Review Essay
Media Concentration, Freedom of Expression, and Democracy

Roger A. Shiner & Sara Weaver
University of British Columbia Okanagan

Edwin Baker is one of the foremost contemporary theorists of freedom of expression or speech. His *Human Liberty and Freedom of Speech* (1989) laid out what Baker termed the “liberty theory” of freedom of expression. The theory was not perhaps what the name seemed to imply, since Baker strongly opposed the “free-for-all” or “marketplace of ideas” conception of freedom of expression. Rather, he viewed the thesis that freedom of expression served liberty as implying government regulation should in part be regulation designed to ensure the freedom of the press, since a free press has a fundamental role to play in the creation and maintenance of a healthy democracy in which all citizens would flourish.

Baker’s subsequent work continued this focus on the freedom of the press and the societal threats to it. In *Advertising and a Democratic Press* (1994), he argued that “advertising seriously distorts and diminishes the mass media’s contribution to a free and democratic society” (1994, p. ix: for an extensive discussion of the book, see Shiner, 1995). Much of the argument of this earlier book...
rested on a sophisticated analysis of the actual economics of the mass media industry. The book under review here, *Media Concentration and Democracy*, continues both the concern with ensuring that the mass media make their due contribution to a robust and healthy democracy and the reliance on sophisticated economics. Briefly put, the thesis Baker defends in this book is that the recent concentration of media ownership and thus of economic power in ever fewer corporations is inimical to—and if not checked will eventually destroy—the proper role of a free press in a democracy.

Baker argues that news corporations, or the communications industry in general, play a special mediatory role in a democratic society. Democracies require that their citizens be able to voice opinions and make informed decisions about their government. Because the media influence the creation of public opinion and how individuals cast their vote, the media therefore provide a crucial forum for such communicative exchange. “The media, like elections, constitute a crucial sluice between public opinion and formation state ‘will formation,’” he writes. “For this reason, a country is democratic only to the extent that the media, as well as elections, are structurally egalitarian and politically salient” (p. 7).

However, this special role has important implications. Information provided by the media must be of superior quality: media product cannot be driven solely by profit, nor can the media disproportionately present product of particular biases. Democracy therefore requires that there be a fair dispersal of communicative power—that is, opportunities must be equal to exchange opinions, ideas, viewpoints, et cetera. Media concentration, in Baker’s view, is a major hindrance both to the provision of quality media product and to the attainment of the democratic standard concerning egalitarian dispersal of communicative power. In media concentration, as media firms unite and profit becomes the main priority, the quality of the product and the number of viewpoints represented are dangerously reduced. On the other hand, dispersed ownership, he argues, will lead to an appropriately democratic distribution of communicative power, a structure that provides safeguards against abuse of media power, and a pursuit of valuable journalistic product.

This argument is laid out in the first two chapters of the book, which constitute a little under a half of it. In the remainder of the book, Baker considers and rejects the idea that the market or the Internet can be trusted to solve the problem of media concentration by constituting an alternative source of communicative power, and that the U.S. First Amendment on freedom of speech forecloses on the kind of scenario he offers. In the final chapter, Baker considers practical policy. He recommends increased legislation and taxation policies that discourage media mergers. He also urges that journalists and media company employees be involved in the merger decisions, since they are most knowledgeable about media product quality. As well, he urges strengthened support for editorial independence.

To Canadians, of course, Baker’s concern about media concentration is not either new or news. The Canadian Senate commissioned and released in 2006 a far-reaching report expressing grave concerns about concentration of media own-
ership in Canada. Many concerns are common to both the Senate report and Baker’s book. However, there is one very important difference.

Both Baker and the Standing Committee on Transport and Communications emphasize the detrimental effects that media concentration has on the quality of media products and the dangers of media concentration with regards to the democratic interests of the public. “It is impossible,” says the Senate, “to have democracy without citizens and impossible to exercise meaningful citizenship without access to news, information, analysis and opinion” (p. 65). In several places, the Senate report stresses the importance of a diversity of sources for news and information and the importance of a diversity of viewpoints. It stresses, too, how media concentration is inimical to both of these goals. Only “a plurality of owners” will guarantee “a variety of different sources of news and opinion”: thus “there is a public interest in having a plurality of owners” (p. 64).

Baker, however, focuses tightly on the fact that media concentration will bring unequal democratic power to the large corporations that own many of the media outlets. Baker’s view is rooted in a normative theory of democracy that values democracy as an end, not merely as a means, because democracy embodies the values of equality and autonomy. Increased concentration leads inevitably to a public loss of democratic power. This loss of democratic power comes from a lack of diversified media sources. The Senate report does not emphasize this point specifically: the report talks about “power” only in relation to the legal powers of the Canadian Radio-television and Telecommunications Commission. The Senate is really only concerned about a loss of viewpoints.

Baker, for his part, de-emphasizes the importance of viewpoints. Viewpoints in news media, he believes, are simply commodities that consumers value in much the same way as they value selection at a grocery store. True, fewer media entities lead to fewer points of view: that just means the public is unhappy since not everyone can see their own viewpoint as represented, just as the customer misses her favourite type of good that the store no longer carries. Baker argues that a concern for viewpoint diversity misses the point of why media concentration is so dangerous.

A single media entity could potentially provide an elaborately diverse system of viewpoints, but these viewpoints would run the risk of sharing crucially similar elements, since they are indeed products of the same source. So, although diverse viewpoints might satisfy the public, the hidden danger is that the “diversity” they receive is not genuine. Only when diverse viewpoints also come from diverse media sources and communicative power is maximally dispersed is the public interest represented in the media in the truly democratic sense. The distinction between “sources” and “viewpoints” is therefore crucial for Baker. On the other hand, although the Senate report talks about sources as well as viewpoints, the report regards the two terms as interchangeable: no systematic distinction is made between them.

For Baker, the distinction between “commodified” and “non-commodified” values is also crucial. In a key passage (pp. 65-77), he discusses the proposal that anti-trust regulation of the economic market is enough to break down media concentration in the way that democratic values require. He rejects the proposal on
the grounds that anti-trust regulation only pays off with respect to the range of commodities available to consumers. The three central values for the promotion of democracy, however, are non-commodified values—an egalitarian distribution of communicative power, content more beneficial to the community as a whole, and a reduction of the risk of abuse of communicative power.

In our opinion, Baker’s analysis is greatly to be preferred over that of the Senate report precisely because of this emphasis on power in his theoretical framework. In a sense, this comment is unfair to the Senate, since it was not part of their mandate to theorize at depth. The Senate Committee held hearings, sifted evidence and opinions, and presented a report. The nature of the process presupposes a constraining weight to public opinion that is simply irrelevant to academic theorizing. Baker says little about a role for public opinion regarding the permitting of certain mergers. This is presumably because he fears that the public might be overly concerned with the commodity value of viewpoint selection and possibly allow detrimental mergers simply because diversity of viewpoints is not threatened.

However, it is necessary to look behind the fact of media concentration to the social dynamics that produce it. Those are the dynamics of power—first, of economic power, and second, more importantly, of communicative power. Social or political theorizing that foregrounds the significance of power has of course become common-place in the past few decades, taking off from the influential writings of Foucault and others. Foucault does not get a mention in Baker’s book: Baker is, after all, addressing an altogether different audience and discourse. But his analysis resonates with the exposure by Foucault and others of the threat to fundamental values posed by concentrations of power.

Methodologically, although it is true that Baker often focuses on policy and policy recommendations, the argument of the book is not altogether empirical. Baker’s arguments are abstract to the extent that they are arguments about the design of social institutions and the inherent properties of such designs. So the central claims are not empirical predictions that the consequences of concentrations of economic power must in fact be anti-democratic. Compare here Marc Edge’s (2007) recent study of the Asper media empire, where the argument is empirically based. Baker’s idea is rather that certain forms of institutional design—concentrations of communicative power, for example—are apt to have, are inherently designed to have, certain consequences—interferences with the flourishing of democracy, for example. The truth or falsity of the claim about aptness does not directly rely on empirical evidence. It would be true, if it is (and we think it is), even if no such interferences ever occurred, just as it would be true that downhill skiing is apt to be dangerous (since it involves travelling over slippery surfaces at high speeds at the limits of control over movement), even if no one had ever been injured while downhill skiing.

Baker’s book is not easy reading: the analysis is sophisticated and complex, and has many compelling details that we have not touched on here. For anyone interested in the topics of the book’s title—media concentration, democracy, and why ownership matters—as well as in the synergy between these topics, the book is highly recommended.
References


