

Working for Internet Freedoms: Network Neutrality in the United States and the Labors of Policy Advocacy

Introduction

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This introduction discusses the rationales for this IJoC Special Section. It also provides an overview of the contributions to the Special Section. In our call for contributions, we indicated that our goal was “to provide an interdisciplinary look at the many labors of media advocacy and to foreground the ‘how’ and the ‘why’ of how media advocacy operates.” This Special Section, we believe, makes a vital contribution regarding these issues, with strengths being the methodologically diverse approaches taken by our contributors and the variety of questions that inform their work.

Keywords: network neutrality, FCC, telecommunications policy, policy advocacy, media labor

Advocates of network neutrality won a major victory in February 2015 when the Federal Communications Commission (FCC) voted to reclassify broadband Internet access services (fixed or wireless) as telecommunications services under Title II of the Communications Act. Significantly, this victory has already withstood at least one judicial challenge, though opponents are determined to take the dispute all the way to the Supreme Court (Selyukh, 2016). The work, in other words, is not finished. And this is why this Special Section focuses on the *labors*—the ongoing struggles, efforts, and hard work—of

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net neutrality advocates. In this Special Section, we seek to highlight the *why* and the *how* of policy advocacy.

For years, a diverse array of actors has been fighting to ensure that Internet service providers (ISPs) do not have the power to block, speed up, or slow down the Web content or applications that ISPs distribute. This principle of nondiscrimination, for advocates of network neutrality, would ensure not only that the Internet would continue to be a space for innovation and creativity but also—equally important—that it could operate as a democratic public sphere. The Communications Act of 1934, as amended by the Telecommunications Act of 1996, charges the FCC “to preserve the vibrant and competitive free market that presently exists for the Internet” and “to promote the continued development of the Internet,” (47 U.S.C. § 230[b][2], cited in Ruane, 2015, p. 2). Advocates for net neutrality feared that, should ISPs create “fast lanes,” the Internet would cease to be a site for a plurality of voices and would instead become a platform for the powerful and powerfully resourced to dictate the parameters of public discourse. Increasingly, reclassification became seen as integral to ensuring the principle of network neutrality

During the Bush administration in 2002, the FCC classified cable broadband service as an “information service,” which is governed by Title I of the Communications Act, rather than as a “telecommunications service,” which is governed by Title II of the Act, concerning common carrier obligations. This decision set in motion a series of additional deregulatory actions (and reactions to them) designed effectively to categorize all broadband services as information services, thus raising the specter that the principle of network neutrality—which many saw as integral to the history, design, and regulation of the Internet—would be upended.

What followed over the next decade was a series of regulatory orders, legislative interventions, court decisions, and advocacy campaigns in which a variety of interests debated the necessity, import, implications, and legality of network neutrality. On the one hand, at issue for advocates of network neutrality was finding a legal basis on which the practice of nondiscrimination could be enshrined in policy. On the other hand, advocates had to find ways to wage a persuasive rhetorical and discursive battle regarding the necessity of network neutrality in the face of oppositional forces that deemed it an unnecessary intrusion into the practices of ISPs, an attempted government takeover of the Internet, and a bludgeon against innovation and access. When the FCC voted for reclassification in February 2015, its decision was greeted as a victory on both counts, placing network neutrality on solid legal footing and affirming the perspective of net neutrality advocates that the principle was a critical component of democratic self-governance in the digital age (see, e.g., Fernandez, 2015; Kang & Fung, 2015; Ruiz & Lohr, 2015; Rushe, 2015).

This Special Section of IJoC is dedicated to understanding more about the “how” of this landmark regulatory victory: We sought to shine a light not primarily on the rationales for network neutrality but rather on the work required to achieve this sort of policy outcome. The fight for network neutrality in the United States, accordingly, operates as an extended and multifaceted case study to reveal the labors involved in policy advocacy.

By bringing together research articles on policy advocacy labor, as well interviews with representative participants in the advocacy and policy-making process, this Special Section illuminates myriad strategies and tactics involved in policy advocacy, investigates the dynamics at play within and across advocacy organizations, and recognizes the many labors necessary to achieve policy change. In so doing, we aim to broaden the field of vision of both media policy studies and studies of media labor to include considerations of advocacy labor within the broader turn to studies of media labor.

A long-standing subfield within media and communication studies, media labor analyses have alternately focused on the production processes that structure how media is made or provided institutional assessments of how policy making happens. In the former, researchers have investigated the division of labor within media industries (see, e.g., Banks, 2015; Gitlin, 1983; Schatz, 1988), explored the discursive labor required to sustain the occupational cultures within the entertainment industry (Caldwell, 2008), and reconceptualized who counts as a worker within the media labor framework, including the “invisible labor” of, for example, television manufacturers or local regulators (Mayer, 2011). In other volumes, researchers have interrogated the culture of the FCC (Brown & Blevins, 2008; Cole & Oettinger, 1978; Mosco, 1976) or have seen the commission as one player among many in determining the contours of media policy (Baughman, 1985; Krasnow & Longley, 1973).

In enfolding media policy advocacy work within the broader field of media labor, we hope not only to flag how media policy advocacy groups are players within this broader ecology—poised to affect the discursive and material environments in which media are produced, circulated, and regulated—but also to elucidate the many labors—tactical, political, interpersonal, informational, communicative—required to engage in media advocacy work.

In putting policy advocacy labor at the center of our inquiry, this Special Section is attentive to the diversity of advocacy work required for communities to challenge the practices, politics, and policies that structure the electronic media that play such a critical role in our lives. The works included feature the political commitments of those engaged in the struggle, the opportunity structures that favor some groups over others, the tactics pursued to achieve desired outcomes, and the resources available to perform this kind of labor.

This Special Section is about the fight for network neutrality, but it also is about much more. Across its three forums, one feature, seven research articles, and two book reviews, it explores the decisions that advocacy groups make, the sociohistorical conditions that structure their view of media policy, and the discursive strategies that underpin their campaigns. The section is at once a specific look at how some of the players in the net neutrality battle fought for this policy outcome and a broader reconfiguration of how to examine media and communications policy by putting advocacy labor at its center.

Works Included in This Special Section

The Special Section begins with four contributions that elucidate policy making and policy advocacy from myriad perspectives: inside the FCC, at the helm of a longstanding Beltway advocacy

group, the bird's-eye view of a leading funder of advocacy work, and within an upstart digital advocacy organization.

Bill Kirkpatrick's Forum interview with former FCC Commissioner Michael Copps offers instructive context for the net neutrality victory and situates it within a broader history of public participation in media policy decision making. Copps illuminates the limitations and opportunities for policy advocacy as well as, in his view, the cyclical nature of openings for reform.²

In a second Forum interview, Jennifer Holt interviews seasoned Washington, D.C., insider Gene Kimmelman, president and CEO of the public interest advocacy organization Public Knowledge. Kimmelman offers strategic insights about the historical significance of contemporary media policy victories. He discusses the larger framework guiding his approach to policy advocacy—helping the powerless fight the powerful—which involves tactical work that anticipates how to secure sustainable policy wins that can be expected to weather constantly changing political climates.

A third Forum interview features a conversation with Helen Brunner, founder and director of the Media Democracy Fund (MDF), which serves to outline the critical but overlooked role that funding organizations play in media policy advocacy. In her discussion of her work at MDF, Brunner clarifies how funders not only facilitate public interest and civil rights groups to engage in advocacy but are themselves key architects in the development advocacy strategies.³ The interview is framed in the context of a social justice philanthropy approach, which is an area of advocacy labor that demands greater attention, given the outsized role of corporate lobbying in the field of media governance more generally.

Finally, Ian Dunham's feature describing Fight for the Future (FFTF), a comparatively new advocacy organization, highlights how the online and offline activist strategies of FFTF facilitated the critical coalition building across advocacy organizations, as well as the remarkable public participation in the net neutrality proceedings, that contributed to the February 2015 victory.

The seven research articles that follow compose the bulk of the Special Section, offering theoretically and methodologically diverse approaches to the study of policy advocacy labor. A number of the articles investigate, and question, whether digital tools and the networked public sphere affect how, to what degree, and to what end citizens and public interest groups participated in the battle over network neutrality.

Robert Faris, Hal Roberts, Bruce Etling, Dalia Othman, and Yochai Benkler, for example, examine the role of the networked public sphere in shaping the outcome of the net neutrality proceedings. Discovering that pro-net-neutrality voices won the online debate, as measured by link analysis and content analysis, they point to a shift away from sites of incumbent power—mainstream media corporations, political and business elites—in the framing and discussion of public policy issues. Their study thus not only accounts for the conditions that empowered the White House and the FCC to embrace

² For a related interview, see <http://ijoc.org/index.php/ijoc/article/view/3183/1228>

³ <http://mediademocracyfund.org/netneutrality/>

a pro-net-neutrality position but also illuminates how the networked public sphere has the potential to mobilize publics to push for progressive policy outcomes even in the midst of a highly partisan political and media landscape.

Jonathan Obar offers a provocative critique of a policy advocacy tactic—the digital form letter—to mobilize public participation in actions that historically had marginalized the involvement of those unfamiliar with the legal issues, and technocratic jargon, germane to the policy issue at hand. Drawing on examples from 2014 deliberations over network neutrality, Obar evaluates the degree to which activist intermediaries' use of digital form letters overcomes structural, rhetorical, and deliberatory obstacles to participation. He illuminates that although the digital form letter yields strategic benefits, it is uncertain whether they address anything beyond structural forms of subordination.

Gino Canella's study of the work of the Media Mobilizing Project (MMP) in Philadelphia similarly examines the degree to which digital media provide opportunities for greater participation and influence in policy advocacy. Canella carefully analyzes the MMP's development, and distribution, of frames to structure how residents in Philadelphia interpreted local battles over Internet policy. In so doing, he both illuminates how networked communication was critical to the MMP's advocacy while stressing the continued significance of relationship and coalition building on the ground.

A second line of inquiry focuses on how race and gender factor into advocacy participation and strategy. Deen Freelon, Amy B. Becker, Bob Lannon, and Andrew Pendleton investigate the degree to which there was a gender gap in the comments submitted to the FCC on net neutrality. Their piece examines empirical evidence to explore two tendencies that are seemingly at odds: Although feminists have seen the Internet as a counterpublic sphere, one that allows them to offer alternative perspectives and to mobilize for activist campaigns, women tend to participate in policy deliberations in far lower numbers than men do. Given net neutrality's import to feminists, the authors examine the gender gap in online comments to the commission. Their piece explores not whether or how net neutrality should matter to women but rather whether women were interpellated by the various communities weighing in on net neutrality—progressive groups, conservative groups, tech companies—to voice their position on the issue.

John McMurria brings critical race theory to bear on the net neutrality debate. He argues that to see net neutrality as racially neutral is to obfuscate how legal and economic structures, past and present, have inhibited people of color from gaining access—in employment, ownership, and decision making—to the media and telecommunications sector. Although civil rights organizations are divided in their positions on net neutrality, McMurria focuses on their shared critique of this presumption of race neutrality and the work required to illuminate the uneven distribution of resources that such presumptions of neutrality both facilitate and obscure.

A final thread explicitly examines the role of discourse within the net neutrality debate. Danny Kimball explores a discursive strategy deployed in the net neutrality battles that he dubs "wonkish populism." He illuminates how media policy advocates use this strategy to enable greater public participation in rulemaking proceedings that ordinarily would exclude them. As does Obar, Kimball analyzes how digital affordances enable both broader public participation and thus an urgency, from the

perspective of advocacy groups, to provide a discursive framing that allows citizens to connect their political commitments to certain policy outcomes to the often arcane legal concepts and parameters that structure the policy debate.

Russell Newman provocatively rescripts the discursive framing of net neutrality as a principle that embodies, rather than resists, neoliberalism. The debate over net neutrality often is understood as being over corporate power versus the public interest, the social good of a marketplace of ideas versus the efficiencies and public goods of allowing ISPs to operate unfettered by government regulations. In other words, pro-net-neutrality advocacy has been imagined as a bulwark against neoliberalism and the escalating power of corporations and economic thinking within all spheres of American life. In contrast, Newman argues that the very principle of network neutrality, when it was conceived, enshrined rather than challenged the premises of neoliberalism, the discourse that has structured pro-net-neutrality advocacy naturalizing the conflation between democracy and the marketplace that has been at the center of neoliberal thought since the Second World War.

The Special Section ends with two book reviews that echo our interest in advancing scholarship that explores the labors of policy advocates. In his review of three new books on media policy and media reform, James Losey investigates how reforming the media requires seeing the complementary insights provided by critical examinations of media power and empirical studies of advocacy work. Gretchen King reviews two books from the field of adult education that highlight what she identifies as a knowledge gap within media policy studies: an understanding of how activists learn the labors of advocacy. Drawing on insights from the books reviewed, she illuminates that teaching and learning about advocacy is also an important form of media advocacy labor.

Reflections and Looking Forward

In putting together this Special Section, we learned important lessons that shine a light on some of the work still to be done. We were thrilled to include the articles that foregrounded gender and race in their consideration of media advocacy, but we were surprised at what a small part of our submission pool they constituted and especially at the paucity of scholars we could recruit to review them. This indicated a terrific need within U.S. telecommunications policy studies for more research that considers how regulation and law evoke “registers of power across categories of class, race, gender, and nation” (McMurria, 2009, p. 171). We would encourage more scholarship that destabilizes and critiques the notion of a stable, unitary public and that questions how its evocation—by policy makers and advocacy groups alike—elides historic and existing inequities (see, e.g., Perlman, 2016).

In addition, we were fascinated by a slippage between advocacy *for* digital media policy and advocacy *using* digital media tools. Many of our submissions focused on “the digital,” not only as a site informed by regulatory decisions but also as a political space in which advocacy labor unfolds. Without question, as a number of our submissions illuminate, digital tools have transformed how advocacy can work; however, they constitute only part of the many instruments available to and used by media policy advocates in the work they do. As, is our hope, the study of media policy advocacy labor continues to

flourish, we would encourage research that takes a broader look at the repertoires and strategies of advocates, including—but not exclusively—foregrounding the digital.

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