industrial interests at stake and governments struggling to keep abreast of change.

Currently, governments have a (national) interest in exploiting the employment and revenue benefits from the expanding markets in hardware and software. Globalization is helping to drive expansion but has not significantly reduced the role of national communications policy, since national governments, along with national and multinational corporations, are still the main actors in the policy arena. Corporations want to develop new international markets and also to expand and merge by crossing old regulatory frontiers. Governments are retreating from regulation where it interferes with market development and giving relatively more priority to economic over social-cultural and political welfare when priorities have to be set. The weakening and transformation of normative commitment can only proceed as far as the political system allows, but there is a good deal of evidence to show that economic pragmatism and re-evaluation of costs and benefits by political actors have given much room for change.

The emerging policy paradigm for media and communications is mainly driven by an economic and technological logic, although it retains certain normative elements. The latter cover a wider range of values and are less exclusively supported by the normative underpinnings of democratic theory. The relevant norms are in fact noticeably more 'communicative' and less 'political' or 'cultural' in character. This remark depends, of course, on conventional meanings of those terms, in which 'cultural' refers to the traditional art and language of a nation, region or group, while 'political' is defined in terms of the established political institution (especially public communication supports for elections, law-making and the practice of government).

It would be quite incorrect to say that policy itself is dead, if only because even the dismantling of old policy is itself an act of policy. In some respects it is remarkably active in the search for new solutions to enduring issues under changed circumstances, with a fear in the background that media and communications may in fact be ultimately uncontrollable. In the US, the Communications Act of 1996, despite its

failings, sought to bring some coherence into the regulation of different spheres of electronic communication. Efforts have also been made (e.g. by the US Child Online Protection Act, 1998) to bring the Internet within the scope of some of the public interest requirements that are embodied in cable and broadcasting licences. There is much activity in judicial and legislative circles about important features of the Internet, which is not centrally organized nationally or internationally in a way that puts it within a clear jurisdiction. The Internet was developed in a spirit of freedom and in the absence of any regulatory framework, leading to a belief in its 'ungovernability' (Lessig, 1999). Increasingly, however, the requirements of commerce, confidentiality and national security have challenged its freedom and the vulnerability of the Internet to control has been demonstrated (Lessig, 1999; Castells, 2001).

In European countries much the same debates take place as elsewhere in the world, although the European Commission is in the unusual position of giving a lead to policy in numerous states. Currently, it is seeking to forge a consistent set of principles and practices for a directive that will regulate electronic media, apart from television. Recent consultation documents (e.g. CEC, 2000) indicate the following main general policy guidelines:

1. Competition rules should be the prime vehicle for regulating the electronic communication market;
2. There should continue to be separate sector-specific regulations, although infrastructure should be dealt with together;
3. Obligations should be kept to a minimum;
4. Universal service should be maintained or extended;
5. Regulations between member states should be harmonized;
6. There should be independent and impartial national regulatory authorities.

#### *Value change in communications policy*

In general, the philosophy of European communications policy is attuned to the idea that a large and dynamic market, with open frontiers, should, within a clear and agreed framework, be able to provide for the current and expanding communication needs of society. This implies that the field of communication is no longer primarily viewed as an appropriate area for collective welfare policies. However, the EU is also committed to maintaining human rights (as embodied in the ECHR), which has significant implications for the performance of media in some respects.

The predominant values guiding policy in many European countries during the earlier Phase II period were derived from ideas of freedom, equality and solidarity, and policy was expected to create institutional expression of these and related values. Some of these are also embodied in European social policies.

Under emerging conditions, policy has generally to follow the logic of the marketplace and the technology and the wishes of consumers (and citizens) rather than impose its goals. This general approach was initially prompted by the rather negative experience of interventionist policies at the early stages of the 'new communications revolution', and strongly reinforced since then by clear signals about the unpredictability of success (in consumer and market terms) for any given communication technology or application. As the European policy guidelines summarized earlier indicate, there is a premium on consistency of conditions across sectors and across national arenas, even if full convergence or policy uniformity is not attainable.

Along with the redirection of policy there are also changes in priorities attaching to underlying values, and some older values are losing their force. The main area where this is occurring is in respect of social responsibility requirements, public service and altruism (non-profit goals). The 'public interest' is being significantly redefined to encompass economic and consumerist values (see also the model in Figure 1). There is also less policy emphasis on equality, despite the rhetoric from politicians that has accompanied the rise of the Internet and the reiteration of the universal service principle in policy discussion, regulatory prescriptions and in some legislation (e.g. the US Telecommunications Act of 1996; Napoli, 2001: 184–5). There is certainly a political wish to incorporate as large a proportion of the population as possible within the scope of new communication services, but the motives have more to do with commerce and control than with 'social equality' as a valued end in itself, which had been an essential element (ostensibly at least) in the social welfare philosophy.

The concepts of 'digital divide' and '(widening) information gaps' still figure in the background discourse to policy, but in practice policy in this respect mainly seeks to maximize opportunity for consumers to have access to new media. In this connection, a significant extension of policy efforts has been towards encouraging institution-based access (in schools, libraries, political administrations, health and welfare services, etc.) rather than focusing on homes and individuals (Napoli, 2001: 187–8).

Finally, it is important to stress that policy for the media is still open to influence from national public opinion, especially where issues of

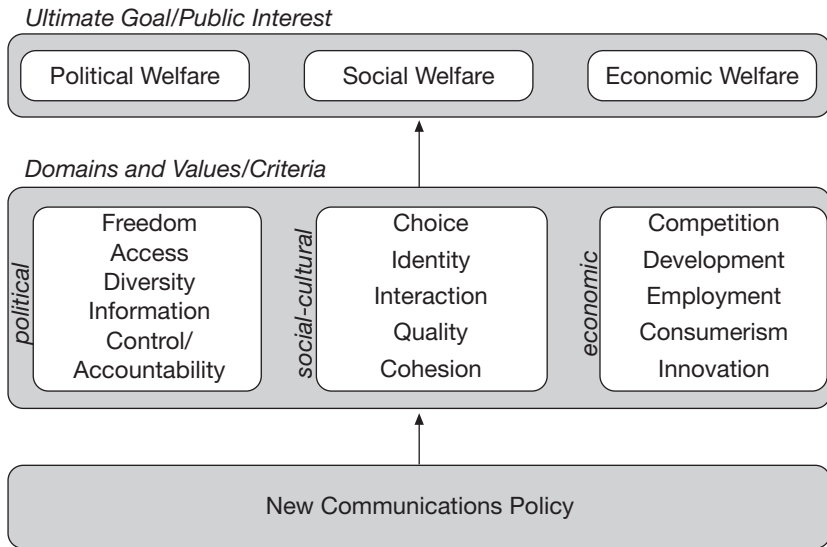
morality, taste, human rights and potential harm to young people and society are concerned. The expansion of the means of distribution and multiplication of forms has if anything increased public anxiety about these matters. Not only public opinion, but also national forces of order and security (police, intelligence, military services) are anxious about international crime and the new crimes made possible by new media (especially after the events of 11 September 2001, and the declaration of 'war against terrorism'). Despite the liberalizing shift in the preoccupations of policy-makers and the relative loss of control over the national communication environment, political reality in most countries requires these enduring issues to be addressed.

### *New policy paradigm*

It is not easy to represent the 'new communications policy paradigm' in a single framework, as attempted earlier in the article for earlier versions of national communications policy. This is not only because the path of development of communication is still uncertain, it is also because of the continuing contradictions and unresolved dilemmas facing policy-making, not to mention the general uncertainty about the viability of any coherent national communications policy under present conditions. In addition, any new paradigm has to recognize the fact of increasing convergence and has to encompass the domain of activity served by telecommunications as well as broadcasting and print. Thus, media policy and telecommunications policy are still on course towards an integrated communications policy.

The sketch offered in Figure 4 assumes, as before, a general goal of policy to serve the *public interest*, but what has mainly changed is the balance of component values that shape the definition of 'public interest'. In general, economic welfare has risen in salience in comparison with political welfare, and social welfare has been redefined with greater reference to the communication values mentioned earlier.

The new paradigm as sketched is misleadingly firm in its indications and is unlikely to reflect the reality of any actual national policy. It is mainly intended to underline the breadth and bifurcation (between economic and non-economic goals) of the current field of policy. Numerous dilemmas and unanswered questions for policy-makers remain. Depending on national circumstances, these primarily concern: defining the scope and aims of any public sector in the media; the choice of policy instruments as between economic measures, regulation and self-regulation; the need to seek a coherent set of principles and a framework



**Figure 4** Phase III (1980/90–): an emerging new communications policy paradigm

of regulation for all sectors; how to define and pursue any national cultural media policy; how to balance freedom of communication with the needs of society.

*Policy convergence?*

The issue of whether policy will converge, following the logic of technology, by choosing the same goals and applying the same principles and means, within some sort of unified regulatory apparatus that has been extensively advocated (for example, by Collins and Murrioni, 1996) and implemented (as in the UK 2002 Communications Bill), will probably not be answered by a simple yes or no. There are reasons for redrawing boundaries, but no necessity to have only one regime for different kinds of service. The current trend in Europe, encouraged on the whole by European-level policy thinking, is to develop independent national regulatory authorities for media operating in the public sphere. There are reasons also for having a coherent set of principles (especially on matters to do with freedom and diversity), but this does not mean that all kinds of content have to be treated equally (advertising, art, news, pornography, etc.). Distinctions of content and audience remain. It is also possible, even necessary, to use different regulatory means for different purposes. It is

important in the interests of freedom not to concentrate too much power over communication in any single body and there must always be exceptions and alternative routes to follow. Equally important perhaps, it is desirable to retain a scope for putting into effect political and social cultural values on behalf of those affected by communication, audiences and citizens.

### **Concluding remarks: core principles for a new communications policy paradigm**

Although much remains uncertain, there is scope for making a provisional judgement concerning the core principles of the emerging paradigm. This can be based on certain clear trends in technology, policy and economics, plus a recognition of social and political inputs and constraints. Although public service broadcasting and universal telecommunications service are unlikely to disappear from the political agenda, convergence in technology, liberalization of communication markets and information and communication abundance demand a different conceptualization of communications policy. If our estimate of the future is right, three concepts will be central to any new communications policy model, namely freedom of communication, access and control/accountability (van Cuilenburg and Verhoest, 1998).

#### *Freedom of communication*

Freedom of communication should remain the main objective of any communications policy to be designed. Freedom can be expressed negatively as well as positively (Lichtenberg, 1990). In the former respect it refers to the independence of communication participants from government (no censorship), from economic and other forces hindering exchange of messages (e.g. economic monopolies and other dominant market positions) as well as from social and political pressure groups. In its positive aspect, freedom refers to all those activities people in society can be enabled to do with their freedom, e.g. to contribute to the civic debate on politics or to express artistic creativity. There should be provision for both aspects as policy goals.

Communication regulation relates to different dimensions of the communications system, that is the structure of the communication market, the market conduct of communication participants or the content of communication (see McQuail, 1992: 87–96). Negative freedom of communication relates mainly to market structure and market



conduct, whereas positive freedom primarily relates to content and also requires attention to our second principle, that of access.

### *Access*

The concept of 'access to communications' applies to structure, content and audiences and it can in general be defined as the possibility for individuals, groups of individuals, organizations and institutions to share society's communications resources; that is, to participate in the market of distribution services (communications infrastructure and transport), and in the market of content and communication services, both as senders and receivers.

Freedom of communication and free and equal access are related to the question of who is in control of the actual communication process. They are also legitimated by objects and norms that derive from the spirit of democracy and ideas of citizenship. According to Feintuck (1999: 199) 'the fundamental, democratic principle that justifies or legitimates media regulation [is] the objective of ensuring that a diverse, high-quality range of media are made available to all citizens in the interests of avoiding social exclusion'. Access has to be understood in terms of both being able to receive and to send.

### *Control/accountability*

This brings us to the third key concept for a new communications policy paradigm: control/accountability. This dualistic concept may be defined as control over access coupled with answerability for the use made of that access. The element of control in future policy requires justification by an appropriate definition of both the 'public interest' and also private or personal rights (both individual and collective). It also has to be consistent with the definition and reality of freedom of communication. In this area the following definitions may serve. Control over access to communications is control over deciding who gets access to what communications resources, when, where, how, and on what conditions. Accountability means the possibility of securing from those who control and make use of access, some rendering of account for their actions and intentions in meeting or respecting the communication needs of others (as society, group or individual) and for the consequences of publication.

*Main goals in the new communications policy paradigm*

Communications policy cannot on its own secure any of the principles outlined. They each depend on numerous other factors, especially the operation of the media market and professional and institutional developments in the media themselves. The task for policy is to recognize what needs to be done and can be done, recognizing and respecting other dynamic forces that work for (but also against) the chosen objectives.

Against the background of these remarks, the main goal of any communications policy can be described as that of securing the free and equal access to a social communications system that diversely provides for the information and communication needs in society. In a context of technological convergence and increasing market competition, communications policies are likely to be primarily policy for access.

As far as the Internet is concerned, the implications for policy are clear enough in respect of two of the three basic principles advocated, namely freedom and access. The Internet began in freedom, although it might not have done so without government sponsorship originally. Access to the Internet has been widely adopted as a suitable goal of policy, for various reasons. The story of emerging policy for the Internet cannot yet be told, although there are some parallels with the history of communications policy as told in this article. The first stage was one of encouragement to develop for economic and industrial reasons and we are entering a second stage where reasons for control on public interest grounds are beginning to assert themselves. However, large questions remain to be answered about what form of control can or should be applied to conduct or content (in the 'public interest') and about what kind and degree of accountability, if any, is appropriate. Any new paradigm for communications policy will have to indicate some answers.

**Note**

An early version of this article was presented as a conference paper in 1998 and reproduced in R. Picard (ed.), *Evolving Media Markets*. Turku, Finland: Turku School of Economics and Business Administration.

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