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Between Internet and Media Policy

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Mapping regulatory regimes of digital communication

It is far from a new endeavor to seek to converge the research fields of telecommunications policy and media policy (see Cuilenburg and McQuail 2003; Puppis and Just 2012). The impact of the internet on various media and communications sectors and the challenges to policy in the wake of this development have been at the center of theoretical discussions for years. However, fewer attempts have been made towards implementing or operationalizing this 'scientific convergence' (Burgelman 1998; Puppis and Just 2012) in empirical analyses of media or communication systems.

The purpose of the paper is to establish a shared methodological and theoretical framework for systemically analyzing the accumulated ways in which digital communication is regulated, and to thereby qualify a mapping of the regulatory regimes that enable and constrain everyday life communications in Denmark. This case will exemplify a general approach which enable similar mappings for comparative research in contexts beyond the Danish system.

We explore and operationalize the theoretical convergence of the research fields of telecommunications policy and media policy and thus align ourselves with other researchers in asking, how the (Danish) digital information and communication system is regulated? And just as important, how and when is it not regulated? Unlike previous studies, though, we approach this question by focusing on how regulation impacts the media repertoires of individuals (Hasebrink and Domeyer 2012) and their communicative agency. Hence, rather than studying institutional frameworks configured according to a historical context wherein specific types of communication were tied to specific media (broadcast to TV and radio sets, interpersonal communication to tele systems (Bar and Sandvig 2008)), we adjust the study of communication policy to the present context of media convergence.

Analytical framework

Approaching this problem, the paper takes its point of departure in the regulation of communication *practices* – in how the Danish and European regulatory bodies in various ways shape the possibilities and limitations of the individual's mundane communication. We ask: What are the basic conditions of digital communication, and how is the communications infrastructure established, maintained and developed? What limitations, restrictions and encouragements make up the regulatory regime of digital communication? And how is the communication and media system shaped through ownership structures, subsidy schemes and business policies?

Inspired by previous media system analyses such as e.g. Hallin and Mancini's (2004), we suggest three analytical dimensions of regulation, which taken together form a systematic framework that enable comparative empirical investigations into communication systems. In short, the three dimensions include:

I. *Basic technological conditions*: What are existing infrastructural conditions and the accessibility and spread of communication technologies in the analytic context (e.g. Denmark)?

II. *Communication institutions and media business structures*: What are the institutional power relations (national and international) structuring the individual's access to media content and communication services?

III. *Communication content and distribution*: What are the conditions for producing, owning and distributing content and which restrictions and encouragements apply to which content communicators from individuals' interpersonal communication to public broadcasting and beyond.

Mapping out these various levels of communication policy and regulation enable us to discuss communication policy regimes from a broader perspective cutting across former sectoral or legislative boundaries. Hence, our aim is *not* to identify the entire legislative apparatus regulating media and communication, but to discuss the key elements that make up the regulative regime. As stated in the beginning, we believe that this approach can be used both when seeking to understand how digital communication practices are shaped by regulatory structures and when studying the negotiations and political processes related to the institutionalization of digital communication technologies. The focus on how various types of regulation and state interference directly or indirectly influence the media users and their communication *practices* can help us achieve a broader understanding of the role of the state in *digital* communication systems.

In the case of Denmark, the Nordic welfare model grounds all three levels. Especially with regards to **level one**, the telecommunications infrastructure has historically been seen and developed as a *public good*. Public and private bodies have invested in disseminating high speed internet in most parts of the country resulting in home internet access in 96% of Danish households. Another significant trait of the Danish population is a general willingness to invest in media devices and 85% of individuals own an internet-enabled smartphone.

At the **second level**, given the high media penetration, Danes are and have been loyal users of all types of media – from print newspapers over TV and now to social media. The institutional media landscape in Denmark is marked by an extensive legacy public service media sector funded through public means and by license fees. In recent years, like in many other territories, national media have been challenged by new and increasingly dominant international players like the Facebook and Google corporations. Looking at the most used online platforms, alongside Google and Facebook the PSB Danish Broadcasting Corporation (DR) still attracts the entire population to online news and streaming platforms.

In a historical context, the regulation of communication content and distribution, making up **level three**, has been split into respectively *media* policies focusing on media *companies* engaged in *public* communication and *telecommunication* policies focusing on *individuals* engaged in *private* communication. Media policies have focused on a commitment to freedom of speech but also social responsibilities on the part of public and private actors. Private communication policies have also been aimed at securing right to privacy and free access to information. Policies have, however, been inadequate at regulating both *individuals* as public communicators in the form of e.g. YouTubers and media *companies* as private data aggregators and resellers.

Hence, this paper faces the challenge of defining, delimiting, and mapping out the field of digital communication regulation in Denmark including what was formerly known as media and telecommunications policy. While the dissolve of institutional boundaries between the media and telecommunications industries took of exponentially over the past years (think of Internet of Things or all-around enterprises like Netflix), the adjustment of the regulatory context is lacking behind. As such, the policy field of digital communication is not (yet) institutionalized and Internet regulation appears in various acts and legislative programs that traverse and overlap when media and telecommunications policy clash. This poses a challenge to systemic research questions like ours aiming at studying how regulation as a whole influences the possibilities of communicating by means of digital technologies.

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