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Journal of Information Science 1990; 16; 113
DOI: 10.1177/016555159001600206

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Public service broadcasting and deregulatory pressures in Europe

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Received 30 May 1989

Revised 3 August 1989

Public policies on broadcasting which used to work within a regulatory environment have now to readjust their traditional way of regulating broadcasting and, concurrently, to accommodate the deregulation of their traditional broadcasting systems. This article attempts to describe and examine the concept of public service broadcasting, its justifications and the deregulatory trends on the European Continent.

Introduction

Broadcasting via telecommunications has been defined as a public service run by public entities which in turn are subject to public regulations. Traditionally, this model has been justified on political, economic, social and cultural grounds. The *de jure* monopoly status of public broadcasters was regarded as necessary in order to cope with the scarcity of radio frequencies, the fear that broadcasting could lead to the dissemination of subversive ideas, and to preserve free access to opinions rather than a free marketplace for advertisers. These political and economic rationales have been under revision basically due to the profound change which we observe in current broadcasting affairs.

In this article, the concept of public service broadcasting and its justifications are examined as well as the deregulatory pressures on the European Continent.

Public service and broadcasting

The development of broadcasting across the world has been marked by a common theme: whether examining such developments in North

America, Europe or Africa, one finds a general concern over its power and, consequently, covert efforts to "oversee" its general development and operations. Not surprisingly, this "oversight" varies according to individual political traditions, but the underlying intention is the common thread linking broadcasting history.

Regulatory activity has usually originated from various laws, been established to control the development of wireless telegraphy in the late 19th century. These laws were used as the basis on which the State could legally and legitimately extend its powers over radio initially, and later over television. Broadcasting systems have, therefore, always existed within a framework established by the State, with varying degrees of participation from private, profit-making, organizations. The broadcasting models that consequently developed in each state reflected individual political, economic and cultural considerations. Within Europe, broadcasting was considered as a public service (ps) and was either run by public bodies or, at least, was subject to government licensing, programming and organizational requirements [17]. For example, the Federal Republic of Germany (FRG)'s Constitutional Court has qualified broadcasting as a public service, the BBC's Royal Charter requires the Corporation to provide a similar service, France's broadcasters have to work under the principles of *service publique*. Dutch broadcasters under the provisions of the 1969 Act have to work within a similar framework, etc. As with radio, television organizations have usually been encouraged to pursue some notion of the "public interest." But how is that public interest defined? And how can it be pursued in the day-to-day operations of the broadcasting systems? It is the use of concepts associated with the ps such as "public interest," "information, education and entertainment" within specific organizational structures that cause significant differences of emphasis.

Another problem arises, however, when one tries to define public service broadcasting. Public service broadcasting (psb) is not a precise scien-

tific term, and any working definition would comprise a range of elements. According to the Broadcasting Research Unit [3], a psb would comprise the following elements: (1) universality; (2) broadcast programmes should be available to cater for all interests and tastes; (3) catering for minorities; (4) concern for "national identity and community"; (5) detachment from vested interests and government; (6) one broadcasting system to be directly funded by the corpus of the users; (7) competition in good programming rather than for numbers; and (8) guidelines to liberate programme makers and not to restrict them. This, at least, was the ideal. No public broadcaster would claim that it has always adhered to all the values which this concept embraces. Still, at this stage, it is difficult to imagine that all these qualities will disappear at once from our broadcasting philosophy because broadcasting is not "just another business" [9]. The tradition of psb has been strongest in Britain, heavily influenced by the Reithian idealism of the role of broadcasting, and the British understanding of the ps concept in those times. This idealism, however, has deliberately ignored the audience's preferences [11]. Yet, because broadcasting is closely related to the formation of public opinion and influences it, it has been subject to regulatory conditions as regards the content of programming.

In Europe, however, two models have been worked out under these preconditions: the duopoly and the integration models. In both models, psb bodies play an important role either due to consistent state intervention or to a high degree of self-regulation.

In the integration model, public service broadcasters (PSBs) enjoy a *de jure* monopoly whereas in the duopoly model there is a competitive environment that includes private broadcasters. The integration model is related to the previously organized telecommunications structure where they were seen as natural monopolies. From the very beginning, broadcasting was conceived as a telecommunications activity — not similar to newspapers and magazines — and regulated by the telecoms authorities in their respective countries. Switzerland, Austria and the FRG organized their systems according to this model. They justify it by using the argument that the establishment of a free marketplace of opinions can only be served by this broadcasting structure.

The integration model, therefore, does not rely on either journalistic or advertising competition but is based on "internal pluralism." The councils or committees which are directly or indirectly responsible for programming consist of representatives of various political, social and cultural groups in society. The main source of finance is the license fee, and restrictions are made on financing through paid advertisements in an attempt to safeguard the cultural functions and to protect the advertising market of the printed press.

Until the 1985 deregulation, French broadcasting was a leader of the integration model. However, the French model was associated with tight governmental control, centralization and a lack of market strength in broadcasting. French television had a "double personality" because, on the one hand, it had to be the "voice of France," a public service objectively presenting events, but in effect, it was seen as a means of propaganda serving government interests. French governments have always been involved in developing public utilities and industries directly affecting national life. It was inevitable that the broadcasting media would be brought under state control. This situation has created an attitude in which broadcasting affairs are closely associated with the politics of the day. Thus, the only conflict centred on the impartiality of the news output. This situation was, to a certain extent, related to the Jacobin centralist and statist traditions of French society. Consequently, every government has wanted either to impose or to influence the structure of French broadcasting. The recent changes in French broadcasting — deregulation of radio in 1986, two additional but private channels in 1985, privatization of TF1 in 1986 — simply demonstrate that the French broadcasting system has been largely dependent on partisan ends.

In Britain, we have the duopoly model, which means the coexistence of public and private broadcasters who compete for audience and programming rather than for the same source of revenue. Even though Britain has been the single representative of this model within Western Europe, she is going to abolish it. The duopoly's organizational structure indicates that some procedural mechanisms are essential to its function. The rationale is simple: since broadcasting is to remain a medium and a factor in the function of public opinion, rather than an instrument of commercial

advertising, some procedural safeguards of the range and variety of opinions are necessary. Thus, the British regulatory body of commercial television, the Independent Broadcasting Authority (IBA), supervises and licenses both programming and programme companies. A similar role was given to the *Haute Autorité* (HA) and then to its successor, the *Commission Nationale des Communications et des Libertés* (CNCL) to the latest *Conseil Supérieur de l'Audiovisuel*, in France, or the *Länder* in the FRG.

However, British broadcasters have been fortunate in being allowed to work out their own purpose and method. They did not have the problems faced by their French counterparts or even the blatant commercialization of the US TV stations. The British system is also characterized by heavy regulation, the "middle ground" representation, but also by a centralized general output, chronic financial problems and constant arguments concerning the extent of objectivity and impartiality over news output. Nevertheless, this broadcasting picture has been associated with minimalistic legislation, preferring indirect, somewhat "undercurrent" action. The latter involved pronounced secrecy, privacy, informality and exclusiveness. The concepts of autonomy and impartiality have been associated not only with the psb ethos, but also with "centrist" political and "neutral civil service" concepts that formulated the British tradition. The concept of independence has also been focused upon the freedom from government interference, a dream for French broadcasters until 1982.

Nevertheless, both the duopoly and integration models are undergoing a deregulatory change. The European television landscape, in general, is undergoing a fundamental change in its structure, towards the Italian model, where the public broadcaster (*Radio Televisione Italiana*, or *RAI*) competes with its commercial counterparts for both programming and some advertising revenue. Broadly speaking, these developments have largely been influenced by the US experience where, since 1981, both radio and television have been dramatically deregulated in that even minimum programme percentages, commercial time restrictions and programme log rules for commercial TV stations have been eliminated. But in the late 1980s, Italian policy makers are considering taking

measures to preserve the public service character of Italian broadcasting.

Public service: traditional justifications

Some of the justifications for the establishment of psb have been the following:

(a) *The monopoly concept* borrowed from economics, which states that: "A pure monopoly exists when there is one producer in the market. There are no direct competitors either in the popular or technical sense. However, the policies of a monopolist may be constrained by the indirect competition of all commodities for the consumers' dollar and of reasonably adequate substitute goods, and by the threat of competition if market entry is possible" [8].

In traditional market theory, monopolies are the undesirable results of competition between suppliers of goods or services. According to McQuail and his colleagues, the European broadcasting monopolies are the planned results of political decisions. When a sector of the economy has been monopolised by market forces, it is no longer subject to consumers' control. When monopolised by political decisions, it may be indirectly maintained or abolished by consumers acting as voters [14]. In Western Europe, the broadcasting systems have been adapted to quite different socio-economic and political conditions. They had to serve a number of political purposes and the means employed have not always been the same.

Nevertheless, the monopoly concept seems to have some common features. McQuail and his colleagues [14] also point out some of them: (1) monopoly rights have been restricted to transmission only, and do not cover the production or reception of the signal; (2) a broadcasting monopoly means that only one institution is allowed to broadcast from a given territory; (3) its basic financial form is the license fee, which implies that the initial way of thinking at least involved a "generic cohesion" between a monopoly of what was to be sent and of what was received; and (4) any broadcasting monopoly must have a geographical definition. Most European states established nationwide monopolies, with one institution serving the whole nation. Some of them have, subsequently, started regional broadcasting. This

is the original BBC model which was followed by other countries such as France, Italy and the Scandinavian states. Of course, there have been exceptions to this situation, and especially in countries with linguistic and cultural differences which made centralization difficult. Thus, in countries such as Belgium and Switzerland, each linguistic community enjoys its own broadcasting service. Furthermore, in the FRG the monopoly concept is also different. There, the *Länder* — monopolies which in turn have been “added up” to form a national television network — is responsible for broadcasting. This differentiation is, to a certain extent, dependent on different evaluations and interpretations of what actually constitutes a broadcasting monopoly. As noted above, broadcasting monopoly for some could mean a free market place for opinions which form a pluralistic society, for others it is the only safeguard for universally received balanced quality programming. The establishment of broadcasting monopolies throughout Western Europe is more than a “historical arrangement.”

(b) *The frequency rationale* has been used to justify not only the government’s regulation over broadcasting but also to exclude private broadcasters from the sector. The argument is that broadcasting is based on techniques using electromagnetic airwaves. The waves were first used for wireless telegraphy. Wired telegraph and telephone systems were usually organized in national monopolies, since electromagnetic communication of this kind could not work without traffic regulations. Therefore, broadcasting satisfied the requirements for “natural monopolies.” Incidentally, radio was to replace the telephone and telegraph but radio had a fundamental difference: its lack of secrecy. Thus, in 1918, the US Secretary for the Navy said that the profound conviction of every person in the USA and abroad was that radio was a natural monopoly. This view fitted well with the Navy’s desire to keep that control of radio which it had established during the war “for all time” on the grounds that much would be lost if radio operations were left to rival companies. The US experience of radio in the 1920s, when every spot on the frequency band was occupied, in some cases several times over, exhibited that without traffic regulations the whole communication process would collapse. The Europeans too learned their lessons from the US experience. The

UK was the first, the BBC being established in 1922; shortly afterwards, its model was adopted by other European countries such as Italy (1924), Sweden (1925), Ireland, Denmark and Finland (1926).

(c) *The international context*: for all countries the choice between broadcasting models was partly determined by the results of international conferences concerning the allocation and reallocation of frequencies, whereby the number of channels available for each country has been decided [14]. With a limited number of channels available, an impressive majority of the European countries reserved the channel(s) for a public institution/organization. The only exception to this was Luxembourg. The necessity for national and international coordination in the broadcasting domain draws our attention to the previously noted theoretical framework where the State as a broker with relative autonomy has the ability to act, by deciding to allocate, in the broadcasting case, limited resources. This is also due to the fact that without regulation broadcasting cannot function.

(d) *The variety of opinions rationale*: the model of the public broadcaster which enjoys monopolistic status has also been justified by another non-technical and normative rationale. The time-period also played an important role because it was argued that public control over broadcasting would lead to the dissemination of subversive ideas [7]. Excluding private and commercial broadcasters was regarded as a means of safeguarding the recipient for a variety of reasons [17]. This was also considered to be a prerequisite for protecting freedom of information. For example, the First Amendment of the US Constitution guarantees this normative goal. The same goal is expressed in another way in the Beveridge Committee’s report on independence of the BBC’s output.

Towards broadcasting deregulation

Despite these fears and concerns, the regulators’ view of the public good and interest was being challenged in the late 1970s. At first the challenge was restricted to the US but as the shock waves were felt, European broadcasting systems also came under pressure. There is no simple answer to the question of why broadcasting sys-

tems are being challenged. One source of critique was from the academic world which began to question the view that regulations were in the public interest. Whether the view that regulatory agencies were "captured" by business interests or the view that they distorted public desires or did not produce public benefits, and were additionally costly is of little direct importance in this present context. What matters is that the growing pressure for lessening regulatory activity infected all areas of life and began to represent a reversal of existing practice.

In Western Europe, broadcasting has been challenged from two opposite directions, the Radical Right and the Radical Left [7]. They represent a formidable, and possibly unstoppable, coalition [4]. They call for a wider range of opinions to be allowed media access for the presently repressed, mediated or merely ignored, and for democratic control over the broadcasting institutions. For some, the development as Hood [7] notes, of the new technologies and the possibility of a proliferation of channels appears to present an unproblematic opportunity to end the paternalism of the public service institutions.

According to the Radical Right, free market mechanisms must be adopted in broadcasting. In economic terms, they are required in order to fulfil two potentially conflicting functions: to produce as "efficiently" as possible in terms of resource cost, and to produce what consumers want. Accordingly, because the freedom to publish is not restricted by the State, we have a free press. This freedom ensures diversity and gives the consumer dominance over the press. Since publishers have to satisfy public demand, if they want to stay in business, they need to respond to what the people (the consumers) want. This free market approach supposedly renders the press accountable. If policy makers want to change the press structure, then they have to change people's ways of thinking. By imposing changes through State-run agencies, the State openly invites political censorship. The Radical Right has applied largely the same argument to broadcasting [4]. Broadcasting is over-regulated at the hands of the State. It is, therefore, necessary to have more channels and fewer controls, creating greater variety and consumer control through rigorous competition. It thus assumes that the market will provide appropriate means of public communication to sup-

port a democratic polity or that the market can ensure the necessary freedom from State control and coercion [10], and finally, use the new technologies as a weapon against regulatory state bodies.

On the other hand, the Radical Left looks at technology as a tool with societal dimensions. It criticizes the hegemonic nature of State power, and argues that the State cannot provide what society needs. Their answer is community-based radio and television that will serve their local community socially, culturally and politically. They provide change from vertical to horizontal communication, rejecting communication's culture. They largely base themselves upon Bertold Brecht's proclamations about radio in the 1930s, when he saw it as a potentially interactive medium. Garnham [10] notes that the Left has tended to fall back either on idealist foundations or free communications without organizational substance or material support.

In the case of the Radical Right, broadcasting plays less of a social role and more of an uninhibited part in market forces within an economy [7]. Moreover, the "natural monopoly" argument linked heavily to the deregulatory trend in telecommunications is increasingly less dominant than before. The new version has not yet clearly shown whether the concept of *ps* will also lose its strength. The State, on the other hand, is losing its control over the broadcasting media.

Nevertheless, optimism about the free market mechanism is not justifiable, especially in broadcasting. Economists like Lankaster [12] and Spence [16] note that a free market with no entry restriction often fails to satisfy the criteria of "efficiency" and "optimum diversity." This means that the market may fail to produce goods that contribute more social welfare than to the marginal social cost of their production, because it may not be profitable to do so. These functions tend to conflict when there are significant economies of scale in the production of some goods or when their production is characterized by intangible scarce resources with high opportunity costs.

Similarly, Barwise and Ehrenberg [1] argue that there is a difference between television and the press since the former cannot cope financially with programmes that are watched by only tens or hundreds of thousands. For Ehrenberg and Barwise, there are four factors against narrowcasting

television: (1) in contrast with the printed press, television programmes are very costly to make, at least, to the production standards to which all are now accustomed; (2) television is very cheap to view but only when its audience is measured in millions (in contrast, a book or magazine can be viable with sales of a few thousand); (3) a television channel requires large and regular sources of programme supply (some 50 to 100 hours a channel per week), and elaborate delivery systems; and (4) television is a very slow and inflexible medium for passing on information. Informative programmes must be basic and watchable to appeal to a large audience and cover their high production costs.

When one starts looking at the deregulatory movement backwards, the search goes beyond the 1970s [18]. In the UK, USA and France, deregulatory elements emerged in the early 1920s. After a long debate involving market failure, free market approaches were replaced by the public companies system.

In the USA, the Reagan Administration's faith in regulation by the "marketplace" has determined new conditions for the functioning of American television. For example, radio and TV stations have been freed from government-imposed limits on commercial time, from having to provide minimum amounts of news and public affairs programmes, and from having to provide educational programmes; also programming logs need not be kept for public inspection and annual financial reports are no longer required.

In Western Europe, on the other hand, PSBs have met financial problems since television has reached saturation level, and people do not so easily accept increases in license fees, as they do for gas or electricity. Moreover, the costs have increased too much due to expansion, i.e. by having two or more television channels. Additionally, the changing nature of Western society is the final element in the crisis of psb. The increase in leisure time, the explosion of leisure interests and the differentiation in moralities, tastes and expectations have contributed to the fragmentation of the old style mass audience [11]. Moreover, the traditional PSBs are restricted by their statutes, and have often found it difficult to respond to this cultural and moral pluralism [15].

On the other hand, the new channels (either terrestrial or satellite-to-cable) are in the majority supported by advertising. The dynamics of advertising have generally been proven to: (1) negatively influence the content of programmes, making them "non-controversial," "medium-brow" and "non-political" to create a "buying mood"; (2) create a homogeneity rather than a variety of opinions; (3) exclude minority positions; and (4) ultimately lead to an oligopolistic market situation which generates further homogeneity. This is a vision of an intensively market-oriented and individualistic society where ps institutions (including television) have little or no place. Italy, where the programming and quality of RAI's output have tended to move towards the lowest common denominator of public taste, is an example of this [15].

We are now at the uncertain crossroads of television's future. Current trends show us moving towards a "consumer-driven" market in broadcasting with a proliferation of both terrestrial and satellite-to-cable channels. This view has also been shared by the Delphi Inquiry, on behalf of the European Communities, which stated that privatization will have increased the number of TV stations by about five times by early 2000 [2]. This situation faces governments with problems as to whether or not new media channels should compete with the conventional ones, and how to control programming content.

In my opinion, the proliferation of new channels will take place on two levels. The first will be an increase of limited terrestrial frequencies, these new channels serving most but not all of a country's territory. They will be additional to the existing public service (ps) networks, which will dominate in terms of audience share. On the second level, there will be international or pan-European channels where cable and satellite collaborate rather than compete since the audience in the beginning, at least, will be small. Although there will be DBS channels, it seems that these channels will be received via cable in the big cities only, as a cable network will also be used for telecommunications purposes. In other areas, such as the countryside, direct reception seems to be the principal means for the new channels even if not the only one.

Deregulating public television monopolies: a typology

A more profitable way of exploring deregulatory activity is to adopt the typology presented by Scherer [17]. He sets out four types of policies regarding deregulation of public monopolies. These are:

(1) *Denationalization* which designates the transfer of public property from the government-owner to the private-owner such as the privatization of TF1 in France under the Chirac Government (1986–8);

(2) *Privatization of tasks* that implies that one or more (but not all) of the tasks which were hitherto protected by a *de jure* monopoly are taken away from the public entity and transferred to private enterprise such as the commissioning of programmes from independent producers by both BBC and ITV in the UK;

(3) *Demonopolization* that characterizes a policy whereby the *de jure* monopoly of the public institution is abolished with respect to some or all of its tasks by permitting competition such as the introduction of commercial radio and television in France recently or the BBC–IBA system in the UK. Murdock [13] also calls it *liberalization*, i.e. the introduction of commercial competition in these sectors of activity previously defined as public services or natural monopolies; and

(4) *Organizational privatization* that occurs when some or all of the regulatory constraints under which public, as opposed to private, enterprises have to operate are abolished. This can be achieved by transforming the public entity into a private company but with the government as the sole or majority shareholder. Such a case is, as we shall see later, that of the *Sociétés de Mixte* or *Sociétés Locales d'Exploitation Commerciale* in the development of cable in France.

The deregulation of broadcasting has produced different regimes, leading to the foundation of new regulatory bodies and new regulatory procedures to license new broadcasters (mainly commercial) and to oversee their behaviour. This sometimes gives rise to stricter rules, which impose a re-regulation rather than a deregulation of the broadcasting structure. A subsequent trend is also the “commercialization of the public sector” [13] which implies the transformation of the nature of

the public enterprise by making commercial practices and market requirements the yardsticks against which their performance is measured. It may therefore be appropriate to describe this as re-regulation rather than deregulation.

Dyson and Humphreys [6] point out that when deregulation is viewed across a number of sectors, it is clear that it involves a complex set of components. First, it has been associated with the neo-liberal strategy for modernization of the economy by privatization and promotion of an “enterprise” culture. Second, deregulation is a device to reduce bureaucratic inefficiency and financial profligacy. Third, it is a response to the imperatives of the increasing internationalization of markets and increasing international competition since it aims to open up the national economy to the global market in order to gain benefits from inward investment, and to shake up “lethargic” domestic actors. And, fourth, deregulation has been motivated by partisan ends, as in the case of France.

These components surely have heavily influenced the debate concerning the deregulation of broadcasting, at least in Western Europe. These components, however, have also been interlinked with the imperatives of restructuring the home economies and the convergence of technologies. But at this stage deregulation has mostly been associated with politicization and political ideology rather than with market principles as it claims to be.

Deregulation does not eliminate (or even lessen) the political nature of decision making; rather it shifts the political debate from control of regulation to control of markets [18]. On the other hand, regulation or deregulation is a political question since it is a question of governing. Bargaining and negotiation have been increasingly apparent in the case of the deregulation of broadcasting because they have involved a variety of different actors, both domestic and international, and have also complicated policy making due to the fact that decision makers have been faced with problems of how to manage old and new actors in an area where only few used to “play.” Yet, deregulation has also prompted multimedia diversification by permitting greater freedom of commercial operations in broadcasting [6], a situation which in turn leads to further politicization.

Conclusions

It has been increasingly difficult in the 1980s for governments to formulate broadcasting policy responses. One reason has been the obvious one that since "to regulate is to govern," governments seemed to be reluctant to loosen their control over broadcasting. Ironically, deregulation expresses a political contradiction for governing television. West European governments were under pressure to adapt their policies to new commercial strategies for the new marketplace.

Nevertheless, terrestrial broadcasting will continue to be regulated by the State because of the need to allocate the airwave frequencies; cable and satellite television seem to be regulated by "international compromised regulations" mainly directed by the European Community and perhaps the Council of Europe. The internationalization of broadcasting has made both organizations consider themselves as competent with respect to the issues associated with the emerging European media scene, and thus, to increase their status among other international and national actors. Facing 1992, both bodies, and especially the European Community, have attempted to reach an agreement on a European scale but both have largely adopted a consumerist ideology. However, the application of rules regarding a marketplace for broadcasting implies a strong State to oversee them. This will finally lead to further politicization of the field despite claims to the contrary.

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