OWNERSHIP, REGULATION AND SOCIALISATION: RETHINKING THE PRINCIPLES OF DEMOCRATIC MEDIA

SLAVKO SPLICHAL

Abstract

The article examines three topics fundamental to contemporary media democratisation discourse: the principle of publicity, media agenda setting, and information subsidies. In complex democratic systems, the idea of publicity primarily refers to the media and the public sphere, where the "public use of reason" or "public discussion" can take place. The fundamental significance of the mass media for the political system is based on their role in the processes of (public) opinion formation and expression: the mass media help determine and demonstrate the limits of legitimate public discussion in society. Information subsidy limits access to information and inhibits free (political) expression by forcing the media to conform to particularistic political or commercial interests and beliefs of subsidisers. Because mass media have extremely important functions for democratic societies, they require public regulation to eventually help transform them into public services, and mass media into public service media. It is argued that media democratisation requires specific forms of regulation beyond market regulation and private subsidies in order to limit the power and control in the hands of commercial and political actors, to serve the political and economic autonomy of the media, to thwart the development of powerful coalitions between the state, capital and the media, and to encourage citizen access to the media. social management and control of the media and communication infrastructure. Forms of political and economic regulation of the media prevailing in the post-communist countries – re-nationalisation, privatisation, transnationalisation – are considered as enforcing the growth of commercial-paternalistic systems, and new forms of contents and structural regulations are suggested.

Slavko Splichal is Professor of Communication at the Faculty of Social Sciences, University of Ljubljana.

Persisting Conceptual Topics of Media Democratisation

The Principle of Publicity

Modern democracy is usually thought of as a product of the Enlightenment, when the idea of publicity was raised to a fundamental moral principle. In his treatise, *To Perpetual Peace*, Immanuel Kant outlines "*the transcendental formula* of public justice: 'All actions that affect the rights of other men are wrong if their maxim is not consistent with publicity.' This principle is to be considered not only ethical ..., but also juridical," he argues. Without the possibility of publicity as the fundamental principle of public agency, there would be no *justice*. The reverse is also true: if a goal can only be achieved with the help of publicity, it means that there is no distrust in the underlying political maxims which are congruent with the goals and rights of all. It is, therefore, publicity alone that can guarantee the harmony between politics and morals. Publicity guarantees the *legal order* while it fulfils an *enlightened role*. Enlightenment, according to Kant's essay, "What Is Enlightenment," is liberation from the human impossibility of using one's own reason without being guided by someone else. ("Have the courage to use your *own* reason is the motto of Enlightenment!"). From the standpoint of humanity as a whole, liberation means aspiration and progress toward a perfectly *just order*. Enlightened opinion endowed with publicity, and scholarly prudence are, according to Kant, the most reliable sources of human progress.

In contemporary democracies, the idea of publicity primarily refers to the media and the public sphere, where the "public use of reason" or "public discussion" can take place. Consequently, mass media as the site where ideas and interests can be freely presented and discussed, become a precondition for civil society. For both, a fully developed civil society and the public, two kinds of human rights have fundamental significance: (1) those related to the *integrity, autonomy and personality* of the individual, and (2) those related to *freedom of communication*. This is why the mass media are constitutive of any adequate contemporary theory of (political) democracy. It is not possible to propose even the most limited and formal definitions of democracy without recognising the integral role of the media for the functioning of all elements of a democratic system. Conventionally it is believed that the mass media serve democracy, and that they serve it inherently. It is also believed that the rapid development of information and communication technologies fosters a global dissemination and exchange of information and ideas in a tolerant spirit and leads to a dispersion of power. But are these beliefs truly justifiable?

A major goal of democratic societies is citizen participation in the political process. Thus, an actively involved public is considered one of the foundations of democracy. Without participation of the public in the political process, democracy lacks its legitimacy. Citizen participation in public discussion is an essential element in the process of defining societal goals that should be met again through the involvement of citizens in politics. The idea of the public is closely related to the concept of *civil society*; the latter can be conceived of as the *public* (mental or "imagined" and, more recently, cybernetic or virtual) "space," which, on one side, is marked out by bureaucratic structures of the state and economy (state institutions and private corporations), and, on the other side, by the private sphere of family, friendship, and intimacy. Civil society, then, is constituted by organisations and activities that do not have *directly political or*

commercial character and are not motivated by *profit or power*. It consists of self-governing organisations and activities, like schools and education, the media and (mass) communication, churches and religion, trade unions and workers' movements, associations of "men of rank" and charity, movements and associations of national and ethnic minorities, professional associations and chambers. While the public is always directly related to the state, civil society as a network of organisations and movements is independent from the state. In civil society, regulation is intended for internal or intra-group transactions among individuals rather than for indirect and long-term consequences of transactions outside of the group, which lead to the formation of the public.

While striving for autonomy, these organisations are under constant pressure of capital and political powers. The mass media may best exemplify that the *nature* of any activity is in itself neither non-profitable nor non-political. Yet, precisely because of the sense of autonomy vis-ŕ-vis the spheres of economics and politics, civil society is vitally important force for the formation of public opinion — that is, for the formation of consensus which may either influence political decision making or its legitimisation. Thus, civil society is the site of opinion formation and expression and, therefore, of public opinion that asserts its authority to guide state actions.

Setting the Agenda of Public Discourse

The fundamental significance of the mass media for the political system is based on their role in the processes of (public) opinion formation and expression: the mass media help determine and demonstrate the *limits of legitimate public discussion* in society. More recently, the primary function of the media for the political system is referred to as "agenda setting," a concept that harks back at least to Robert E. Park (1904/1972). He observes that "Modern journalism, which is supposed to instruct and direct public opinion by reporting and discussing events, usually turns out to be simply a *mechanism for controlling collective attention*" (p. 57; emphasis added). Also, there is a commonly accepted congruence between the order of importance that the media assign to specific issues (legitimising them as "public" issues), and the order of importance attributed to the same issues by individuals in society. Those issues or events receiving a greater degree of media attention become the issues and events that are uppermost in the minds of citizens. In other words, the mass media largely define attitude objects and situations to be perceived as relevant or important by the masses.

As Weaver (1984, 689) argues in his review of empirical agenda-setting studies, "there is likely to be a relationship among media emphasis on an issue, the salience of that issue, and public opinion regarding actors (persons or institutions) associated with the issue." The congruence does not necessarily imply a causal relationship between distinct rank orderings of issues or agendas; they may interact in a much more complex way. However, when discussing the role of the media for the formation and expression of public opinion, it is largely assumed that the agendas presented by the mass media do have an impact on their recipients. The media seem to be particularly influential in making some issues more salient than others. Some recent ideas of public opinion as (primarily) a form of social control are even built upon the assumption of a direct causal connection between media contents and individual behaviour and attitudes. There is no justification to consider individual opinions resulting from media exposure as public opinion; they are (mass) *pseudo-opinions*, because they have no

intellectual (reflective) and interactive (discursive) foundations. Nevertheless, the mass media have — either as means of *expression* of public opinion or as instruments of *influence* — a crucial role in the democratic political process, regardless of whether they create the agendas on their own or merely reflect those created in/by other components of society. For these reasons they attract regulative efforts in all democratic societies.

Information Subsidy

Whatever interests policy actors may pursue, they are likely to be more efficient when attempting to influence the actions of others by controlling their access to information and opinions disseminated through the media and the use of information relevant to their actions. During the twentieth century, overt censorship has been mostly replaced by more sophisticated forms of "information subsidies," as Gandy (1982) calls these attempts to reduce — either directly or indirectly — the costs of receiving and/or (re)producing information and to make information available to other participants in the process at a reduced rate or for free. While direct information subsidy does not hide this close links between subsidiser and transmitter of information, indirect subsidy, however, blurs the connection.

Because of barriers between information and the public, public confidence in information gatherers and disseminators becomes a major factor in (mass) communication processes. The public usually sees information from interested sources as less credible than information from disinterested sources, because credibility of information sources and opinions is based on their political impartiality and attachment to general, public rather than particularistic, private interests. Consequently, some actors (with particular/istic interests) may prefer to subsidise information indirectly to obscure or conceal their relationship to the information they provide. Yet, as Habermas (1992/1997, 364) notes, "Public opinions that can acquire visibility only because of an undeclared infusion of *money* or organisational *power* lose their credibility as soon as these sources of social power are made public" (emphasis added).

Information subsidy presupposes that access to information is *limite*d. It inhibits free (political) expression by forcing the mass media to conform to the political or commercial beliefs and expectations of subsidisers. Authoritarian and paternalistic forms of information subsidy run parallel to commercial forms, at times as substitutes and occasionally jointly in securing control over the media. Links between the agents of political power and mass media ownership may be inevitable in a market economy, but they are, nonetheless, disturbing.

A plurality or multiplicity of media channels would seem to raise the probability for non-subsidised, nonconformist and maverick opinions, unwanted facts, and disinterested information to reach public awareness. However, isolated, dissent voices in the immense market place are unlikely to find many "consumers." A bare *plurality* of the media is not a reliable indicator of a society's level of freedom, because it may create only the illusion of content *diversity* and hide the fact that the media are restrained by self-censorship and the potential threat by subsidisers. The notion of a plurality is even more questionable when media systems become more concentrated and controlled by a small number of large (transnational) corporations.

Whatever the direction of their influence, the mass media represent the most effective influence system in contemporary society. In addition to the *integrative experi-*

ence and information provided constantly by the mass media, people also seek information to produce compromises on the basis of reciprocal *influences* and to generate *innovations*. These are extremely important functions for democratic societies. Individual and group recipients need media services to fulfil a variety of needs and interests related to their immediate, narrow environment of a private life and to broad matters of public policy, relevant for (public) opinion formation: to increase their certainty, to "test" social reality (e.g., to compare and supplement information acquired interpersonally), and even to identify the "climate of opinion" in a society. Although this list of mass media services is far from exhaustive, it is, however, an indication of why these services to the public (or publics) may be thought of as requiring *public regulation* to eventually help transform them into *public services*, and mass media into *public service media*.

The mass media apparently do not represent the only component in democratic processes that calls for public regulation. For instance, the twentieth century represents an era of the growth of public law, and one of its basic characteristic is the creation of a variety of statutory regulations and bodies which govern and control diverse matters of public concern and policy. They include, among others, safety in the workplace, public health, environmental protection, schooling, sexual and race relations, public services, commercial standards, transportation, communications and, last but not least, the mass media. The general idea of regulation is based, as Dewey (1927/1991) put it once, on the *need to regulate* remote and long-run consequences of human transactions.

(Non)market Regulation and Private Ownership of the Media

The question — often raised in administrative discourse and academic analysis — of how to advance the democratisation of communication and media primarily applies to media *regulation*. The problem of media regulation involves a number of competing interests which are identified as distinct *classes of interest*: (1) ownership interests in media as means of self-expression and protection of limited property interests; (2) audience demands for media contents; (3) civil society group interests in access to media for purposes of publishing opinions and contributing to the content; (4) society's general interests in the performance of public service functions by the media; (5) government interests in getting its viewpoints to citizens and in maintaining the rights of all citizens.

Striking a proper *balance* between different actors is the fundamental problem of regulation. For instance, the idea of media democratisation in the framework of press freedom has been confronted from the very beginning particularly by those who advocate the free market as the most efficient regulatory system. In addition, the development of satellite television and global, computer mediated communication networks is accompanied by a legal vacuum — or at least some vagueness regarding legal regulation. It seems that these problems and conflicting interests stimulate the tendency of *globalising the market-type regulation.* The latter indubitably produces the fewest legal uncertainties, but at the same time — and with no less certainty — (definitely) buries the idea of public service media.

The forms of regulation so far developed to democratise communication are basically directed to materialise the right to receive, i.e., the passive right to communicate. This becomes particularly clear with the definition of the common normative frame-

work of public service broadcasting (PSB) which started to develop during the 1920's in Europe. Basically, the idea of PSB implies four postulates: (1) PSB serves three basic *functions* for its audiences: education, information, and entertainment; (2) PSB serves *different tastes* ranging from high-brow (elites) to lowbrow (popular); (3) PSB must assure *universal reception of broadcasting programmes* in the national territory and maintain an appropriate level of technical quality of its transmissions; and (4) PSB must supply programming for ethnic, linguistic, regional, religious, and other *minorities*.

Public service broadcasting faced a crisis in the 1980s due to the development of new communication technologies and, more primarily, an emerging ideology of privatisation. But the realistic question at the moment is not, as Mulgan (1991, 259) suggests — and there is no reason not to agree — "whether there will be forms of public intervention in the future, but rather what form they could and should take, and how collective freedoms can be reconciled with those of individuals and minorities." According to Mulgan, at least three types of regulation and public control seem likely to survive in the future as necessary conditions for the realisation of individual freedom and diversity: (1) traditional *contents regulation* of the core mass media; regulators, governments and other public institutions will retain some role as a medium for public opinion, standards and values; (2) *infrastructure policies* to ensure universal access to basic communication networks of society; and (3) policies and laws regulating common standards to allow for interconnectivity and providing *free public service*s, organisation of common menus, and directory information services to guarantee easy access and competition among information providers.

Yet, the idea that the media are far too important to be left to market forces, and that specific, non-market forms of regulation are needed to make the media socially serviceable, goes back to at least the nineteenth century. In the age of Enlightenment, the principle of publicity and the public use of reason were not subordinate — but, on the contrary — *adversary* to the sphere of economics and its dominant freedom of private ownership. To conceive of freedom of public expression as a special form of freedom of ownership is an idea of the mid-1800s, although related to an earlier, liberal free market model. According to this model, independent producers and consumers sought agreement over the type, quality and price of products. It would be a "classic inconsistency" if the press were exempted from the general rules of business, according to the representative of the bourgeois class in Karl Marx's *Debatten über Pressfreiheit* (1842/1974). Likewise, for Walter Lippmann — eighty years later – it is an "anomaly of our civilization" that a "community applies one ethical measure to the press and another to trade or manufacture," instead of treating the press as "a business pure and simple"(1922/1960, 321).

Indeed, during the 1920s, the idea of regulating the press is an intriguing and controversial issue. In contrast to Lippmann, Dewey, Hayes and Tönnies emphasise in their theories of public opinion the fundamental — although often ambiguous and contradictory — role of the press. They criticise the fact that its role is often underestimated or even completely overlooked and that its manipulative practice consequently needs substantial reforms. Similarly to Marx's criticism of commercialisation, Tönnies argues for a needed press reform that should basically attain the following objectives:

- the best instructed and educated men in every city establish a completely independent newspaper;
- all recognised political parties retain space to introduce and explain events;

- the newspaper is independent of advertisers through large circulation, there is no need for a party press;
- only trustworthy firms receive space for advertising;
- voices of people find their direct expression in the newspaper;
- sensationalism is excluded;
- major articles are so unbiased, without passion, and objective that any opinion is accepted with attention and trust;
- the newspaper has its own wire service, free from "the lying wires and the poisoned source of Reuters, Havas, Northcliffe, and the yellow financial-imperialist press," these are common enemies of humankind and should be destroyed (Tönnies 1922, 575).

In 1920s America, Edward C. Hayes also demands that newspapers give priority to ideas that emerge in free discussion and not to money: newspapers should be forced by law to assign equal space to each of the four parties that were the most powerful in last elections (Wilson 1962, 81). Essentially, Tönnies considers these suggestions significant for Germany, too, similar to Bauer's appeals to stop sensationalism and the violation of "the sanctity of private life." Nevertheless, as much as these goals seem significant, they also seem *unattainable*. The proposals are valuable, however, because they call critical attention to the unfavourable facts in the press which, according to Tönnies, could only be reformed *from the inside*: "The necessity of such a reform itself must spring up as *public opinion*, and it would be an effective, possibly the most effective means of self-education for *the opinion of the public*," as Tönnies ends his *Kritik der öffentlichen Meinung* (1922, 575).

Early newspapers of the seventeenth and eighteenth centuries with very limited circulation helped spread revolutionary ideas that delegitimised the authoritarian political order and extended the arena of public debate essential to representative government. On the other hand, history abounds with examples of the abuse of the media, ranging from the worst forms of tyrannical suppression in society, including the media, to commercial interests. The period of state socialism in East-Central Europe is only one of too many historic examples of the former condition. Critical publicity — characteristic of earlier political newspapers — is largely replaced by manipulative publicity. The latter serves — similar to feudal representative publicity — the manipulation of the public and the legitimisation of political authorities.[1] Commercial obstacles to the formation and expression of public opinion are no less critical.

The modern development of electronic media challenges — due to specific technological possibilities and needs for regulation — the nature of press freedom established with the newspapers of the eighteenth and nineteenth centuries. In fact, with the rapid development of radio broadcasting and the growth of its political and commercial power, reformational ideas are redirected from the press to broadcasting. The development of broadcast media is based on the use of the electromagnetic spectrum that (1) must be technically regulated and co-ordinated — like any traffic — and (2) is considered a public good. Thus, private or public service broadcasting companies that are licensed by governmental or parliamentary institutions have special obligations to perform public services.

However, the idea of *radical diversity* pertaining to the new electronic media is — in certain ways — delusive. Despite the changes indubitably brought about by new communication technologies, media and networks, traditional or "modern" questions and

processes of influence, consensuality, opinion expression, (political) competence, identity, freedom, equality, access, and media regulation continue to have fundamental importance for the development of communication in the "postmodern" society and still directly connect the communication sphere with those of politics and economics. Thus, changes brought about during the centuries are evolutionary rather than revolutionary. New communication technologies may, indeed, have a revolutionary character in the technological sense, but its social consequences cannot revolutionise the *cultural, political and economic continuity.* After all, social revolutions are likewise (alas?!) not primarily a matter of technology and rationality.

A number of principles and guidelines evolve in the period since the 1920s, but regulative practices faced a crisis in the 1980s with rapid technological and social changes. Yet, the problem of regulation does not concern only its institutionally arranged forms. Even if a communication organisation is not a governmental agency, there are many informal ways for government to exert influence over the media, and the media have many opportunities to effect government. Most importantly, a media industry — supposed to be subject to regulation — becomes a very powerful partner of political actors, and such a partnership decreases the autonomy of the regulative bodies. For a variety of reasons, the mass media are likely to provide support for the establishment (i.e., individuals and groups with great economic and political power) in general, and the government in particular.[2] The increase of mutual influence between the political and economic establishment and the media steadily transforms a once open liberal press market with diversified supply of newspapers into highly concentrated mass communication systems in terms of products, formats, markets, and firms.

However, in the partnership of the political and economic establishment, only the former is usually considered responsible for violating individual and corporate rights and freedoms. Although broadcast media are often treated as significantly different from the press, the idea of the pure marketplace in broadcasting becomes apotheosised as the guarantor of the right of free speech with no less zeal. Let me quote such an apotheosis:

> *(T)he broadcasting marketplace is indirect and imperfect, but we know that it generally works. The stations and networks that carry programs with the highest viewing ratings can charge the highest rates for advertising. ... Although the advertiser, rather than the consumer, pays for the program, market forces still move the key resource — time on an exclusive broadcasting frequency — towards its highest and best use* (Fowler and Brenner 1983, 671).

The "highest and best use" of broadcasting frequencies is—according to the free marketplace advocates — *profit maximisation*. Radio listeners and TV viewers are not the genuine consumers on the broadcasting market: "The market that a new stations enters comprises not simply existing broadcast facilities, but all competitors for the *advertising dollar*, from newspapers to billboards" (Fowler and Brenner 1983, 672; emphases added). From this perspective, the "genuine consumers" are those who seem to pay directly for broadcast programming — the advertisers. Citizens are only observers of this process which takes place in the marketplace, and their "ultimate control" lies only in the "take it or leave it" principle. As Fowler and Brenner (1983, 667) argue, such regulation is perfectly in accord with the principles of free inquiry and expression: "Those who deliver popular, acceptable speech have little reason to fear

the rebuke of the majority. Only words and ideas that trouble or confound need the special aid of constitutional protection." In sum, if a commercial station wants to maximise its profit, it must provide the service consumers most desire — no other regulation is needed to satisfy the interests of the people. Thus, it is argued that in democracy, public service broadcasting should only be retained with exceptions and to a strictly limited extent as a kind of "merit goods," like public parks, museums and libraries, or religious and educational institutions.

The belief that free competition gets all significant opinions into the marketplace is either naive or ignorant in a period of globalised monopolisation. The notion of a *free marketplace* of ideas rests on a number of *false assumptions*: (1) that everyone has free access to the market, either as supplier or consumer; (2) that profit maximisation is in the common interest rather than in the interest of a minority of owners; (3) that the marketplace gratifies not only the majority interest with specific contents but also diverse minority interests; and (4) that it does not presuppose a *large enough* marketplace for profitable broadcasting or publishing.[3] But in fact, a substantial number of (potential) readers, listeners, and viewers — without leanings towards majority interests and preferences which the media tend to meet — may be excluded. Beggars cannot be choosers. The delivery of only "acceptable speech" by the media and the avoidance of information, aimed at compromising, reciprocal influence and innovations would eventually lead to the stagnation of society not only regarding democracy but development, in general.

During the early development of the mass media at the time of liberal capitalism, a free market system may have quite accurately approximated an ideal press freedom. During the later period of media monopolisation, however, the abstract principle of freedom of the press proves unsatisfactory; it can neither limit the manipulative practices of the press nor stimulate substantial reforms. Consequently, individuals can say what they want today, provided that it is interesting for a sufficiently large audience to assure media of profitable circulation or audience shares, which also means primarily a large enough interest among potential advertisers. In fact, freedom of the press privileges *corporate* subjects over the rights of citizens. Minorities of various kinds are rarely visible in public — despite technological possibilities — because their interests and opinions may not coincide with those of the majority, and the resulting decrease in circulation or audience shares would reduce advertising income. Indeed, the measure of importance for an opinion in the free market place of ideas is its commercial efficiency.

The critique of private commercial interests — as the most (or even only) authentic advocates of a democratisation of communication — is not new and often directly connected with the idea of public communication services. But as Mattelart emphasises, commercialisation and privatisation may appear as the leading principles of "pluralising" society only in the absence of a critical elaboration of the concept of plurality: "The plurality of the groups making up civil society and the diversity of their interests demolishes a strictly juridico-political and, more often than not, formal conception of pluralism as the doctrinaire foundation of the public service" (Mattelart and Piemme 1984, 221).

The new market liberalism insists that market competition of the media is the most important precondition for their freedom; this argument rests on the invalid assumption that the basic freedom of ownership — because *everyone* has the right to private

property — guarantees both freedom of the media (their independence from the state) and freedom of citizens (free choice among different media and contents). In fact, this remains an ideal type of a free market of the media concept which does not exist in practice due to the processes of capital concentration and centralisation. Thus, the "free" media market is largely oligopolised, and "free" choice is severely limited by forced supply. "Commercial media conventionally portray themselves as virtual slaves to the 'market,' and thus — as providing people with exactly what they want. They quietly gloss over the power of major advertisers and corporations to define *poor* people's media wants as irrelevant, compared to those of the more affluent sectors of the market. ... Only the extraordinarily gullible believe in the democratic passions of commercial media executives" (Downing 1984, 5-6).

Even for producers, the free market does not ensure free access to the deregulated market place, because of the required levels of investment for entering the market, rising program production costs, and/or already existing oligopolies (particularly due to the syndication of entertainment programs). In Blumler's words, the gathering momentum of organisational concentration and conglomeration in mass communications tends to limit the opportunities for independent producers to offer profitably something different from mainstream supply, and foster the standardisation of program supplies across the entire media (particularly television) industry. At the same time, media pluralism is jeopardised by the risk that the main channels of public access may eventually be controlled by a small number of strategically placed and minimally accountable gatekeepers (Blumler 1991, 9). [4]

Lessons from Post-Communist Countries: "X-nationalisation"

With the breakdown of authoritarian structures in East-Central Europe in the late 1980s, the idea of an active public is rooted in political transformations as an intellectual motive and practical aim. The mass media — and particularly state owned television — are at the centre of imagined changes. In the 1990s, all countries in the region privatise the press and introduce a form of dual ("public-commercial") broadcasting system. Soon after an early period of strong political dependence of public broadcasting on the new political elites, public radio — and particularly television — take the path of their commercial competitors with cheap studio programmes and talk shows, increasing re-runs and, particularly, increasing foreign (mainly US) entertainment. The withering away of an idea for a (new) public sphere in the region is caused by a combination of *internal commercial pressures* (e.g., technological underdevelopment, economic problems) and *external influences* (e.g., TV stations controlled or directly owned by transnational corporations, like SBS and CME).

Based on the liberal conception of negative freedom (freedom from political authorities), press freedom becomes ever more freedom for the owners of the means of communication rather than the citizens of a state. The most powerful former political actor, the Communist Party, is banished from the media almost overnight without resulting in access to civil movements and associations. Rather, the newly organised political parties take the position of significant information subsidisers in the formerly state-owned broadcasting companies, while powerful economic actors secure their dominant position in the press — the latter is rapidly (and, I dare to say in some cases, stupidly and/or illegally) denationalised — and in newly established radio and televi-

sion stations. An important consequence of these changes is the decreasing transparency of the borderline between the state and civil society. In spite of these changes, the principal function of the mass media remains basically unchanged. They operate simultaneously in the realms of the state (politics) and the economy (within or without civil society) and mediate between them.

Communist media systems are based on secondary content regulation that was expected to limit the flaws and "side effects" of media markets (e.g., different forms of publications or, generally, information subsidies), although market economy does not exist in the sphere of communication. That is probably the main reason for the complete disappearance of secondary regulation during the re-regulation period, because it is considered a form of state intervention like in the former system. Consequently, even public media are not liberated from competition for (advertising) income; neither are they politically independent and protected against particularistic (political) interests. Some disturbing facts about media operations in today's world, generally, and former communist countries, particularly, suggest that the mass media remain vulnerable to manipulation by political forces and commercial corporations which limit resources, variety, and autonomy. It is obvious that the media are not inevitably instrumental to democracy; they are no less effective as instruments of manipulation.

The cumulative effects of the development of a free market economy and a general economic underdevelopment do not stimulate "demonopolisation, differentiation, professionalisation of journalists and ... democratisation," as Jakubowicz (1995) describes the fundamental prerequisites for media change in Central and Eastern Europe. The underdeveloped economy is impeding the deployment of new information and communication technologies for computer mediated communication and the Internet, i.e., in sectors left to private initiative and commercial interests like the de-nationalised press. Even the denationalisation of broadcasting — which formally resulted in a dual broadcasting system — turned into a paradoxical, triple negation of the development of public service media. This paradoxical process of "x-nationalisation" consists of *re-nationalisation, de-nationalisation* (privatisation) and *trans-nationalisation*.

Re-nationalisation

Parts of the broadcasting systems are, at least at the beginning, re-nationalised and put under the control of the leading political parties. I call this process in East-Central Europe "*italianisation*" of the media, because it is almost a mirror image of what happened for decades in Italy until the *partitocratic* political system crashed in 1992. The former leading political parties allotted the three channels of RAI — the Italian public broadcasting company — to Christian Democrats, Socialists and Communists while Parliament and the political parties allowed Silvio Berlusconi to develop the "Berlusconi Empire." The latter includes the top three commercial television channels and three pay-TV channels along with a number of newspapers and magazines which, since 1992, strongly support and propagate his conservative political party. When Berlusconi became prime minister, he successfully placed his confederates in RAI directorships. This is perhaps the most extreme, but certainly not the only evidence that political involvement and partiality of the media can stem not only from state control, but also from private, commercial sector interests — and with much more harmful consequences.

De-nationalisation and Privatisation

The second form of "x-nationalisation" of the communication sphere is represented by the privatisation of some local radio stations, but primarily by setting up new, privately owned and commercially oriented radio and television stations. The licensing of new broadcasting stations is often much more a party-political decision than the result of (or at least attempts at) identifying the needs and interests of publics, e.g., through public hearings, as practised in some Western countries rather than based on the selection of the most appropriate (or highest) bidder. Despite a variety of problems and impediments, the number of private broadcasters grew in the first half of the decade, and public television stations have definitely lost their monopoly, despite the fact that in some countries they lack competition at the national level.

Table 1: Nation-wide Television Channels in East-Central European Countries (1997, satellite and cable channels excluded)

Country	*State owned nation-wide channels*	*Private nation-wide channels*	
		Domestic	*Foreign*
Bulgaria	TV 1 BNTV 2	Nova Televizia	 7 dni
Croatia	HTV 1 HTV 2 HTV 3		
Czech Republic	CT 1 CT 2	 Premiera	 TV Nova
Estonia	ETV	TV 3* Kanal 2*	
Hungary	MTV		TV 2 RTL Klub
Latvia	LTV 1 LTV 2	LNT	
Lithuania	LTV		TV 3 Baltijos TV
Poland	TVP 1 TVP 2	Polsat Canal+ Polska** TV Visla TVN***	
Romania	TVR 1 TVR 2		 Pro TV
Slovakia	STV		TV Markiza
Slovenia	TVS 1 TVS 2	 Plus****	Pro Kanal A

* network
** 33% shares by Canal+, France
*** 33% shares by Central European Media Enterprises
**** producer & network
Source: European Commission 1998.

The media industry — which was supposed to be subject to regulation — becomes in some countries (where it succeeds in acquiring licences for nation-wide broadcasting, e.g., in the Czech Republic) a very powerful partner of political actors, whereas in other countries it remains (informally) controlled by political parties. In both cases, such a "partnership" substantially decreases the autonomy and role of regulative bodies. On the other hand — and for many reasons — the mass media are likely to provide support for the establishment, in general, and government, in particular, primarily to avoid informal or formal "inconveniences" related to licences. The increase of mutual influence between political and economic establishments and the media does not allow for a liberal media market with a diversified supply of newspapers and broadcast programming as "planned" by the new political forces in the period of political upheavals.

Transnationalisation

The results of transnationalisation are perhaps (but not necessarily) least dependent on party politics. But the kind of programming ensuing from it is often most remote from public interest (which has nothing to do with the possibility that audiences may like this programming even more than any other available programs in their national language and that there is an ample audience demand for it). This tendency is fostered by the growing pressure of transnational corporations which has forced state broadcasting authorities to make more channels available and give way to private and foreign broadcasters.

Although transnationalisation primarily results in an increase of (imported) entertainment programming, it would be naive to overlook its (implicit) political messages consisting not only of different representations — values, modes of behaviour and living standards- but also of a process of decreasing citizens' interest in public issues and political involvement. Media systems are continually becoming more international in scope and control, but the influence flows from more to less developed parts of the world, thus making the latter more and more dependent and vulnerable.

The vulnerability of the newly formed democracies in Central Europe is clearly indicated by the "forced march" of the Scandinavian Broadcasting System (SBS) and the Bermuda-based Central European Media Enterprises Ltd (CME) across the countries in the region. In 1997, the CME holding company included a large number of radio and television companies — programme producers and providers, and stations — in Germany (in the former GDR), Czech Republic, Slovakia, Slovenia, Hungary, Romania, Poland, and Ukraine. Two years later, SBS, the second dominant actor in the East-European broadcasting industry of the 1990s, took over the CME. The merger actually monopolises the broadcasting market in East-Central Europe. The only remaining competitors are national public service or state-owned broadcasters; smaller national commercial stations, which heavily depend on imported programming, will be unable to compete with the new giant.

Media Regulation: Public Service vs. Public Ownership

When rethinking the principles of democratic media, we should ask ourselves, what is the historical rationale for the transformation of *interactive* social communication as a *generic ability* and human *need* into *one-way mass* communication which is most *profitable*? Due to numerous conceptual changes and controversies arising during the last decades, a clearly and accurately defined concept of *publicity* is needed

primarily for *normative* aims, because all democratic societies are facing a similar problem. How can old and new media be made accessible to citizens, and how can they be used as public instruments for the benefit of citizens rather than as vehicles for reaching and persuading potential consumers and voters, and/or for generating profit and power?

Yet, is the principle of publicity as the foundation of media regulation workable at all? An affirmative answer results from gradual progressiveness: the efforts to democratise communication should be directed towards general reforms and re-regulations of communication networks and mass media. Hoynes postulates four fundamental communicative principles (1994, 168-176) to operationalise the ideal of democratic communication:

1. the principle of diversity which requires the provision of a variety of perspectives created by the plurality of groups and political differences;
2. the principle of participation which is based on the need to develop structures for active citizen involvement;
3. the principle of interaction to allow more than one-way communication;
4. the principle of criticism which is based on the necessity to critically compare different (political) orientations and opinions.

Hoynes argues that these principles can only be materialised under the conditions of *social ownership* which is the most crucial principle, for it alone facilitates the implementation of all other principles. But in fact, the process of reappropriating generic communication abilities and means through the socialisation of (mass) communication is far too complex to be accomplished by a single act of transforming private into public ownership. The modern history of socialism clearly falsifies the utopians who believe that such effective revolutionary actions are possible and can be accomplished once and forever — even regardless of historical circumstances. Social relationships do not allow for radical changes as a consequence of a single, one-dimensional action in any sphere of human activity; and there is no reason to believe that the sphere of communication is an exception. Thus, there is little chance for mass communication to be democratically reordered and genuinely socialised by just legally abolishing one form of media ownership or by any other, similar action.

During the last century, the role of the most significant agents of power — political parties and powerful economic actors — has significantly changed. This includes the position of the media. As Gouldner (1976) suggests, they "stand *between* the public, on the one side, and, on the other, the official managers of institutions, organizations, movements, or the society's hegemonic elites," so that the real core problem becomes the relationship of the media "to political parties here and elsewhere, [their] relations to the business world, to numerous groups and interests who influence and who are influenced by the public" (Weber 1924/1976, 99).

The two spheres opposing the public are regulated by different principles: the political sphere (including the state) by the principle of maximising power and the economic sphere by the principle of maximising profit. Both principles meet in the communication sphere, but neither of them can provide for diversity, participation, interaction, and criticism. Mass communication processes are subordinated to the principles dominant in the political and economic spheres through different forms of information subsidy and (indirect) control exercised by the state or private corporations — from censorship and propaganda to advertising and political marketing. The fundamental rights of individuals in civil society are shifted, by and large, to legal entities (corporations, political parties, and the state) which dominate the mass media either

directly (as owners) or indirectly (as the most influential sources of information and opinions, advertisers, and information subsidisers). Although it is extremely difficult to reveal the indirect influence of corporate politics on editorial decisions, it has been confirmed in a number of cases (Bagdikian 1983).

The question of *political independence* of the media is controversial because, as Garnham (1990, 110) argues, it is possible that the "pursuit of political freedom may override the search for economic efficiency." This is one side of the contradiction between the two spheres. The other one refers to political consequences (nonfreedom) brought about by the economic determination of mass communication, so that "the extent of possible political freedom is constrained by the level of material productivity." The two spheres influencing the sphere of mass communication — economics and politics — are guided by different basic principles of action and value systems. If two conflicting economic and political systems of values and relations exist — and the media are dominated by them and/or mediate between them — why should the media be subjected to the laws of economics rather than politics, as in commercial systems, or politics rather than economics, as in paternal systems? The media are political institutions *par excellence*, not only commercial enterprises. By forcing *political communication* to be channelled through *commercial media*, public communication is transformed into consumerism, and citizens into consumers. If the mass media, by definition, link these different or even opposing spheres of economics and politics — by performing both economic and political functions — there is no rationale for subordinating the media totally to the laws of either of them. Instead — like the spheres of politics and economics — the sphere of communication should have the same "right" to be intrinsically regulated by the principles and values of communication rights and freedoms. After all, we should not forget that communication rather than politics or commerce is a generic ability and human need.

Yet, the contradictions between the political and economic autonomy of the media — based on their instrumentality towards often incompatible political and commercial goals — cannot be solved by either political or economic means. As a matter of principle, the idea of "reappropriation" should not be understood in terms of property relations. In contrast to a commonplace equalisation of notions of socialisation and nationalisation of private property and its transformation into state or "public" property, the idea of mass media as public goods and services does not imply the "expropriation" of private media ownership. In his plea for the Great Community, John Dewey (1927/1991, 82) convincingly argues against socialists who demand that the "industry should be taken out of private hands," stressing that "the public has no hands except those of individual human beings." Since individuals abuse *concentrated political power* to serve private interests, they will also abuse *concentrated economic power* on behalf of non-public efforts.

In other words, demands that media should cease to be regulated by the principle of profit maximisation and start functioning for the benefit of citizens, do not necessarily refer to the question of ownership, but primarily to *regulation*. Public service media are increasingly surrounded by a private economy, which — because of its commercial interest — substantially limits their production autonomy (Negt and Kluge 1973, 191). As a consequence, *even public service media react to the environment as business companies*; for example, audience measurements become a kind of "television money" that determines the value of programming; media respond to the same management rules of other companies, and they are directly involved in transactions with private suppliers of

programmes and equipment, who are often in a monopoly position. Hence, there is a social need to liberate the media from their subordination to free market principles.

Media democratisation requires specific forms of regulation regarding specific aims — to limit power and control in the hands of commercial and political actors, to serve the political and economic autonomy of the media, to thwart the development of powerful coalitions between the state, capital and the media, and to encourage citizen access to the media. Media democratisation should provide opportunities for relatively equal access for all citizens to influence the mass media: the separation of powers should establish (at least in a normative-ideal sense) a democratic balance between the spheres of politics, economics, and culture as specific sources of societal integration and development. In short, the idea of socialisation of the media denotes *the need to acknowledge the social — rather than merely political or commercial — nature of communication*. The common denominator of these processes should be the socialisation of the *central mass media and communication infrastructure,* a process with four basic components:

1. social management and control of the media and communication infrastructure;
2. provision of financial resources (social information subsidies) for mass media operations based on the principles of solidarity and reciprocity of all citizens;
3. social influence (direct and indirect) of citizens on the formulation and implementation of communication and media policies and programmes, and
4. *socialisation of the population* into *all* forms of communication through education (e.g., media education) because only the socialised citizens can materialise the principle of publicity and participate in *media socialisation*.

During the last ten years, the newly formed states in East-Central Europe mostly re-regulated their media systems with varying degrees of efficiency. In fact, the general success of these efforts to establish a truly democratic system based on the public service sector is very limited. The substantial changes in media legislation mainly concern structural and contents regulation, but they largely failed. Contents regulation (what content and how should it be selected and presented in programming, including quotas?) did not contribute to increasing quality. Structural regulation (media ownership, organisation, financing, management, control, procedures for licensing, rules for access, etc.) remains ineffective, since legal violations are often not prosecuted either for political reasons and/or for a general lack of personnel and technical means to enforce the respective laws.

Table 2: Nomination and Appointment of Members of National Broadcasting Regulatory Authorities in East-Central European Countries

	Government	*Parliament*	*President*	*Members can be recalled by:*
Bulgaria	2	7	2	
Czech Rep.		9		Parliament
Hungary		7		No
Poland		6	3	Parliament, if annual report is rejected
Romania	3	6	2	The appointing authority
Slovakia		9		Parliament
Slovenia	nominates 4	nominates 5 appoints 9		

Source: European Commission 1998.

The developing forms of participation in the media across the former communist countries resemble the changing *nature* of political participation in the West, but not the *levels* of participation. On the one hand, forms of broadcasting regulation are apparently borrowed from West-European countries. On the other hand, access to these activities is either still severely limited to political elites in most countries in the region — in some countries even only to those of the ruling coalitions — or commercially based. Broadcasting councils are, as a rule, appointed by parliaments or (partly) even by governments (Table 2). This also applies to supervisory bodies of public broadcasters (Table 3). In both cases, civic associations, societies, and movements have no access to the institutional forms of media management and control.

Even in Slovenia members of the Council of Radio and Television Slovenia are politically aligned, although a majority (20) is directly appointed by institutions and organisations of civil society (i.e., universities, cultural and religious organisations, citizens' associations, two national minorities), and only a minority (5) represents the interests of political parties through appointment by parliament. Privately owned broadcasting media are progressively under the control of transnational corporations.

Table 3: Appointment of Members of Governing/Supervisory Bodies of National Public Broadcasters in East-Central European Countries

	Government	*Parliament*	*President*	*Regulatory Authority*	*Other*
Bulgaria				All	
Czech Rep.		All			
Hungary		8 members			21 members by civic organisations
Poland	1 member			8 members	
Romania		All			
Slovakia		All			
Slovenia		5 members			20 members by civic organisations

Source: European Commission 1998.

Although there may be some serious doubts about concrete forms of legal regulation of media operations, it is also clear that the market place alone or in combination with political (party) pluralism, does not guarantee *equality in freedom*. Obviously, market forces can both expand and reduce the democratic potentials of the media. The market is only a terrain for different policies and coalitions — based on different ideologies or anti-ideologies — but media systems are established, maintained and eventually abolished by *political decisions*. Since media development requires an economic underpinning, a rich diversity of media can only exist in a prosperous economy which is impossible to separate from a market-based system of advanced post-industrial societies. While the absence of a market economy makes the media politically dependent, the opposite does not hold true: a market economy cannot guarantee media autonomy. It is also unavoidable that a state which rigidly controls the economy, cannot tolerate the kind of political competition that independent media would represent. Yet, as the state is also the safeguard of civil society, it must regulate the media to serve democracy.

The *principle of publicity* should be rethought as a fundamental principle of media regulations that guarantees *legal order* in general, stimulates *rational discussion* or public use of reason, and fosters the *enlightening role* of the media. There is a need to create a new kind of public service media to be based on public funding and not controlled by the state or commercial interests and characterised by high concerns for quality production. Users (audiences) are to be defined or define themselves in terms of *social and collective needs* — in contrast to consumers who are defined in terms of privatised individual desires.

Such a new public media system certainly cannot be the only alternative; rather, it should compete with media developed by the state (paternal systems) and the market (commercial systems). But the fact that civil society has its "own" communication system makes it less vulnerable than the present system, due to the portion of *communication power* civil society will gain and generate. This could have important implications for citizens' interest in public issues, because only a clear awareness of public issues facing society can generate a politically active public.

Notes:

1. Changes in the press are homologous to occurences in the sphere of politics: representative democracy has replaced participatory democracy as known in Athens. Similarly, dominant forms of communication become far more effective in public representation than involving people as active participants-communicators in public discussions.

2. Nicholas Johnson (1994:14) convincingly demonstrates the close connection between media and government in the case of US commercial broadcasters. (1) The owners of major media are at lest millionaires and thus part of the establishment. It is understandable that they prefer not to criticise their friends, and they support government positions o n issues. (2) Media owners may fear retribtution by federal government agencies with regulatory authority over them nd enormous discretion (e.g., reduction of postal rates, broadcast licenses, regulation of advertising content). (3) Newspapers or broadcast stations owned by large corporations with other subsidiaries ('conglomorates') may serve other corporate interests, and, thus, support those (governmental) positions on public issues which would bring them most benefits and influence politicianss, accordingly. (4) Government officials may attack the media in speeches ('jawboning'). Media executives do not like to be the centre of controversy, particularly if they are attacked and pressured to change their policy (which would decrease their profits).

3. For example, none of the about 150 professional and scientific journals published in Slovenia could survive without substantial subsidies from the Ministry of Science. Similarly, without state subsidies a large part of other publications and cultural productions (including film) would disappear. On the other hand, media which provide desirable services for a majority of consumers would still be operating. This is not to say, however, that all other media need state "protection," because they publish "words and ideas that trouble or confound," as Fowler and Brenner believe.

4. The role of political parties, whose organs are often the media, has been changed not unlike the market place. According to Bobbio (1989:25), political parties must be placed among subjects of economic, social, ideological, and religious conflicts constitutive for civil society. Simultaneously, modern political parties also belong to authoritative institutions. This major change in the position of political parties is indicated by special legal and constitutional provisions defining the role and rights of political parties. They are neither totally integrated into the state nor into civil society, but rather constitute a "political society" that mediates between the state and civil society. The contemporary state is largely a "party-state;" parliament is a site for meetings of political party representatives rather than citizens to validate the claims of their own parties in terms of generalised interests. The phenomenon of the party-state is particularly significant for the socialist state which institutioally achieved stability and uniformity by suppressing the plurality of political parties. However, a similar process of domination by political parties and their specific interests in parliament must be regarded as an essential element i n the ongoing transformations of the capitalist state, although the latter does not suppress differentiation as much as the socialist state did.

References:

Bagdikian, Ben H. 1983. *The Media Monopoly*. Boston: Beacon Press.

Blumler, Jay G. 1991. Broadcasting Policy in a Changing Information Environment. *The Bulletin of Institute of Journalism and Communication Studies* (University of Tokyo) 43, 1-13.

Bobbio, Norberto. 1989. *Democracy and Dictatorship. The Nature and Limits of State Power*. Cambridge: Polity Press.

Brighouse, Harry. 1995. Political Equality and the Funding of Political Speech. *Social Theory and Practice* 21, 3, 473-500.

Dewey, John. 1927/1991. *The Public and Its Problems*. Athens, OH: Swallow Press.

Downing, John. 1984. *Radical Media. The Political Experience of Alternative Communication*. N.p.: South End Press.

European Commission. 1998. *The Development of the Audiovisual Landscape in Central Europe since 1989*. Luton: ULP/John Libbey Media.

Fishkin, James S. 1991. *Democracy and Deliberation. New Directions for Democratic Reform*. New Haven: Yale University Press.

Fowler, Mark S. and Daniel L. Brenner. 1983. A Marketplace Approach to Broadcast Regulation. In E. Wartella, D.C. Whitney (eds.), *Mass Communication Review Yearbook*, Vol. 4, 645-695. Beverly Hills: Sage.

Gandy, Oscar H., Jr. 1982. *Beyond Agenda Setting. Information Subsidies and Public Policy*. Norwood, N.J.: Ablex.

Garnham, Nicholas. 1990. *Capitalism and Communication. Global Culture and the Economics of Information*. London: Sage.

Gouldner, Alvin W. 1976. *The Dialectic of Ideology and Technology. The Origins, Grammar, and Future of Ideology*. New York: The Seabury Press.

Habermas, Jürgen. 1992/1997. *Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy*. W. Rehg transl. Cambridge: Polity Press.

Hoynes, William. 1994. *Public Television for Sale. Media, the Market, and the Public Sphere*. Boulder: Westview.

Jakubowicz, Karol. 1995. Television: What Kind of Continuity and Change. *Javnost—The Public* 2, 3, 61-80.

Johnson, Nicholas. 1994. An Autonomous Media. Background paper prepared for the Commission on Radio and Television Policy-Aspen Institute Session. Aspen Wye Woods Conference Center, Maryland. May 4-7, 1994.

Kant, Immanuel. 1784/1965. Beantwortung der Frage: Was ist Aufklärung? In Immanuel Kant: *Politische Schriften*, 1-8. Köln: Westdeutscher Verlag.

Kant, Immanuel. 1795/1983. To Perpetual Peace. In Immanuel Kant: *Perpetual Peace and Other Essays*, 107-144. Cambridge, IN: Hacket.

Krüger, Hans-Peter. 1991. Radical Democratization. *Praxis International* 11, 1, 18-36.

Lazarsfeld, Paul F. 1941. Remarks on Administrative and Critical Communication Research. *Studies in Philosophy and Social Science* 9, 2-16.

Lippmann, Walter. 1922/1960. *Public Opinion*. New York: MacMillan.

Marx, Karl. 1842/1974. Debatten über Pressfreiheit und Publikation der Landständischen Verhandlungen. *Marx-Engels Werke*, Vol. 1, 28-77. Berlin: Dietz Verlag.

Mattelart, Armand and Jean-Marie Piemme. 1984. Twenty-Three Guidelines for a Political Debate on Communication in Europe. In V. Mosco and J. Wasko (eds.), *The Critical Communications Review. Vol II: Changing Patterns of Communications Control*, 211-223. Norwood, N.J.: Ablex.

Mulgan, Geoffrey. 1991. *Communication and Control*. Cambridge: Polity Press.

Negt, Oskar and Alexander Kluge. 1973. *Öffentlichkeit und Erfahrung. Zur Organisationsanalyse von bürgerlicher und proletarischer Öffentlichkeit*. Frankfurt: Suhrkamp.

Park, Robert E. 1904/1972. *The Crowd and the Public*. Ed. by H. Elsner, Jr. Chicago: University of Chicago Press.

Tönnies, Ferdinand. 1922. *Kritik der öffentlichen Meinung*. Berlin: Julius Springer.

Weaver, David. 1984. Media Agenda-Setting and Public Opinion: Is There a Link? In R. N. Bostrom and B. H. Westley (eds.), *Communication Yearbook* 8, 680-691. Beverly Hills: Sage.

Weber, Max.1924/1976. Toward a Sociology of the Press. *Journal of Communication* 26, 3, 96-101.

Williams, Raymond. 1962/1976. *Communications*. Harmondsworth: Penguin Books.

Wilson, Francis Graham. 1962. *A Theory of Public Opinion*. Chicago: Henry Regnery.