

Mass Media and Dissent

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Dissent is the life-blood of the democratic process. It is the mark of a plurality of perspectives and a diversity of competing (and sometimes conflicting) interests.

At the same time, however, the right to dissent—although shielded by the First Amendment to the U.S. Constitution—is not unlimited and is always contested. Laws of libel, slander, defamation, and the protections extended to intellectual property are among obvious constraints on expression, including dissent.

But perhaps the principal limitation on political dissent is financial. It has been observed that the current cash-driven electoral system has a chilling effect on the nature and caliber of dissent. Furthermore, the market-driven and highly concentrated and conglomeratized media system has little room for ideological plurality—and thus dissent. There are no socialist, communist, or religious fundamentalist parties in the American mainstream. And even though the airways belong to the public, they have been largely given away to the same market forces that marginalize dissent in politics.

This marginalization of fundamental dissent in the cultural/political mainstream contributes to the low voter turnout and narrow range of debate where substantive issues are ignored and personalities (not to mention private personal affairs) often dominate.

It is one thing to assure individuals the right to dissent without fear of government regulation or worse. Anyone can find a street corner on which to pontificate. It is another thing to say that any individual has the right to establish a free press to disseminate dissent to a broader audience than could be reached by the spoken

word. Moreover, those who own the media are in a position to determine who is empowered to disseminate which dissenting views to the mass public.

The basic argument about political dissent, then, is whether the First Amendment protects the rights of media owners to suppress fundamental dissent regardless of the implications for democracy. The alternative is to view the First Amendment's protection of a free press as a social right to a diverse and uncensored press with ample room for dissent. In this view the right of dissent to be heard is a right enjoyed by all citizens, not just by owners of media. Otherwise there is no more need for its inclusion in the First Amendment than it would be to guarantee individuals the right to establish a baking business or a shoe repair service. As Alexander Meiklejohn points out, those commercial rights are explicitly covered in the Fifth Amendment to the U.S. Constitution.

Modern advertising emerged in the past century and is conducted disproportionately by the largest corporations. This corporate media system has none of the intrinsic interest in politics or journalism that existed in the press of earlier times. If anything, it tends to promote depoliticization. Fundamental political positions are closely linked to elites. Dissent may exist on the margins, but the commercial system assures that these voices have no hope of reaching a mass audience.

There are two solutions to the crisis for democracy generated by a corporate-dominated media system. The most radical is to create a large nonprofit, noncommercial media system accountable to the public. In earlier

times John Dewey and the Hutchins Commission both proposed that newspapers be established as nonprofit and noncommercial enterprises, supported by endowments and universities, and managed through direct public election (or election by the media workers) of their officers.

The less radical solution is to tax the media giants or use public monies to establish a viable nonprofit and noncommercial media system that can serve the needs of citizens who are unable to own media corporations.

Of course, proposals such as these have met with significant corporate opposition and concerns that they would let the government control the media to an unacceptable extent, no matter how the nonprofit media system might be structured. From the Progressive Era to the present day, the corporate media giants have fanned the flames of this sentiment, using their immense resources to popularize the notion that a gulag-style, darkness at noon media system was the only possible alternative to the corporate, commercial status quo. Hence any challenge to their power was a challenge to democracy.

Broadcasting offers the best hope for those who wish to see the public airways committed to democratic media and reasonable opportunities for dissent. All Supreme Court decisions have affirmed the right of the government to regulate broadcasting in a manner that would be judged unconstitutional with the print media.

In the last 1920s and early 1930s, however, the government turned over the best parts of the broadcast spectrum to a handful of private commercial operators. There was no public or congressional debate on the matter. In the 1930s the ACLU was so alarmed by the explicit and implicit censorship in corporate and

advertiser control of radio—especially against labor and the left—that it argued that the very system of commercial broadcasting was a violation of the First Amendment. For most of the 1930s the ACLU worked to have the government establish a nonprofit and noncommercial radio system that would foster more coverage of social issues and public affairs and greater opportunities for dissent. The ACLU backed off from this position when it became clear that the corporate power was entrenched and unchallengeable. After abandoning its commitment to structural reform, the ACLU went from being a proponent of regulation of commercial broadcasters in the public interest to being a defender of the commercial system without government interference. Finally, in the 1970s, the courts began to include corporate activities under the First Amendment, thereby eliminating or further weakening government regulation on behalf of an even playing field in the public airways.

Even political advertising is lame and devoid of fundamental dissent. It is commercialized political speech, indistinguishable from product advertising. Hence the content of political advertising generates apathy, cynicism, and mistrust, thereby reinforcing the depoliticizing aspects of the broader political culture.

It would be comforting to think that we could depend on the Supreme Court to reverse this situation. But members of the Court were placed in office by the politicians who benefit from the status quo. The task for advocates of the right and value of vigorous dissent is to make it a key component of a social movement that links electoral reform with media reform. One such movement is the Cultural Environment Movement, founded in 1996, and dedicated to diversity in media ownership, employment, and representation.