When the Watchdog Neither Barks nor Bites:

Communication as a Power Resource in Media Policy and Regulation

Abstract

Communication in policymaking and regulation has been of interest to political scientists for the last fifteen years. Lamentably, the conceptualization and analysis of communication in media policymaking and regulation has yet to garner much attention by media policy scholars. Drawing on theories of power and new institutionalism, we address this paucity by introducing a theoretical and methodological approach that centers on the intersection of communication and power in media policymaking. Such a framework is particularly required for media policy studies, since media companies not only represent the regulated parties, but also control the avenues of policy communication. This tremendous amount of power raises normative concerns for bias, silence and capture of the policymaking agenda.

In April 2015, Canadian telecommunications conglomerate Bell Canada
Enterprises announced the departure of Bell Media president Kevin Crull. Crull had been
on the hot seat for weeks after evidence surfaced that he had ordered the news department
of the private television network CTV to refrain from covering Canadian Radio-
television and Telecommunications (CRTC) chairperson Jean-Pierre Blais, following a
ruling unfavorable to Bell's cable and satellite division. One month later Crull was
terminated for editorial interference. Upon learning of Crull's actions the CRTC
commented: "That a regulated company does not like one of the CRTC's rulings is one
thing … the allegation, however, that the largest communication company in Canada is
manipulating news coverage is disturbing" (qtd. in "Ken Crull Out," 2015).

This anecdote sheds light on the important connections between communication
and power in media policymaking. First, it illustrates the degree to which media
corporations can manipulate the news agenda to suit their political and economic interests
(Bagdikian, 2000, McChesney, 2008). Second, it illustrates the difficulties of regulating
an industry whose business is premised on the creation of meaning and symbols
(Hesmondhalgh, 2013; Napoli, 2001). Third, it illustrates how policymakers themselves
are dependent upon communication media to disseminate their message and legitimize
their decisions (Black, 2002; Deacon & Monk, 2001; Yeung, 2005).

Communication – defined here as the process by which reality is produced,
maintained, transformed and, hence, shared meaning is created (Carey, 1977) – is an
important power resource in policymaking and regulation. Communication is not only an
instrument to regulate media organizations but through communication, media
organizations maintain and challenge their institutional environments. Regulators and

industry alike make use of both private and public communication to steer the

policymaking process in their favor. As Black (2002) notes, "regulation is in large part a

communicative process" (p. 164). That said, *media* policy differs from other policy areas

(Puppis, 2014). The media are usually conceptualized as "neutral" intermediaries

between citizens and the political system that channel input into the political arena and

communicate output to the public (Mancini & Swanson, 1996; Mazzoleni & Schulz,

1999). Obviously, the media always distribute chances for attention (and influence) with

their decisions to cover or not to cover a certain political issue (Habermas, 2006). Yet in

media policy, media organizations are involved in policymaking themselves, which raises

questions regarding media coverage of media policy and regulation. Media organizations

have the possibility to control public perception of any debate concerning the regulation

and structure of media (McChesney, 2008). This suggests a tremendous degree of power

over the policymaking agenda, with troublesome consequences that require investigation

including: bias (Page, 1996), "policy silence" (Freedman, 2014), and "discursive capture"

(Pickard, 2014). Given the importance of media and communication systems for modern

societies and democracy, the influence of media industries on media policymaking is

worrisome (Freedman, 2014).

   While communication within policymaking and regulation has been of interest to

political scientists for the last fifteen years (Black, 2002; Schmidt, 2008; Yeung, 2005),

the same cannot be said for communication studies. Lamentably, if not ironically,

communication in *media* policymaking and regulation has yet to garner much attention

by media policy scholars. This article confronts this paucity by introducing a theoretical

and methodological approach that addresses the intersection of communication and power in media policymaking.

There is a significant gap between the theoretical and empirical work being conducted under the auspices of media policy. Often times those working within the conceptual frameworks of critical political economy or cultural studies take power and bias for granted and rely on anecdotes and individual instances to illustrate their points. Similarly, those working with content and framing analyses of media coverage (even of media policy issues) do not often connect their work back to policy concerns or to theories of power. What is needed is a holistic approach able to focus on the interdependence between media policymaking and media policy coverage.

To get us there, this paper is divided into three sections to offer both a *theoretical* and *methodological* approach for assessing the role of communication in media policymaking and regulation. The first section draws on the work of scholars in critical political economy and media industry research (Bagdikian, 2000; Hesmondhalgh, 2013; McChesney, 2008) and theories of power (Castells, 2009; Freedman, 2014; Foucault, 1990; Lukes, 2005), to establish a working knowledge of the role of communication as a power resource in media policymaking and regulation. We then connect theories of media power to sociological institutionalism (Powel & DiMaggio, 1991; Scott, 2001), which allows for a better understanding of the recursivity between media policy and media organizations, discussing how both policymakers and media use public and private communication to influence each other. To show how to analyze policy discourse and media discourse over time, we make use of discursive institutionalism (Schmidt, 2008). Lastly, we illustrate how to apply these theories to an empirical case. In sum, we offer a

multi-layered approach for the analysis of communication as a power resource in the media policymaking process as our response to numerous calls for theory building and methodological frameworks in media policy studies.

The Role of Power and Communication in Media Policymaking and Regulation

Media systems do not emerge naturally. Rather, they are shaped by media policy and regulation (McChesney, 2008). While the two terms are not always clearly distinguished from each other, it is common to conceptualize media policy as the broader field in which competing ideas and interests about the desirable structure, conduct, and performance of media systems circulate whereas media regulation more narrowly refers to the rules that are deployed on media organizations to achieve specified policy goals (Freedman, 2008; Puppis, 2015). Media policymaking and regulation are deeply political phenomena and can be conceived of as a struggle for influence in which media organizations themselves are important actors.

To uncover the influence and interests of media organizations it is necessary to analyze the decision-making process itself. The stage-based approach (Anderson, 1975; Jones, 1970; Lasswell, 1956) offers a valuable heuristic for identifying the actors involved in the making of policy and regulatory decisions. It emphasizes that power can not only be used once an issue is on the agenda but also before and thus points at the importance of distinguishing between different faces of power (Godwin, Ainsworth, & Godwin, 2013).

The Three Faces of Power

The faces of power debate was launched by strongly divergent views on the role of power in politics in the late 1950s. Dahl (1957) defined power as "A has power over B to the extent that he can get B to do something he would otherwise not do" (pp. 202-203). With this definition he limited the discussion to a pluralist model of power in which many, sometimes unequal, interest groups compete in the political sphere (Dahl, 1961). Yet the power to influence policymaking is not equally distributed (Freedman, 2008).

Moreover, Dahl's definition does not account for the variety of ways that power is articulated and executed (Lukes, 2005). Thus, Bachrach and Baratz (1962) argued that Dahl's approach was seriously flawed because it focuses solely on one face of power. There is also a second, less visible face, as "power is also exercised when A devotes his or her energies to … limit the scope of the political process to public considerations of only those issues that are comparatively innocuous to A" (Bachrach & Baratz, 1962, p. 948). Thus, power is also the ability to influence what is discussed (or not discussed) in the first place. Preventing certain problems from developing into a publicly discussed issue that would call for a political decision allows for so-called non-decision making (Freedman, 2014).

Moving beyond its intentional use, Lukes (2005, first 1974) introduced a third face of power by inserting ideological and hegemonic arguments. In his definition, "A exercises power over B when A affects B in a manner contrary to B's interests" (p. 34), thus creating a false consciousness. In this radical view on power, people are operating under the illusion of following their own interests. The third face is largely hidden. It shapes the perceptions, cognitions and preferences of people

in such a way that they accept their role in the existing order of things, either

because they can see or imagine no alternative to it, or because they see it as

natural and unchangeable, or because they value it as divinely ordained and

beneficial. (Lukes, 2005, p. 28)

Lukes (2005) later acknowledged that this conceptualization of power is unsatisfactory.

Following Foucault (1990), he recognized that power can be productive and always

includes the possibility of resistance, and that discourse is a site for both the exercise of

power and resistance to power, even though resistance is not exterior to power

(Freedman, 2014). As will be shown, this more complex view is perfectly mirrored in

sociological and discursive institutionalism (Schmidt, 2008), which argue that

organizational responses to institutions are not exterior to their institutional

environments. While organizations are dependent on ideational structures, discourse also

enables the critique of those structures (Carstensen & Schmidt, 2016).

When interested in the role of media organizations in influencing media

policymaking and regulation, it is important to incorporate all three faces of power. Street

(2001) does exactly this by distinguishing between resource (how media can affect

government action), access (who has access to media), and discursive power (focusing on

text and hegemony). Freedman (2014) takes a more succinct approach, defining media

power as:

A set of relationships that help to organize the deployment of the symbolic

resources that play a vital role in social reproduction and that, in conjunction with

other institutions and processes, help to structure our knowledge about, our ability

to participate in and our capacity to change the world. (p. 30)

This deliberately broad definition stresses that power is not limited to its first face. Obviously, once an issue is on the agenda, competing interest will use power to obtain desired policy alternatives and influence implementation (Godwin et al., 2013). An examination of the American *1996 Telecommunications Act,* for instance, demonstrates the degree to which telecommunication firms worked closely with policymakers to craft one of the most neoliberal telecommunication policy frameworks in the world (Aufderheide, 1999).

Power can also be used to prevent an issue from reaching the political agenda. Lobbying is a classic example of this second face of power (Godwin et al., 2013). With respect to media policy and regulation, media organizations have unique possibilities to use communication as a power resource to exert influence beyond traditional lobbying. As Castells (2009) emphasizes, "power is based on the control of communication and information" (p. 3). While media texts are complex, ambivalent and contested, media organizations might produce and circulate texts that promote the interests of their own industry (Hesmondhalgh, 2013). As McChesney (2008) writes, the media

> are in an ideal position to control the public perception, or lack thereof, of any
>
> possible debate regarding the control and structure of the media. The media have
>
> shown two basic responses to efforts to challenge their legitimacy. First, they
>
> simply ignore the issues or provide it minimal coverage. … Second, the … media
>
> distort the issues to suit their own purposes. (pp. 349-350)

By either treating media policy as a non-issue (media policy silence) or by distorting the issue (media policy bias), media organizations control the decision-making agenda. By deciding what to cover, how to cover it, and perhaps more importantly, what not to cover,

they have the ability to set the agenda for policymakers and the public (Bagdikian, 2000;

Freedman, 2014; Page, 1996).

With respect to the third face, Lukes specifically references the media as potential

agents of ideological consensus. "Here," Freedman (2014) comments, "the 'power *to*

mislead' is combined with an assumed 'power *over* audiences' to generate what we might

call the 'power *of*' the media to secure … compliance to existing social relations" (p. 5).

In this perspective on power, media cultivate "the ideology that the status quo is the only

rational media structure for a democratic … society" (McChesney, 2008, p. 25), thus

limiting the options of policymakers and regulators.

In addition to the visible use of power (first face), media organizations have the

capacity to influence policymaking both by intentionally keeping certain policy issues

from the agenda (second face) and by disseminating the ideology that there is no

alternative to the current media structure (third face). Consequently, media policy bias,

media policy silence and ideological assumptions lead either to policy inaction and non-

decision-making or to decision-making in the media industry's self-interest. Attempts at

regulation, for instance, are often discredited by claiming an infringement of media

freedom (Freedman, 2014). By characterizing new proposals for media regulation as

incompatible with a free press, any attempt at supporting reform is delegitimized, adding

to what some scholars call a "neo-liberalization" of media policy (Freedman, 2008),

favoring light-touch regulation at the expense of the public interest. When it comes down

to media policy and regulation, the watchdog of democracy has lost its bite and bark.

Studies have demonstrated that media organizations have strong incentives to

influence media coverage in their own interest, for instance when reporting on

themselves, their parent organizations, organization-advertiser business relations or the

so-called media crisis (Bagdikian, 2000; Brüggemann et al., 2016; Hackett & Uzelman,

2003; Pointner, 2010; Turow, 1994). It can be expected, therefore, that news coverage of

media policy and media regulation will be biased as well.

The Coverage of Media Policy and Regulation

Reviewing the studies that investigate media coverage of media policy and

regulation, we built what Rogers (1985) called a propositional inventory in order to

synthesize research findings systematically. Essentially, this kind of meta-research bears

resemblance to a qualitative document analysis in which the literature is analyzed based

on certain categories and the "data" is displayed in word tables. For this paper, we

analyzed 18 studies with respect to topic, theoretical background, methods, findings and

policy implications.

Results show first, that eight studies focus on (potential) distribution conflicts

between public and private broadcasters, for instance the introduction of private TV

(Weiß & Gramatins, 1985; Weiß, 1985, 1986), the level of the license fee (Weiß, 1988),

new funding models for PSB (fög, 2015), online activities of PSBs (Löblich, 2011; Maier

& Dogruel, 2016) or general differences in coverage of public and private TV (Uzelman,

Hackett, & Stewart, 2005). Five studies discuss media mergers and connected policy

decisions (Beck, 2001; Hackett & Uzelman, 2003; Kemner, Scherer, & Weinacht, 2008;

Kweon, 2000; Müller & Donsbach, 2006). Four studies deal with broadcasting regulation

in the US, for instance deregulation (Pratte & Whiting, 1986), the telecommunications act

of 1996 (Gilens & Hertzman, 2000; Snider & Page, 1997) or FCC hearings (Schejter &

Obar, 2009). And a paper by Pfetsch (2003) compares the coverage of media policy to other policy areas.

Second, the studies make use of various theories, including framing (Kweon, 2000; Löblich, 2011; Schejter & Obar, 2009), determinants of news coverage (Beck, 2001; Gilens & Hertzman, 2000; Hackett & Uzelman, 2003; Kemner et al., 2008; Müller & Donsbach, 2006), political economy (Uzelman et al., 2005), public interest and democracy (Schejter & Obar, 2009; Snider & Page, 1997), actor-centered institutionalism (Maier & Dogruel, 2016), policy networks and negotiations (Pfetsch, 2003) and communicative action (Beck, 2001). It is noteworthy that six studies do not discuss theories and some others only briefly.

Third, all 18 studies rely on some form of content analysis (including argument, frame, and claim analysis) of media coverage. With the exception of Schejter and Obar (2009) and Snider and Page (1997), the studies are limited to newspapers and magazines. Quantitative analyses (13 studies) dominate. Content analyses are complemented by written surveys (Pratte & Whiting, 1986) and interviews (Snider & Page, 1997) in two cases.

Fourth, findings show that that press coverage is often critical of public service broadcasting (fög, 2015; Löblich, 2011; Maier & Dogruel, 2015; Uzelman et al., 2005; Weiß & Gramatins, 1985; Weiß, 1985, 1986, 1988) and uncritical of media concentration (Hackett & Uzelman, 2003; Kweon, 2000; Schejter & Obar, 2009). Moreover, there is a relationship between editorializing and ownership. It matters whether a newspaper's parent company owns broadcasting stations (Gilens & Hertzman, 2000; Pratte &

Whiting, 1986; Snider & Page, 1997) or is involved in a merger (Beck, 2001; Kemner et al., 2008; Müller & Donsbach, 2006).

Fifth, only half of the studies discuss policy implications. They clearly state that because of biased coverage the diversity of viewpoints is lacking (Gilens & Hertzman, 2000; Pfetsch, 2003; Weiß, 1988), that media organizations are political actors who try to influence public opinion formation (Löblich, 2011; Snider & Page, 1997) and that the media political debate is polarized and dominated by corporate interests (Maier & Dogruel, 2016). Policy recommendations are rare. Authors call for more scrutiny of private media (Uzelman et al., 2005), a professionalization of media journalism, self-regulation (Kemner et al., 2008), the disclosure of media ownership in news reporting (Müller & Donsbach, 2006) and counter-balancing forces in civil society to reinvigorate public sphere (Hackett & Uzelman, 2003).

Existing research apparently provides evidence for the existence of media policy bias: Newspapers are often critical of media policy decisions and regulation that are not in the interest of their parent companies. The propositional inventory also reveals considerable room for improvement, especially regarding the interplay of theoretical and empirical work. Theories of power are exceptionally helpful in conceptualizing the role of communication on media policymaking and regulation. Where they tend to fall short is in operationalization. Critical political economists, for instance, often seem to take for granted the hegemonic structure of the media and the chilling effect of ownership on critical coverage of media policy and regulation, and therefore tend not to analyze these assumptions (Garnham, 2011). In contrast, several studies – while methodologically sound and presenting valuable results – show a lack of theory or at least a theoretical

disconnect to questions of power and politics. Yet in order to explain the particular

characteristics of media policy coverage such theories are desperately needed. The

theoretical choices are also a reflection of the fact that most of these studies were

conducted by journalism scholars, not by media policy scholars. This could also be the

reason why studies are curiously silent with respect to the implications of media policy

bias and media policy silence for media policymaking and regulation. To be able to

analyze and explain the influence of media organizations via their (mediated)

communication on (media) political processes, broader theories of power are needed. At

the same time, analyses also neglect the opposite direction of influence, namely how

media policy and regulation shape media organizations and their communication.

The role of communication as a power resource within media policymaking and

regulation therefore requires further inquiry. We need to develop an approach that not

only recognizes communication as a power resource but also allows for conceptualizing

the interdependence of media policymaking and media organizations in a holistic way.

Moreover, corresponding critical methodologies to empirically analyze the role of

communication in these interdependent processes, taking into account both policy

discourse and media discourse, are essential. This work begins with the analytical

framework of new institutionalism.

The Recursivity of Media Policy and Media Organizations

Traditionally, scholars distinguish three strands of new institutionalism: rational

choice, historical, and sociological institutionalism (Hall & Taylor, 1996), all of which

have been used to explain policymaking and regulation (Gilardi, 2004; Jordana & Levi-

Faur, 2004; Levi-Faur, 2005). More recently, Schmidt (2008) introduced discursive institutionalism to the trifecta. All strands share the view that action cannot be properly explained without considering institutional conditions. Moreover, Hall and Taylor (1996) argue that new institutional theories present an effort to illuminate the different faces of power. Yet there are important differences. Whereas rational choice institutionalism draws upon new institutional economics, historical institutionalism stresses path-dependent policy choices and critical junctures. In contrast, sociological and discursive institutionalism share a broader understanding of institutions, focus on the recursive relationship between institutions and organizations, and highlight the importance of legitimacy (Hall & Taylor, 1996). New institutionalism has great potential to enrich our discipline and the field of media and communication policy research. While Bannerman and Haggart (2015) convincingly discuss the merits of historical institutionalism, for the present paper's interest in the power of media organizations in media policymaking, sociological and discursive institutionalism are particularly well-suited.

The Influence of Media Policy and Regulation on Media Organizations

Sociological institutionalism addresses the interdependence between organizations and their respective environments (Scott, 2003). Unlike most organization theories, sociological institutionalism states that organizational structures and procedures are not shaped by efficiency considerations alone. Rather, it stresses that it is *important for organizations to conform to their institutional environments in order to gain legitimacy* (Meyer & Rowan, 1991; Suchman, 1995; Scott, 2001) and emphasizes the socially constructed nature of legitimacy. Legitimacy is rooted in the acceptance of an

organization by others (Black, 2008; see also Puppis & Maggetti, 2012). It "is a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions" (Suchman, 1995, p. 574).

Barley and Tolbert (1997) define institutions as "shared rules and typifications that identify categories of social actors and their appropriate activities or relationships" (p. 96). More specifically, institutions are made up of a cultural-cognitive, a normative and a regulative pillar (Scott, 2001; see also Puppis, 2010):

- The *cultural-cognitive pillar* refers to the way taken-for-granted assumptions and collectively shared understandings influence media organizations.

- The *normative pillar* stresses the importance of values and norms. Media organizations conform to these norms because of moral obligation.

- The *regulative pillar* draws our attention to the coercive nature of institutions. Rules are followed since non-conformity results in sanctions.

Conceptualizing media regulation – defined as rules that are deployed on media organizations to achieve specified policy goals – as part of the institutional environment allows us to understand that adhering to regulation generates legitimacy for media organizations. In addition, it shows that media organizations are conforming to rules not only because of their punitive quality (that is, coercion and sanctions) but also because of their normative and cultural-cognitive quality (Edelman & Suchman, 1997; Puppis, 2009, 2010). This, in turn, points to the important role of communication in regulation. On the one hand, regulatory conversations (the private communication between regulators and regulated firms) are crucial for the enforcement of regulation (Black, 2002). On the other

hand, public communication may also be seen as a tool of regulation (Yeung, 2005). In addition to command-and-control regulation ("the stick") and incentives ("the carrot"), regulators might try to use regulatory communication ("the sermon") to address the regulated industry and aim at steering the behavior of those being regulated when more coercive means are unfeasible or undesirable with the intent of promoting compliance, as suggested by numerous works on "soft" governance modes (Black, 2001; Majone, 1997; as summarized by Puppis, Maggetti, Gilardi, Biela, & Papadopoulos, 2014).

However, the public communication of independent regulatory agencies (IRAs) has been largely neglected by scholars of both regulatory governance and political communication (Puppis & Maggetti, 2012; Puppis et al. 2014). Coglianese and Howard (1998) analyzed press releases of the Environmental Protection Agency in the US, offering a first overview of what regulators are communicating. Focusing on the UK, Deacon and Monk (2001) show that claims about the insularity of these organizations have been overstated. Yeung's (2009) study of the Australian and the British competition regulators reveals how they employed presentational strategies to establish and maintain their legitimacy via the mass media. More recently, Puppis et al. (2014) systematically compared the public communication of IRAs in different sectors and countries. Results show that a number of regulators try to use the media in addition to private communication (or regulatory conversations) in order to send messages to regulated firms, pointing to the relevance of communication as a soft tool of regulation.

The Response of Media Organization to Media Policy and Regulation

Media organizations, however, are not determined by institutions alone and do not

simply conform to institutional environments (Goodrick & Salancik, 1996; Goodstein,

1994; Puppis, 2010). To understand this dynamic better, scholars started to complement

sociological institutionalism with Giddens' (1986) theory of structuration. They argue

that the relationship between organizations and their environment is a recursive one and

that organizations influence the process of institutionalization both strategically and

unintentionally. Accordingly, the duality of institutions as both a means and a product of

action is emphasized (Barley & Tolbert, 1997; Ortmann, Sydow, & Windeler, 2000;

Ortmann & Zimmer, 2001; Walgenbach, 2002).

Sociological institutionalism draws our attention not only to the influence of

regulation on media organizations but also to the way these organizations respond to

rules and try to influence media policymaking in order to induce more favorable

regulation (Puppis, 2010; Puppis & Maggetti, 2012). These attempts to influence the

institutional environments are also called recursive regulation (Ortmann et al., 2000;

Ortmann & Zimmer, 2001; see Figure 1).

\<Insert Figure 1 Here\>

Oliver (1991) suggests distinguishing among five strategic responses of

organizations to their institutional environments: acquiescence, compromise, avoidance,

defiance, and manipulation. As summarized by Puppis (2010), acquiescence may take the

forms of unconscious adherence to taken-for-granted rules, imitation, or conscious

compliance. Organizations may consider full conformity unworkable. Thus, the strategy

of compromise allows for partial compliance. In contrast to acquiescence and compromise, avoidance strategies aim at precluding the necessity to conform. Defiance represents a rejection of institutional requirements, while manipulation implies an intention to change institutional requirements actively. Accordingly, the theory can incorporate "both the ways in which legitimacy acts like a manipulable resource and the ways in which it acts like a taken-for-granted belief system" (Suchman, 1995, p. 578). This means that media organizations may also attempt to create and manipulate others' perceptions of their legitimacy (Ortmann et al., 2000; Ortmann & Zimmer, 2001; Puppis, 2009). As Black (2008) elaborates, organizational legitimacy is essentially constructed by communication.

Accordingly, communication is an important element of media organizations' responses to media policy and regulation. The communication of media organizations is at the same time influenced by institutional environments and a strategic device used to manipulate perceptions of the media's activities and performance. Communication can be used to conceal non-conformity behind a façade of acquiescence, to reject requirements or to lobby for a change of regulation. Beyond the possibilities of regulated firms in other industries (for example, private communication in lobbying and public communication in hearings), media organizations have unique possibilities at their disposal by way of media policy bias and media policy silence. Both unintentionally by disseminating the ideology that a lack of regulation is without alternative (third face of power) and intentionally by using media coverage to try preventing regulation that challenges their position in the market (second face of power), media organizations use communication in the recursive cycle of policymaking and regulation. Yet as we have seen in the previous section, media

policy research rarely deals with communication. Most studies focusing on the coverage

of media policy and regulation show a disconnect to questions of power and policy. And

while political communication research offers important insights regarding the influence

of organizations on policymaking and the role of the media therein, political

communication in media policy – or *media-political communication*, as we might call it –

still marks a largely unexplored special case (Jarren, 1998). Due to the vested interests of

both political actors and media organizations, communication strategies and news

coverage can be expected to differ from other policies (Puppis, 2014), making political

communication research from the viewpoint of media policy all the more necessary

(Jones & Pusey, 2010).

Insights of Discursive Institutionalism

       Theories of power provide us with the framework to understand the importance of

communication as a power resource in policymaking and regulation; sociological

institutionalism helps us capture the recursivity between media policy and media

organizations. Where these theories come short is in detailing how to approach the role of

communication in the interplay between media organizations and media policy. In order

to develop a methodological framework to analyze communication as a power resource

empirically, we turn to discursive institutionalism.

       When "discourse" is mentioned, "empirical policy analysis is not often the first

thing that comes to mind" (Streeter, 2013, p. 488). Yet, when done correctly discourse

analysis is a robust methodological tool for media policy scholars. Demurring from

popular conception, discourse is not just about ideas but instead refers to language-in-use

(Streeter, 2013). A focus on discourse unravels the structural rules and behaviors that guide the policymaking process. While discourse theory initially focused on how meaning is "socially constructed via the mediation of language and other sign systems" (Locke, 2004, p.11), scholars later added power and ideology to our understanding of discourse. Critics like Gramsci and Althusser argued that language is not neutral but instead laden with power dynamics, assumptions, and ideologies (Howarth, 2000). Later, Foucault and other post-structuralists pushed discourse theory beyond language to larger social practices, subjectivities, and structures of knowledge (Black, 2002; Howarth, 2000). With this in mind, discourse theory "inquires into the way in which social practices construct and contest the discourses that constitute social reality" (Howarth, 2000, p. 8). When paired with new institutionalism in the form of discursive institutionalism, a focus on discourse helps us understand how ideas are translated into policy action (Schmidt, 2008). The "institutionalism" in discursive institutionalism emphasizes that the approach goes beyond the substantive content of ideas but also encompasses the interactive processes that take place in an institutional context and that serve to generate those ideas in the political sphere as well as to communicate them to the public (Schmidt, 2008, 2010, 2011).

Sociological and discursive institutionalism aptly complement each other: After acknowledging the recursive relationship between institutions and organizations, the next step is to ask how actors depend on existing ideational structures to communicate their ideas and how they maintain and change these structures both strategically and unconsciously (Alasuutari, 2015; Carstensen & Schmidt, 2016). Looking at discourse not only helps reveal taken-for-granted assumptions and their influence on policymaking (or

what Pickard (2014) calls discursive capture) but also "places where those assumptions become unstable and open to challenge" (Streeter, 2013, p. 498). This is in line with Foucault's view on power and knowledge: perceived "truth" shapes action but power always implies the possibility of resistance (Alasuutari, 2015; Foucault, 1990; Schmidt, 2008).

Combining sociological and discursive institutionalism sheds light on the process of generating, deliberating, and/or legitimizing ideas about media policy and regulation. Such an approach allows us to trace shifts in both discourse and policy over time and thus contributes to a better understanding of why certain policies succeed or fail, how policy is made, changed, and maintained. In other words, we are able to trace how the ideas of policymakers and regulated media are expressed through public communication and private communication and translated into policy. To do so, Barley and Tolbert (1997) offer a useful template to visualize the discursive dance between the regulator and the regulated to maintain the status quo or to enact change that occurs through the various modalities of communication (see Figure 2).

<Insert Figure 2 Here>

Institutional principles are first *encoded* into scripts ("a") which are then *enacted* ("b") which may (regulative and normative pillars) or may not entail conscious choice and awareness of alternatives (cultural-cognitive pillar). Actors then *replicate* or *revise* the scripts that informed their initial action ("c") which over time might lead to institutional change. The final moment of institutionalization ("d") entails *objectification*

and *externalization* so that "the patterns acquire a normative, 'factual' quality and their relationship to the existing interests of different actors becomes obscured" (Barley & Tolbert, 1997, p. 103). The horizontal lines represent the temporal context of institutions and actions. The vertical lines represent institutional constraints, while the diagonal lines represent attempts to maintain or modify said constraints.

The benefit of this visualization is its ability to map the discursive changes that parallel media policy and regulatory change. For instance, the institutional requirement in moment "a" might be a political decision or regulation, which has consequences for the industry and is then enacted either consciously or because it is taken-for-granted (moment "b"). Through their actions, media organizations replicate (by acquiescence) or try to change these requirements (moment "c"), which leads to (revised) media policy and regulation (moment "d") over time.

In terms of data gathering, to investigate policy discourse empirically, we can make use of interviews, document analysis, and content analysis to compare ideas held by different actors and issues raised in debates with actual decisions. We have to turn to drafts (for example, white and green papers), comments filed to regulators, testimony and hearings, decisions by policymakers and regulators, press releases as well as media coverage as evidence. Mapping ideas and issues that do not make it on the agenda are particularly difficult to analyze. To remedy this, Freedman (2014) suggests interviews with a broad range of people, the analysis of comments and submissions to consultations both cited and ignored as well as "forensic work to uncover the 'hidden' channels … in which … interests are promoted" (p. 75).

Empirical Illustration: Fee for Carriage

Using the above-developed theoretical and methodological approach, the following empirical illustration of the Canadian "fee for carriage" case demonstrates how communication as a power resource operates in the media policymaking process. Fee for carriage (FFC) emerged as an issue in Canadian broadcasting in the early 2000s when it became apparent that advertising would no longer be enough to support the broadcasting system (Ali, 2017). FFC was a proposal that would see over-the-air broadcasters financially compensated by cable and satellite providers for distributing their broadcast signals thus providing broadcasters with a second source of revenue to supplement advertising.

Over time, we can trace a recursive process between the CRTC and broadcasters in which communication played a crucial role. If we map these developments, "a" represents institutional principles encoded in regulatory decisions, "b" represents the enactment of current policy and regulation, "c" represents the response of broadcasters and "d" the institutionalization of their response (see Figure 3).

<Insert Figure 3 Here>

The CRTC first considered FFC in 2006, after hearing numerous claims by broadcasters that their revenue streams were falling. Then, broadcasters used the traditional methods of comments in a rulemaking procedure to argue that change was necessary to support their industry. A year later, in 2007, the CRTC rejected this proposal, and broadcasters again resorted to traditional appeals. They succeeded at

convincing the commission to include FFC in an unrelated proposed rulemaking, thus giving them another shot at the issue. Not only did they take advantage of traditional modes of private communication this time, but they also began to use the press to convey their message through op-eds and articles. The attempt was to connect local broadcasting with the democratic and cultural needs of the country (Ali, 2017). In 2008 the CRTC again once again denied broadcaster's petitions, remaining unconvinced there was sound economic rational for regulatory change.

Broadcasters amped up their use of public communication, now claiming that without FFC local stations would not survive: "we are doing everything we can to hang on to conventional television, but as we continue to stress, the conventional media is now broken. In the long term, the only real solution is fee for carriage" (Akin, 2009, FP2). Tying the fate of local television to FFC, in addition to actually closing several stations across the country, convinced the CRTC and the government to revisit the issue – which they both did at the end of 2009.

Following the decision to reconsider FFC, broadcasters took a different approach to get their message across, launching a public campaign called "LocalTVMatters". Here, broadcasters used public communication to convince the public that FFC was necessary to ensure the survival of Canadian television, and by extension Canadian democracy. This included station open houses, print and billboard advertisements, a YouTube video, editorials, and most importantly, television news coverage of these events and issues. The latter of these crossed a line with viewers, who complained to the Canadian Broadcast Standards Council that broadcasters were biased in their coverage of the campaign ("'Save Local TV' Campaign," 2010). While the network in question – CTV – was

cleared of the charges, the message was loud and clear: Broadcasters would use the

communication mechanisms and platforms at their disposal to enact regulatory change.

The CRTC agreed to create a framework for FFC in 2010. At the last minute,

however, the commission took the issue to the Federal Appeals Court asking for

confirmation of their authority to enact FFC. The issue eventually ended up before the

Supreme Court of Canada. Before a verdict could be reached, the broadcast industry went

through a radical restructuring, which ended up seeing the three major private

broadcasters owned by the cable companies themselves. As such, by the time the

Supreme Court ruled that the CRTC did not have authority to sanction FFC the issue was

already effectively nullified (Ali, 2017).

The example of fee for carriage illustrates the potential of our theoretical and

methodological framework for analyzing communication in media policymaking. As the

case of FFC shows, public advocacy campaigns, editorials, and news coverage are used

by media organizations in addition to the traditional forms of communication in

policymaking like lobbying, comments, and testimony. More than that, it demonstrates

how media companies use the platforms at their disposal to enact regulatory change.

Obviously, communication is used as a power resource in media policymaking –

something that has gone under-investigated. Tracing such communication helps us

understand the emergence and implications of media policy and regulation. It moves us

away from focusing solely on the actual decisions of policymaking or on the press

coverage of media policy and regulation without discussing implications of bias and

silence for policymaking (which our propositional inventory shows is the case in most

content analyses). Rather, the presented approach allows for a holistic view on the

recursive relationship between media policy and media organizations and focuses

attention on the power of media companies during policymaking in a systematic way, all

the while placing the process within set institutional environments.

Conclusion

Taking note of the scholars calling for greater high-level theory generation in

media policy studies, we draw upon theories of power and new institutionalism to

understand better how media organizations use communication as a power resource.

Mass media not only disseminate the decisions of policymakers, but are also active in

shaping public policy and the ideas and decisions of policymakers. Commensurate with

our focus on power, we argue that any investigation of communication in policymaking

and regulation needs to understand the recursive relationship between institutions and

media organizations. This allows us to focus on policy and media discourse in order to

examine how media companies use the platforms at their disposal to influence

policymaking.

There are three significant merits of this approach. First, it brings in a piece of the

policymaking process that has long been acknowledged by other disciplines and research

fields but lacking in media policy studies: communication. This became evident in the

findings of our propositional inventory, which noted a frustrating paucity of work on

communication in media policymaking and regulation. While policy scholars eloquently

discuss the conceptual implications of bias in the policy process, they often lack

empirical data; in contrast, most empirical analyses of media policy coverage do not

account for questions of media power. Thus, secondly, our approach helps to overcome

the apparent disconnect of theoretical and empirical work. It adds methodological rigor to media policy studies that is sometimes lacking when explicating the presumptive power of the media organizations and allows us to operationalize theories of media power by focusing on discourse within specific policymaking processes. Third, returning again to our propositional inventory, we found that research examining the role of bias in media coverage rarely addresses policy implications. Our approach is able to connect content analyses with media policy research, taking into account the recursivity of media policy and media organizations.

Obviously, the framework developed in this article also has its limitations. No single theoretical and methodological approach alone can explain political reality. The proposed framework can contribute to a better understanding by explaining how communication as a power resource is used to influence policymaking and regulation trough an analysis of discursive interactions. Beyond its academic merits, given the importance of media for society, providing the tools to investigate how media influence policymaking has very practical implications.

But there is always a danger of overestimating the role of discourse and communication. On the one hand, material interests cannot be ignored. The combination of media power with communication should help to prevent us from forgetting this important insight of rational choice institutionalism. On the other hand, path-dependencies and critical junctures, which lie at the heart of historical institutionalism, matter as well. In the end, communication in policymaking and regulation *does* play a role. "Discourse … sometimes matters and sometimes does not …. The question is *when* does it matter" (Schmidt, 2011, p. 62). This question can only be answered empirically.

We provided some ideas for how to go about empirical analyses of the role of communication in the recursive relationship between media policy and media organizations. While public communication – in policy and media discourse – is available for research, private communication is often not. There we need to complement content and document analysis with interviews and what Freedman (2014) calls "forensic work" (p. 75).

The practical difficulties of looking into communication as a power resource should not stop us from pursuing this path. There is much to be learned about the realities of media policymaking and regulation. Issues that require investigation are the coverage of legislative reform, the licensing of broadcasters, and media mergers. Does bias in media coverage exist in these cases? Are policy silences created by the refusal to discuss alternatives? And what does this mean for political decision-making? These are porous, not isolated questions, just as we argue power, institutions and discourse are porous and not hermetically bound. As Lukes (2005) writes,

> The bias of the system is not sustained simply by a series of individually chosen acts, but also, more importantly, by the socially structured and culturally patterned behavior of groups and practices of institutions, which may indeed be manifested by individuals' inaction. (p. 26)

It is only from investigating communication as a power resource that we can see the embedded dynamics of bias, silence, and capture within the policy making process.

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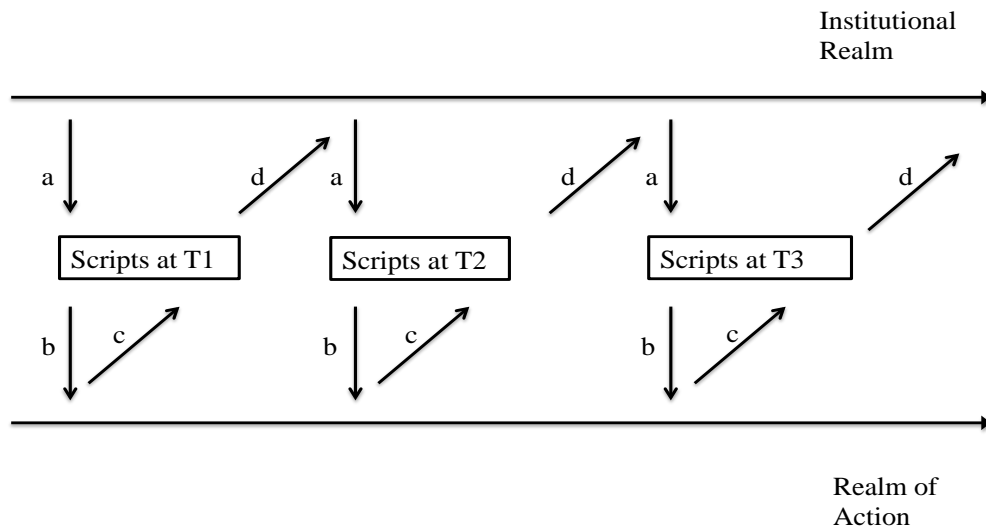
Figures

Figure 1. Regulation and Recursive Regulation.
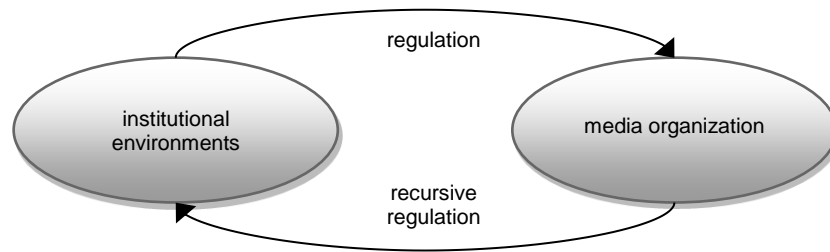
Source: Puppis, 2009

Figure 2. Barley & Tolbert's Model of Institutionalism and Structuration

Institutional
Realm

Scripts at T1   Scripts at T2   Scripts at T3

a   d   a   d   a   d

b   c   b   c   b   c

Realm of
Action

Key: a = encode, b=enact, c=replicate or revise, d=externalize and objectify

Figure 3. Regulatory and Discursive Changes in Media Policymaking