The 2005 Graham Spry Memorial Lecture
Making Media: Creating the Conditions for Communication in the Public Good

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Abstract: Contemporary media in all their guises support and sustain an unprecedented platform for communication and public discussion—for those who are able to participate. Creating an environment in which media can flourish is the domain of public policy. The media policy framework and the possibilities that it provides are terribly misunderstood. That does not mean that media policy should be cast aside. Using a range of historical and contemporary issues and examples, this article explores how people and their public institutions can create the conditions that enable media and communication technologies to serve the public good.

Résumé : Les médias contemporains sous toutes leurs formes favorisent le maintien d’une plate-forme inédite pour la communication et les débats publics accessible à ceux et celles qui sont en mesure d’y participer. La création d’un environnement au sein duquel les médias pourront prospérer relève des politiques publiques. Le cadre politique médiatique et les possibilités qu’il recèle sont extrêmement mal interprétés. Ce qui ne signifie pas pour autant qu’il faille le mettre au rancart. S’appuyant sur une gamme d’enjeux et d’exemples historiques et contemporains, cet article explore comment les gens et les institutions publiques peuvent créer les conditions grâce auxquelles les technologies médiatiques et de communication serviront les intérêts du public.

Keywords: Media policy

In this article, I want to emphasize the dynamic nature of media, and especially the capacity of ordinary people to influence the shaping of media systems. Generally speaking, the problem I wish to address is the need to place the question of media policy—or “making media”—on the public agenda, as progressive politics come to be redefined in keeping with the new political challenges of our time.

A growing literature on “the information society” has begun to highlight the importance and scope of media and, more broadly, information and communication technologies, in the twenty-first century. The arrival and breathtaking spread
of the Internet, and the accompanying transformation of the way we communi-
cate, has generalized interest in media on a scale unprecedented since the intro-
duction of television half a century ago. In rethinking where society is headed,
then, it is necessary to pay special attention to media: to the role of the media in
the new emerging political structures, and in the way our world is evolving. I refer
to this as “the politics of media policy.”

The notion of media policy is often conceptualized narrowly as though it
were limited to the government or the state. It is not limited to that alone. Indeed,
with the state’s retreat from public policy involvement, media policy is being
increasingly handled on the periphery of formal state concerns. Media industries
have made this sector one of the most lucrative and important growth areas of
global capitalism, and they do not hesitate to undertake the political activity nec-
essary to promote their interests. In recent years, though, a range of new non-gov-
ernmental organizations, including oppositional groups in many parts of the
world, have identified the media as essential to the development of a democratic
public sphere, and have consequently focused their attention on efforts to democ-
ratize the media. The broader public, however, has yet to identify this area as being
on an equal footing with other sectors such as health care, education, and the envi-
ronment in terms of social priority. We therefore have to raise the public profile of
these issues.

In the decades since Graham Spry and his colleagues in the Canadian Radio
League campaigned for public broadcasting, media have changed, but the issues
surrounding them remain remarkably the same. Digital technologies have
expanded the capacity to communicate through media in ways our forebears could
not imagine. But questions surrounding access, freedom of expression, and
control are more urgent than ever. A quote from Graham Spry suggests what I
mean:

Let the air remain as the prerogative of commercial interests and subject to
commercial control, and how free will be the voice, the heart of democracy.
The maintenance, the enlargement of freedom, the progress, the purity of edu-
cation, require the responsibility of broadcasting to the popular will. There can
be no liberty complete, no democracy supreme, if the commercial interests
dominate the vast, majestic resource of broadcasting. (Spry, 1931, pp. 57-58)

What eloquence! Doesn’t this still ring true today? I maintain that it does.

The most important issues surrounding media today concern the emergence
and shaping of a global media environment. The technological, geopolitical, and
sociological conditions in which the media are evolving present a series of chal-
lenes that are being addressed more or less coherently in a range of local,
national, and transnational settings. New questions about the appropriate role of
media are finding their way onto various agendas. Governments, corporations,
and a growing number of participants representing civil society are vying to influ-
ence how the media will develop. A new general framework of media governance
is taking shape. Who decides how issues of media governance get resolved —and,
consequently, how media are used—is therefore a question that goes to the heart of how every society in the world today will experience the twenty-first century.

For example, a global debate is being waged right now on the question of how the Internet will be controlled. In October 2005, the world’s elite press was suddenly awash in reports and editorials about this debate, which has been raging at the UN, largely beneath the radar of public attention, since 2001. The International Herald Tribune (Sept. 30), Economist (Oct. 8-15), Washington Times (Oct. 10), Guardian (Oct. 12), Washington Post (Oct. 13), New York Times (Oct. 30), Le Monde diplomatique . . . even our own CanWest papers (Montreal Gazette, Oct. 10; and the Globe and Mail, Oct. 13) weighed in.

The issue was the upcoming final phase of the UN World Summit on the Information Society, which was preparing to meet in Tunis to discuss (among other topics) the issue of Internet governance. The editorialists (with the notable exceptions of the Guardian and Le Monde dip) all agreed: Why is the UN getting interested in the Internet? Internet governance is being well handled by the status quo (a private non-profit corporation based in California,1 answerable to the U.S. Department of Commerce under a memorandum of understanding). If it ain’t broke, don’t fix it, they said. All of them. The main source for the articles was the representative of the State Department who was heading the U.S. negotiating team.

Perhaps it was just a slow news cycle, but maybe there was something more at play here. The editorialists were concerned by the fact that most members of the UN—led in this case by the European Union—seemed to feel that it was ungainly to leave control over the Internet’s technical infrastructure—the “authoritative root” (the root of all Internet communication, the address “.”)—where it now lies, under the authority of one national government, albeit the world’s only superpower, and albeit a relatively benign overseer to date.2

The topic is admittedly arcane. It is also extremely important for the future of all global communication. At stake are some basic principles about global governance in general and a fundamental question about technologically mediated communication: What is it? A commodity? An individual practice? Or a public good?

Communication technologies are increasingly understood to be instruments of social, cultural, and economic development. Governments invariably see them as well as essential support systems for political power—whether benignly, as in the use of “e-governance” to streamline the cost and efficiency of public administration, or more malevolently, as means of spying on citizens, controlling the expression and circulation of ideas, and so on.3

Certain governments are campaigning vigorously to prevent the use of media technologies by opponents to their regimes. This is the case, notably, in Tunisia, host country of the World Summit, where police regularly shut down websites and hunt down and repress those who create them. It is also the case in countries such as China and Iran, among unfortunately too many others, where human rights organizations continue to document cases of journalists and other communicators who are imprisoned for circulating uncomplimentary information about the government. And it is also the case in Canada, where so-called Lawful Access legis-
lution would oblige Internet service providers to make available to the authorities full records of anyone’s online activities.4

The point is that communication is a double-edged sword. It has tremendously increased the capacity to participate in public life—at least for those with access to the means—and at the same time it has enhanced the ability of governments and corporations to track us, watch us, market us, and eventually, if they deem it necessary, to gag us. This is why policy issues surrounding media—and the choices that they imply—continue to be so important.

Internet governance, for example, is in its early days. Five years ago, most people, including specialists, would have thought the term ludicrous. Our own Canadian Radio-television and Telecommunications Commission (CRTC), as recently as 1998, ruled that it was unnecessary to bother regulating new media on the Internet for it would continue to regulate broadcast-type communication by conventional means. (The CRTC has finally understood that all forms of communication are converging on the Internet and last May ruled that it would regulate telephone rates for voice-over Internet communication, as a logical extension of its regulation of telephony.)

The first phase of the World Summit on the Information Society (held in Geneva in 2003) asked UN secretary-general Kofi Annan to establish a Working Group on Internet Governance with a mandate to explore the issue and make proposals. The Working Group reported in July 2005, and its report was subsequently the object of lengthy and arduous diplomatic negotiation. That phase of the discussion, at least, culminated with the second phase of the WSIS in Tunis in November 2005.

The flurry of media attention I referred to earlier has only focused on one aspect of this issue, namely administration of the Internet’s “domain names” or addressing system, which, simply put, is what allows you to find any computer site on the Internet by going to its unique address. For historical reasons, this system is unilaterally controlled by the U.S. government. The WSIS debate has called that control into question for the first time at the global level. Different approaches have been suggested, from maintaining the status quo to creating a new UN organization to handle this (or giving the job to an existing one such as the International Telecommunication Union) to delinking the system altogether from any government control.

I want to suggest to you that this is only the tip of the media policy iceberg. Consider, for example, some of the other issues that have been highlighted in the Internet governance debate (see Working Group on Internet Governance, Report, 2005):

- **Internet interconnection costs are unevenly distributed.** Internet service providers based in countries remote from Internet backbones, particularly in the developing countries, must pay prohibitive costs for international connection. There is no appropriate and effective global mechanism for addressing this issue.
There are no transparent, multilateral mechanisms for ensuring the stability and security of Internet infrastructure services and applications. There is a lack of effective mechanisms that countries can use to prevent or prosecute crimes committed with the use of technological means located within other jurisdictions.

There is no unified, coordinated global approach to spam. There is no global consensus on a definition of spam and no global arrangement for addressing it or enabling national anti-spam laws to be effective.

There are huge divergences as to how intellectual property rights should be applied to the Internet. These include the need to balance copyright holders’ concerns about digital infringements with users’ concerns about market oligopolies and impediments to access and use of digital content.

There is a need to define and protect freedom of expression on the Internet. For example, restrictive measures taken in relation to the Internet on grounds of security or to fight crime can lead to violations of the provisions for freedom of expression as contained in the Universal Declaration of Human Rights.

There is an absence, or at best inconsistent application, of data-protection and privacy rights in most countries’ national legislation. There are no enforceable global standards for protecting personal data and privacy on the Internet.

Similarly, there is a lack of global standards for consumer rights on the Internet, for example in the international purchase of goods through e-commerce. In the case of digital goods and online services, there are problems relating to the application of traditional consumer rights, even where those exist.

Cultural diversity issues, such as multilingualism, have yet to be addressed with respect to the Internet. Unresolved issues include standards for multilingual top-level domain names, e-mail addresses and keyword searches, as well as insufficient multilingual local content. Where these issues are being addressed, there is no international coordination.

Finally, there is a lack of meaningful participation in global policy development with respect to the Internet. Transparency, openness, and participatory processes in Internet governance need to be ensured. Despite the generous rhetoric in this regard, there are significant barriers to multi-stakeholder participation by non-governmental actors as well as governments from developing countries.

This is just a sampling of issues that have come up during the debates within the WSIS. Other issues have barely made it on to the agenda there: concentration of media ownership, the future of public-service broadcasting, enabling of independent, community-based media . . . Grassroots organizations have tried to bring these issues to the forefront, with some limited success, and especially, have succeeded in organizing themselves in a manner unprecedented in transnational
policy fora (see Raboy and Landry, 2005). Big media and small media issues have converged at the WSIS as never before, and this is a major new feature of the media environment. Which brings me back to Graham Spry. Graham Spry is also credited with the unforgettable dictum, issued before a Canadian parliamentary committee studying the proposal for Canada’s first broadcasting act: You have a choice, he told the committee, and it is a choice between the State and the United States. This has often been presented erroneously as a patriotic or nationalist statement. I say erroneously, because when one looks at the entire quote, a more sophisticated view appears: “It is a choice between commercial interests and the people’s interests. It is a choice between the State and the United States” (Canada, House of Commons, 1932, p. 42).

And so it is still today. Again, an international story drives this point home. In October 2005, at the UNESCO general assembly in Paris, 148 governments of sovereign states adopted an international Convention on Cultural Diversity, aimed at allowing governments to continue making cultural policies notwithstanding the international trade agreements they may have signed. Only two governments voted against adoption: one of those was the United States of America. Again, the event was accompanied by an incredible media frenzy, especially in the U.S. The refusal of the U.S. government to acknowledge that culture is not a mere commodity is a symbol of both power and hubris. I would submit that we need to look at this issue more broadly and more deeply because it would be to easy to see the problem as strictly involving the bogeyman of U.S. hegemony. It is, instead, all around us.

This convention represents a major diplomatic victory for Canada, which was one of its architects and driving forces. But will we use it wisely? I ask this because I sometimes feel that the only real political certainty of our time is that it is a time of consumerism, driven by the desire to consume, to participate in the consumer culture. No idealism can dare ignore this. We all take part in this system, or aspire to it. The idea of the public good, therefore, appears to be an anomaly—unless we approach it as a fundamental ethical principle.

The way we talk about the public good, for example, highlights the historic tension between commerce and culture that has marked the development of communications in Canada and continues to mark it; it is in many respects the flashpoint of what different people mean when they talk about being “Canadian”; it also underscores the role Canada is playing in the world in the sphere of cultural policy, where it has long served as an interesting alternative model to both the U.S. free-enterprise system and the former European public-service monopolies. The Canadian experience in many respects establishes the line between what is desirable and what is possible in communication and cultural policy. It also stands as a highly instructive model for reassessing and redefining the role of the state in this regard.

This poses wrenching questions for those who think about communication historically, as part of a long haul, *une longue durée* (in the brilliant phrase of French global historian Fernand Braudel).
It is clear to even the most casual observer that the environment in which mediated communication takes place—“communicative space,” in the words of the British theorist of media democracy John Keane—is changing rapidly and dramatically. This forces us to reconsider classical ideals such as “the public good,” formed during more innocent days.

Keane is one of those theorists for whom the defining characteristic of communicative space is its public nature. He provides this excellent definition of the public sphere:

A public sphere is a particular type of spatial relationship between two or more people, usually connected by a certain means of communication, in which non-violent controversies erupt, for a brief or more extended period of time, concerning the power relations operating within their given milieu of interaction and/or within the wider milieus of social and political structures within which the disputants are situated. (Keane, 2003, p. 169)

The republican ideal, that “public-spirited citizens can best act together within an integrated, physically constructed space that is ultimately rooted in the physical space occupied by State power,” has been superseded by the “growing number of public spheres . . . [that] are politically constructed spaces that have no immediate connection with physical territory. Public life . . . is presently subject to a process of deterritorialization . . .” (Keane, 2003, p. 186)

In other words, the communicative space of reference today is the whole world. This does not mean the eclipse of the nation-state or the national media public. Far from it (as we are constantly reminded by a range of disparate events from the French and Dutch referendums on the European constitution to the multiple national and subnational resistances to globalized culture, and the massive support for the UNESCO convention). What it means is that the world is the necessary reference point for any meaningful discussion of national politics, everywhere. And at the same time, the local is infused with new purpose. In other words, the idea of “national purpose” in media has been eclipsed by the notion of “civic purpose”—and this is what now must drive efforts to influence media through public policy and other means. The nature of the public sphere has changed as a result of technology and politics, and this change gives rise to new types of media, new issues surrounding media, and new ways of looking at the old issues. . . . This is a historical phenomenon, as Braudel might say.

Conventional thinking about mass media in the twentieth century focused on the capacity of media institutions to play a role in the democratization of societies, in creating a public sphere through which people could be empowered to take part in civic affairs, in enhancing national and cultural identities, in promoting creative expression and dialogue. In just about every setting in which the media were seen as essential to these values, some form of arm’s-length government intervention was deemed necessary to enable and facilitate the role of the media. As soon as media production required a greater degree of organization and resources than could be provided on a cottage-production basis, some form of structural regulation was deemed necessary to ensure that these media met a minimum standard of
social responsibility. This would be ensured through various means: the awarding of broadcasting frequencies, creation of public-service radio and television services, the funding of community-based not-for-profit media, various restrictions on ownership of commercial media (limiting the amount of outlets a particular firm could control or excluding foreign nationals from ownership, for example).

With the advent of new information and communication technologies, for a variety and combination of reasons—some technical, some political, some economic, some ideological—national policymakers have become less willing and less able to intervene in the sphere of media activity. At the same time, powerful formal and informal mechanisms (such as international trade agreements) have emerged at the international level, constraining the capacity of national governments to influence the media sector. The global media environment is a new frontier where rules are being made on the go; as in every frontier situation, the powerful are making the rules to suit their particular needs. This is, to say the least, a paradox, given the conventional vocation ascribed to the media in liberal democracies during the past 150 years.

Independent media arose in opposition to the state and in favour of values of free expression. Early media were politically and ideologically driven, best exemplified by the pamphlets of Thomas Paine and other advocates of the French and American Revolutions. In the early nineteenth century, more than 100 newspapers were published in the French-speaking portion of British North America alone, to take but one example. By the 1880s, the main function of the media was transformed as a commercial press emerged in all of the advancing capitalist societies—a phenomenon characterized, famously, by the German philosopher Jürgen Habermas (1989) as “the structural transformation of the public sphere.” Paradoxically, one of the great driving forces in support of media commercialization (or commodification) was the emergence of a newly literate mass public, making possible the demographic success of a “penny press” and the accompanying development of advertising. But by the 1920s, just as electronic media were making their appearance, the mainstream mass-audience commercial press had become the dominant media form. In the 1950s, the American critical sociologist C. Wright Mills (1956) was prompted to distinguish between a “public” and a “mass,” based on the way people were using media.

In the United States and other countries (such as Australia, Canada, and most of Latin America), radio and, later, television, while regulated by a government authority, developed on the economic model of the press. Mills and other critics did not take account of the emergence of a new phenomenon, from the 1920s onward, primarily in Western Europe but also—at least for the elites concerned—in the colonial outposts: public-service broadcasting (PSB). In some parts of the world, PSB co-existed with commercial media, but in most of Western Europe it enjoyed a monopoly status well into the 1980s. Based on a set of universal principles, PSB presented a new paradox: a state-sponsored medium conceived to present an alternative or to undercut the dominant press model in broadcasting. Broadcasting in these countries would have a social, cultural, and educational function.
vocation, rather than a commercial one (or so the theory went). Crucial to this were provisions guaranteeing “arm’s-length” independence of public broadcasting institutions from the states and governments that nurtured them through funding and protectionist policy measures. Public broadcasting underwent various fiscal and moral crises during the later decades of the twentieth century, but it is still recognized today as a key instrument of democracy, for example, in the so-called Amsterdam Protocol of the Treaty of the European Union.\footnote{Raboy}{Raboy}{Raboy}

Meanwhile, alternative and oppositional media, often tied to political movements, continued to play a substantial role in situations of authoritarian or colonial government as well as in the Western liberal democracies, where pockets of third-sector media began to emerge in parallel with the rise of youth and new social movements in the 1960s. In the West, the alternative press and, later, community radio and television flourished—often, paradoxically, with resources provided by the state. In Europe, radical pirate media arose to challenge the PSB monopolies. Liberalization permitting non-state media, introduced in countries such as France and Italy in the 1980s, had the unforeseen effect of legitimizing the pirate media and opening the floodgates for introduction of commercial media on the American model. Toward the turn of the century, alternative media were instrumental in bringing down the Soviet system, democratizing parts of Asia, Africa, and Latin America, fostering alternatives for “another” globalization, promoting gay and lesbian rights, maintaining diasporic cultures, and so forth. In countries with well-developed commercial and public-service media sectors, such as Canada and Germany, third-sector media were recognized in legislation and regulation and enjoyed both legitimacy as well as a certain degree of both public and state support.

This was roughly the portrait, then, in the early twenty-first century: increasing concentration of media ownership and loose minimal regulation regarding the most basic elements of social responsibility for commercial mass media, be they in press, radio, or television; continued persistence of public broadcasting with a serious funding and legitimacy crisis in the wake of government fiscal policies and dropping audience shares vis-à-vis commercial media; recognized legal status and minimal regulatory and financial support for alternative community-based media in some parts of the world; and basic struggles for freedom of expression and liberalization of state-controlled media in many parts of the world.

Now, I don’t know if it was false modesty that prompted the following quote from Canadian economic historian Harold Innis, but it is interesting nonetheless. Innis once wrote: “I am sufficiently humble in the face of the extreme complexity of my subject to know . . . that I am not competent to understand the problem much less to propose solutions” (Innis, 1956, p. 78).\footnote{Innis}{Innis}{Innis} Innis recognized that the study of media, as James Carey has written about him, is not “some walled-off department of thought,” but “a pathway to plunge into the deepest, most intractable problems of contemporary life” (Carey, 2004, p. xx). So the issues raised by globalization, the need for dialogue in cross-cultural relations and conflict resolu-
tion, and solidarity among people (to name but a few) can be addressed and engaged through the prism of media.

Let us begin by trying to understand the problem. Communication technologies and the institutions to which they give rise are becoming more and more central to the conduct of social life, whether one is an individual focused on the trials and joys of everyday existence, a multinational company seeking to extend its corporate reach, an environmental lobby group trying to build a global network in order to effect change, or a national government struggling with the challenges of improving the lives of its citizens.

Today's communication media form an increasingly seamless system that apparently knows no boundaries—physical or symbolic. Not only does information travel instantaneously anywhere in the world, but different types of information collide and jostle for attention in an environment characterized above all by abundance. Radio newscasts refer listeners to websites where they can download pictures relating to the stories they have just heard—unthinkable in the days when radio actually competed with television. Brand marketing has replaced censorship as the most effective means of information gatekeeping: if your public cannot find something, it doesn't matter if it's there or not. Anyone can become a publisher, but the most important communication skill today is knowing how to discriminate between the essential and the accessory.

This world is full of would-be problem-solvers. They come from every walk of life, often representing conflicting interests. They want to use the media to spread ideas, to make money, to organize society. Constrained only by the vast disparity of means at their disposal, they try to invent new uses, to occupy every available space, to remake the relationship between private and public spheres. They don't always understand the problem, much less are they competent to propose solutions.

This terrain—which for shorthand purposes I refer to as the terrain of media policy—is hotly contested; it is a battleground, a field of tension and struggle rooted in social history and the natural law that technologies are not neutral but emerge out of particular historical circumstances. My position on this is founded on the premise that as media are paramount social institutions, public intervention with respect to their orientation is both legitimate and necessary.

One of the reasons it is so difficult to talk about media policy today is that the discussion continues to be framed in terms developed under an outdated paradigm. Conventional broadcasting, for example, was regulated on the basis of "scarcity." Today scarcity has been eclipsed, but the regulatory paradigm has remained in place and feeds specious arguments to the effect that we no longer need regulation. We still need regulation, but what we also need now is a new paradigm for regulation, based on the new situation of media abundance and the policy problems it raises.

In the age of communicative abundance, media regulation is no less necessary than it once was. But it must be based on a new set of premises, around how to organize and make meaningful the mass of information that technology has
made available, for the people who want to use it. We have seen, for example, how the problem of spam has diluted the attraction and effectiveness of e-mail, so soon after that “killer application” of Internet communication caught on with users. The problem of media mergers has highlighted how diversity and pluralism in the mediascape cannot be taken for granted. The multiplication of channels has required us to rethink the concept of public-service broadcasting and to ask what type of institutions are best suited to delivering it. In short, we need a new regulatory paradigm, focused on how to guarantee communicative access and equity in a context of information abundance.

And thinking about this politically, we need to realize not only that media policy and regulation are still necessary, they will continue to operate whether we like it or not. A new global public policy regime is quickly establishing itself, amid the often successful resistance of disenfranchised subjects seeking empowerment.

So, if we want to remain alert and socially responsible, we will need to invent new regulatory models, appropriate to the new communication models emerging from technological innovation, shifting geopolitical currents, and changes in social values. But before we can do that, we need to understand where we have come from and how we got here.

Historically, media policy has always been tied to the perceived need to manage new technologies. But typically, policy becomes an issue some time after a technology has appeared on the scene and begun to present a “problem.” This begs the question of the role of human agency in influencing the impact of a communication technology. Scientists, hackers, eccentrics may choose to develop an invention, or just stumble upon it; statesmen or industrialists advancing their political or economic agendas may decide to invest in its development and marketing; aggregate numbers of users will determine whether or not it flies. Is it technology itself or the intentions for which it might be used that ultimately alter the world?

The work of British cultural theorist Raymond Williams (1974) has gone farthest in trying to understand the complexity of communication technology and its place in the world. Williams pointed out that a special characteristic of communication systems is that they are foreseen overall long before their crucial components have been discovered and refined. A technology is a system that emerges when a set of scattered techniques are organized to serve some political, economic, or, more typically, military purpose. So it was with the telegraph, with radio, and with the Internet. No wonder then that it is so frustrating to try to apply technology to changing social conditions.

Williams and others have shown how communication technologies often originated for military or commercial purposes, as a need for improvement in operational communication within existing structures, before being put to civil use. There was nothing in the technique of broadcasting, for example, to make it inevitable for transmission into individual homes equipped with one-way receivers. This was rather a result of the development of the technology, at a particular moment in the history of Anglo-American culture. Painting in broad strokes, we can say that the introduction of radio and then television into private
homes was both a contributing factor and a symptom of the transformation of the public sphere in the twentieth century.

With broadcasting, a monumental shift took place in the historic relationship between communication media and the state. Previously, government intervention, where it occurred, sought to constrain media activity perceived to be a threat to the security of the state. The seventeenth- and eighteenth-century attempts to control the press that were briefly alluded to above, for example, were largely in response to the threat posed to authoritarian government by the printing press and the rise of literacy. Similarly, the invention of the telegraph introduced a need to manage international communication that threatened to undermine the external security of states. But the establishment of broadcasting as a consumer medium after the First World War coincided with the birth of the modern idea that the state could and should be used as a progressive instrument of intervention for social purposes.

The links between ideas about governance and the introduction of new communication technologies are not innocent ones. The invention of the telegraph in 1844 meant not only that the electronic age had superseded the mechanical one, but it also heralded the invention of a new type of national state. The invention of movable type (1450) had brought with it unprecedented facility for publicity, enabling governments to establish their authority over the territory that they controlled. A new international order, ushered in by the Treaty of Westphalia (1648), was based on relations between states just beginning to govern themselves, internally, by the rule of law.

The telegraph, by unlocking the capacity to communicate across space irrespective of national boundaries, introduced a major shift in the foundation of this order as well as a new degree of uncertainty. Not surprisingly, the notion of international solidarity on the basis of social class rather than national affiliation, heralded by the publication of the Communist Manifesto in 1848, coincided with the new transnationalism in communication. This would very shortly be joined by the transnationalisation of capital—which would nonetheless, as it does to this day, rely in every case on the patronage of one or more national states.

Telegraphy grew out of a need to refine the benefits of railroad traffic through increased coordination, but it quickly began to reshape every aspect of economic and political life. The railroad and the telegraph enabled the establishment of national communication systems as part of the consolidation of the Westphalian State (a process later enhanced by radio, and then television, until it began to be undermined by satellite broadcasting in the 1960s before being finally totally eclipsed with the arrival of the Internet. See Carey, 1998).

The telegraph created the need to invent standard time—an example of what cyberspace legal scholar Lawrence Lessig (1999) would call an “architectural constraint” built into a social system for regulatory purposes. The railroad and the telegraph enabled states to engage in detailed regulation of human activity within the space that they controlled—a space defined by uniform time (Carey, 1998). As U.S. culture and communication scholar James Carey writes:
When the telegraph and railroad had linked every town and time, a national system of communications, regular and periodical, was possible for the first time. On the backbone of that system, a national community of politics and commerce could be constructed. No longer would people live in isolated communities, exclusively attuned to local rhythms and customs, dimly aware of a nation beyond local borders except as news irregularly arrived or national emergencies precipitated a heightened consciousness of the nation. (Carey, 1998, p. 29)

But already, time and distance appeared as major constraining factors for the extension of empire. For most of the twentieth century and, remarkably when one now thinks of it, in vast parts of the world, communication networks were confined within national borders, both, as Carey puts it, absorbing local identities and positioning nations against one another.

When telegraphy went “wireless,” as the nineteenth century was coming to a close, the imperial powers of the day were shocked into action to protect their interests. The stage was then set for another great technological shift that would, this time, be accompanied by the construction of a worldwide communication system regulated both internationally, for its basic technical infrastructure, and nationally, in terms of system structure and ultimately content. With the advent of wireless radio communication, the basic regulatory regime that we knew in the twentieth century was put into place: today, as discussed at the outset of this article, the media regulatory regime for the twenty-first century is just beginning to take shape.

So what are some of the issues that need to be addressed in order that the media environment be best enabled to serve the public good?

The revitalization of public-service broadcasting
In Canada, we saw last year how the lack of attention to the needs of national public broadcasting can rapidly degenerate into a situation that puts the very existence of the institution itself at risk. I refer, of course, to the crippling lockout that paralyzed the services of the CBC outside Québec for eight weeks in the summer of 2005. This incomprehensible move by CBC management indicated both hubris and a serious governance problem. It is not likely that an independent, civic-minded, and empowered CBC board would have tolerated such a move. But the board is made up of political appointees, and the president and his senior management team are not responsible to them. In the U.K., the CEO of the BBC is responsible to the board, who names them. Not in Canada, where the head of the CBC and the members of the board are named by the prime minister.

Management-labour relations aside, CBC and Radio-Canada still suffer from a syndrome that has plagued them for years, particularly in television: dumbing-down, or trying to beat the private broadcasters at their own game. They cannot do it. Private broadcasting in this country has that game down pat. Why does the CBC even try to compete? The answer is obvious: they need the money. Statistics from the Organisation for Economic Co-operation and Development (OECD) show Canada 22nd out of 26 OECD countries in per capita public funding for public
broadcasting. Only Portugal, Poland, New Zealand, and the United States invest less in this instrument for human development. The CBC needs increased funding, but it needs more than that. Canadians can justifiably ask why they should invest more than the $30 per head per year that they are now paying for the CBC (although opinion polls consistently show that they would happily pay more).

Increased public funding would allow the CBC to get out of advertising in television, which could then look and sound more like radio, where distinctiveness is the order of the day. The money can be found within the system, recycling it from the state-subsidized profits of the private sector (which would not even exist were it not for the protective regulatory environment put in place by the CRTC). But funding alone would not suffice to infuse the CBC with a new spirit for meeting its mandate. In some respects, the moment of original sin for the CBC came in 1990, when the decision was taken to get out of regional broadcasting. Lack of funding was cited as the reason, but I wonder if it was not also a lack of will.

When the parliamentary Standing Committee on Canadian Heritage toured the country three years ago inquiring into the state of Canadian broadcasting, the lack and inadequacy of regional programming was the most frequently cited object of citizen dissatisfaction (Canada, 2003). The MPs were duly impressed and made a series of recommendations aimed at getting the CBC back on the track of regional broadcasting—or, failing that, broadening access to federal funds for regional programming to be done by other broadcasters. Ottawa (that is, the government) has to take the greatest share of the blame for the CBC’s troubles. The parliamentary committee report I refer to here has been gathering dust on a shelf at the Department of Canadian Heritage—although senior officials candidly refer to it in private as “the blueprint.”

**More expectations from the private sector**

We should also demand more from the private sector. Canada tolerates a degree of concentration in media ownership that is unequalled in any country of comparable social, political, and economic standing. Where I live, in Québec, one company, Quebecor, is in a dominant market position in the daily press, television, cable distribution, and, most recently, book publishing (and, if it had not been blocked in its efforts by the CRTC last year, radio). Others—BCE, Rogers, CanWest Global—are similar giants. No other Western country accepts the same degree of conglomeratization in media as Canada. So what’s wrong with that, you say? Well, let’s assume there is nothing wrong. Then, could we not legitimately expect them to give something back? Especially in the regulated sphere of broadcasting, where private-sector activity is nurtured by a regulatory framework that Canada has been fighting internationally to maintain. Privately held media can contribute to society through Canadian programming, providing access to small, local, and not-for-profit producers, and through the redistribution of lucrative resources toward the financing of public-service and community media. Instead, we subsidize them, bemoan their bottom line when it is not strong enough to satisfy their shareholders, and soft-pedal our demands. (If you want to really raise the heat in the corridors of the Department of Canadian Heritage and the CRTC, make any sug-
gestion that touches the entitlements of the private broadcasting sector. Some years ago, the proposal to create a new levy on telecommunication company revenues, as a novel approach to funding public broadcasting, was enough to kill the thoughtful report of the Mandate Review Committee chaired by Pierre Juneau. They might as well have proposed nationalizing the cable and telephone companies.)

**Policy measures to promote pluralism and diversity**
We need measures to counter concentration of ownership and to promote media pluralism and diversity. The Senate communications committee is due to report on these questions shortly and let's hope they will be listened to. We need to restore pride of place to independent, not-for-profit, community-based media and provide mechanisms that enable them to flourish. This is one of the most important roles for the CRTC. The CRTC has made some exasperating decisions over the years (its recent awarding of two licences for delivery of largely U.S. satellite radio broadcasting is a glaring example). It needs to be encouraged to move toward “smart” regulation, involving other stakeholders in designing the policies that back up its decisions.

One of the areas where the CRTC has been right on track is in the tightening of standards with regard to abusive programming, which led to its highly publicized decision to refuse a licence renewal to Québec City radio station CHOI-FM in 2004. This has been mistakenly labelled as an attack on freedom of expression. The Federal Court of Appeal also got it right in rejecting CHOI’s attempt to overturn the decision. Writing on behalf of the court, M. Justice J. A. Letourneau wrote:

> The appellant makes much of the guarantee of freedom of expression in paragraph 2(b) of the Charter and seems to want to treat it as unqualified, something that the courts have never recognized. I do not think I am mistaken in saying that freedom of expression, freedom of opinion and freedom of speech do not mean freedom of defamation, freedom of oppression and freedom of opprobrium. Nor do I think I am mistaken in saying that the right to freedom of expression under the Charter does not require that the State or the CRTC become accomplices in or promoters of defamatory language or violations of the rights to privacy, integrity, human dignity and reputation by forcing them to issue a broadcasting licence used for those purposes. To accept the appellant’s proposition would mean using the Charter to make the State or its agencies an instrument of oppression or violation of the individual rights to human dignity, privacy and integrity on behalf of the commercial profitability of a business.

(Canada, Federal Court of Appeal, 2005, p. 92)

Now there’s a judge who’s doing his job! CHOI has since asked the Supreme Court for leave to appeal the ruling, arguing that it was in the national interest that the court clarify the obligations of broadcasters. If it gets to the Supreme Court, this will be an interesting case indeed. Do broadcasters have obligations? What do we as a society expect from these institutions—and not only broadcasters but publishers and editors as well? What is media activity? Is it strictly private or is it public?
Internationally, media and communication issues are now being debated at the highest levels: the World Summit on the Information Society, the UNESCO Convention on Cultural and Artistic Expression, the World Intellectual Property Organization. Noisy new actors are rearing their heads and demanding a place at the table. And they are getting it. The alternative, barricades à la Seattle, is just too costly for the multilateral governance system. But the stinginess of some governments, mostly representing authoritarian regimes, to admit non-governmental actors is still an obstacle. And so is the attitude of the Superpower, which is not willing to give up any of its power, no matter how shaky the grounds of legitimacy on which it stands. In this arena, Canada has a progressive role to play.

**Making room for alternatives**

So far, I have mostly concentrated on issues regarding big media. Indeed, the challenges there are great. But the greatest possibilities today lie with the alternatives to mainstream media forms. As I suggested at the outset, there is now a convergence of issues affecting media big and small. And there has never been such a proliferation of independent alternative media or so many possibilities for them to flourish. Let me mention just a few.

In Canada, we have a vibrant not-for-profit broadcasting sector, with services such as the Aboriginal Peoples Television Network (APTN) and Vision TV available to mainstream television audiences via cable and satellite. In the public sector, the NFB’s Citizen Shift (*Parole citoyenne*) has reinvented the spirit of the legendary Challenge for Change program of the 1960s, encouraging communication among citizens on the cutting-edge issues of our time. We also have a dynamic community and student radio sector. Internationally, new global networks such as AMARC (the World Association of Community Radio Broadcasters, launched in Montreal in 1983 and still based there) are changing the media landscape in parts of the world where conventional public-interest media are woefully underdeveloped.

After a hiatus of some 20 years (in the 1980s and 1990s), there has been a resurgence in the alternative press—especially online, another reason why Internet governance is so important. As one example, I pay homage to my friend Judy Rebick’s wonderful Web publication rabble.ca and commend it to you if you do not already know it. The global Independent Media Movement (www.indymedia.org) that was born at the Seattle WTO meeting of 1999 now has more than 150 collective members worldwide, including 11 in Canada (such as the Centre des médias alternatifs du Québec, an exciting as well as reliable information source for tout ce qui bouge in the worldwide movement for “another” globalization). Blogging has become a major thrust for free communication everywhere.

And crystallizing all of this activity, a new and burgeoning global communication rights movement is making incursions in venues as far afield as the World Social Forum and in multilateral fora such as the aforementioned WSIS (Communication Rights in the Information Society, 2005).

I would love to go on, and I could, but it is probably time to sum up. Fifteen years ago, I published a book called *Missed Opportunities: The Story of Canada’s
Broadcasting Policy (Raboy, 1990). The title came from an intervention by Graham Spry, at a CRTC hearing on licence renewals for the CBC: “If the cells of Canadian broadcasting now run wild and are producing a technological cancer,” he said at that time, “the disease has its origins in our own weakness, and in the weaknesses, the compromises, the inadvertence of governments, and in the conflict between high national interests and private business operations . . . . Over all these years each opportunity, one after another presented to us, we have failed to seize, we have failed to use” (cited in CRTC, 1974, unpaginated).

Let us decide here and now, each of us, in our own milieu, in our own space, that somewhere down the road, this will no longer be true.

Notes
1. The Internet Corporation for Assigned Names and Numbers (ICANN).
2. The summit decided to leave ICANN as is for now and created a new, multi-stakeholder Internet Governance Forum to keep the discussion going on Internet public policy issues. See www.itu.int/wsis.
3. The extent to which communication technologies are deployed in police intelligence is truly impressive and well beneath the radar of public attention. One example: the Electronic Frontier Foundation (EEF), a U.S.-based NGO, revealed in October 2005 that some colour laser printers in use in the U.S. were secretly embedding tiny tracking dots in the documents they printed, recording where and when the print was made. According to the EEF, “The US Secret Service admitted that the tracking information is part of a deal struck with selected color laser printer manufacturers, ostensibly to identify counterfeiters.” However, the nature of the private information encoded in each document was not known.
5. I would submit that this is what really raised the hackles of the U.S. State Department and its somewhat innocent supporters in the world’s elite media in the run-up to WSIS.
6. The Amsterdam Protocol on the system of broadcasting in member states was signed in 1997. This and other relevant documents on public broadcasting can be found in a compilation by Price and Raboy (2003).
7. An anonymous reader has pointed out that in the original version of this text, first published in 1933, Innis used the plural “problems” rather than the singular “problem.” Either way, the quote is typically enigmatic of Innis.
8. Williams illustrates the complex and unpredictable process whereby controlled intentions become uncontrolled effects, with a delicious comment on the example of literacy: “There was no way to teach a man to read the Bible which did not also enable him to read the radical press” (Williams, 1974, p. 131). Think about the Internet when you read that.
9. It is curiously ironic that the writing of Karl Marx was so essentially insensitive to the significance of modern communication—although Marx worked as the European correspondent of a New York newspaper and thus would have used the telegraph on a regular basis.

References


