Regulation and the Ethics of Distance: Distance and the Ethics of Regulation

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Introduction

The locus of our regulatory concern needs to shift. In the new media world, a world that still includes old media, and old but yet resistant values driving institutional processes of mediation, the concern with markets, competition, and content needs to be rethought. This is not only because of the decline of spectrum scarcity, or the incapacity of national governments to control international flows of information and communication, but because new media are challenging what it means to be human, through their increasing salience as both information and communication resources, and, as such, as crucial components of our relational infrastructure and our social life.

Just as William Melody (1999b) argues in a recent article that the issue of human capital is the key to the unlocking of the information economy, I want to suggest in this equally short piece, that an understanding of what it is to be human is the central question underlying and, in the final analysis, regulating the development of the mediated world in which more and more of us live, and by which almost all of us are affected. Marshall McLuhan (1964) suggested that media, all media, were extensions of ourselves, and although this perhaps makes more sense now than it ever did, it leaves untouched the thorny question of what we are, and of how what we are in turn affects the way in which media emerge and develop. It fails to register mediation as either a social or a political process. In other words, the humanity or inhumanity at the heart of the processes of mediation is left unexamined; it is presumed to be unproblematic.

Similarly, regulatory discourse rarely examines why regulation should take place in the first place. Its presumptions about public interest, freedom of expression, rights to privacy, competition policy, intellectual property and the like presume an ordered or at least orderable world, and indeed a world that would benefit from deliberative, and presumably accountable, regulation. The main beneficiary of such regulatory impulses and practices is the citizen, in his or her public and private life. These citizens need to be protected against the depredations of untrammelled vested interests, be they commercial or imperial. They need to be given freedoms to speak and to be heard; they need to be given freedoms of

choice. They need to be consulted on how regulatory policies are formed and implemented (Collins and Murroni 1996).

But who is the citizen these days? And how has his or her status as a citizen been affected by the media, both old and new, both broadcast and interactive? In what ways do our media enable or disable our capacity to relate to each other as citizens, but also as human beings? In what ways do they enable or disable us as ethical beings in our relationship to the world?

Home ...

In an earlier essay (Silverstone 1999) I argued that almost all our regulatory impulses, those that engage with the ownership of media industries, on the one hand, and those that concern the welfare of the family, on the other, are between them concerned with the protection of home. What links them is a preoccupation with *content*: with the images, sounds and meanings that are transmitted and communicated daily, and over which regulators increasingly feel they have little control. Content, they say, is king. What appears on the page or on the screen, what is represented, especially in its consistency or inconsistency, its decency or indecency, its intrusiveness, is deemed to be important precisely because it has been allowed to cross the threshold, seeping into private spaces and private lives. This was, of course, the impetus for the earliest attempts at content regulation, in the Hays Code, for the cinema. But these anxieties and the regulatory attempts to manage them have become more insistent as 20th century media migrated away from public to private screens, and from shared sitting rooms to solitary bedrooms.

Banal though it may seem, the media are seen to be important because of the power they are presumed to exercise over us, *at home*, a power that no amount of audience research can quite completely deny, and of course which most of us believe, one way or the other, naturally to be the case. Competition policy is as much about such breaches of personal security and domestic integrity – of the rights of the person and the personal – as it is about cross-media ownership and the future of public service broadcasting and the public sphere. Indeed, it is precisely the private which is at stake in the discussions and deliberations on the latter.

And yet while regulators struggle to control and direct, to label and to licence content, parents and families struggle over a personal and private culture, shaping and protecting the domestic spaces where public and private moralities are supposed to coincide. This is a struggle for control, a struggle which

propagandists, advertisers, television schedulers and portal designers well understand. And it is a struggle which parents understand too, as they argue with their children over time spent online. It is a struggle which at least in part defines, across lines of age and gender, the particular politics of individual households.

Regulation is, then, a private as well as a public matter. It takes place in front-rooms as well as in debating chambers, in the cut and thrust of discussions over viewing habits, as well as in international debates over v-chips and trans-border media flows. In both these environments what is being fought over are the rights of, and control over, representation: of the availability of, and access to, the continuities and consistencies of both the immediacy and the flow of images and narratives. And in those representations what is at stake are the rights to define a relationship: between what is known and not known, between what is valued and not valued, between what one believes to be the truth and what one suspects is a falsehood, and between what one lays claim to and what one can discard in one's relationship to the rest of the world. What is at stake, in these moments and mechanisms of regulation is, essentially, a moral order.

... And away

As we become increasingly dependent on the mediated word and image for our understanding of what takes place beyond our front door; as everyday life, in its taken-for-granted ordinariness, becomes inseparable from the mediations that guide us through it, and connect or disconnect us from the everyday lives of others; how the media position us, or enable us to position ourselves, become crucial.

As citizens we are expected to take responsibility for, and to act responsibly in relation to, ourselves, our neighbours and also the strangers amongst us. Such expectations have been, arguably, undermined by (among other things) a century of electronic mediation, which has led to increasing privatisation and individualisation. The dominant trope in the analysis of 20th century public life has been its erosion: the palpable lack of care, the paradoxical lack of communication, has been revealed in increasing alienation from the formal processes of politics and engagement in public life; perhaps not for all, but for many, especially in the wealthy and highly mediated democracies of industrial society.

These societies, equally it goes without saying, are becoming increasingly connected to each other. What imperialism once enforced, globalisation now enables, or indeed requires: a mutuality of increasingly highly stratified economic and financial structures and processes; a shared but still massively and unevenly

discomforting physical environment; a political space that no longer knows, nor much cares about, national boundaries and territorial sovereignty; networks of information and communication that shrink social and cultural space and time to the size of a handset.

In this context, and taking the broadest sweep, problems of regulation become problems of governance, in which order and accountability are dreamed about on a global scale, and at the level of states and transnational non-governmental organisations. Foreign and domestic policy converges. Somehow even these dreams depend on a notion of citizenship, though a transcendent one, but they still require an engagement with the human – and they challenge it too. However, they leave untouched and unexamined, for the most part, the individual in his or her humanity, in his or her sensibility. In what ways, if at all, can or should this humanity be affected by our regulatory impulses and institutions? In what ways should this humanity (or its lack) inform and affect our attempts at regulation and governance?

Early commentators, both utopian and dystopian, on the emerging late 19th century wireless and telegraphic space recognised the implications of what has subsequently come to be known as the double life of media and communication: that they separate as well as connect. This paradox inevitably calls the lie to any contemporary notion of the media's role in what is called the death of distance. It raises the question of isolation and not just privatisation – and isolation of both the individual and of the group. It also raises the question of the illusion of connection: that in our mediated innocence, in our mediated naïveté, we are unable to recognise how imprisoned we are, how easily blinded we are, by the mediations that apparently link us together.

As I have argued elsewhere (Silverstone 2002 forthcoming) there is often quite a fundamental confusion in much of the writing on the geography of new media. Time-space distanciation, or time-space compression, even ideas of the network society, suggest a profound and misleading elision between two kinds of distance: the spatial and the social. It is presumed in these discussions that the electronic mediation of physical or material connection provides at the same time, social, cultural or psychological connection. The technologically-enabled transformation of time and space which marked the entry into the modern world certainly provided new conditions and possibilities for communication, communication that provided connection despite physical separation. Yet the contradictions at the heart of such communication become even more profound the more we insist that electronic mediation brings no penalty when it comes to understanding and caring

for the other. Indeed, when we insist, on the contrary, that our world view is now global in its reach. That there is no escape. That nothing can be hidden, nothing can be, or is, ignored. But of course it can.

My point is that distance is not just a material, a geographical or even a social category, but it is, by virtue of all of these and as a product of their interrelation, a moral category. The overcoming of distance requires more than technology and indeed more than the creation of a public sphere. It requires what I have called 'proper distance' (Silverstone 2002 forthcoming). Proper distance is the critical notion that implies and involves a search for enough knowledge and understanding of the other person or the other culture to enable responsibility and care, as well as to enable the kind of action that, informed by that understanding, is in turn enabling. We need to be close but not too close, distant, but not too distant.

Proper Distance

The media have always fulfilled the function of creating some sense of proper distance, or at least they have tried, or claimed to be able, to do so. In the reporting of world events, the production of news, the fictional representation of the past, the critical interrogation of the private lives of public figures, the exploration of the ordinariness of everyday life, what is involved, in one way or another, is a negotiation between the familiar and the strange, as the media try, though always imperfectly, to resolve the essential ambiguities and ambivalences of contemporary life.

Yet such mediations have tended to produce, in practice, a kind of polarisation in the determinations of such distance. The unfamiliar is either pushed to a point beyond strangeness, beyond humanity; or it is drawn so close as to become indistinguishable from ourselves. And, it should be said, there is also very little sense that we are the objects of the others' gaze, that how *we* are seen and understood by those far removed from us also matters; we need to see and understand that too.

We find ourselves being positioned by media representation as so removed from the lives and worlds of other people that they seem beyond the pale, beyond reach of care or compassion, and certainly beyond reach of any meaningful or productive action. Technology has a habit of creating such distance, and the bureaucracies that have been built around technologies have in the past, and with cataclysmic effects, reinforced this sense of separation and alienation, this immorality of distance. This is certainly and obviously the case in times of conflict, but it is rarely far away even in peace.

Per contra the representation, just as frequent and just as familiar, of the other as being just like us, as recoupable without disturbance into our own world and values has, though perhaps more benignly, the same consequence. We refuse to recognise not only that others are not like us, but that they can be made to be like us. What they have we share. What they are we know. They are as they appear in our documentaries and in our advertisements. Such cultural neo-imperialism represents the other side of the immorality of distance, in its refusal to accept difference, in its resistance to recognising and to valuing the stranger.

In both cases, we lose a sense of both the commonality and difference that should inform the ethics of how we live in the world. Either way we lose the capacity effectively to grasp both what we share and what we do not share as human beings. The irony of the electronically mediated century just passed, in which we have come to believe that the immediate and the visible are both necessary and sufficient to guarantee connection, is that this apparent closeness is only screen-deep.

Distance can, therefore, be proper (correct, distinctive and ethically appropriate) or it can be improper. If improper distance can be, and is, created, *inter alia*, through the mediations that electronic technologies provide for us, then it follows that we can use the notion of *proper* distance as a tool to measure and to repair the failures in our communication with and about other people and other cultures and in our reporting of the world, in such a way as our capacity to act is enabled and preserved (Boltanski 1999; Silverstone 2002 forthcoming). And it follows too that we can use it as a way of interrogating those arguments, most recently in the analysis of the supposed miraculous capacity of the Internet, that mistake connection for closeness, and closeness for commitment, and which confuse reciprocity with responsibility.

It is with the convergence between the public and the private, the personal and the social, that the notion of proper distance seeks to engage, since it is at this interface, perhaps increasingly confused and confusing, where social beings, citizens real or manqué, need both to confront a moral agenda that is appropriate to the conditions of its mediation and to confront the mediated world which defines and constrains how the other person appears to us – as through a glass darkly.

Conclusion

Regulation has always been a technical activity. To suggest that it should also be a moral one has its dangers. Yet these dangers need to be confronted. What is missing so often in the regulatory discourse is the question: regulation for what, and for whom?

The focus on content, on media as representational technologies, is in many ways atavistic. It brings back concerns that many had thought long since buried in the analysis of mediation: concerns with ideology, effects and false consciousness, even. Yet media are nothing if they do not convey meanings, and even if we can (and we can) negotiate those meanings for ourselves, and distance ourselves from those meanings we find unacceptable or unpalatable, in the absence of others – both other meanings and other realities – our perceptions of the world cannot but be increasingly and consistently framed by what is seen and heard through screens and audio-speakers.

The multiple negatives of the last paragraph are intended – and intended to be instructive. There is inevitably and necessarily a need for caution in any kind of moral position lest it be seen as, or become, moralistic. So it needs to be understood that the present argument is not for a new kind (or even an old kind) of censorship. On the contrary, at issue are the presumptions and preconditions for our understandable (perhaps even natural, at least sociologically speaking) concern for regulation. Perhaps it is time to recognise that regulation should not just be concerned with the protection of our own securities and of those we hold dear or for whom we have some formal, familial or even national, responsibility.

Regulation should address the wider and, I have suggested, much deeper issue of our relationships to others, to those for whom we have no formal responsibility, to those who are distant in space or culture, the strangers amongst us, our neighbours abroad; but for whom our basic humanity requires that we should care. This is of course a tall order. However, it suggests a shift, and one that it might well be argued is long overdue. It involves a shift away from regulation as narrowly conceived in the minds and practices of parliaments and councils, towards a more ethically oriented education, and towards a critical social and cultural practice which recognises the particular characteristics of our mediated world. We once upon a time taught something called civics. It is perhaps time to think through what civics might be in our present intensely mediated century.

Our regulatory impulses need to be both informed and moderated by these concerns. Citizenship requires responsibility and to exercise such responsibility well and thoroughly in turn requires the need to be able to see the world and to see through our media's limited and inadequate representations of it. In this sense, as well as reading, we might need to regulate, against the grain.