Analysis of US communication policy has largely been focalized by liberal mass-communication perspectives, and then to a lesser extent by critical political-economic perspectives. Setting these perspectives up as straw men, this position paper imagines a more prominent place for Foucauldian cultural policy studies, as a way to put more "culture" into US communication policy studies. When liberal and critical perspectives presume in advance the nature of "the public interest" and "the corporate interest," they often evade certain questions of culture, in eliding the contingency of regulation and what's regulated. I don't want to say that this evasion necessarily represents a drawback in US communication policy studies, nor that it's made across the field. But cultural policy studies offers one way to engage the interest and importance of some of those neglected questions of culture.

Most importantly, cultural policy studies emphasizes the constitutive character of regulation. At the extreme, contemporary communication law and policy often gets narrated in terms of an adjudication among interests formed in advance—"the FCC's rebuke to Comcast was a victory for freedom on the internet." This kind of story goes a long way in making sense of media regulation (and it might go as far as we need), but there's also room to go further. Rather than approaching regulation first and foremost as the scene for adjudication between better and worse outcomes, we might explore it as a process of struggle among problematizations, among discourses that go to form their object. Network neutrality might be a good thing, but it's also a constructed thing, which lends to genealogical explanation; as Christian Sandvig puts it, "Network Neutrality is the New Common Carriage," and they're both more contingent and complicated than we sometimes allow. In particular, Foucault insists on the artificiality of "freedom," a key term in liberal and critical policy studies that often bears scrutiny—in policy arguments over network neutrality, "free culture," creative freedom, and so on. More broadly, pursuing these genealogies might position communication policy studies under the umbrella of something like cultural history. Whether focused on the distant or recent past, communication policy studies can tell interesting and important stories about the construction of television industry forms, television viewerships, television authorships, and so on (and again, I think that these stories are more interesting, if not more important, when they're not only stories of the achievement or frustration of freedom). I also want to add two methodological points here. First, this approach to communication policy puts a lot of documentary value on policy argument for its own sake, as formative discourse about the mass media. Congressional hearings, court cases, and administrative proceedings generate a vast archive of policy argument, which should be mined, if only because it's there. Second, while this account starts with regulatory objects or problems (like network neutrality, viewership, authorship), there's a lot to say about the regulatory apparatus as a set of technologies, whose own workings seem more complex, contingent, and "cultural" than allowed in liberal and critical models (like the FCC's Electronic Comment Filing System, the relationships between Commission procedures and advocacy groups like the Parents Television Council, various Congressional initiatives for FCC reform).

This brief account of cultural policy studies in US communication policy leaves a lot of loose ends. ¶ 1: Levels of regulation. Foucault's critique of the state undermines sharp distinctions between state and society, in ways that might expand how we conceive media regulation. I'm not sure how dead this horse is, but we might think not only, or even not first, in terms of state regulation, but also in terms of industry self-regulation, audience self-regulation, and the relationships among those levels. That might be easier said than done, and doing so might blur some of the boundaries of policy studies. ¶ 2: History: Cultural history makes a good metaphor for alternative approaches to communication policy studies, but policy history is another neglected part of the field toward which cultural policy studies might lead. ¶ 3. Engagement: Doing policy history, and appreciating policy argument for its own sake, might pull policy studies away from policy practice. In some ways, cultural policy studies makes a poor fit with US communication policy: Tony Bennett's call to talk with the ISAs works better when they want to talk with us. At the same time, a little distance from state policymaking might not hurt. At the very least, we might question any apparent imperative for our work to participate in policymaking. ¶ 4: Professional and scholarly models: A step away from the policy arena might be a step toward the autonomy and maturity of legal studies and public policy studies. Whether more or less Focuauldian, are these models for communication policy studies?