Media diversity from the user's perspective: an introduction

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MEDIA DIVERSITY FROM THE USER'S PERSPECTIVE: AN INTRODUCTION

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Protecting and promoting media diversity[1] is still one of the core objectives of media law and policy, Extensive regulation of media ownership, broadcasting licenses, and program requirements must guarantee that the audiovisual media supply the audience with a diverse diet of content from an adequate number of independent sources. However, what if the diverse media offerings sent by media are not what users actually receive?

Scholars from communications and social sciences have already for some time argued that media law's traditional preoccupation with the diversity of supply – concerning content and source – is incomplete. A third dimension of diversity – "exposure diversity"[2] or "content as received"[3] – is concerned with the diversity of media content that actually reaches the viewer, and a growing body of research demonstrates that the diversity that is being broadcasted is not the diversity that is being consumed in people's homes.[4] Questions of exposure diversity have probably never been more relevant than today, in a time when audiovisual media policies (offline as well as online) face very different challenges in reaching the audience than during the pre-digital age.

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[1] It is worth noting that the notions of "media diversity" and "media pluralism" are often used interchangeably, and that the precise delineation between the terms remains ambiguous: compare Peggy Valcke, *Digitale Diversiteit – Convergentie van Media-, Telecommunicatie- en Medidingingsrecht* (Brussels: Larcier, 2004), 117-126; and Kari Karppinen, *Rethinking Media Pluralism: A Critique of Theories and Policy Discourses* (Dissertation: University of Helsinki, Department of Social Research, 2010), 13. The author will refer here to the notion of *media diversity* as defined by Karppinen: "media diversity is understood in a more neutral, descriptive sense, as heterogeneity on the level of contents, outlets, ownership or any other aspect of the media deemed relevant… while pluralism, as an 'ism,' refers more explicitly to a value orientation that considers multiplicity and diversity in ideas and institutions a virtue." Karppinen, 13.

[2] Philip M. Napoli, "Rethinking Program Diversity Assessment: An Audience-Centered Approach," *The Journal for Media Economics* 10 (1997): 59-74.

[3] Denis McQuail, *Media Performance, Mass Communication and the Public Interest* (London: Sage Publications, 1992).

[4] Philip M. Napoli, "Deconstructing the Diversity Principle," *Journal of Communication* 49, no. 4 (1999): 7-34; James G. Webster, "Beneath the Veneer of Fragmentation: Television Audience Polarization in a Multi-Channel World," *Journal of Communication* 55 (2005): 366-382; James G. Webster, "Diversity of Exposure," in *Media Diversity and Localism: Meaning and Metrics*, ed. Philip M. Napoli (Mahwah, NJ: Lawrence Erlbaum Associates, 2006), 309-326; Markus Prior, "News vs. Entertainment: How Increasing Media Choice Widens the Gap in Political Knowledge and Turnout," *American Journal of Political Science* 49, no. 3 (2005): 577-592; Roger Cooper and Tang Tang, "Predicting Audience Exposure to Television in Today's Media Environment: An Empirical Integration of Active-Audience and Structural Theories," *Journal of Broadcasting & Electronic Media* 53, no. 3 (2009): 400-418; Klaus Schönbach, "The Own in the Foreign: Reliable Surprise – An Important Function of the Media?" *Media, Culture & Society* 29 (2007): 344-353.

Existing media diversity laws and policies originated in a time when "scarcity" referred to content and frequencies, and "interactivity" was synonymous with remote control. Today, instead of content scarcity, users experience information overload and difficulty in finding and trusting the content they need. In earlier times programs were broadcast to an undefined mass of anonymous "eyeballs;" in today's culture of paid on-demand content, technical barriers to access, electronic usage restrictions, path dependencies, and profiling determine the programs to which users are actually exposed. At the same time, expectations with regard to the viewer are changing. Viewers are increasingly expected to take a more active role in realizing media policy goals, and to behave as responsible "citizen-consumers" who "exercise informed choices… and take advantage of the full range of opportunities offered by new communication technologies."[5]

What are the implications for media law and policy? So far, the audience dimension of diversity has been curiously absent from media regulation. Are there (still) valid reasons why governments should refrain altogether from interfering with the receiver side of media diversity? Or conversely, must an argument be made that effective diversity policies also need to take into account the audience's perspective? Are the traditional tools sufficient to also address new, audience-centered obstacles to media diversity, as well as the changing role of the audience? Is it time to discuss additional initiatives, possibly in the form of rules that "empower" the citizen-consumer, for example through improved consumer information and methods for holding the media accountable? Are there lessons to be learned from other fields of law, such as consumer law or telecommunications law?

The common objective of the papers in this special issue of the *Journal of Information Policy* is to develop a user-centric understanding of media pluralism, and to reflect upon adequate regulatory responses. The opening contribution is authored by Philip Napoli, one of the pioneers in recognizing the importance of exposure diversity for the realization of media diversity as a public policy goal.[6] Napoli's article will set the scene by explaining the concept of exposure diversity, and the reasons why exposure diversity so far has played a rather "marginalized" role in the public policy debate. Napoli then proceeds to demonstrate why and how exposure diversity is beginning to play a more prominent role in the media policy discourse, focusing predominantly on the United States. He also points to the many uncertainties and open questions that still await answers, particularly regarding the potential role and means of governments in promoting diversity of exposure. Academic research has an important role to play in finding answers to these questions, and Napoli concludes with a number of concrete suggestions for how policy research could pave the way ahead.

Following Napoli's contribution, Peggy Valcke explores the European perspective and the role that exposure diversity has taken so far in the laws and policies of the Council of Europe, the European Commission, and the European member states. Valcke demonstrates that the existing instruments for safeguarding media diversity are, if at all, only indirectly concerned with exposure diversity

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[5] Recital 47 of Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services [Audiovisual Media Services Directive], OJ L 95/1 (2010).

[6] Napoli, "Rethinking Program Diversity Assessment: An Audience-Centered Approach;" Napoli, "Deconstructing the Diversity Principle."

insofar as they create the conditions for the audience to have access to a certain diet of diverse content. Also, in Europe any direct regulatory interference in influencing people's program choices is firmly considered unapproachable because it could easily conflict with individual freedoms, including the rights to freedom of expression, privacy, and personal autonomy. Having said that, as Valcke suggests, "regulation" can also be understood more broadly in the sense of measures to promote, stimulate, and facilitate. In other words, there might be a role for governments in creating certain framework conditions so that exposure to diverse contents becomes possible and feasible.[7] Such measures could, for example, target the accessibility of diverse media contents for various segments of the population (such as the disabled or socially weaker groups), but also directly stimulate and empower the individual user to consume (more) diverse content. Finally, Valcke addresses another possible area for government involvement – monitoring possible threats to the realization of exposure diversity.

Uwe Hasebrink builds forth on Valcke's concept of user empowerment. He argues for a need to more actively involve users themselves in making the media responsive to their diverse needs for information and media content. A point of special attention in his article is how research could contribute to this process. In particular, Hasebrink concentrates on two areas in which research could add true benefit. First, to provide new impetus for an old and essentially jammed discussion, is the matter of how to conceptualize the user. In order to enable any meaningful dialogue about exposure diversity as a potential public policy goal, it is paramount to get a clear and, even more importantly, realistic notion of the user. The conceptualization of the user is a much debated area in public policy but also in legal research, and finding a realistic account of the user is no easy task. The present tendency to fragment the user into distinct but rather theoretical and incomplete categories like "user," "consumer," or "citizen," with descriptions like "passive" or "active," all of which come with their own normative implications, needs to make way for a more holistic concept to which research can contribute. Second, research can help identify ways of institutionalizing audience participation and giving it a firm place in the system of media regulation.

Finally, Natali Helberger makes a concrete suggestion for a form of public policy intervention to promote the audience's exposure to diverse content. As Napoli observes in his contribution, while there is a growing consensus regarding the relevancy of the audience dimension to media diversity, there is a clear lack of suggestions for concrete measures, if only for the sake of initiating and stimulating further dialogue about the potential and limits of public policy and lawmaking in this area. Her suggestion tackles an issue that both Napoli and Valcke identified as one potential challenge to the realization of diverse exposure – namely the question of how people choose and compose a diverse media diet when confronted with almost overwhelming choice. Building on rich

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[7] In this sense, see also Valcke; Alastair Mowbray, *The Development of Positive Obligations under the European Convention on Human Rights by the European Court of Human Rights* (Oxford: Hart Publishing, 2004); Jens Arnbak, Jan van Cuilenburg, and Eghart J. Dommering, *Verbinding en ontvlechting in de communicatie* (Den Haag: Otto Cramwinckel, 1990): Wolfgang Schulz, Thorsten Held, and Manfred Kops, *Perspektiven der Gewährleistung freier öffentlicher Kommunikation* (Baden-Baden: Nomos, 2002); as well as Natali Helberger, "Diversity Label: Exploring the Potential and Limits of a Transparency Approach to Media Diversity" in this special issue of *Journal of Information Policy*.

experience from consumer law, Helberger's article explores the merits and limitations of an information approach to exposure diversity, for example in the form of a diversity label.

The ideas that have inspired the papers in this special issue were presented at a workshop organized by the Institute for Information Law, University of Amsterdam, under the title *Media Diversity from the User Perspective* in December 2010. The presentations at this workshop triggered discussions among the invited experts that were so vibrant and insightful that we deemed it desirable to share them with readers here. This is why this special issue of *Journal of Information Policy* is concluded by a short piece that summarizes the main points of what was said at the workshop.

A common observation of all the authors in this special issue is the acknowledgment that any possible public policy initiative in this area, providing it is necessary and constitutional, must be informed by research into the way people choose and consume information, the impact that this consumption has on the realization of public policy goals, and the viability and effect of possible public policy responses. Insofar, research and media policy should not operate in two worlds apart, but must work hand in hand. Making a step in this direction is the overarching objective of this special issue, as well as of the journal that hosts it.

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