

The

Pirandello

effect

Kathe Boehringer

Policy-making characters in search of an author.

Taken by itself, the recently issued Final Report of the Broadband Services Expert Group (BSEG), established by the Government in December 1993 to examine the 'technical, economic and commercial preconditions for the widespread delivery of broadband services' — that is, interactive services involving visual images such as video on demand — 'to homes, business and schools in Australia', contains few policy surprises. But considered in the context of the flurry of government-commissioned committees, task forces, and projects inquiring into various aspects of the communications revolution said to be bearing down on us, the Report takes on a different colouration.

The Pirandello effect: policy making characters in search of an author

For the record, here is a perhaps non-exhaustive look at the Federal Government's recent policy making in respect of the new interactive communications made possible by the convergence of telecommunications, broadcasting and computing technologies.

At the moment, the Minister for Communication and the Arts has established the Review of Post 1997 Telecommunication Policy to make recommendations appropriate to the new competitive era which will commence at the expiration of the existing legislated duopoly after 30 June 1997. The Review will take account of the Hilmer Committee's proposed creation of a national regime regulating public as well as private corporations' competitive conduct, and will also take account of the recommendations contained in Australia's first comprehensive cultural policy statement, *Creative Nation*.

Currently on foot is an Inquiry into interactive multimedia standards, undertaken under the aegis of the Minister for Small Business, Customs and Construction, as well as the Senate Standing Committee on Industry, Science, Technology, Transport, Communications and Infrastructure, which has been holding public hearings on communications technology — broadly, issues of the availability and affordability of the 'information superhighway'.

In the past two years, the Australian Science and Technology Council, which reports to the Minister for Science within the Prime Minister's portfolio, has issued its findings on data research networks. The Copyright Convergence Group, established by the Minister for Justice in late 1993 to identify problems associated with the operation of the *Copyright Act 1968* arising out of new 'converging' communications environments, submitted its reform proposals in August 1994.

The Bulletin Boards Taskforce, established by the Minister for Communications and the Arts and the Attorney-General, has recently submitted its report on *Regulation of Computer Bulletin Board Systems*. The Senate Select Committee on Community Standards Relevant to the Supply of Services Using Electronic Technologies reported at the end of 1993. Additionally, the various (that is, Commonwealth,

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State and Territory) ministers responsible for censorship met in 1993 and 1994, and eventually agreed on a regulatory scheme in respect of computer games.¹

The Communications Futures Project, created within the Bureau of Transport and Communications Economics (itself part of the Ministry of Communications and the Arts) to conduct research into the implications of the introduction of new information services and communications technologies, issued a number of papers in 1994, many of which were used by BSEG in making its recommendations.

Policy making in the risk society

Far from inspiring confidence, policy making on this scale raises the spectre of policy incoherence. In these circumstances, asking whether the right hand knows what the left hand is doing fails to consider the possibility that the myriad fingers do not constitute a hand in the first place.

The even more worrying issue is whether all this policy activity merely clothes the government in an aura of authority, thereby masking the fact that *real* decision-making occurs elsewhere.

In modern 'risk societies',² dominated as they are by reliance on the techno-economic system to deliver the only thing that contemporary politicians seem to regard as valuable — that is, economic 'growth' — the crucial decisions that permanently and continuously drive social and economic change toward unknown objectives and consequences are not made by our elected representatives. Rather, they take place *outside* parliament, in the boardrooms of corporations and scientific and technological research establishments engaged in the business of innovation.

It is hardly surprising that the political elites of the now fading welfare state do not draw attention to the reality that fundamental social change decisions have migrated elsewhere. Yet what is surprising is, as the BSEG Interim and Final Reports illustrate, that political elite's remarkably cynical restatement of the mid-19th century consensus on 'progress' as though the intervening years had not produced widespread disbelief in that ideology.

The firm realisation that the social, economic, cultural, and ecological problems that attend techno-economic development cannot be conceptualised simply as 'side effects' but rather as the necessary, structured, outputs of those developmental processes leads inexorably to citizens' felt need that those processes be subjected to public scrutiny. This demand is not even recognised in the BSEG Report.

The BSEG Report: a contemporary restatement of the cultural consensus on 'progress'

Techno-boosterism

The BSEG Report displays that rosy techno-optimism usually heard from visiting entrepreneurs promoting their particular versions of the information superhighway: the brave new information world beckons, and so bidden, we must go.

The benefits for the clever country and the Creative Nation are portrayed in terms of inevitable social progress:

With such a platform [to support interactive services], we need no longer feel constrained by the 'tyranny of distance' — virtual communities of interest are being created across the world. But the scope for improved communications between people will be just as great closer to home . . . The communications platform

will support *education services*...Many new opportunities for learning will present themselves . . . communications platform will support improved *health services* and better delivery of *government services*. Improving health care delivery to rural and remote as well as metropolitan areas, the shortage of qualified and expert medical practitioners in some regions, and the export potential of new services will drive the demand for telemedicine. For government,....new communications services will ...[improve] the way it does business and . . . [enable] it to provide better services for people . . . The platform will also enhance *business relations* . . . Electronic commerce . . . will become increasingly important to the 'bottom line' of firms. [BSEG Final Report, p.4]

Also,

The Expert Group believes that new communications services will be fundamental to Australia's future. Communications industries themselves — whether producing equipment, content, or carrying services — are among the fastest growing industries, and are making a vital contribution to our exports. Even more importantly they are crucial to the competitiveness of virtually all other industries. Australia's future depends on its success as an information society. [BSEG Final Report, p.x]

This over-the-top techno-boosterism illustrates the first leg of the cultural consensus Beck identifies as underpinning the mid-19th century's ideology of progress: the harmonising formula that technical progress equals social progress.

Market management

Problems produced by the development of interactive communications technologies will be 'managed' by way of the market.

Because the early discourse of 'progress' presumed that the negative effects that accompanied techno-economic development were either one-off aberrations and/or fundamentally unforeseeable, the notion became established that *political* structuring of that development was neither necessary nor effective.

At first glance the BSEG Report appears to be forthright in admitting that a major social division could be created by the development of interactive communications technologies: that is, the emergence of two classes — the information poor and the information rich. But in the absence of any discussion in the Report of the host of other problems that will be produced — structural unemployment, deskilling, further erosion of parental authority, additional isolation and anomie, etc. — it may be fair to conclude that the discussion of this particular 'bad effect' does not reflect a recognition of the systemic nature of negativities.

The particular problem raised — information rich vs information poor — poses the only major policy choice recognised in the Report: which of two economic strategies ('technology push' or 'consumer pull') is the better mode of achieving infrastructure development. It should be noted that whichever strategy is chosen, the Report relies ultimately on the market, not politics, as the management mode.

The question posed is that if a 'technology push' infrastructure development strategy is adopted rather than the Report's preferred 'consumer pull' strategy, then social and economic divisions between information rich and information poor will be created. The Report recommends that infrastructure development occur by way of 'managed evolution'. And although this phrase inevitably conjures up the kind of sloganeering one sees on walls in command economies, thus giving the impression that political or social massaging of the brute force of the market is on the cards,

this is not the case. 'Managed evolution' turns out to mean, centrally, the choice of one *economic* theory over another as the fundamental structuring decision.

The essentially economic nature of 'managed evolution' can be seen in the Report's recommendations for direct, if limited, Federal Government expenditure to create the demand — the 'consumer pull' — that the Report envisages is the fundamental structuring method. The first concerns expenditure: it commits the Federal Government to provide broadband connections for schools, libraries, medical and community centres, initially to the Telstra and Optus broadband cable networks as they are rolled out for Pay TV, on a dollar-for-dollar basis with the States/Territories. The second concerns consumption: it recommends that the Federal Government become a 'leading edge user' of the new interactive services as they become available.

If, as Beck points out, earlier expressions of the ideology of progress sought to efface the negativities that accompanied past techno-economic development by dealing with them as mere 'side effects', the BSEG Report illustrates that contemporary expressions of the ideology must admit the inevitable and structured character of 'bad effects', if only to dissolve them again in the solvent of appropriate management by the market.

Non decision 'decision making'

Implementation of the Report's recommendations is through new Federal Government administrative bodies capable of 'brokering' deals amongst economically significant interests.

Even if it is argued that the choice of economic strategies discussed above is itself political, the Report's resolution mode fails to invoke even the formal mechanisms of parliamentary decision making.

Australia needs a strategy for dealing with the dilemma. A central element of that strategy should be a managed evolutionary approach, building on opportunities offered by existing services and infrastructure. The strategy must also be based on an environment in which the participants can be brought together in the public interest and policy developed in response to changing technologies and services. Coordination between all participants will be vital to ensuring that Australia is prepared for the future. [BSEG Final Report, p.ix]

Although this essentially corporatist mode of policy making is much favoured in Australia — e.g. the Accord — it has to be recognised that its peculiar 'politics' do not take place in any open forum, and are basically those of an executive 'deal' forged among the economically significant players and then presented for ratification by the majority party in Parliament as a *fait accompli*.

The Report's reliance on corporatism can be seen in its recommendation that the strategy for techno-economic development in our era not be widely debated amongst citizens, but be 'led' by an advisory and consultative council, the National Information Services Council which, under the chairmanship of the Prime Minister, would bring together 'industry, carriers, service providers, consumers and researchers'.

There is something more than a little 'ancient' in the picture painted here of god-titans battling overhead, while mortals quake in fright, awaiting their fate below.

References

1. The scheme is based on a National Classification Code to be administered by the Classification Board. The Board and Code will be created by the Classification (Publications, Films and Computer Games) legislation but will not operate until the States and Territories enacted complementary legislation.
2. Beck, U., *Risk Society: Towards a New Modernity*, Sage Publications, London, 1992.

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the law, although partly effective, is not necessarily the complete answer. Alternative means of improving the status of women should be looked at where law reform may not be appropriate. It may be that gradual social reform within the Muslim community is the only hope for Muslim women who need to become more effective participants in Muslim society and be made aware that while Islamic law and MPL endorse inequality, Islam and gender equality are not necessarily in conflict.

A review of the situation in a number of Muslim states supports the contention that the best option and solution to the application of MPL lies in codifying Islamic law and enacting a comprehensive Bill or 'uniform Muslim code' applicable to Muslims. The answer to the South African situation does not lie in adopting a secular uniform civil code. Not only will it be rejected by the Muslim community, but it has failed to really redress the plight of women in countries where it does exist. Much can be learnt from the Indian and Turkish experiences in this regard. The process of reform needs to be set in motion and addressed in line with the true *Qur'anic* spirit. It must take place in the context of an evolving South Africa where regard must be had to its peculiar circumstances.

The relationship between constitutional law and MPL must be very carefully considered. The Constitution cannot protect MPL if the necessary justification and legitimation

for it is lacking. Although there are arguments to the contrary, it is generally hoped that MPL, once in force, will be subject to and not exempt from the final South African Constitution in terms of the provisions of the Bill of Rights which made provision for its legitimacy in the first place. It is a foregone conclusion that the state has undertaken to guarantee freedom of religion and belief only in so far as it does not violate other fundamental rights of its citizens. Failure on the part of the newly established Muslim Personal Law Board to address and resolve the challenges facing it would result in upholding the *status quo* of MPL, namely, to continue to exist and function independently of the South African law. At the very least, it should enable Muslim women theoretically to exercise a choice in this regard.

In reality the vast majority of Muslim women are subjugated by men and male dominated *Ulama* bodies who continue to regulate their lives along the traditional interpretations of Islamic law. For these women there is no choice. Subjecting MPL to the Bill of Rights will guarantee that whatever the final outcome of a code of MPL will be, it will provide for equality between the sexes and simultaneously allow for the achievement of this goal to be left in the hands of Muslims. An opportunity exists in South Africa for the implementation of MPL to the advantage of women and it is the duty of the state to ensure this.