Media and Sovereignty
The Global Information Revolution and Its Challenge to
State Power

Monroe E. Price

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My efforts, in these pages, has been to explore the range and play of forces that exist in the vast project of global media restructuring. I have resisted the relatively easy conclusion, more prevalent prior to September 11, that the day of the state is past, or that regulation is impossible in a time of new technologies. Something too important is lost in the denial of national power and the depreciation of state capacity to make and enforce law: the organic, complex, yeasty, contradictory, often oppressive forms of adjustment that are everywhere occurring. But it is one thing to record skepticism concerning the imminent disappearance of the state and the triumph of decentralized information flows. Some substitute approach is needed.

In part I, I sought to prepare the groundwork for a framework that might help explain the combination of forces that result in the remapping of media space. I tried to show how media structures, media spaces, and information policies are increasingly negotiated, the product of subtle arrangements among states, between states and multinational corporations, between international entities and states, and encompassing other vectors. Not only technologies, but a vast number of political, economic, and social influences converge. Part II addressed the rhetoric of change, the immense difficulty of matching novel challenges with the vocabulary of the past. I looked at the use of models and metaphors as a path to policy formation, and to the articulation of concepts of “newness,” privatization, and self-regulation, among others, to explore the uses of the language of the law. In part III, I turned to the geopolitics of information space, the exercise of power, the efforts by one state to influence the structure and content of media in another.

In this last chapter, I bring a number of these perspectives together, emphasizing an interlocking process by which states, religions, corporations, and individuals help shape media structures and the content that flows through them. A portrait of a dynamic world emerges, a world in which states experiment with various techniques
as they try to maintain some degree of control over the changing imagery that enters their political spaces. The stories I have told about Canada, South Korea, India, Bosnia-Heregovina, Turkey, the United States, and elsewhere, demonstrate the international implications of domestic media law and policy decisions. They show how, in a time of global media interconnections, it is almost impossible to reach decisions or adopt practices about broadcasting or the Internet in one state that are not the consequence of or do not affect the political life of other states. This catalog of incidents leaves the question of how and why states act as they do open for inquiry. This inquiry should in turn yield a framework for analyzing national responses to media globalization.

Before I turn to this framework, it is worth reflecting on the inquiry into why and how states respond and interact with one another (and with other entities) in the information sphere. At some level of international abstraction, whether housed in human rights discourse or ethical standards, knowledge of the entire context of national responses to transnational information flows may help distinguish between states that pursue appropriate, or internationally acceptable goals and those that do not. A society that wishes to maximize the availability of data and imagery while addressing specific problems of cultural impact should be considered and treated differently by the international community from one that is purposefully, willfully, and harshly closing off flows of information. A multilayered set of categories might help in discovering or validating certain assumptions, such as the possible correlation between national response to global media and stages of economic development, religious and communal division, or per capita income.

Understanding patterns of response may also be helpful in stabilizing areas of conflict, preventing deprivations of human rights and protecting national security concerns. Just as the alchemy of technology and industry creates whole new ways of conceptualizing the media and the spread of information, the alchemy of geopolitics and national identity will lead to a range of regional realignments, national responses, and a redefinition, at times, of how norms are formulated and enforced. The world is a kind of force field where bling technologies interact with gargantuan media entities and transformed geopolitical realities. Together, these lead to new forms of social and governmental response. Well-chronicled modes of establishing censorship regimens will remain in some societies, but variants, such as enforced self-regulation through codes of conduct, negotiated standards linking performance of state behavior to trade benefits, and the use of force and international intervention to alter information space will develop and are much more intriguing.

Our models of the past have been nationally oriented in character, based, as I have said, on the memory (perhaps invented) of a national "bubble of identity," inside which each state more or less sets the rules and controls or tolerates a set of narratives within its borders. I have proposed a shift to a different model, in which the set of narratives within any one state is the result, and increasingly so, of multilateral transactions, transactions among states and between states and multinational corporations and other entities. In this sense the relationship between state and media must be recharacterized to emphasize this biological organic process. No framework that tries to capture these modes of interaction and interaction by and among states can be adequately comprehensive at this stage. It can only point the way. Such a framework facilitates the formulation of policies by those committed to improving civil society through the alterations of speech-related practices in target societies.

I start with a distinction I developed in chapter 1, dividing national responses to the complexity of information inflows into two categories or types, one where the state protects its own information space and the other, where the state attempts to influence or alter media structures and their impact outside its own borders. I use this distinction—between state efforts directed inwards and state efforts directed to other states—to underscore a move away from a static conception and toward a more dynamic model of regulation of government efforts aimed at shaping the stream of messages and content that affects political and social life.

In my discussion in chapter 1, I suggested that each of these two categories of state activity can be divided further. Domestically the state can act unilaterally (using law or force or adopting technological approaches) to alter the media in its own country. I distinguish that case from the increasingly likely set of circumstances where the state, to address the flow of messages within its boundaries, must deal with other states (or with major media conglomerates) that have goals and influence there. The textbook unilateral approach is for one state to establish and maintain a monopoly over imagery. An ideal way for the state unilaterally to act is to ensure the existence and enforcement of standards for a robust and public sphere. In the second category, where states attempt to alter external information space, international broadcasting began as unilateral efforts to penetrate information space, and has evolved into efforts that are negotiated among countries. The bombing of transmitters in Serbia and Afghanistan (or the destruction of the offices, in early 2002, of the Palestinian Broadcasting Corporation by Israel) is an extreme and modern example of the use of force by one state or a coalition to change the information space in a target society.
There are also interesting examples of bilateral efforts to limit the use of radio space for national purposes. In the 1948 Agreement between India and Pakistan, the parties promised that their respective publicity agents (including for radio and film) would "refrain from and control: (a) propagandistic attacks on the other Dominion, and (b) publication of exaggerated versions of news of a character likely to inflame, or cause fear or alarm to, the population, or any section of the population in either Dominion." Similarly, a dispute between Santo Domingo and Haiti was settled in the early 1950s, with a document that included a commitment by both parties not to "[t]olerate in their respective territories the activities of any individual, group, or parties, national or foreign, that have as their object the disturbance of the domestic peace of either of the two neighboring Republics or any other friendly Nation."

My hypothesis in this book has been that there is a general tendency to move from the unilateral to the consensual, the negotiated, and the multilateral. The argument is illustrated in figure 9.1. Of course, to describe a state's response in terms of its external or internal effects is only a first step, a bit mechanical, if taken alone, as a way of classifying national interactions with media globalization. How this basic building block plays itself out—the type and mode of national response—requires elaboration of the framework I propose. The framework then provides assistance in understanding state trends, possibly yielding some predictive qualities and also helps clarify distinctions that relate to human rights norms and developing international law. Table 9.1 presents a taxonomy of the analytic approaches I have used in earlier chapters.

**Market for Loyalties**

In chapter 1, and elsewhere in the book, I used a "market for loyalties" analysis to indicate that a period of re-regulation or remapping occurs when existing modes of control have led to an uneasy cartel of political allegiances, one that can no longer maintain its position of civil authority. The permeability of borders creates a regulatory crisis if barriers to media entry are lowered for those excluded from the old political cartel, especially if they could be threats to the dominance of the ancien regime. In addition, media globalization may foster the crisis if, for other reasons, previously excluded or marginalized competitors now have a more feasible claim for entry. Under this model, a national response can take the form of redefining the cartel and accommodating new entrants or taking effective steps, through law or force, to try to raise the barriers to entry again. A state's mode of altering regulation may reflect pressures to alter its internal cartel or may reflect pressures from outside to increase competition and alter those who compete for loyalties on a regional or global basis. The market for loyalties approach also explains actions of external entities (corporations, states, and diasporic groups) to use technology or international norms to force a state to modify the membership of a local cartel.

**Table 9.1**

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<tr>
<th>Taxonomy of analytic approaches</th>
<th>Paradigm of state-based structuring</th>
<th>Multilateral shift</th>
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<tr>
<td>Market for loyalties</td>
<td>Netherlands and pillarization</td>
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<td>Processes of transition</td>
<td>Singapore and information modernization</td>
<td>Post-Soviet Czech Republic and broadcasting competition</td>
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<tr>
<td>Achieving stability</td>
<td>Soviet Union and control of dissent</td>
<td>Kosovo and information intervention</td>
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The Netherlands supplies an example of an internal approach to achieving a desired market structure for a regulated oligopoly of competing suppliers of loyalty and national identity. There, the long-standing approach of pillarization, dividing the market among differentiated loyalties (religious, political, and lifestyle) was reflected in a self-contained set of broadcast regulations. The permeability of borders made this practice difficult, and the capacity of the state to enforce an arrangement of existing participants in such a market virtually disappeared. More typical of the new environment is the MED-TV example, as discussed in chapters 1 and 3, where Turkey was required to negotiate with other states to help slow or control the transmission of signals by satellite to minorities within its borders.

Stages of Transition

A second analytic approach for understanding media remapping is founded on an analysis of state activity as it relates to the state's place in the transition from authoritarian, for example, to more democratic structures. State actions, especially interactions among states, are often implemented with the purpose of facilitating or resisting movement from one stage to another in mind. As an analytic approach, the "staging" strategies are useful to explain specific interventions aimed at altering the political life of the target society, usually seeking to render it more "open" or "democratic." The idea of transition and the ideal that one can move societies along a continuum by enhancing the functioning and structure of the press are at the heart of this "stages" explanation for restructuring efforts.

Singapore, with its emphasis on regulated high-capacity information systems is an example of a state that uses unilateral control of the architecture of information distribution to hasten the pace and direction of transition. In contrast, the Czech Republic is an example of the shift to multilateral approaches to affecting transition. There, the shaping of private broadcasting, the role of foreign investors, and the commercialization of the broadcasting sphere are a result of internal decisions, negotiations with the Council of Europe and the European Union, as well as media assistance from the West in the early post-Soviet period.

Affecting Stability

In this book, I have suggested a third and related approach to understanding global patterns in media restructuring based on a general motivation for strengthening stability (and occasional efforts to destabilize governments). Albert O. Hirschman's little gem of a study, *Exit, Voice, and Loyalty*, indicates how each organization, tribe, and state has the ability to respond to perceptions of decline and to readjust its message to meet the needs of its consumers or citizens. Some societies get the balance "right" (by meeting citizen needs or successfully avoiding them) and are therefore stable; some regimes may not achieve the optimal combination of "exit" and "voice" and decline. As discussed in chapter 7, the stability of individual states, whether or not they decline or transform, has external consequences. As a result, there may be a general interest in the manner in which states cope with problems of internal dissent and miscommunication. The extent to which state and society structures meet the needs of a plural population and sufficiently buffer or accept dissent has security implications for other states. The patterns of media restructuring, particularly the efforts of one state to change the media space of another state, may be analyzed through this approach.

Frequently, as is exemplified by US efforts in Bosnia-Hercegovina and in Kosovo, these interventions are designed to facilitate stability, though in some instances, as in the case of US policy toward Iraq, the interest of the external state may be to destabilize a target regime and enhance its decline. Destabilization can be accomplished through subsidizing dissent, through instituting clandestine radio stations, and through more sophisticated psychological operations. The Soviet Union (or almost any authoritarian state) was an example of attempting to achieve stability, in part, through maintaining a monopoly over media.

Taxonomy of Influences

How a state responds (whether it can best be explained through the market for loyalties approach or other aspects of the analytic framework) is a function of historic and pervasive influences on the particular decision maker. Thus the analytic framework must be augmented by an account of the relationship between influences and outcomes.

Societies that have a lower degree of privatized media, longer history of religious tension, lower exposure to advanced and innovative technology, greater concern about terrorism, or more authoritarian past may tend to be less open and more fixed on control than those that have a different history. Rather than grade correlations, it is more intelligent to say that the complexity of realism and response has some degree of relationship to a specific combination of these factors. I discuss seven
such influences: approaches to free trade, the influence of the shift to the private, the influence of new technologies, the influence of prior and existing regime structure, the influence of national security concerns, the influence of power realignments, and the influence of international norms (see figure 9.2). Others, or subcategories of these elements, of course, exist.

Protectionism versus Free Trade
Much of the formal, apparent process of national response to media globalization is a consequence of the nature of the debate over free trade. Should free trade be restricted where there are direct adverse consequences for national identity? Just as there is a global debate over the consequences of trade globalization for employment, including issues of child labor, trade discussions incorporate questions of national control of “cultural products.” In chapter 7, I have discussed aspects of the debate over free trade in goods and in intellectual property as they affect national responses.

To advocate free markets in information abroad, a country would be expected to adhere to free market principles within. Symmetry and consistency are not, however, essential characteristics of state policy, and it would not be the first time that principles were put forward in foreign climes and ignored at home. But the advocacy of free markets may sit uneasily with the need to regulate domestically. Even the most market-oriented of states can suffer rejections if the state tries to change the ownership rules of others while its own rules are deemed too restrictive. A country can find itself suddenly encumbered by its own internal curbs on content when trying to affect the content regulations in another country. Numerous examples of these troubles exist in areas such as content standards in broadcasting, foreign ownership for terrestrial broadcasting stations, and restrictions on particular uses of the Internet.

Influence of the Shift to the Private
I have suggested throughout the book, and particularly in chapter 3, that media globalization involves the establishment of a localized receiving infrastructure for the distribution of imagery increasingly produced and controlled by multinational corporations. Multinationals require growing markets, and these usually necessitate patterns of terrestrial distribution to complement other patterns of satellite networking. Law or the rule of law is an integral part of the effectiveness of such a localized system. The national response determines whether the global system for the distribution of information will be embraced.

To some extent, we may be moving to a pattern of international production comprised of regional or national wholesaling and local retailing. Another characteristic of this system, driven globally by large private corporations is that so long as multichannel video distribution opportunities are available locally, the multinational sector seems relatively indifferent to the technology for such distribution (cable, direct broadcasting, Internet, etc.). As this system matures, the impact of concentration at the multinational scale becomes clearer: the fewer the competitors at the production and distribution level, the fewer are the alternatives for states negotiating the nature of a national response.

Influence of New Technologies
While there is much in this book that is resistant to technological determinism, especially in its most enthusiastic forms, it is obvious that the pace and pattern of introduction of new technologies has a major impact on national responses. Societies must shift their strategies of control to take into account shifts in the way ideas enter or circulate within their boundaries. Because so much has been written about this influence on the nature of national law, I do not need to expand upon it here.
Influence of Regime Structure

As I explored in chapter 7, the nature and history of the regime have an enormous influence and predictive quality in the response of the state to media globalization. Not only the current status—whether a state is a Western-style democratic society or a religiously based quasi-authoritarian regime—but also the form and mode of transition, substantially affect attitudes toward the structure of media.

Regime structure can be described by asking questions about the nature of the domestic civil society, attitudes toward the rule of law, issues of authority and democracy organizations. National response is determined by the extent to which those in control dominate levels of social change, whether they have substantial power over existing forms of information flow, and the number of traditions that favor including opposition voices.

Influence of National Security Concerns

Traditional national security concerns color many aspects of state response to media globalization. After the more ardent 1950s and in the controlled cold peace in the West, internal security concerns at least momentarily diminished in Western Europe and the United States. The idea of a dangerous domestic world in which speech could ignite terror directed at its population—with noticeable exceptions—declined; only to reappear with a vengeance after September 11, 2001. Concepts of tolerance and the expansion of speech rights flourished in an environment of international stability. Now, however, ideas of global terrorism, unsettling notions of a new set of enemies have restored national security concerns in all national settings. States' responses may be categorized by the way in which a predominant and contentious religious history, a relationship to contact and anxiety, or terror and national security affects media policy.

It is sometimes difficult to differentiate those states that exploit the inherent myth of danger to suppress political dissent from those states where the potential for centrifugal dissolution is actual and great. Fear of images and messages deemed to be subversive and information capable of endangering national security spreads. It was the basis for British prohibitions against showing the faces of members of the IRA. This fear emerged in the United States as the White House sought to control exhibition of videos of Osama bin Laden, and it surfaced as government responded to sensed dangers of cyberwar and Internet terrorism. Terrorism has become a new trope for the restructuring of regulation, especially of the Internet, as it becomes a forum for the potential cohesion of groups imical to the political order. It is an irony that Western democracies so long condescending of speech restrictions in states like China are beginning to look at its architectures of control for potential ways to regulate what is deemed terrorist expression on the Internet.

Influence of International Norms

The clash of national security with free speech standards brings us to the continued and changing use of human rights doctrine as an influence in the remapping process. Elements of an international community, including NGOs, invoke article 19 of the Universal Declaration of Human Rights and other similar doctrines to measure compliance as a restriction on national responses to media globalization. The US State Department, the Organization of Security and Cooperation in Europe, the Organization of American States, other regional organizations, and the United Nations increasingly all have special officers who monitor compliance with international norms in the speech and press areas.

There is a transformation of rights language in the zone of media. Since the 1990s the assertion of speech rights has been tightly linked to the rising influence of private media corporations. Companies seeking to minimize government regulation of media enterprises, marshalled speech rights most effectively. In the United States, speech rights, though most popularly associated with political dissent, were deployed, often successfully, to restrain the capacity of Congress to shape the structure of cable television (for example, when deciding whether cable systems should be required to carry public service television channels), to limit the power of the legislature to force access rights in news media, to limit cross-ownership between cable companies and telephone companies, or to set public access requirements for direct broadcast satellites or other media. Human rights principles are used to clear a global space for commercial media.

In Europe, human rights principles were successfully advanced to force states to alter the way in which they licensed radio frequencies to the private sector. Free speech norms have become effective rallying points for urging change in societies that assert the most control over their speech environments. In the international sector, as within each state, media institutions are, in some part, surrogates for individuals. As a result, some extent, freedom from constraints for the media means enhancement of the right of people to receive and impart information. But that is not always the case. Regulation may also increase the zone of speech, enlarge the flow of information to citizens, and enhance their right to communicate.
Table 9.2
Aspects of restrictive national responses

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<th>Justifications for restrictions</th>
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<td>Mode of communications technology restricted</td>
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<td>Object of restriction</td>
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<td>Intensity of restriction</td>
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Influence of Power Realignment

Part III of this book underscores how changes in spheres of influence and political alliances affect media restructuring. Orthodoxy of regulation reflects geopolitical shifts. Regulations concerning language usage mirror political needs and specific transitional realities. During the cold war, the West used human rights doctrine to justify international broadcasting that violated state borders by saying that these transmissions were fulfilling the right of individuals to receive information. In a changed world, where stability is increasingly important, attitudes toward the privileging of shortwave or clandestine radios, and condemning jamming may change. The Stability Pact for Southeast Europe is an example of shifts in thinking about the mode and role of media structures. States, or parts of states such as Kosovo, Chechnya, Bosnia, Rwanda, and Cambodia are subjects of direct information intervention. In these cases wholesale reorganizations of media space occur as part of great changes in political power.

Aspects of Restrictive National Responses

Every country, even one committed to free speech principles, is engaged in some form of regulation or restriction relating to media. And many of these restrictions or actions are a consequence of or affected by transnational concerns. Freedom House and others often classify states along a hypothetical grid that reflects how they deploy or do not deploy restrictions on the flow of information. In considering this kind of classification (table 9.2), one might look at the justifications a state provides as its grounds for restrictions (its characterization of its own needs and the way it checks the conformity of that justification to principles of law); the mode or modes of communications technology that the state restricts (reflecting probably its evaluation of which technologies are the most important tools of persuasion); the object of restriction (content provider, distributor, gatekeeper, consumer, or other states); its techniques of restriction (the extent to which it uses law or other forms of coercion); the intensity of restriction (the extent to which it either intends to or has the capacity to fulfill a mandate); and the influence of time (the pattern by which restrictions and their enforcement evolve). Let me describe, briefly, each of these in turn.

Articulated Basis for Restriction

National responses can be classified on the basis of reasons given by governments to protect their own media space. While the consequence (though sometimes unintended) of any form of regulation is to restrict speech, one might gain insight into the nature of a state’s response through the category of justifications whether, for example, there was a claimed national security threat that justified a particular form of regulation. Among the tropes for restriction (somewhat overlapping) are protection of children, preservation of morals, protection of domestic industry, strengthening of national identity, protection of religious beliefs or a favored church, and avoidance of sectarian violence.

The permissible areas for restriction are sometimes defined by international treaty or convention, and these modes of definition and limitation are becoming more influential. Certain of these motivations for restrictions (national security, territorial integrity, and prevention of disorder, for example) are memorialized in section 2 of article 10 of the European Convention of Human Rights and that document gains greater force as the Council of Europe expands, and as application of the ECHR norms and European Court jurisprudence spreads to settings outside Council of Europe states.7

Analyzing national responses on the basis of the justifications given for restrictions also opens a path for determining the validity of such justification. This process generally occurs through internal challenge in domestic courts or through regional tribunals (such as the European Court of Human Rights). The justifications permitted and the standards used by tribunals to determine whether the restrictions are justified are both relevant to the analysis. In addition there are evaluations by non-government organizations or other governments, as in the annual survey of compliance with human rights by the US Department of State that must be considered.

Medium of Restriction

Another axis for sorting restrictions would be classifying national responses by the technology that is controlled. Some states, for example, claim to have an unrestricted press but regulated broadcasting. Some states have newly focused regulation on the Internet. There are states where radio has the most significant impact and so is the
most significant target of control. It is important therefore to understand which medium, for which state, is deemed most effective or most threatening at altering the state's information space.

Choice of medium for restriction may be the result of a variety of factors. Some modes, forms of image making, may be thought to be invasive or too powerful, almost mystically mesmerizing. This idea exists even in American jurisprudence. The intrinsic power of broadcasting has been a basis for distinguishing radio or television from press, just as it has been a favorite instrument for international propaganda. Some modes are favourably treated because they reach only elites and are therefore considered less dangerous. Modes of distribution, such as satellite to home, may be especially feared because of the lack of a regulable gatekeeper or intermediary and the potential for shifts in strengths among ethnic groups and communication between ethnic groups and outside diasporas.

The capacity of nongovernmental organizations, such as multinational corporations or nongovernmental organizations (or broadcasting sponsored by another state) to reach into a society through satellite or powerful transmitters or through other means (song or sermon incorporated in audio cassette) would potentially be reflected in the nature of governmental response. A medium may be singled out for regulation if it appears to be an instrument of groups labeled as terrorists. Finally, a medium may be singled out for regulation for historical reasons, for competitive reasons, or for regulatory reasons of a global tradition in that medium.

Objects of Restriction
An evaluation of where in the chain of production, distribution, and consumption of information a restriction is aimed is critical to understanding national responses. Censorship laws can be aimed efficiently at gatekeepers (newspapers, broadcasters), but strategies of control alter as the capacity to identify and regulate such modes diminishes. States may respond by negotiating with content providers or by increasing control of consumers through tracking what they read or watch. States may enter into agreements that restrict what third-party states can do to alter the mix of voices in a target society.

Just as families sometimes consider they have the right to think, in a wholesome way, about the education of their children and their exposure to images, states do not always stop at blocking only some programs or regulating a particular entity. For some, their perspective on images and messages is more systematic and overwhelming, just as their attitude toward governance is more total. There are states that believe that the rhythm, pattern, and comprehensive impact of media generally provide a worldview and culture antagonistic and inconsistent with their own. The very style of Western television, the very presentation of women, the beliefs implicit in its programs—all these are as significant as the words uttered and the cultural boundaries crossed. The specific emphasis on a secular living, different from one that may be religiously mandated, could violate community norms. Eyes should be shielded from those who make such life choices, and certainly children should not be exposed to them. In a future of seamless communications and permeable borders, national restrictive responses shift from control of gatekeepers to control of users.

Intensity of Restriction
Another axis for analysis is the intensity with which a state enforces techniques of restriction or promotes a diversity of speech sources. Regulatory mechanisms and their institutions of implementation can be designed to provide great or narrow openings to the information of the world, and formally stated restrictions do not always reveal actual experience. Articulated norms always have an influence, but the extent of the value depends on notions of enforcement or related coercion. Courts use norms to measure whether national responses to media globalization should be upheld or subjected to criticism. There often is a gulf between explicit legal norms and actual practice, with restrictions being more or less intense than the statutory language would imply. States may establish harsh formal restrictions but do so as a means to buttress customary practices or religious attitudes. States may not have the capacity to enforce standards that they erect. Formal commitments against censorship are often belied by practice. Conversely, a reputation for speech restrictive legislation may be belied by the existence of an active marketplace of ideas and widespread and accepted disregard for formal rules. One might want to ask which states—despite the structure of impediments—embrace an actual public sphere in which there is a broad pluralism of views and perspectives from without as well as from within the state's boundaries.

Methods of Implementation: Law, Negotiation, Technology, and Force

All comes down to means of implementation. I have canvassed many techniques and modes of implementing national responses in this book, and they are legion: enactment of domestic laws of censorship, the negotiation of and invocation of international human rights laws, manipulation of laws governing the allocation of
spectrum, use of laws providing for licensing broadcasting stations, design of the architecture of signal reception, intervention through technical assistance, and even bombing. I have devoted attention to international broadcasting and adjustment of trade practices. One could focus only on emerging state responses to the Internet, from adjustment of copyright to regulation of the sale of pharmaceutical products, coping with issues concerning gaming, and, as has been an important subject for this book, programming not considered suitable, in some cultures, for children.

A final way of parsing these techniques—in terms of evaluating, predicting, or understanding national responses—is to assign them to one of four categories: adopting law, entering into negotiations, implementing technology, or engaging in the use of force. There are, of course, deep conceptual difficulties with this form of categorization: law, for example, can itself be said to be a form of force, negotiation is often the consequence of the exercise of power. The line between technology and law, as Lawrence Lessig has famously reminded us, is increasingly fine.

Aspects of this grid are important, however. Calling a means of implementation the exercise of “law” has different implications than if the action were characterized as an exercise of (naked) force. When the United Nations establishes a Temporary Media Commissioner to regulate certain aspects of the content of broadcasting in Kosovo, the actions of the office can be evaluated according to traditional standards derived from the rule of law. We have seen that those who enter a zone of conflict under the doctrine of “belligerent occupation” have different privileges from those whose entry occurs as in the Dayton Accords. The introduction of technology presents special problems. General international principles that are based on the enactment of law need to be addressed to adjust the use of software design or novel regulation by governments to circumvent those norms. It is more difficult to assess government policies that function through system architecture than through explicit policy tools like broadcast licensing. Negotiation, too, as when a government and a multinational corporation agree upon areas of restriction, falls beneath the traditional evaluative radar screen.

In addition to the use of law, force—sometimes subtle, sometimes brutal and coercive—is used both internally and without. I have discussed the growing practice of what has been labeled “information intervention,” a new term for a collection of measures available to the international community to alter media content within a country where uncontrolled information flow is thought to be inconsistent with multilateral objectives. Jamming, monitoring, bombing of offending broadcasting outlets, and seizing control of transmitters to prevent conflict-producing media are the stuff of this emerging practice.

But there is an even more pervasive turn. We have seen that the modern response of states is to replicate the old system and ensure that, to the extent possible, information is funneled through regulable intermediaries. But if information leaks around intermediaries, then the next step will be to try to regulate the content providers. They, too, are elusive in the Internet age. The result may be increased emphasis on regulating the ultimate user, a crude return to punishment of the consumer, the citizen, the subject. In highly organized and religious societies where there are strong community pressures, peer observation and reporting becomes a prelude to a social enforcement tool. In the United States, cases involving downloading computer files of child pornography demonstrate some slight shift in prosecutorial attention from the distributor or intermediary to the ultimate user.

Governments can, with only partial success, construct an information version of a star wars defense to block out unwanted images. They seek to control information by alliances, secret or otherwise, with the purported owners of means of distribution. An approach that can serve as a basis for understanding certain national responses involves the use of rating and filtering techniques and the ability to resort, as a response to the newer flows of content, to meta-information in order to regulate certain kinds of unwanted content. Technological approaches that identify information, allow it to be classified, and that determine to whom it goes and from where it comes are an area for expansive involvement by states acting alone, in concert, or with private corporations. It will be important to analyze the shift from traditional regulatory modes—such as censorship and criminal prosecution—to regulation that is rooted in identification and control of flows of information. Modes of surveillance and encryption are related to this general issue.

States exist in burying value choices in the neutral pitch of unfathomable code and the complexities of system architecture. In the new technologies, it is the design of code that often is the prelude for the potential and the desire of the state to regulate. The turn to software provides the infrastructure for ideology, not ideology itself, and has become a significant factor in regulation. Terror and its prevention will be one area where the use of filtering technology will become a greater tool.

The architecture of rating and filtering will be an approach of choice not only in authoritarian societies but also in those states that are committed to private broadcasting and seeming deregulation. Ideas in the future may be required to have identity cards or passports, in the form of technical meta-information, that determine where such ideas can travel, to whom they can be addressed, by whom they can be
received, how much they cost to access, and whether they should be banned entirely. The rhythm of change moves in unusual directions as states seize the opportunities that technologies provide to answer dangers that technologies pose.

It may seem eccentric to suppose that ideas will have "passports," but consider the notion against the background of history. One of the purposes of national control over personal movement across borders was to limit disturbances to the status quo and control against the hazards of dissent and subversion. In a simpler world, limiting movement of people performed or supplemented (imperfectly) the task of limiting movement of ideas. On the side of technology, the impetus of states (and of corporations, it should be added) has been to move to the kind of tagging of content with meta-information that allows ideas to be filtered and restricted in ways similar to the methods used to restrict free travel across boundaries of individuals. It does not take much imagination to put these two trends together. Indeed, scholars and critics of technical advancement have pointed out the ethical and speech-restriction potential of many code-related innovations. 12

Technology is also allied to force. Technology can be an instrument of force, in one sense, when it allows the state to control without the mediation of a legal regime. The capacity of government to have more complete doxiers on its citizen is a form of national response to the seeming chaos and individuality—increasing attractiveness of new technologies. More, rather than less, governmental surveillance and power appears to be two almost certain outcomes of the newest technologies of freedom.

Technology and force unite in cyberwar. Here one can mention the transformation of military strategies, the rise of altered theories of combat, and the impact of so-called psyops (psychological operations). Cyberwar involves actual disruption of the enemies' information space. 13 The US military defines psyops as:

Planned operations to convey selected information and indicators to foreign audiences to influence their emotions, motives, objectives, reasoning, and ultimately the behavior of foreign governments, organizations, groups, and individuals. The purpose of psychological operations is to induce or reinforce foreign attitudes and behavior favorable to the originator's objectives. 14

More and more, training encompasses the idea that in an information society, military operations, like those of governments and corporations, should be constantly working to affect perceptions and loyalties. General Wesley Clark, responsible for much of the Kosovo campaign, in a postconflict speech, suggested that an information war, rather commenced and effectively conducted, might have been preferable to the bombing campaign that was actually implemented. 15 "Achieving information dominance over an adversary will decide conflicts long before resort to more violent forms of warfare is necessary. " Much of psyops is contingent on new technology, though the monitoring aspect of military strategy has developed more than the transmission side. Often the last mile or last hundred miles, such as the distribution of information in Bosnia and Afghanistan, is dependent on old models—radio, rather than the Internet, is the medium of choice. The development of psyops, including antiterrorist efforts and cyberwarfare is a part of an information policy that is completely and overtly to shape the information and media space of another. Each element of the framework—information, restrictions, analytical approaches, methods of implementation—demonstrates a movement from the state-specific to the multilateral and negotiated. A set of influences is reflected in a package of restrictions. The behavior of governments can be characterized in terms of the political relationship to one of the analytic frameworks. Governments are defensively and actively to influence the media world around them. Analyses along these multiple vectors, and over time, could demonstrate a number of interesting trends or possibilities for evolution. But there are limits on any grid or conceptual approach to analysis.

The response of any given state, at any given time, involves a unique combination of the factors I have just described. As a result governments differ markedly as they face the elements of media globalization. These government styles (often inconsistent and incoherent within any single state) can be seen as arrayed in a spectrum of national response. For example, there are those countries, like the United States, that focus primarily on the export potential of the transformed media landscape; with few if any formal restrictions on the receipt of foreign messages and, until the concern over terrorism and its consequences, seeming hardly total indifference to the political and cultural impact of such signals at home. For some countries, there is merely a rhetorical aversion, officially stated, to the deemed fall of media globalization, but little in the way of state action to affect the distribution of information. In contrast, there are those states, often condemned for human rights violations, that fear the impact of immediate
information on their political authority, or those that have a strongly articulated objection to many images of mediated modernity and take action to limit their cultural impact. The Taliban in Afghanistan exhibited their mode of response, at one time, by burning bonfires of television sets. Lawrence Rosen, the law and anthropology scholar, has suggested, at least in conversation, that even the most speech restrictive of states—Libya, Iran, and Iraq—increasingly realize that their populations are (relatively speaking) awash in information. These states, Rosen contends, seek to establish or reinforce a set of norms that distinguish between freedom to receive information (where there is more acquiescence by the state) and freedom to express a wide range of views (where controls are retained).

We have seen examples of states that search for ways of allowing the greatest access to global information that would still be consistent with existing content standards. Singapore is emblematic of states that limit—at the direction of the authorities—specific kinds of information, such as pornography or speech, that would be politically destabilizing from coming within their boundaries but, at the same time, actively and aggressively, allow societal access to global databases. They justify their policy choices by reference to a chaotic, rancorous, and now virtually suppressed past. The techniques of restriction that violate specific international norms are important because they are architectural. Singapore comes close to universal access and dense supply of information, but has designed a system in which gatekeepers have a significant tie to the power structure. These states are laboratories to determine whether seemingly conflicting goals can be harmonized. Some countries use the garb of cultural identity to mask economic protectionism. One can invent a category of responses for those countries, and there are many of them that seem to be in no position in terms of power or purpose to block information from coming in and are not positioned to expand, in any significant way, their external programming.

Conclusion

Having described a framework, I conclude with some brief indications of its implications for policy and public understanding. Each element of the framework should reflect global processes of remapping, reconfiguration, and rethinking of media institutions. Most significantly, each element can be evaluated or suffused with a commitment to the freedom to receive and impart information. But inherent in the framework is the idea that as the context for these freedoms alters dramatically, the rhetoric of rights-assertion and the machinery and institutions of defending and defining those rights will have to change as well.

An internationalized set of free speech principles will become more sensitive to what I have called, in this chapter, objects, instruments, justifications, and techniques of restriction. Sensitivity does not mean tolerance to restriction but rather an adjusted means of comprehension and criticism. I have sought to indicate how such a transformation in the structure of distributing imagery, actually occurring in practice, affects the comfortable absolutes that have historically guided analysis. I have emphasized the need for more attention to bilateral and multilateral approaches to speech and speech restrictions, restrictions arrived at, for example, by such agreement, convention, or military alliance. It is in recognition of the move to the global and multilateral that international nongovernmental organizations have seized a much more vital role in evaluating media structures and assessing the conduct of governments. At the same time these groups have been actively intervening to modify the environment for the creation and distribution of information. "Media assistance," the process by which funds are channeled, usually from one government to the media sector of a target society, is becoming a larger and more elaborated enterprise. NGOs recognize that in a world where "regulation" is less effective than before as a mode of affecting imagery, positive intervention is often necessary.

Another emerging need, resulting from the restructuring process, is to make the hidden prescriptions of the new information order more transparent. These efforts include spreading the doctrine of freedom of information acts, encouraging scrutiny of emerging rules in transition societies, and, more widely, focusing on areas of less visible rule making, such as customer service agreements with Internet service providers, self-regulation codes of conduct, and technical value-laden code that exists in software. Still too opaque are contracts or their kin reached between states and multinational corporations or informal agreements among states concerning permissible restrictions and enhancements of media institutions. There is too little analysis and capacity to react regionally and internationally to the rapidly changing structure of concentration and convergence in media industries. The European Union may formally communicate with the US Department of Justice, but that hardly yields a sufficient global discussion about concentration policies. Nor is it clear that a policy emerges even from that limited process. In the area of "national identity" and free trade, a lively, multilateral debate, with consequences for the shape of the WTO definitely exists.
One possible approach would be a plan of integration leading to a single over-arched international agency with regulatory powers, a glorified and empowered International Telecommunications Union. The articulated commitment to furthering, yet regulating freedom to receive and impart information is found in a wide array of world capitals. But that does not mean that there will be an effective international regime for enforcing these commitments. Governments are pragmatic; they seek to retain control over information in their countries. Nor are there always the conditions for obtaining an international regulatory regime. As one economist has put it, "Where there have been disagreements about basic principles and norms and where the distribution of power has been highly asymmetrical, international regimes have not developed. Stronger states have simply done what they pleased. Radio broadcasting and remote sensing offer the clearest examples." On the other hand, where the states have a need to coordinate, and where there is agreement on eliminating mutually undesirable consequences, the chances of international agreement increase.

Much is and should be made of "convergence," in which technological change erodes old categories of thinking. Principles of freedom of speech and of the press (especially of the press) deconstruct as technological change and commercial realities wreak havoc with existing categories of "news," "journalists," and the very institutions of media that have claimed the mantle of the fourth estate. As media, constituting a vital element of the public sphere, transform, it is essential to reassess the very authenticity of the surrounding democratic institutions themselves. Media are often key to the way in which political practices are legitimated. If the nature of media changes, then those ultimate practices become subject to challenge as well.

Recent events have revived public discussion on the role of state-sponsored international broadcasting, and this book deals in depth with the patterns of diffusion of its messages across state boundaries (including the use of new technologies and the reinvigorated use of FM4). But this study of genres, technologies, and messages of international broadcasting is just the beginning of what is urgently needed: namely a far-reaching discussion about the relationship between state and imagery as opposed to denying that such a relationship exists. In this respect the analytic framework I have outlined suggests that the "marketplace of ideas" or free trade in imagery may now less characterize the relationship between state and imagery than do increased concerns over national identity, national security, and terrorism.

Indrajit Banerjee, reimagining Benedict Anderson and others, has written that "the formation of a nation-state not only requires political and economic solidarity and a sense of shared destiny but also the creation of a collective identity, a symbolic web of shared beliefs, values and norms. . . ." It is that recognition that has justified much of state intervention in the realm of speech and regulation, especially in new and transitional societies. What I have tried to demonstrate in this book is that the identities shaped in this process often have such elaborate consequences for many outside the nation-state that regional and global superpowers, among others, seek to affect their formulation. The existence of external consequences for internal identities, the importation of these symbolic webs, means that such institutions as public service broadcasting have to be reinterpreted. They increasingly have global and diaspora functions as well as their functions within the boundaries of a state. While these directions suggest animated possibilities for their revitalization, the competition from the global, the private, the commercial, points in a less positive direction.

In the spring of 2002, The New York Times published a story about Al Jazeera, the transformation of Arab television, and the radicalization of its regional and global audience. The story featured Bassam al-Sayed, a neighborhood lawyer in Cairo, as a harbinger of a new transnational audience. After the Israelis began their offensive, al-Sayed and his wife abandoned their normal social life, and each night after hearing from work, "[a]t and sampled the endless Israeli programming devoted to Israel’s military offensive in the Palestinian territories." They turned off the set only when they heard the first call to prayer, at dusk. The Times claimed, somewhat hyperbolically, "The Arab world [h]ad never seen a television moment quite like it," but instances of the power of imagery to cross boundaries and motivate passions are hardly new. Such permeating images, with their galvanizing effects, have been widely applauded as wholly outside the control of even the most authoritarian leaders. Yet that impulse is incomplete. It is an implication of this chapter’s framework that to understand the flow of imagery, one must identify the history of state acquisitiveness in the new distribution patterns, how governments exploit the transcendence of boundary and hone their methods of control. The system of states races and readjusts to a world in which imagery and narrative profoundly affect the regional and global whole. Hearts and minds are shaped in regions, in global sectors, in diasporas, in living rooms, and village viewing spaces everywhere. It does not take much
to remind governments that the shape, content, and delivery of speech—especially through television—orchestrates passions and inflames loyalties. Leaders can act free of the pressures caused by public opinion. But more often they seek, separately and together, to affect that power.

Words seem ethereal and ideas ephemeral next to bullets and bombs, but the two modes of interaction seem increasingly linked. Histories of the twentieth century, and now the twenty-first, will rehash the disparate struggles for the political and religious soul of the world and the violent competition over values and ideas that accompany them. In these struggles, issues of transition, stability, and control are as permeating as principles of freedom, individuality, and creativity. New media giants, new regional alliances, new geopolitics, all conspire in the remapping of information space. The defining interactions of image and society may be in technological flux, but the issues that underlie them never disappear.

Notes

Chapter 1


