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Media Regulation. Governance and the Interests of Citizens and Consumers

In this book the analysis of media regulation theories and practices are motivated by the authors' efforts to see what citizens need from the media and how this can be guaranteed. Media regulation is examined in the context of the global mediated sphere. A review of regulatory theory is blended with an analysis of globalisation and governance structure within which the interests of consumers and those of citizens are researched. The media and communications regulation is discussed in relation to the public interest and anchored in analyses (case studies) of the UK regulatory agency Ofcom work.

Ofcom's organisation and functioning are illustrated through its involvement with public service television, media literacy, regulation of advertising to children's obesity and the community radio. Conclusions offer observations of the change of direction in media development and regulation, policy making and the role of independent regulators. The authors, leading British scholars of the media, declare that they write 'as researchers of television audiences and mediated publics rather than as scholars steeped in the legacy of media policy research' (p.VIII). Their main focus is therefore on public representation within the new culture of regulation and Ofcom's role in relation to the public interest (p.VIII).

The public interest is extensively discussed in the first (*Media and Communications Regulation and the Public Interest*) and second (*Regulation and the Public Interest*) chapter of the book. The increased globalisation of the media and communications technologies that contribute to the emergence of a complex transnational culture, a rapid development of a global media market, extensive movements of peoples and a number of other characteristics of the new phase of late capitalism set up the scene in which the interests of citizens and those of consumers are pointed out and analysed. Key actors – state, civil society - that play

a role in the design and practice of regulation in this new context are identified. The main values that they stand for are presented through the opposition between market (liberal) and social (democratic) values.

Regulation in relation to the public interest encompasses discussion of the opposition between government and governance; presents the theory and strategies of regulation and discusses them in the context of political parties' ideological orientations (new labour, social democracy), in both, the European and the UK context. In the European context it is about connecting national to regional media governance. The European approach that was consolidated around the Audiovisual Media Services Directive in 1997 coincided with the New Labour broader commitment to constitutional reform and the regulatory reform in UK. This context adopted a 'broad definition of a converged regulator, with a range of powers, responsibilities and modes of regulation' (p.33). A dual European approach (top-down economic harmonisation and a dispersed, soft approach to cultural and citizen issues), 'replicated in Ofcom' was submitted to a unified, consistent approach to regulation in the UK. 'Intended as a converged regulator for a converging media and communications sector, Ofcom was meant to solve the problem of regulatory confusion…' (p.33)

The problem of regulatory effectiveness became interlinked with the need to 'develop broad policies and strategies', which also implied 'a mix of activities within an independent body combining adjudication, policy making and enforcement' (p.34). Ofcom was established by the New Labour government in 2003 as a body 'that integrated the previously separated spheres of regulation (public sector broadcasting and commercial broadcasting, telecommunications and broadcasting, consumer and citizen interests)' (p.35). Apart from the particular Ofcom case, debate concerning forms of regulation was related to academic theories of regulation as it 'represents an intervention in markets and society' (p.36) and furthers the interests of citizens and consumers that are discussed in the framework of public interest. However, no single definition of the public interest can be offered. It is difficult to define. When interpreted as a 'core statutory duty of media regulators'(p.39) it remains vague and therefore problematic. In this book it is discussed in the context of different democratic practices and theoretical approaches to democracy visible in the UK.

Notwithstanding the differences in interpretation and definitions of the public interest, regulation becomes softer, more dispersed and operates through 'multi-stakeholder negotiation and cooperation'. Assessing its effects becomes ever more difficult, '…and attention tends to focus on mechanisms more than on the evaluation of outcomes' (p.39). All this is further illustrated through the case studies of Ofcom (*Ofcom's Core Purposes: A Discursive Struggle*; *Ofcom as a Regulatory Agency*; *Ofcom's Review of Public Service Television; Media Literacy; Advertising Regulation and Childhood Obesity ; Community Radio*). Ofcom appears to have been able to balance competition policy and consumer protection, and has prioritised, in terms of regulatory effectiveness, the consumer dimension of the public interest, although it declares that the consumers and citizen interests intersect (p.187).

Even if the discussion of media and communications regulation and Ofcom is strongly related to the UK regulatory practices, media policies and the media, it serves as an excellent and inspirative incentive for any analysis of media regulation. The case studies of media and communication regulations 'speak to a subtler mode of governance through engagement and self-regulation rather than determination through command and control' (p.180), and, '… it has been our contention that the citizen interest is best served by an independent regulatory agency using a variety of proactive methods to engage a wide range of stakeholders…'since '… such an approach legitimates media and communications policy in a dynamic and fast moving environment' (p.184).

In conclusion, the authors state that they have 'conjoined academic theories of regulation with governmental responses to the growing challenges of globalisation and the network society' so as to invoke the idea of a regulatory agency that would take the role of public institution in addition to 'its instrumental and administrative tasks' (184). Combining regulator's effectiveness with the promotion of public engagement with media policy proved to be a difficult task, although Ofcom has played its role 'with originality, energy and expertise'(185). As it is easier to take account of consumer interests than the citizen interests the relations between the regulator and industry may be easier to define than those between the regulator and citizens' public interest in regulation. Governments still determine the powers, responsibilities and functions

of regulators and the nature of regulation itself. This is reflected in 'the vulnerability of regulatory agencies' (p.186) and generally in difficulties to deliver an effective media policy that would follow democratic standards and meet the citizens' needs compatible with such standards.

'In practice, the distinction between competition policy, consumer interests and market liberalism on the one hand, and social and cultural policy, citizen interest and civic republicanism (or social democracy) on the other hand, is often blurred and each shapes regulation and policy making. Yet only occasionally is this process conflictual', while '… the process of developing policy is more pragmatic than oppositional…' (p.192)

Media Regulation offers an excellent, well-grounded analysis of media governance and its dilemmas. It particularly points out regulatory aspects of media policies and shows how these are related to democratic political contexts. At present times when the increased interest in self- and co-regulatory processes has become a key issue in any discussion of media policies, this book offers a wealth of thought and inspiration to those who either research or regulate the media.

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