

ORIGINAL ARTICLE

Vernacular Policymaking and the Cultural Turn in Media Policy Studies

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Borrowing concepts from cultural studies, legal pluralism, interpretative policy analysis, and other areas, the author argues for an expanded media policy analysis that also considers unofficial, bottom-up, and “vernacular” media policy: the kinds of media policies that are formulated and enforced in a range of settings and by differently empowered policymakers, from parents restricting the media consumption of children to Internet pranksters regulating behavior online. Although this essay remains an initial conceptual statement, with research on particular case studies yet to be done, I argue that a better appreciation of the diverse sites and modes of media policymaking and their relationship to the official policy sphere will deepen our understanding of media policy.

doi:10.1111/cccr.12034

In *Power Plays Power Works*, John Fiske (1993) tells an interesting story about the men he talked with at a homeless shelter in Madison, Wisconsin. The shelter, like probably many others in the United States, banned pornography in the building and instead provided other, more “appropriate” reading material for the men under its supervision, such as general-interest *Life* magazine. So the men in the shelter would sneak in pornographic magazines like *Hustler* and hide them between the pages of *Life* in order to circumvent the pornography ban. Problem solved.

In relating this simple tale of mundane power and resistance, Fiske was not discussing media and cultural policy particularly, but the anecdote nonetheless provides a good entry into an exploration of the different levels, registers, and directionalities of media regulation. At the uppermost level is the First Amendment’s constitutional guarantee of free speech, the bedrock media policy from which all media and cultural regulation in the United States supposedly flows. But at a second level of policymaking, those free speech rights are tempered by the lack of First Amendment protection for “obscenity,” a form of expression determined by the Supreme Court to be without social value: media regulation by way of federal case law. This in turn introduces a third policy level, which in the above

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example is the community of Madison, since what counts as obscenity in the United States—and thus which speech enjoys protection—is nominally determined by local “contemporary community standards” on a case-by-case basis.

So far, so good: In media policy studies, we are good at analyzing these upper levels of policymaking. These are the workings of the “official policy sphere” of Congress, the Federal Communications Commission (FCC), the courts, the states, media corporations, and perhaps certain legitimated practitioners and citizens’ activist groups. Indeed, if you say that you study media policy, certain topics and sites are automatically inferred, for example, international broadcast treaties, spectrum allocation, ownership caps, licensing requirements, content restrictions, and other procedures and activities of the official policy sphere.

But returning to Fiske’s example, we can identify further levels of policymaking at work here, and the policymakers in question are not the state-sanctioned players of the official policy sphere whom we ordinarily think of. The volunteers working at the homeless shelter, for instance, are also regulating media when they enforce the ban on pornography: Although they presumably imagine themselves to be in the charity business, not the media policymaking business, they are in fact implementing a highly localized media policy, one that is relatively independent of—and in some ways in tension with—the official policies of the state. But such low-level, unofficial, quotidian policies are usually ignored in the field of media policy studies; their absence in the scholarly literature replicates and reinforces a common-sense, top-down, state-centric idea of what constitutes “policy.” In other words, we recognize that the First Amendment is a media policy, but we rarely think about a ban on *Hustler* at a local homeless shelter as being media policy as well.

Furthermore, just as not all media policy is official, not all media policy is top-down, suggesting yet another level of policy operating here that *really* does not get talked much about in policy studies: bottom-up resistance as policy. If banning porn is a media policy by which the shelter seeks to exercise its power over the homeless, then allowing porn (by sneaking *Hustler* into the pages of *Life*) is a media policy by which the homeless exercise their power over the shelter, their resistance found here in the limits and interstices of their supervisors’ capacity for effective surveillance. Put another way, if we take as a rough definition of media policy a plan of action, derived from a set of values and priorities and backed by some form of power, that regulates the production and/or consumption of culture, then we need to consider the ways that these homeless men were implementing policy too: Their own values and priorities determined their consumption of *Hustler* to be legitimate and appropriate, and they used the resistant capacities available to them to enforce that policy against the shelter.

In this essay, I begin to sketch out an approach to unofficial and bottom-up media and cultural policy, arguing that policy analysis can benefit from looking beyond traditional understandings of policy in order to consider the world of “vernacular policy”: the vast range of unofficial sites at which media regulation occurs and the multiple levels, directions, and modes of policy production and enforcement that

operate beyond the contours of the official policy sphere. My shorthand for this perspective is that the parents' dictum, "No TV before your homework is done," is also a media policy; although such vernacular policies are usually considered beneath notice, the field of media policy studies can benefit by more rigorously incorporating them into our understanding of the media system as a whole. Although still in the preliminary stages of theorization at this point (and part of a larger work to follow that will include case studies of a range of sites of vernacular policymaking), the perspective outlined here seeks to call greater attention to the ways that unofficial media policies are formulated and enacted every day—in homes, schools, theaters, prisons, hospitals, stores, public spaces, and more. I also seek to better understand how these unofficial policies respond to and help shape official policy: Far from a simple top-down process of implementation, media regulation is a relational and dynamic process in which policies get translated, modified, resisted, or evaded, and these expressions of bottom-up agency in turn feed back into the official policy sphere. Attending to vernacular policy in addition to official policy, I argue, will broaden our understanding of how the regulation of cultural production and consumption actually occurs in everyday life.

To forestall possible misunderstanding, I do not claim to have "discovered" vernacular policy, though I have been surprised at how little scholarly attention is paid to media regulation outside the official policy sphere. In that sense, the idea of vernacular policy is not especially new, but the specific realm of media policy studies has been slow to catch on. Nor do I think that we should all start studying vernacular policy and give up on what is generally regarded as "policy-relevant research," although I do think that there is much wishful thinking among media scholars regarding academia's ability to get a meaningful hearing for critical policy perspectives in the official policy sphere (a point also made in Streeter, 1996). Instead, I simply claim that media policy studies would benefit from a more vigorous cultural turn to the politics of everyday life, broadening and deepening our analyses to include more moments of vernacular policymaking and their role in the overall regulation of media and culture. In short, we are already pretty good at analyzing the official policy sphere, but while continuing to do that and leveraging our insights where possible for progressive change, we should also be thinking more about resistance, localizing power, and bottom-up policymaking as part of the set of processes by and through which the media system gets shaped.

A rich literature in other fields indicates the potential rewards of such a shift. For example, the area of interpretative policy analysis (IPA) has emphasized cultural perspectives on policy questions, breaking out of technocratic or social scientific approaches in order to understand the cultural and social workings of policy questions (see, e.g., Healy, 1986; Torgerson, 1986; Yanow, 2000). Unfortunately, IPA as a field has been slow to turn its attention to media policy specifically. Another avenue, given the close connections between law and policy as discursive realms, is provided by the field of legal pluralism, whose essential insight that "law" occurs at

different levels and in both formal and informal ways would immeasurably benefit the area of media policy analysis (e.g., Moore, 1978; Tamanaha, 2008).

With this in mind, I will briefly sketch out the problems that I see in the traditional approach to media policy analysis, with its overly narrow focus on the official policy sphere. Then I will sketch out a notion of vernacular media policy and provide some brief examples of how it might help us better understand media regulation in future research.

The problem of the official policy sphere

It is unsurprising, given the self-evident importance of actors like the FCC, that the activities of the official policy sphere are usually treated as “policy” full stop. Unfortunately, such a view is not merely incomplete, but in some ways complicit in the operations of policymaking power itself, since a key part of how top-down policy control and discipline are exercised is by discursively delimiting the policy field to empower certain social actors (the “policymakers”) as a privileged class. “Policy,” in this sense, is best approached not as what Norman Fairclough (1989) calls a “discourse type” (as “conversation” or “public address” or “interview” might be discourse types—different conventions that guide the practice of speaking) but instead as what he, borrowing from Foucault, refers to as “an order of discourse.” An “order of discourse” for Fairclough is a cluster of discursive conventions particular to a social institution that works to structure social space; they are thus closely connected to power, hierarchy, and ideology (pp. 29–30). In other words, policy is not the product of policymaking institutions but rather an order of discourse structuring what can and cannot be said as well as who has the power to speak; as Fairclough put it, “[C]ontrol over orders of discourse by institutional and societal power-holders is one factor in the maintenance of their power” (p. 37).

From this perspective, to define a particular rule, plan, or perspective as belonging to the realm of “policy” is itself an assertion of authority, of the privilege to structure social space by validating some regulatory knowledges and practices while ruling others irrelevant, out of bounds, or criminal. For example, through the common sense that copyright is a “policy” but file-sharing is a “crime,” the official policy sphere reinforces a system of knowledge that sees the unrestricted duplication of nonrival cultural goods not as the expression of a competing media policy but rather as the “problem” to which (real, official) “policy” must respond. Similarly, official policy imagines itself to be about the orderly regulation of society and the judicious arrangement of legitimate interests, but that perception again requires circumscribing the scope of what counts as orderly regulation, as a legitimate interest, and so on. The official policy sphere cannot recognize, say, unlicensed broadcasters as merely enacting an alternative spectrum policy, in part because that would be granting legitimacy to interests within a system that gains its effectiveness—indeed its very existence—from withholding such legitimacy. In typical state-centric fashion, “policy” is that which is produced by “policymakers,” and thus, in order to protect

that status, unlicensed broadcasters must become “pirates,” that is, criminals. As an illustration of how jealously the official policy sphere guards its privilege, former “pirate radio” operators were barred from receiving low-power FM licenses and thus entry into the legitimized realm of the media policy apparatus. The legal, social, and discursive power here is to the ability to say “We’re the policymakers; you’re not.”¹

So far it might sound like I’m merely objecting to the labels we use, getting caught up on specific terms like “policy,” “policymaker,” and the like. However, the adoption of these terms—and the limited understandings of cultural regulation that inform them—reproduces problematic discursive technologies of legitimation and encourages a misleading top-down perspective on how policy actually works. We can clearly see this misleading perspective in the continuing force of metaphors of “implementation” in policymaking. Suggesting a rather clean and unproblematic process, “implementation” operates as a privileged term in both the literature of policy analysis and the institutional structures that influence public policy discourse (e.g. the Institute for the Study of Public Policy Implementation at American University). Again, the terminology per se is not the issue; it is the top-down perspective that the terminology encourages and justifies, as seen in the definition offered by one study: “Implementation is the carrying out of a basic policy decision . . . [and] the *compliance of target groups* with those decisions” (Mazmanian & Sabatier, 1989, pp. 20–21, emphasis added). Metaphors of policy implementation usually situate legal authorities as the primary source of agency and control, characterizing policy as primarily something officials do and measuring successful implementation by those authorities’ ability to impose their will: “Policy implementation is what develops between the establishment of an apparent intention on the part of government to do something, or to stop doing something, and the ultimate impact in the world of action” (O’Toole, 2000, p. 266).

While even the most traditional media policy analysts recognize that turning policy statements into practices and behaviors is usually a messy process, only recently have some scholars begun to argue that a better metaphor than “implementation” is needed; as one study put it, “[P]olicy implementation has too often been practiced as a top-down or governing-elite phenomenon . . . [I]ts study and practice would be much better served were its practitioners to adopt a more participatory, more directly democratic orientation” (deLeon & deLeon, 2002, p. 467). But even this formulation, still relying on a framework of liberal-democratic politics, cannot adequately situate policy within the politics of everyday life, where state-authorized media strategies encounter the messy and unpredictable tactics of resistance, evasion, revision, and appropriation.

With that in mind, I argue that the orders of discourse of official policy formation and media regulation are simply one (albeit especially powerful) way of knowing media, in competition with other orders of discourse and other media knowledges, many of which are antithetical to the interests of the state and corporate media structures. Official policymaking seeks to contain these alternative ways of knowing media in part by withholding from them the legitimacy of “policy.” Policy, then,

is best understood as a particular way of making governmental claims of authority, neutrality, and publicness, the very category itself constructing state privilege by articulating particular kinds of media knowledges to legitimated forms of authority. Viewed another way, experts do not produce policy discourse in any straightforward way; instead, the discourse of policy produces certain kinds of expertise (and experts) that affirm certain kinds of privilege. What counts as policy and who counts as policymakers become integral to policy enforcement processes themselves by producing and reaffirming policymakers' own legitimacy, expertise, and authority.

Crucially, the system of knowledge within the academy called media policy studies, when it limits the study of media and cultural policy to the official policy sphere, to "useful" knowledge, to "policy-relevant" critique, helps reify the power of a policy discourse that, ironically, often withholds legitimacy from academic policy analysis as well (see Streeter, 1996). In overly privileging official policy in its scholarship, media policy studies recall Foucault's line, "In political thought and analysis, we still have not cut off the head of the king." A cultural turn in media policy analysis should help address the shortcomings of this limited view of power and agency.

An analogy to mapping should help illustrate this point. For example, Kimberly Powell and her students, studying cartography in a section of Panama City, ran into "a classic problem with traditional, aerial-view maps: that most people, when presented with such maps, do not recognize their otherwise familiar landscapes in these bird's-eye views of measured, scaled places . . . [They have] subjective, geopsychological representations of place." In other words,

Local knowledge and resident mappings of the neighborhood . . . express a different type of mapping literacy and sense of place . . . Some of the intriguing aspects of cognitive mapping include the ways in which people represent space and place through multiple perspectives . . . and spatial configurations that highlight subjective experiences with proximity and important places rather than a cartographer's accurate measurements. (Powell, 2010, p. 543)

It is not that the residents of Panama City do not have ways of imagining space, but rather that such cognitive mapping—let's call it "vernacular mapping"—represents a delegitimated but nonetheless effective cartography; vernacular maps may not enjoy the status or authority of official maps of the city, but recognizing them helps us better understand sociospatial relationships. Furthermore, official and vernacular maps are dialectically engaged with each other: The official policymakers of Panama City must to some extent account for or respond to the ways that space is imagined from the bottom up, just as the residents must contend with the consequences of official productions of space.

Similarly, official media policy is one way of knowing and controlling media, but this official view neither determines nor excludes other, unofficial ways of knowing and controlling media, nor does official policymaking power even begin to exhaust the scope and variety of authority and power that shape the regulation of the production and consumption of media. Therefore, to complete the picture, we need

to also appreciate these vernacular policies and their relationship to official policy, a de Certeau-ian move, so to speak, to reimagine and apprehend the play of media policy production and negotiation in everyday life.

Top-down and bottom-up policy

One way to attempt a fuller understanding of the dynamics of media policy in everyday life is to apply the insights of cultural studies and poststructuralist discourse analysis to the relations between the top-down application of power and bottom-up resistance or agency in the context of media regulation.

In the realm of media policy studies, a range of theoretical approaches understand power and resistance in different ways. Broadly speaking, free-market figures on the right, such as Thomas Krattenmaker, Thomas Hazlett, and Lucas Powe, tend to privilege market-based competitive policies, a perspective that relies on a theory of significant bottom-up consumer agency even as it often remains willfully blind to the pathologies of corporate power (and resultantly, in my view, overly hostile to state power and regulation). Questions of social and cultural power rarely enter their analyses; fetishizing market relations and the power of consumer choice, their approach provides a limited lens through which to understand nonmarket resistance (except within the narrow terms of the violation of property rights). Political economists on the left, meanwhile, tend to fixate on the top-down might of media conglomerates and the regulatory capture of official policymakers; theirs is a perspective that tends to undervalue bottom-up agency. As Henry Jenkins has rightly pointed out, the intellectual and social coalition led by political economist Robert McChesney, whatever its political successes under the banner of media reform, “rests on melodramatic discourse about victimization and vulnerability, seduction and manipulation, ‘propaganda machines’ and ‘weapons of mass deception’” (Jenkins, 2005). In this perspective, resistance and agency only really matter when expressed collectively and through the channels of issue-oriented politics; it is an approach that is often openly hostile to cultural studies work.

A third broad approach to media policy, critical cultural policy studies, is the most interesting for the present study, drawing on the work of Michel Foucault in order to better understand policy within a relational field of power. Led by Australian cultural studies scholars including Tony Bennett and Ian Hunter, this approach captures the ways that the instrumental regulation of culture helps maintain social control and produce governable or “well-tempered” citizens (Packer, 2003). Media policy, in this view, supports existing social relations by making citizens knowable and, ultimately, manageable through the regulation of conduct itself. The potential problem here, as Lawrence Grossberg has pointed out, is that this approach risks privileging the Foucauldian concept of governmentality to the point of advancing a kind of all-purpose “ur-concept of micropolitics” in which anything and everything is seen as regulating the conduct of conduct—not necessarily “top-down” because

of Foucault's particular understanding of the workings of power, but relentlessly disciplinary (quoted in Packer, 2003). Often forgotten in this body of work is Foucault's "particular and peculiar sense of agency" in which people contribute to the creation of a discourse that no one individual or group controls (O'Regan, 1993; Packer, 2003). How do we explore the insights of Foucault, the theorist of governmentality, without losing sight of what Tom O'Regan calls "Foucault the libertarian"?

Here the work of cultural studies theorists like John Fiske can help. Fiske, better than most, was able to hold these two dimensions of Foucault in tension. For example, in *Power Plays* Fiske develops the notion of "imperializing power" and "localizing power," a useful framework for thinking through different kinds and directionalities of power, resistance, governmentality, and agency. Imperializing power seeks to extend its reach as far as possible over physical reality, society, and consciousness; it is importantly both discursive power and the application of technologies of governmentality. Localizing power, in contrast, is about controlling immediate social conditions of everyday life including the *interior* (e.g., social and individual identity), the *sociopolitical* (within a social order), the *physical*, and the *temporal*. What is most productive about Fiske's theory is that imperializing power is not necessarily top-down or "official": Power for Fiske is defined by what it *does*, not what it is. When applied to questions of media policy, then, Fiske encourages us to think not about top-down policy or bottom-up resistance so much as the offensive and defensive applications of power in wars of position over the regulation of culture. Furthermore, the tactics and strategies of localizing and imperializing power are coconstitutive and mutually reactive, meaning that Fiske gives us a productive vocabulary for understanding policy as relational. Media policy is not just top-down regulation by officials, but top-down regulatory strategies responding to bottom-up tactics and vice-versa.

If we apply Fiske's ideas to the notion of vernacular policy, we can see more clearly how a zealous insistence on a limited scope for legitimate "policy" is part of the operation of imperializing power by the official policy sphere, yet it can never fully erase the localizing power of vernacular policymakers operating at the gaps and interstices of official policy. An example from a small corner of the digital transition can illustrate these relational dimensions between official policy and vernacular policy, between imperializing policy power and localizing policy power. During the digital television transition in the United States in the mid-2000s, the FCC issued two \$40 coupons per household that consumers could use to purchase digital converter boxes at their local store. The idea was to assist the public in keeping their older analog tuners in operation. But some consumers who already had televisions equipped with digital tuners realized that they could get the coupons, go down to Best Buy, buy two converter boxes that they didn't actually need, then return them the next day for \$80 worth of store credit toward something they actually wanted. This forced the FCC to specify that converters purchased using FCC coupons could not be returned for store credit, but the success of that policy in turn depended wholly on store personnel knowing and, more importantly, caring about it. The back and forth between the official and vernacular media policies led to imperializing and localizing struggles

not just between the government and the public, but between the government and retailers, the public and retailers, store managers and clerks, clerks and consumers, and so on. In other words, focusing just on the official “Coupons for Converters” policy misses the dynamic and relational nature of how that official policy was translated and lived at different levels by a range of vernacular policymakers.

Another example involves web-based pranks and harassment. Media historians will remember the 1910s tropes about “little boys in short pants” pranking the nation via wireless: brats who supposedly redirected ship traffic, sent rude messages, and generally turned the promising new medium into a juvenile and even dangerous schoolyard. These radio brats became an easy target of early radio policy; federal licensing is, in the first instance, about making wireless operators knowable (and thus accountable) to authorities. This fit what we can now recognize as the pattern in official media regulation at all times and in all places: Step 1, Reduce Anonymity.

Today’s best equivalent of the little boys in short pants are the “cyberbullies” of 4chan and Anonymous. 4chan/b/ is an online bulletin board to which anonymous users can post photos (often pornographic, gruesome, or simply funny), trade barbs, make immature jokes, or just hang out; *The New York Times* wrote, “Measured in terms of depravity, insularity and traffic-driven turnover, the culture of /b/ has little precedent. /b/ reads like the inside of a high-school bathroom stall, or an obscene telephone party line” (Schwartz, 2008). Despite this “depravity,” many of the most famous cultural memes of the early 21st century originated on 4chan, including LOLcats, Rickrolling, and the popularization of the Guy Fawkes mask from the film *V for Vendetta*. Importantly, users can also engage in sustained dialog and planning, and 4chan was the most important originary site for Anonymous, an amorphous collective force in whose name several highly policy-relevant actions have been taken. Anthropologist Gabriella Coleman (2012) has sought to understand 4chan and Anonymous in terms of the “trickster,” the archetype of the disorderly rule-breaker common in mythology. In “good trickster” mode, 4chan has engaged in humorous pranks like rigging a vote to send teen pop sensation Justin Bieber to North Korea. In “bad trickster” mode, they occasionally unleash the full Loki on harmless individuals, as when 4chan rained ever-escalating torment down on Jessi Slaughter, a puckish (and already troubled) 11-year-old girl whose only crime was posting unguarded videos to YouTube.

While there is much to say about 4chan and Anonymous (and fortunately several excellent studies are emerging), what interests me here is Anonymous as both vernacular policymakers *and* targets of official policy. As vernacular policymakers, the “brats” of 4chan and Anonymous articulate clear stances on media policy, such as when Anonymous issued a press statement objecting to the Stop Online Piracy Act, but importantly this stance on media policy is also discernable in cases like the Jessi Slaughter pile-on. The “cyberbullying” of Slaughter is, from a traditional perspective, the opposite of policymaking—it is a problem, and in that sense, 4channers shape regulation dialectically by symbolizing problems for top-down policy to solve. Like pirate broadcasters or copyright infringers, their activities become the impetus or

excuse for the extension of statist and corporate-liberal control of media spaces. From a cultural perspective, however, the 4channers are forming and enacting bottom-up and informal media policies themselves, which becomes most visible in the voluble online discussion about the legitimacy of anonymous speech on the web and the proper role of parental versus governmental authority in monitoring children's Internet usage. We can even see ways in which 4channers and Anonymous police the Internet far more vigorously than the FCC or the actual police, using their self-assumed authority to regulate a range of behaviors and media usages, whether through denial-of-service attacks, privacy breaches, or simple ridicule and harassment.

The above examples are admittedly anecdotal and nonsystematic; as mentioned above, this essay is written as a kind of conceptual preface to a larger study that will include site-specific qualitative analysis of vernacular policy at work in schools, prisons, and other sites. Nonetheless, they begin to suggest some of the different registers through which vernacular policy can occur. Therefore, while the ethnographic work remains to be done, I will hypothesize five such registers here: the *translational*, *informal*, *dialogic*, *resistant*, and *ludic*:

- Translational media policy comes closest to being recognizable as policy in the traditional sense and refers to those moments when citizens are expected to produce or implement official media policy while acting *as* citizens. In other words, the vernacular status of the citizen-regulators is part of the point of the official policy, helping to grant it authority and legitimacy. An example that I have previously researched is local cable boards: The FCC established broad guidelines and rules for the regulation of cable television systems, but it was up to citizen boards to “translate” those federal provisions into workable policies in the local context (Kirkpatrick, 2012).
- Informal media policy refers to regulation produced through unofficial, usually local power relations as conferred through property rights or other systems of dominance and subordination. Both the homeless shelter's ban on pornography and the parent's ban on television before homework would count as informal media policy.
- Dialogic media policy attempts to capture the ways that differently situated policy players at different levels react to each other through policy decisions moving up and down competing hierarchies of power. The Coupons for Converters example above can be seen as largely dialogic, revealing the failure of the implementation metaphor as a way to understand policy in everyday life.
- Resistant media policy refers to the exercise of localizing power over media policy within larger imperializing policy structures. From the perspective of traditional policy analysis and, of course, official policymakers, resistant media policy merely looks like noncompliance, criminality, or policy failure: These are the pirates, scofflaws, and cheats, the unlicensed broadcasters, the homeless men sneaking *Hustler* into the shelter. From the perspective of vernacular policy, however,

resistant media policy represents alternative ways of knowing and using media and thus reveals how the politics of marginalization and disempowerment shape the production and consumption of culture.

- Ludic media policy refers to the desire to treat media regulation as a game, as sport. Anonymous and 4chan are relevant here as well; their activities exploit the collaborative and ludic affordances of new media and borrow heavily from the world of massive multiplayer role-playing games. Additionally, in their emphasis on “the lulz,” that is, for the laughs or the simple pleasure of doing so, Anonymous and 4chan treat policymaking itself as a game in ways that call attention to the (often undeserved) privilege of “experts” in the official policy sphere. In other words, participants in Anonymous do not appear to consider themselves subject to many of the received limits on legitimated citizen policy activism, nor beholden to state-authorized understandings of policy issues and the neoliberal ideologies with which they are framed: The game of antagonizing the official policy sphere is, simultaneously, also a rejection of the polite rules of signing petitions and writing your representative that ultimately serve to contain and disempower citizen voices. Along the way, spokespeople for Anonymous have articulated a forceful and coherent policy agenda in favor of Internet freedom and other political positions.

Although analytically useful, it is clear that the various registers of vernacular policy frequently overlap, and given the complexities of policy it is fair to say that we should often be able to identify policy operating in multiple registers in any given case. Consider, for example, local school media policies regulating things like cell phone use in schools, the filtering of Internet content in school computers, and even, increasingly, the online activities of students and faculty away from school. The federal government issues certain policies like the Children’s Internet Protection Act, which makes federal funds to school libraries contingent on schools installing filtering software; this is classic top-down imperializing media policy from the official policy sphere of the kind we already grasp. But the actual decisions about what to filter devolves to local school boards, who are expected to act as *translational* media policymakers, turning federal guidelines into local policies that are responsive to parents, teachers, administrators, students, budget constraints, and so on. At the same time, the school boards are receiving advice and pressure from national professional associations, paid consultants, the national media, and so forth. Under such circumstances, only an appreciation of *dialogic* media policy can help make sense of the actual policies that prevail in any given district.

But even that dialogic perspective is insufficient, since the actually enforceable policy differs greatly from the formal statement. Principals and parents can act as *informal* media policymakers as they struggle over how internet usage will be organized and monitored. The teacher who quietly bookmarks a site on, say, birth control that made it through the filters is both an *informal* and *resistant* policymaker and of course students themselves (who, one principal assured me, usually find

ways around the filters) can be expected to be *resistant* producers of their own media policies. The result is that these vernacular policymakers end up producing different policies as they are actually lived than official policymakers desired or envisioned. The librarian who turns a blind eye to circumvention, or, alternatively, the principal who for religious or political reasons implements stricter policies of censorship in her particular school, demonstrates the power of informal and resistant vernacular policymaking to profoundly affect the regulation of culture in unpredictable ways.

One especially important objection to any concept of bottom-up or vernacular policy is the concern that it turns everything into “policy,” thereby losing sight of that which makes state policy (and the official policy sphere more generally) distinctive. This is also an issue that the area of legal pluralism has wrestled with: by recognizing a multiplicity of laws, jurisdictions, and regulatory arrangements (both formal and informal, including norms and customs), legal pluralism risks expanding our definition of law beyond its usefulness, a “conception of law . . . so broad that it [is] virtually indistinguishable from the study of the obligatory aspect of all social relationships” (Tamanaha, 2008).

Applied to the issue of media policy, one possible response to this objection is that “policy” as a category, for reasons discussed above, deserves only as much exclusive association with the official policy sphere as the institutions and actors in that sphere are able to extend effective imperializing regulatory power throughout society. We need to understand the unofficial and vernacular policymaking at work in those sites where official policy meets resistance, localizing power, alternative registers of authority, and other limits. This vernacular policymaking that functions in dialog with, in opposition to, or beyond the limits of official policy remains poorly analyzed and understood, so without attempting to settle the question at this point, I suggest that an expansion of our notion of media policy represents a productive and necessary move even if “policy” itself becomes a more slippery category in the process. Here Brian Tamanaha’s (2008, p. 410) caution to scholars of legal pluralism also applies to scholars of media policy: “One must avoid falling into either of two opposite errors: the first error is to think that state law matters above all else . . . ; the second error is to think that other legal or normative systems are parallel to state law.” Understanding the peculiar and privileged realm of official media policy would be enhanced and expanded, not diluted and contracted, through a better understanding of the co-constitutive realms of subordinated and often disempowered realms of vernacular media policy.

Conclusion

In this brief article, I have tried to suggest the potential fruitfulness of a turn to the popular and the vernacular within a cultural approach to media and cultural policy studies. Such a perspective enables us to broaden our understanding of media policy in order to see it not solely as a privileged sphere for political and economic

elites but as moderately coherent strategies and techniques of imperializing power diffused throughout society, functioning within and taking their meaning from co-constitutive relationships with tactics of localizing power. It helps us avoid the mistake that many media policy scholars and the media reform movement make, which is that the only useful knowledges are the knowledges that are useful to the official policy sphere. It also reminds us that resistance, play, and the maintenance of counter-knowledges are important for understanding the workings of culture and the potential for progressive social change.

Note

- 1 The role of public input into the policy process is another excellent example: citizens, who are discursively constructed as stakeholders in policy rather than as policymakers themselves, are usually rather easily confined to relatively ineffectual roles as commenters and complainers—the beneficiaries rather than the creators of policy.

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