

## The US stands as a cautionary tale for what happens when a media system is dominated by market values

*While America's media system is atypical, understanding its weaknesses may offer important implications for the future of public media like the BBC in the UK. **Victor Pickard** discusses the structural problems facing the American media and the corporate libertarian ideology that holds them in place. He argues that until corporate libertarianism is dismantled, it is difficult to achieve an effective "media democracy" which protects collective rights held by publics, audiences, and communities over the individual rights of corporations.*



Taken as a whole, the American media system is atypical. It is a largely commercial system that is offset by weak public alternatives, it's lightly regulated by public interest protections, and in many sectors it's dominated by a few corporations. Other countries' media systems may face one or two of these structural problems, but rarely all three. This "American exceptionalism" was not inevitable or natural; it was **vigorously contested**. The system that Americans have inherited resulted from specific policy battles, with commercial interests and values triumphing over others. Much of this system crystallised during a period of fierce red-baiting in the United States, when even light regulations were attacked for being "socialistic." Keeping this power arrangement intact today is a "corporate libertarian" ideology, in which the rights of media corporations are privileged over those of everyone else.

**Corporate libertarianism** is particularly corrosive for the future of public media. Public models are founded on the assumption that an entirely market-driven media system cannot address all of democratic society's communicative needs. In many ways, public media serve as a protection against systemic "**market failure**," a concept largely absent from American policy discourse. They operate according to a particular vision of the press, one that assesses a media system's value by how it benefits *all* of society rather than how it serves individual freedoms, private property rights, and profits for a relative few.

To support public media we would do well to first historicise and then deconstruct corporate libertarianism. While this essay is US-focused, it may offer important implications for the future of public media like the BBC. The US stands as a cautionary tale for what happens when a system is dominated by market values with few public options.

### The Logic of Corporate Libertarianism

Corporate libertarianism traces back to policy battles in the 1940s, when a social democratic vision of the press was defeated amid anti-communist hysteria. In its place emerged a corporate-friendly social contract defined by three features: media self-regulation, industry-defined social responsibility, and negative liberties (e.g., freedom from government intrusion) instead of positive ones (e.g., freedom to access a diverse media system). Not surprisingly, this arrangement's benefits mostly accrued to media corporations. With **corporations increasingly treated like people**, this logic has become even more pronounced in recent years, especially with the **Supreme Court's *Citizens United* decision** and **arguments used against proactive internet policies like net neutrality**. The combination of negative rights and corporate power is a potent threat against any public-interest agenda that requires government intervention.



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This laissez-faire orientation in American media law and policy continues to impoverish discourse around speech rights and freedom of the press. Implicated in wide-ranging deficiencies in the American media system—from the loss of journalism to degraded media content—this libertarian paradigm colours many assumptions about American journalism, especially the [presumed natural relationship between the press and government](#). In fact, it's largely presumed that no relationship exists, which is a libertarian fantasy: the government is *always* involved—usually in ways that benefit corporations like intellectual property laws, spectrum giveaways, and the relaxation of antitrust protections. The real question is *how* the government should be involved.

### **Positive Freedoms as Foundations for Media Reform**

Media reform depends on a clear articulation of positive liberties; addressing media inequality is impossible otherwise. Although [privacy rights](#) and freedom of expression require negative-liberty protections from government (and corporate) surveillance and censorship, a progressive reform agenda must also include a strong case for why positive liberties require affirmative protections from the state. Historically, American normative discourse has been framed in negative terms, exemplified by an absolutist understanding of the [US First Amendment](#) (“Congress shall make no law...abridging the freedom of speech, or of the press...”). But lesser-known traditions drawing from a positive-rights discourse also exist. A global example is [Article 19 of the Universal Declaration of Human Rights](#), which codified the right to “receive and impart information and ideas through any media.” Even American policy discourse holds important historical exceptions articulating positive freedoms.

A prime example is the [Supreme Court's 1945 Associated Press](#) case, in which the AP argued for antitrust exemptions based on its First Amendment rights. The Court dismissed this argument, stating that the First Amendment “rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public.” Since “freedom to publish means freedom for all and not for some,” state-guaranteed public-interest press protections were legitimate: “It would be strange indeed...if the grave concern for freedom of the press which prompted adoption of the First Amendment should be read as a command that the government was without power to protect that freedom.” The Court clarified that “the First Amendment does not sanction repression of that freedom by private interests.” Americans can reclaim these regulatory tools from their past to revitalise their imagination of what's possible today.

## A Reform Agenda

A two-pronged reform agenda could work towards actualising positive freedoms, with one focus on containing internet oligopolies and the other on creating alternative infrastructures. Both would be founded on positive rights of access by striving to close the [still-massive US digital divide](#). Several policy reforms could facilitate building out infrastructure and making broadband rates more affordable. For example, revitalising antitrust practices to intervene against local internet monopolies would help create meaningful competition, a structural safeguard that exceeds nondiscrimination principles protected by net neutrality. Establishing municipal broadband networks owned and controlled by local communities is another important measure to help circumvent the artificial scarcity created by internet monopolies. Beyond these interventions, we need a more robust program of government-guaranteed public-service journalism. In addition to expanding [the woefully under-funded US public media system](#), one proposal is to leverage already-existing public infrastructure like post offices and public libraries to support the production of local news via community media centers.

[Empirical evidence](#) suggests that democracies benefit from strong public media systems. But these reforms are inconceivable without new normative foundations based on positive freedoms. Such an approach emphasises media's public service mission, and treats journalism as a vital infrastructure, not merely a business commodity. Instead of shielding corporations from structural reforms, the First Amendment should help encourage actual *opportunities* for greater freedom. While a healthy democracy requires both negative and positive rights, freedom of speech is not guaranteed simply by the absence of state repression; it requires a proactive government to help create the necessary conditions for such freedom.

Any ideal of “media democracy” should privilege diverse voices and viewpoints in a media system. It must protect the collective rights held by publics, audiences, and communities over the individual rights of corporations. And it must elevate positive liberties in which universal rights are at least as important as the individual freedoms most cherished within libertarianism and classical liberalism. In today's highly inegalitarian world, with media power concentrated among a few corporations, this project legitimates an activist state that redistributes informational resources. It values a mixed media system with structural alternatives to commercial models. But we cannot advance this project without first dismantling corporate libertarianism.

*This piece originally appeared at the [Democratic Audit of the UK blog](#).*

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*Note: This article gives the views of the author, and not the position of USApp– American Politics and Policy, nor of the London School of Economics.*

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### About the author

**Victor Pickard** – *Annenberg School for Communication*

Victor Pickard is an Associate Professor at the Annenberg School for Communication where he researches the history and political economy of media institutions, media activism, and the politics and normative foundations of media policy. He is the author of *America's Battle for Media Democracy: The Triumph of Corporate Libertarianism and the Future of Media Reform*. He tweets [@VWPickard](#).



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