CROSSING BORDERS AND BOUNDARIES IN PUBLIC SERVICE MEDIA

Gregory Ferrell Lowe & Nobuto Yamamoto (eds.)

NORDICOM

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Preface

This is the seventh RIPE Reader published by the Nordic Information Centre for Media and Communication Research [NORDICOM] at the University of Gothenburg in Sweden. The present collection is the culmination of discourse during and since the RIPE@2014 conference in Tokyo. The conference theme, *Public Service Media Across Boundaries*, was selected by Nippon Hōsō Kyōkai, NHK – the Japan Broadcasting Corporation – and it proved to be a timely, relevant issue for public service media today.

The 2014 conference was the most global RIPE conference to date. Expanding horizons beyond the European and wider Western regions, where PSB has been historically strongest, has been an ambition since the initiative launched in 2000. RIPE@2014 welcomed PSM researchers from around the world, including many participants from countries without a history of public service broadcasting and where remarkable efforts are underway today. The 7th Reader includes scholarship from and about some of these countries.

The conference was hosted by the Institute for Journalism, Media & Communication Studies at Keio University, and sponsored by NHK. We are grateful to both institutions, and especially indebted to Nobuto Yamamoto who steered the project for Keio University and Yoshiko Nakamura who steered the project on behalf of NHK. Yamamoto was ably assisted by Shuzo Yamakoshi, and Nakamura was supported by Takanobu Tanaka, a colleague in NHK's Broadcasting Culture Research Institute. All of us who were involved with the planning, and the participants as well, greatly appreciate the tremendous job they did in producing an excellent conference, and everyone enjoyed extraordinary hospitality during the event. Our RIPE@2014 experience was truly memorable.

The conference benefitted from important support from other institutions also committed to democratic development and the role of media as a public service in that pursuit. We are grateful for the generous grant from the Open Society Foundations [OSF] that funded the participation of five early career researchers from Africa, Asia and Latin America. Warm thanks especially to Sameer Padania and Marius Dragomir for their assistance, support and encouragement. We also appreciate involvement from

the Public Media Alliance, formerly the Commonwealth Broadcasting Association, and particularly appreciate Clare Hill who participated on their behalf. And we were pleased to welcome considerable contributions from the European Broadcasting Union, and in particular the excellent work of Roberto Suarez and David Fernandez from the EBU's Media Intelligence Service. This was not only the most global of our RIPE conferences to date, but also the most networked.

On behalf of the RIPE@2014 conference host and sponsors, we want to again thank the Conference Planning Group [CPG] and the RIPE Advisory Board [RAB] for all the work they contributed in producing an intellectually satisfying conference. We also appreciate the material support they received from their respective institutions that funded their voluntary involvement. The CPG members for RIPE@2014 were: Marko Ala-Fossi, University of Tampere (Finland), Minna Aslama Horowitz, St. John's University (USA), Karen Donders, Free University of Brussels (Belgium), Michael Huntsberger, Linfield College (USA), Fiona Martin, University of Sydney (Australia), Hallvard Moe, University of Bergen (Norway), Phillip Savage, McMaster University (Canada), and Hilde Van den Bulck, University of Antwerp (Belgium).

The CPG thanks all of our RAB members for their support and contributions, as well: Jo Bardoel, University of Amsterdam (Netherlands), Trisha Dunleavy, Victoria University of Wellington (Australia), Peter Dunn (Australia), Paulo Faustino, Porto University (Portugal), Taisto Hujanen, University of Tampere (Finland), John Jackson, Concordia University (Canada), Per Jauert, University of Aarhus (Denmark), Alan G. Stavitsky, University of Nevada Reno (USA), Jeanette Steemers, University of Westminster (UK), and Roberto Suarez, European Broadcasting Union (Switzerland).

On behalf of everyone, we warmly thank Michael Huntsberger and Peter Dunn for doing so much work during and since the 2014 conference in producing a first series of webisodes about public service media and the RIPE initiative. Some of these are already posted on the new RIPE YouTube channel, and more are forthcoming[1]. During the conference Prof. Huntsberger exerted a degree of effort that was truly extraordinary. Thank you, Michael.

Lowe wants to personally thank Ms. Irie Sayaka at NHK for her assistance during the conference in helping him to deal with an emergency health issue. Your gentle grace and genuine concern will always be remembered.

On behalf of everyone who participated in the Tokyo conference, I'm sure we all appreciate the good work and cheerful help provided by the wonderful students of Keio University. You are stars, truly!

The editors would like to thank all of the contributors to this 7th RIPE Reader. You've each done good work and we appreciate your patience and responsiveness during the long peer review process.

Lowe would like to thank Ingela Wadbring, who has taken over the directorship at NORDICOM, for continuing commitment to our series of RIPE Readers, and also Karin Poulsen who always provides invaluable help in the final stages of production. We are excited to inform you that the entire series (with the exception of the current

volume) is now available to download free of charge as PDF documents that are available for retrieval on the NORDICOM website[2]. Please download them all! This is a generous decision by the publisher that will greatly support further scholarship and developmental practice in the field, not only in the West but of especial importance in so many places where books are hard to get or difficult to finance.

The 7th Reader was funded by the Institute for Journalism, Media & Communication Studies at Keio University in collaboration with the School of Communication, Media and Theatre at the University of Tampere in Finland.

For more information about the RIPE initiative, our conferences and this series of Readers, as well as useful updates about projects, forthcoming conferences, books and reports, please visit the website: http://ripeat.org.

January 2016

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Notes

1. http://www.nordicom.gu.se/sv/medieforskning/nyheter/ripe-publications-open-access.
2. https://www.youtube.com/channel/UC-HDZmiaXQV5b5s7kuCTqfw.

Crossing Borders & Boundaries in PSM

Heritage, Complication and Development

Gregory Ferrell Lowe, Peter Goodwin
& Nobuto Yamamoto

Abstract
This chapter explains the rationale for the book and makes two unique contributions in the collection. The first is discussion about three key terms in our theme that have important implications for the rest of the chapters: crossing, borders and boundaries. The second unique aspect situates the collection by addressing four highly problematic boundaries for PSM that are rooted in the public service broadcasting heritage. That historic grounding depended on A) national governments, that B) mandated public corporations to conduct 'broadcasting' as the core task via C) non-commercial, or at least non-profit, operations, and for a long period organised D) as monopoly institutions to accomplish the mission of 'universalism'. The chapter concludes with consideration of what we consider important to preserve from the PSB heritage, and what is increasingly dysfunctional about this in the networked communications environment that contextualises PSM.

Keywords: public service, broadcasting, networked communications, public corporation, national borders, institutional boundaries

Introduction

Although it wouldn't be accurate to say that life for public service broadcasters was ever simple, for decades it was far simpler than today. In much of Europe PSB had a monopoly. Where monopoly wasn't characteristic, oligopoly has been because of the scale of required investment (Berg 2011; Picard 2011) and, in broadcasting, due to spectrum scarcity. Regulatory regimes were distinctive across media (van Cuilenberg & McQuail 2003). Media 'markets' were only mildly that in practice and "the people formerly known as the audience" (Rosen 2006) were still only the audience. Media use was highly differentiated; radio had 'drive time', TV had 'prime time', and newspapers were read in the early mornings or early afternoons, depending on the publication. People went to a cinema to see films, usually on the weekends. Telephones facilitated distance conversation, and only that.

Today we live in an enriched media environment characterised by abundance (Ellis 2000). All kinds of media, all types of content, and an expansive range of services are ubiquitous and increasingly integrated on digital platforms. Media technology is comparatively cheap (Rosoff 2015). Competition is robust and complex. People can be makers as well as users, distributors as well as consumers, participants as well as recipients – or still 'only' audiences (Heikkilä et al 2014). Influential media companies are transnational operators such as the BBC, Disney, News Corp, Sony, and Netflix. Some of the richest aren't involved in content production (Apple, Facebook, Google and YouTube), although that is changing. And the scale of operations required to be globally successful is gargantuan. In 2015 Facebook had 1.5 billion registered users (Statistica.com) and Google reported over 3.5 billion daily searches (Google Search Statistics).

Media systems are not stable and markets are volatile. A new media ecology is taking shape, but the dimensions and dynamics remain uncertain. The reflexive nature of development in media-society relations is profoundly important. Change has been sweeping in the period when public service broadcasting [PSB] has been transforming to become public service media [PSM]. This is a complex undertaking, as evident in RIPE discourse since 2003 when the first Reader focused on the broadcasting remit in the context of convergence (Lowe & Hujanen 2003). Today's challenges are both for PSM as a significant player in a rapidly evolving media ecology, and about PSM because the legitimating rationale is rooted in the peculiarities of broadcasting.

Mass media will continue to be important, but not as the normative grounds for policy. Most people watch television programmes, but how they watch and when and where is far less cohesive and increasingly non-linear. The popularity of audio, visual and textual content persists, but all text is increasingly digitalised and interactive. Social media is ascendant and the sociability of media matters. The degree of media pervasiveness can only increase as mobile technology develops, but already distribution is no longer a bottleneck, channel scarcity is no longer characteristic, and production is no longer an exclusively professional practice.

But much remains unclear as historic boundaries collapse and borders are increasingly blurred. Cross-boundary influences are evident in the growth of multinational corporations, international channels, global trade in formats and programmes, developments in media technology, and changing tastes and perceptions among audiences. PSM institutions remain domestically grounded and orientated, but must cope with international influences and pressures at home, and international issues and opportunities abroad.

Significant cross-boundary issues are evident in policies that support networked communications with important implications for broadcasting. Internal institutional boundaries pose challenges to achieving greater openness and cultivating public participation in PSM. Traditional boundaries between professional and non-professional production are problematic, especially given the push for greater collaboration. The emergence of transnational audiences and audience fragmentation are relevant. The rise of social media and the emphasis on media services are significant. And there

are enormous challenges in efforts to bridge boundaries between PSM and other public institutions (public sector), social movements (civil and volunteer sector) and companies (private sector).

Cross-boundary phenomena offer tremendous opportunities for developing PSM as an institutional practice and, more importantly, for ensuring public service provision in the emerging media ecology. But managers and policy-makers alike are grappling with the collapse of familiar dichotomies that have grounded policy and practice, and now require critical re-examination: public/private, national/international, broadcast/print, linear/non-linear, audience/user, production/distribution, citizen/consumer, and market/society – to underscore the most notable. Underlying all of this is the pivotal convergence dynamic.

Our selected focus is about crossing borders and boundaries in PSM, which immediately begs two questions: 1) what does 'crossing' imply, and 2) what is important about this in relation to borders and boundaries?

Connotations of crossing, borders and boundaries

Crossing implies an obstruction, typically with complication, often a degree of risk or at least uncertainty, and possibly danger. Crossing rivers and mountains was dangerous for pioneers. Crossing a national border often requires preparation and sometimes inspection. Crossing from one side of a street to the other involves risk, so we teach children to look both ways first. Wise drivers approach a railroad crossing with caution, and usually hurry across even when there is no obvious danger.

This is not to say crossing is a bad thing. People cross because there is something on the other side that makes it worthwhile, or because they must. Explorers experience the previously 'unknown'. Pioneers establish a new life. There are difficulties, but what stands to be gained is valuable. Simply reaching one's destination can be satisfying. An individual with the courage to make a significant life change may experience relief as a burden is laid to rest

While some crossings are voluntary, many are unavoidable. We must cross from childhood to adulthood, and from maturity to old age. If one marries, he or she crosses from one life condition to another and the partner who refuses to accept requirements for personal change will have a bad marriage for a while, and often no marriage after a time. Converting to a religion may require significant changes in lifestyle and orientation. Much of this will be internal, but in both examples the required changes are also social. One can't secure the benefits without accepting the costs. Even when crossing is entirely voluntary, it can require personal sacrifice and involve considerable effort. The mere anticipation of a crossing can cause anxiety.

Change is often construed as inherently good and something desirable. It can be both, but there are almost always unintended consequences because development inevitably requires some degree of 'creative destruction', in Schumpterian terms. To-

day much is made of PSM partnerships, collaboration and interdependence, and that can be good and desirable. But the way these and other signal changes are addressed too often fails to acknowledge the scale of risks and degrees of uncertainty that are involved, and to overlook potential dangers. Significant changes in PSB are necessary for the enterprise to adapt to 21st century societal conditions, which vary greatly, but one should not minimise the complexities and complications.

The notion of a 'border' seems more straightforward. The term usually describes a geographic location that separates two or more entities, often national but regional, provincial and local borders equally apply. Borders have distinctive properties that divide peoples who consider themselves different, or are considered as such by others with the authority to impose their will. French and Germans are different in ways that each population considers significant. But in fact things aren't so straightforward. The Alsace region is characterised by a complex blending of these cultures, reproducing some parts of each but also possessed of attributes that are unique. The peoples of North and South Korea share deep history and a mother tongue, but are separated by ideology and regime. Before its collapse, the Iron Curtain separated the German people and the reunification project is complex and complicated. National borders are sometimes alluded to as 'frontiers', which implies a zone at the margins where things are unsettled.

Borders are increasingly porous and blurred as a result of globalization. Industries work across borders and multi-national corporations take advantage of distinctive opportunities in various countries (e.g. less expensive labour in one country and favourable tax codes in another). People around the globe are keen for the newest technology and capital moves electronically. EU signatories to the Schengen agreement allow citizens from member states to ignore borders. Media goods and services are high-profile examples of products that cross national borders. Audiences watch programmes produced elsewhere and are familiar with formats adapted everywhere. Amazon, Facebook and Google are familiar in a majority of countries, and where they are not available similar services exist. China has Renren instead of Facebook, and India has Flipkart instead of Amazon. The founders of Flipkart worked for Amazon earlier – another way in which boundaries are crossed. And there is no shortage of national icons that have become international, such as Disney, Apple and the BBC.

A deliberate softening of borders is indicated in some expressions of formal identity: The *United* States and the European *Union*. Recent decades have seen tremendous growth in free trade zones and international free trade agreements. An increasing number of organisations represent international movements, including Greenpeace for environmental protection, Médecins Sans Frontières for medicine, and Amnesty International for human rights. Non-institutional grassroots examples include the Occupy movement that resists global capitalism and the Anonymous movement – a collective of hacktivists

The variable persistence, evolution and decline of borders indicates the continuing importance of distinctions that matter in the complex interactions of diverse social

constructions – the hyperlocal, local, national, regional, and global, and as importantly between majority, minority, oppositional, centre and periphery. This hints the broader importance of boundaries, which are more plentiful than borders and arguably more complex.

Boundaries can be formal or informal, psychological or physical, rigid or relaxed, fixed or flexible, cherished or resented, temporary or permanent, practical or ideological – and any combination. Boundaries vary over time. The historic boundary prohibiting marriage between same sex couples is being relaxed in many societies, but penalties are rigorously enforced in others. Even where condoned, there is often disagreement. In the United States many religious conservatives are deeply unhappy with the recent Supreme Court ruling because they consider such unions immoral and inappropriate. And many more have mixed feelings, opposing this on religious grounds but accepting it as a civil right.

Boundaries vary across cultures. For example, Americans are constitutionally keen on a division between church and state, but many European countries – often more secular – are not. Boundaries can be individual or collective. Some people won't befriend a category of 'others' even when society as a whole is accepting. Organisations of much size usually find it more difficult to work with 'outsiders' than internally, and many managers become fixated on internal concerns. Each PSM organisation features some range of internal cultures and is situated within, and deeply influenced by, the host national or regional or local culture (depending on the operation). Not surprisingly, the degrees to which various boundaries are easy or difficult to cross varies as a result. But as we argue below, there is a general set of attributes that indicate shared challenges as well.

Boundaries are simultaneously about inclusion (bridging) and exclusion (bonding). Some boundaries are easy for an individual to cross, while others are very difficult – perhaps impossible. Some are easy for a small organisation and possible for the majority in a society to cross, but not everyone is as flexible and there are always groups that resist. Managerial challenges abound as a result. Some boundaries wear out their welcome and are kicked to the curb without remorse, even with relief and sometimes celebration – but usually only after a period of struggle, and sometimes conflict. A boundary may be zealously defended by one group and as vigorously attacked by other groups because there are winners and losers when boundaries collapse.

Thus, crossing borders and boundaries necessarily involves a complicated range of requirements that are fundamental to the exercise and the experience: accommodating risk, coping with uncertainty, dealing with conflict, grappling with complexity, accepting challenges, seizing opportunities, acknowledging variability, pursuing value and anticipating consequences – some of which can't be predicted. All of this is pertinent to the continuing transition from PSB to PSM in the emerging context of networked communications and advancing globalisation. This collection addresses many relevant features and critically explores a range of pertinent factors.

Problematic boundaries and borders for public service media

Organisations have birthmarks. Sometimes these fade over time, but not much for established PSB institutions. Historic boundaries can be traced to their birth in the early 20th century, and have become endemic to the institution. Heritage is fundamental to PSB's legitimacy and distinctiveness, but the value structure is rooted in mass media and often doesn't readily accommodate the dynamics of networked communications.

As Taisto Hujanen argues in his contribution, PSB heritage values remain important for legitimating the enterprise but are questioned and at risk in the 'post-broadcast' era. The normative framework for networked communications is driven by commercial economic interests (Castells 2010; Benkler 2007) and premised on neo-liberal ideology (Freedman 2008), both of which are fraught with challenges for PSM. Although a 'bullet' has been dodged after the recent World Radio Conference (WRC-15) decided not to allocate more spectrum bandwidth to mobile media at the expense of broadcasting, pressures to do so will undoubtedly continue – especially in Finland, it seems (MTC 2015). The contribution by Sylvia Harvey provides a timely overview that clarifies what is at stake for PSB and television audiences.

Despite their arguable continuing importance, and relevance, there are shortcomings in the institutional framework that legitimated PSB that become glaring when attempting to apply this to PSM. In particular, that framework depends on A) national governments, that B) have mandated a public institution to conduct 'broadcasting' as the core task for C) non-commercial, or at least non-profit, corporations. For a long period in European history, the institution was also given D) a monopoly to accomplish the mission of 'universalism'. These features are historically obvious, but the contemporary implications are perhaps less so.

a) The National

Public service broadcasting organisations were created by national governments and continue to be responsible to them. Most are situated as national organisations, as reflected in their names: *British* Broadcasting Corporation [BBC], *Danmark's* Radio [DR], and *Svergies* Television [SVT] – identities that express "seriousness and a sense of national self-importance" (Marshall 2009: 81). Broadcasting has been more subject to domestic governmental oversight than most media. European PSB organisations have usually been administered by a body of representatives appointed by parliament that are supposed to act on behalf of the public's interests, but much that happens is clearly very political and often partisan. PSB is affected by strong national pressures and characterised by political dependencies that are fundamental to this connection (see especially Nissen 2015). As Hilmes (2009: 28) put it:

> Broadcasting appealed to governments throughout the world as a natural venue for both state control over a powerful domestic means of communication and an outward agent of information and propaganda. As a result, broadcasting was regu-

> lated, supervised, policed, and in many cases, monopolised by the state to a greater degree than other forms of modern communications.

Constitutional pedants can find apparent exceptions, notably Germany where the victorious Allies made broadcasting the responsibility of federal states (*länder*) rather than the central government. Public service channels there are handled by agreements reached between broadcasters within a länder (ARD) and between the länders (ZDF). But this apparent exception does not break the rule. PSB primarily broadcasts to national publics under the more or less watchful eye of national governments.

The promotion and articulation of The National Culture has been one important part of what the watchful eye monitors. This suggests two strands of operational priority that diverge in function and purpose. On the one hand, the PSB organisation has been mandated to support, encourage, preserve and advance whatever is considered the best of a nation's cultural heritage and traditions. This was the essence of the classical Enlightenment Mission. On the other hand, many PSB organisations were mandated to provide international broadcast services to advance national interests abroad. In this regard, the contribution from Takashi Ito provides a fascinating treatment of dynamics and complications that have characterised Japan's NHK in this regard.

The domestic role for PSB should, in theory, be highly independent from government interference, but the international role is highly interdependent with government. In domestic services, then, PSB is supposed to serve the public as a civil society institution, but in international services PSB is supposed to serve the nation as a vehicle for wielding 'soft power' (Nye 1990). Thus, broadcasting to audiences inside and outside their respective national borders carries different expectations and has distinct role requirements that can produce somewhat schizophrenic influences. National PSB does international broadcasting to gain additional funding, to advance the foreign policy interests of its national sponsor, and for developing the institution's international importance as a brand. This can be achieved with some subtlety (what friends of the BBC World Service claim) or brazen insensitivity (what critics of China's CCTV claim). Either way, domestic and international public broadcasting have fundamentally different purposes, and sometimes suggest cross-purposes – or at least contradictions that are difficult to resolve.

The situation of PSB with regard to its need for state sponsorship and co-related pressures for editorial control are especially important in national contexts where media have been vehicles for exercising state power, and where various popular and political movements are struggling to create or to maintain a genuine public service provision. Relevant issues and dynamics are treated in three chapters that examin efforts to develop public service in media in countries where this is comparatively new and the project is politically charged. Bouziane Zaid analyses developments and setbacks in Morocco in a treatment that is more broadly applicable. The complicated struggle to maintain editorial and administrative independence in post-colonial Hong Kong is treated by Ken-ichi Yamada and Nobuto Yamamoto. The chapter by Hui-Ju

Tsai investigates case Taiwan demonstrates the crucial importance of civil society organisations for successfully resisting state pressures.

Audience identities have always been more complex than the historic mass media orientation accommodated, but for the most part PSB's domestic emphasis has been on the public as citizens. The importance of PSB for democracy is strongly supported by the 1997 Amsterdam Protocol, which is significant in granting the 'competence' to confer, define and organise the remit for PSB to each EU Member State. The identities of audiences abroad are far more complicated, however, because those 'publics' can be construed as enemies, allies, former colonies, etc., and identities change on the basis of circumstances, experience and general developments. And within Europe the emphasis has increasingly prioritised the public as 'customers'. The citizen orientation of PSB remains, but appears weaker in many PSM firms. And it so far remains exclusively national while the consumer orientation is clearly international.

Unlike the broadcasting universe of discrete nations, the online universe is internationally inclusive and premised on networked communications, not media networks. PSB as PSM is functionally international, even if the organisation doesn't seek that. Networked communications is an uncomfortable concept for public service broadcasting, which remains the essential identity and is what these organisations are mainly mandated to do. The discomfort is partly rooted in the institution's continuing dependence on the national alone for security and legitimacy. But some PSM corporations earn revenue from abroad, particularly BBC Worldwide, and the increasing importance of revenue derived from programme and format trade should not be underestimated. Even some smaller organisations have enjoyed considerable successes, as demonstrated by DR's success in exporting Danish drama. Trisha Dunleavy contributes a chapter that clarifies the reasons.

The point we want to underscore is that the national character of PSB is both a source of enduring importance and increasing complication. This is especially evident in challenges for PSB that are rooted in the globalisation of information, media industries and markets, as well as their audiences / users / publics. Globalisation intentionally blurs boundaries and collapses borders. This is evident in the movement of capital, signals and products in transnational networks that pay as little heed as possible to national preferences. Cross-border signals have long been an issue in broadcasting (Jackson et al 2011), but the scale, scope and intensity are escalating. The national still matters, particularly as regards the popularity of content in the mother tongue and a general preference among audiences for localised content (Webster 2014), but it does not matter as much to commercial media conglomerates – except as regards financial concerns linked with intellectual property rights. Benjamin J. Bates provides a pertinent discussion about this.

Moreover, media users are increasingly accustomed to accessing content from a Web that is *World Wide*; this is the context for PSM and means the enterprise can't but be linked with a global nexus of media sources and resources. The chapter by Lizzie Jackson clarifies a crucial challenge related to this that is likely to be increasingly keen in

the years immediately ahead – how to find public service media's content and services in an environment with indistinct borders and such an enormous volume of material that continues to multiply. Thus, globalisation of media also promotes competition between national PSM institutions and between movements and these institutions (see Hirst, Thompson & Bromley 2009).

Social media have played a significant role in mobilising protest movements in recent years. Facebook and the like provide platforms that are commercially owned and operated, featuring content that partly originates outside institutional boundaries but also utilises news and other materials produced by PSM institutions (among others). Even documenting and reporting on a protest movement can require PSM institutions to engage in politics (Wolfsfeld, Segev and Sheafer 2013) to a degree that can be problematic for editorial independence, and because legal mandates typically require PSB institutions to be non-partisan.

b) Broadcasting

The rationale for PSB structural arrangements (macro) and organisational requirements (micro) are rooted in distinctive characteristics of broadcasting. The remit – historically understood as 'the mission' – was to create programmes as a service to the Public and transmit them over the air to general audiences conceived as 'receivers' (only) from a centralised mass media institution. In northwest Europe PSB was financed by compulsory licence fees. Elsewhere financing has relied on some combination of fees, tax revenue, state subsidy, sponsorship (or underwriting) and commercial advertising – in varying proportions. The rationale that legitimated the institutional approach to broadcasting as a public service was partly based on physical limitations for using electromagnetic spectrum, partly on progressive ideology in the late 19th and early 20th century (Tracy 2014), and partly on how public infrastructure was generally managed at the time PSB was created.

In the first half of the 20th century, broadcasting was thought to have powerful direct effects (Sullivan 2012). Radio and television reached nationwide audiences and the potential for mischief due to misuse, and for social progress due to appropriate use, was a focal feature of policy designs. The USA took a path that was aligned with the general socio-cultural value system there, preferring a private commercial approach[2], but even so an influential strand of discourse emphasised a public service orientation (Barnow 1966).

The key point for our purposes is that public service broadcasters were only that – broadcasters. In most cases they were prohibited from involvement in other media. The same public service premise could have equally applied to film, books, magazines or music (Goodwin 2014), but this was not the case anywhere. The signal exception is newspapers in the late 19th and early 20th century when the public service notion was partly appropriated (John & Silberstein-Loeb 2015), but not as the grounds for legitimating what was always a largely commercial (and highly subsidised) enterprise.

Broadcasting was organised and operated on a unique basis compared with other media. The normative basis that legitimated this approach is typically characterised as a 'social responsibility' model (Christians et al 2009). Broadcasting as a public service, made universally available to an entire national population, was the preferred approach in Europe, especially. The rationale was articulated by John Reith, whose 1925 book was aptly titled *Broadcast Over Britain*. Reith proposed that radio had the potential and obligation "of making the nation as one man" by "providing common access for all" (Scannell 1990: 14). Further, he believed monopoly was necessary to achieve and maintain the highest quality standards.

Today media policy favours mobile and interactive media to an extent that ignores the fact that broadcasting remains a significant platform in everyday media use. It is true that the proportion of young people viewing over-the-air programming has been dropping in the USA (MarketingCharts 2015) and the UK (Guardian 2014), for example, but that doesn't mean young people watch less TV programmes. Most watch plenty of TV via subscription services like Netflix or online streaming (Thinkbox 2015). Broadcasting is fundamentally a concept, however, and as such it is no longer as popular or as prioritised as has been the case historically.

Moreover, PSM is challenged by an instilled mentality that is highly broadcast-centric in prioritising transmission, professionalism, programmes, exposure, reach and the like; all the characteristics of mass media. While this is arguably as important for democratic societies now as earlier, most people are deeply engaged with networked communications, social media, mediated services, interactivity, and personalisation. In theory PSM is well suited to cater for all of that without jettisoning broadcasting. In fact, PSM organisations are already 'tri-media' operations – radio + television + internet; on-air + online, linear + non-linear. But 'new media' logic is a fundamentally different concept. The dimensions and ramifications are usefully treated by Jeff Jarvis in a recent publication (2014) focused on implications for journalism. He argues that today media are not only sources for most people, but also resources, that context matters as much as content, and services are as important as programmes. PSM is developing beyond the conceptual boundaries of its PSB heritage, but there are considerable risks as well as opportunities in that, and uncertainties abound. Analysing dimensions and understanding complications are at the crux of this RIPE Reader.

c) The public corporation

Public service broadcasting was explicitly *not* created for the primary purpose of making a financial profit. Distrust of profit-seeking motives is one persistent feature of the social responsibility alternative to the commercial model. Scholarship on the political economy of media offers a wealth of insight on this issue (see especially Wasko et al 2011). An important dimension hinges on concern that commercial pressures can hamper editorial independence, a hallmark feature of the public service orientation in broadcasting (Berg et al 2014) – although this more readily applies to news than

the audio-visual arts (Keat 2011). In recent years PSM organisations that derive a proportion of their revenue from advertising (mainly in southern and central Europe) have been reducing, even eliminating, this stream due to strong pressures from the commercial sector and because commercial revenue has been the cause of too many legal challenges in today's neo-liberal environments. France is an important case; there the former Sarkozy government ended advertising on public TV in 2009.

In Europe PSB organisations were treated as public institutions from the beginning. This model was premised on the postal system, the first nationwide communications infrastructure in most countries. It was also an adaptation of the preferred approach for organising telegraph and telephone systems, the first electronic media. All three were operated as monopolies in most countries, with obligations to ensure nationwide delivery / connections. In return for ensuring services were available to 'the last mile', these institutions were structured as monopolies (Owen 2007). But broadcasting was unique in being responsible not only for carriage but also for content. At question, then, was what kinds of content ought to be produced, and what ought not, by a public institution. In recent years the debate has focused on what counts as services and what services commercial operators provide that PSM ought not 'interfere' with? This indicates persistent disagreement over the appropriate boundaries.

The idea that broadcasting ought to be organised, administered and operated as a public trust was not odd or exceptional at the time of their institutionalisation (Goodwin 2014). John Reith's devotion to the "unity of control" concept legitimated monopoly ownership in Britain and his philosophical (and rhetorical) framework became the model for establishing PSB elsewhere in Europe and beyond (Scannell 1990). Later in the middle decades of the 20th century public, not-for-profit corporations were common (with the crucial exception of the USA). This was considered an essential means for providing universal services at suitable quality in many domains, including public transport, healthcare, power generation and distribution, telecommunications and post. As public corporations, classical PSB was aligned with a general pattern of societal organisation that was characteristic in the era of Europe's 'mixed economies'. More distinctive for public service broadcasting, however, was the importance of maintaining an 'arm's length' distance from *both* market forces and the State.

The public corporation has thus been a solution to certain problems and the cause of others, and the later have become more pronounced as 21st century developments unfold. The approach secured a relatively high degree of independence from direct state interference in content, if not so much in PSB's institutional management which remains stubbornly political in character. As public corporations, these organisations have had a higher degree of autonomy than they might otherwise enjoy, but today this increasingly requires higher degrees of accountability and mechanisms for ensuring that – mainly ex-ante evaluation (see Lowe & Martin 2014; Donders & Moe 2011).

Institutional self-interests coincide with public corporation status, indeed the later arguably heightens those interests (Lowe 2010). The monopoly status that persisted for decades is an antecedent factor. The justification for monopoly was partly premised

on the universalism principle. This is no longer as generally accepted, however. The chapter by Marko Ala-Fossi provides an insightful comparison of universalism in public service broadcasting with net neutrality in public service media. As he makes clear, the foundations of legitimacy are quite different and much appears to be at risk in the transition.

Although PSB within national domains generally succeeded in accomplishing universal access, it has not been characterised by universal inclusion. Nor did the institution make sufficient allowances for non-universal distinctions that people consider important. The chapter by Minna Aslama Horwitz and Hannu Nieminen is pertinent here. They examine the rationale and potential for making a case for contemporary PSM based on communication as a human right, an emerging perspective in media policy discourse that is highly relevant for legitimating public service provision in both young democracies and those generally considered to be highly developed. Success depends on the degrees to which PSM providers, institutional and non-institutional alike, manage with multiple stakeholders who have corresponding interests in some aspects and contradictory interests in others. Thus, working across boundaries is an essential requirement for public service *mediation*.

The public service orientation has long prioritised contributions to social cohesion (Lowe & Jauert 2005). PSB has been considered essential for achieving that in the European context, which is characterised by astonishing diversity among and within cultures situated within a comparatively small continent (Schlesinger 1993) – with all the mutual benefits and various conflicts that has entailed. In recent years the cohesion dimension of the public service mission has emphasised the 'commons' concept, a notion especially popularised by Graham Murdock (2005). Corinne Schweizer examines this concept in multiple dimensions and treats a range of important implications involved with crossing both institutional and conceptual boundaries.

Finally, the public service corporation has generally been a highly self-sufficient enterprise. These organisations built large, state-of-the-art production facilities and have kept pace with technology development over the decades. Even in comparatively small countries such as Denmark and Finland, the scale of resources and original production are quite large in proportionate terms. For example, Yle's annual turnover in 2014 was nearly 473 million euros (Yleisradio 2014), compared with Sanoma Group – the biggest Finnish media firm – which generated about 113 million from digital radio and TV combined in the same year, and another 84 million from online and mobile media. This means Sanoma's electronic media operations in Finland (only) generated about 197 million euros – about 56 percent of the Yle total[3] (Sanoma Group 2014).

PSB corporations historically produced their programming in-house. That was a necessity in the early decades because they were monopolies and also because they established broadcasting. More recently this has weakened as mandates require higher amounts of commissioning to support the independent commercial sector in production. A quota system is the common prescription (e.g. the BBC quota in 2014 was 25 percent[4]). Even where there is not set quotas for external commissioning, most PSM

firms have recognised the economic savings that can be realised via commissioning from the independent sector, the socio-political value of doing this to build support among the independents (and 'creative economy' advocates more generally), and for pursuing innovation in media products. The chapter by Sari Virta and Gregory Ferrell Lowe provides an interesting case study from the early to mid-2000s in Finland's Yle. Their treatment demonstrates the necessity of working across internal and external boundaries to achieve content innovation, but equally the persistence of internal politics that are boundary-related and –driven in every sense.

PSB history and PSM development

Monopoly is the only feature of the historical PSB pattern that has definitely ended – in some cases generations ago (e.g. the BBC), while in others a couple of decades ago (e.g. Austria). State broadcasting (that likes to call itself 'public broadcasting') is the remaining vestige, but we do not consider that a legitimate form. PSM is so accustomed to competition that there's cause for concern that the historic emphasis on civil society, citizenship and avoiding market-driven priorities is becoming too weak. This is debatable. The contribution from Tanja Meyerhofer provides an atypical assessment of marketisation in PSM, demonstrating what is potentially beneficial, and arguably also necessary, rather than exclusively negative.

But the other three other foundational features of PSB remain as relevant today as earlier. Each continues to exert strong influences that shape PSM organisations. Although today's social contexts and media environment are radically different from 20th century conditions, the birthmarks we have treated account for an assortment of boundary and borderline problems that ground every contribution in this Reader. In closing our introduction, we discuss four implications.

Firstly, the *raison d'être* for PSB explicitly distinguished broadcasting from other mass media. PSB was conceptually and structurally unique. Although making the transition to television was expensive and posed technical challenges, it was not a problem in conceptual terms. Television was 'radio with pictures'. Cable and satellite delivery were more problematic because they launched pay TV and niche broadcasting. Some PSB organisations smoothly segued into the 'new' transmission technologies (NHK) and some did not (BBC), but 'must-carry' rules resolved key issues that threatened the free-to-air principle and universalist intentions of PSB. In time, these institutions adapted. Most long ago introduced multiple branded channels of their own.

Until online media emerged the key developmental challenges were not existential dilemmas – even though some observers considered them as such. But they were not because the traditional remit for PSB remained clear and fairly cohesive; these institutions did broadcasting, and that's all. And they did this very well, demonstrating deep mastery in production and utilising high quality transmission systems. Competition grew over the decades with increasing affects, but largely within domestic territories.

There wasn't much need to cross boundaries between kinds of media, types of companies, media sectors, or national borders. Internally, PSB companies were silo organisations with revenue that was sufficient to finance operations, and relatively secure.

Broadband internet, and with it the dynamic of media convergence, is the 'game changer' – the cause of a degree of creative destruction that poses significant threats and challenges to the PSB consensus. It is no longer clear where 'broadcasting' stops and 'other media' begin. For organisations with identities bound up with the idea of 'broadcasting', these are consequential challenges. Their funding is squeezed by having to do (or thinking they must) so many things across an expanding range of platforms that are rapidly evolving and highly volatile, and much of which is not inherent to the broadcasting remit. They increasingly face powerful publishers that are striving to stake out their own positions on the internet in pursuit of commercial opportunities.

Secondly, PSM 'audiences' are also being squeezed, as for all legacy mass media. *Not* doing new things presents equally thorny dilemmas, but they can't do all they feel compelled to do with shrinking resources, on the one hand, while not doing the right and most necessary things (however determined) threatens obsolescence on the other. And when PSM is successful, these institutions face a growing host of competitors and their supporters in parliaments who seem determined to snatch defeat from the jaws of victory. PSM is savaged by newspapers that editorialise for their own narrow self-interests while masquerading as ennobled servants of a purely public interest. Regulators tell PSM organisations that all they have done to build a market for online media has produced an unfair competition because their successes have made them too dominant, so they ought to stick with broadcasting – and not necessarily all that is popular in that.

Thirdly, it is not just the founding remit of PSB that is blurred, but also characteristic forms of organisation. PSB was established as a series of domestic public corporations with the explicit intention of fulfilling a public purpose – the public service mission. In most countries and in one sector after another public corporations have either been privatised or replaced by companies in the private sector who claim to be more cost-effective and efficient. This is not usually proven, but it is accepted as truth. The few public corporations that remain are required to contract an increasing range and percentage of services from the private sector, to run their organisations as internal markets, and to develop new streams of revenue – although only in ways and to degrees that commercial operators approve.

Thus, PSB organisations find themselves an unfashionable type of organisation today and are highly subject to persistent demands to downsize, outsource and marketise their operations. This, too, creates boundary and borderline dilemmas. Who should the PSM enterprise co-operate with – companies in the private sector, fellow public sector institutions, the voluntary sector, all of the above? How much, for what, and in which proportions? What is the public service purpose in doing this beyond spending public money to benefit other firms and institutions, briefly balancing internal budgets, or appearing modern to their critics? How commercial should PSM

be, and how should public service be defined under contemporary conditions that are increasingly characterised by networked communications? The answers have enormous implications for whom to co-operate with, and for which purposes.

Finally, there is the problem that PSM remains nationally based and is highly dependent on that sponsorship. In earlier decades the endeavour was clear-cut, if chauvinistic. PSB produced programmes as a public service with a good dose of 'national culture' for domestic audiences, and as a side line in some cases also content that was requested or ordered by a government office or ministry for international audiences. The two elements were treated as separate functions. Today PSM is still organised on a national basis, but the environment is not. Their audiences are largely domestic, but not only that and with broadband there is a dynamic interflow between the domestic and the international that did not exist before. The former certainties about a shared 'national culture' have been deeply eroded by the proper recognition of ethnic minorities, diverse groups that prioritise self-defined distinctions, regional and diasporic cultures – all of which is being countered by a reactionary and resurgent nationalist, populist right wing in many countries. At the same time, there is pressure on influential PSB institutions to 'fly the flag' for their national sponsors. Alongside that comes pressure for PSB to earn revenue from international ventures to 'subsidise' domestic services.

In this seventh RIPE Reader we focus on a timely and complicated subject featuring a complex assortment of boundaries that can be necessary, beneficial or instrumental, but also untenable, detrimental or dysfunctional. Our contributors deliberate on the continuing shift from the PSB heritage to a contemporary PSM construct in this light. We've not been able to treat every dimension of relevance to our theme, but this Reader usefully contributes to RIPE discourse about the roles, functions, opportunities, limitations and impact of PSM, with a particular focus on pertinent issues related to crossing borders and boundaries of many kinds in many places.

Notes

1. These chapters provide deep study results that confirm and amplify findings from the Mapping Digital Media [MDM] project that was sponsored by the Open Society Foundations. The project has produced reports on 56 countries: https://www.opensocietyfoundations.org/projects/mapping-digital-media
2. This was the eventual outcome of a more turbulent discourse than many have recognised, as insightfully treated in Robert McChesney's (1990) early work.
3. Sanoma Group is an international corporation and the total revenue was about 1.9 billion euros. The Finnish figures do not include income derived from the print version of the *Helsingin Sanomat,* Finland's leading national newspaper, or from the magazine titles it owns. The purpose of our comparison is to illustrate that even in small countries the proportionate scale of broadcasting resources and production.
4. The figure and additional details are available in a document published online that reports 2013/2014 figures from the BBC's Window of Creative Competition [WoCC]: http://downloads.bbc.co.uk/commissioning/site/The_WoCC.pdf

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Section I.
Broadcasting & Networked Communication

Broadcasting in the Post-Broadcast Era

Technology and Institution in the Development of Public Service Media

Taisto Hujanen

Abstract

This chapter addresses the importance of continuity in the context of change. Media technologies are subject to social shaping, as their institutionalisation demonstrates. At question is whether it is possible to integrate broadcasting and networked communications, and if so in what forms? The author addresses this from two directions: to extent and in what aspects is it feasible and also desirable 1) to shape the new platforms of networked communications in terms that characterise broadcasting, and 2) to shape broadcasting in terms that characterise networked communications? The author argues against basing our understandings of broadcasting on a particular form of distribution technology because media institutions are socially shaped and culturally conditioned. It is essential to guarantee universal access to media services in networked communication platforms. Without that guarantee the future of public service in media is at risk and PSM can lose its role as an institution that facilitates an inclusive public sphere.

Keywords: broadcasting, networked communications, media technologies, media institutions, social shaping of media, public service, universal access

Introduction

Broadcasting as a social and cultural institution survived the technological change from free-to-air transmissions to cable and satellite delivery. Will it survive the ongoing transformation to network communications dominated by online services and the increasing amount of mobile solutions? More fundamentally, why should it survive? What is so important in broadcasting that one should worry about whether it has a future? The argument developed in this chapter hinges on key features of broadcasting as a universal service for everyone that is vital to an open public sphere where people negotiate common interests. That remains relevant for the future of democratic society. This explains the importance of discussing the critical relationship between broadcasting as technology and a social institution. Are these dimensions inseparable or could one think that technologies are institutionalised for different uses?

We begin with two theoretical assumptions. One emphasises continuity in the context of media change when discussing boundaries between broadcast media and new forms of networked communications. The other considers media technologies as institutions that are subject to social shaping, referring to the numerous negotiations in politics, economics, public regulations, and general discourse in everyday life. Accordingly, when applied to discussion about PSM, it is important to look at and for continuities with the PSB tradition. As to the notion that technologies are institutions, at question is whether and in what forms it is possible to integrate broadcasting and networked communications. In short, to what amount and in what aspects is it both feasible and desirable to shape the new platforms of networked communications in terms that characterise broadcasting?

Raymond Williams (1974: 26) characterised the kind of bonding that is facilitated by broadcasting as 'mobile privatisation' to emphasise the integration of media use in everyday life. This integration supported the development of modern society that has been characterised by the increasingly mobile nature of life practices, a clearer separation between work and leisure, and the consequent privatisation of family life. Cultural studies about broadcasting's audiences later demonstrated the keen importance of family context in the use of television (see Morley 1992). Due to increased competition and growing output, individualised mobile tendencies have persistently increased since the 1980s and are today a focal point of policy discourse and media industry interest.

Historically, broadcasting technology is based on the use of electromagnetic spectrum for one-to-many mass communication. As a social and cultural institution it developed first as broadcast radio in the 1920s and later as broadcast television after the Second World War. Williams (op.cit: 25) pointed out an interesting and important feature: their start as distribution technologies depended on successful exploitation of other institutions including theatre, concerts, public speech, literature and newspapers for content supply. Within approximately ten years' time, radio and television forms had developed distinctive production machineries handled by professionals with varied specialisations engaged with the work of planning and creating content as programmes. This process encouraged the development of national broadcasting organisations and, in Europe, the typical approach we understand as public service broadcasting [PSB]. Of particular importance is the combination of technological characteristics with social and cultural institutions (or perhaps better institutionalisation).

Broadcasting was exclusively a terrestrial platform for distribution of radio and television signals for decades, later called free-to-air broadcasting [FTA]. As such and given the nationwide orientation, the practice prioritised the principle of universal access. For commercial operators this was good for business because larger audiences were worth more to advertisers. For public service operators this was important for reasons of legal principle (paying the taxes or fees entails rights to receive) and social objectives (building better societies). Anyone with the required equipment for reception and the skill to operate it could access broadcast services. Broadcasting's universal

service orientation encouraged developing contents and forms with the intention of providing something for everyone. In this way broadcasting became a source of social sharing and bonding aimed at creating commonality and greater understanding between people from different social and cultural backgrounds. This pluralism ideal was conditioned, as pointed out later by analyses of broadcasting histories (e.g. Scannell 1989, Raboy 1995, Tracey 1998), by the development of nation-states and the paternalism of PSB organisations.

One should not make the mistake of thinking broadcasting is antiquated and no longer relevant. Radio and television remain very popular media and are used by most people at least some of the time, and by many as primary sources of news, information and entertainment. Broadcasting therefore remains relevant to the development of public service media [PSM] that is dominate in today's discussions about the future of PSB. At question is the continuation and future of broadcasting in a media environment that is increasingly characterised by interactive and participatory forms of networked communications, and which corresponding features higher degrees of individualistic tendencies in media use. The overall social and cultural context of broadcasting has changed enormously compared to what was typical of national structures in modern societies. In addition to individualisation, globalisation is affecting not only the structures and ownership of media but has potential to change both content and user orientations – especially to shift these from former national affiliations.

Thus, in discussing broadcasting we must pay attention not only to technologies but also contents, organisation and the audience orientation of media, as well as their integration into social structures and practices in respective societies. The argument advanced in this chapter is based on an evolutionary interpretation of media change that emphasises the need to consider integration and continuities between the old and the new. This approach is complemented by an institutional understanding of technology – the view that the use and application of a technology is institutionalised in social and cultural practices that consist of knowledge and competences required for media use, as well as the norms and values of social and cultural hierarchies that condition their applications.

The cross-border issues analysed and discussed in this chapter concern the critical relationship between broadcasting and network communications. Internet development facilitates a continuous flow of emerging network communication applications that contribute to our experience of a different media ecology where broadcasting is at risk of marginalisation in media policy, in popular discourse and in academic research. That would be a mistake because its importance as an institution and in both popular use and general influence remains high. Moreover, the values that ground networked communications are radically different compared with traditional broadcasting, as illustrated in a range of pertinent dualisms:

- Global vs. domestic
- Individual vs. collective and national identities

- Users vs. audiences and publics
- Participation vs. professional autonomy

The argument and intention is not about a fruitless quest to hold back the tide, but rather to explore whether it is possible to create a socially beneficial balance in the emerging media ecology? That matters because the need for social sharing and pluralism remains as important as ever in cultivating social peace and general prosperity – arguably more so in this period of higher uncertainty, mass migrations and frequent upheaval. Speaking to large and broad audiences is still relevant for the practice of political democracy and for the healthy development of national economies.

The chapter draws on ideas and analyses from an on-going research project underway at the University of Tampere (Finland) involving a team of researchers co-ordinated by the present author. The project is working to describe and critically analyse broadcasting as technology and as cultural form in the emerging context of the 'post-broadcast era'.[1] Policy discussions about digitalisation, which put digital television in particular on the 'Information Society' agenda, furnish the background for this research. Digitalisation is supposed to create a digital dividend that opens greater possibilities for recruiting new actors for use of the electromagnetic spectrum. And that might be happening, but visions about the digital dividend are increasingly focused on the development of online audio-visual services and related broadband strategies with a distinctly commercial set of interests. In European media policy this is a change of emphasis as represented by the Audiovisual Media Services Directive (2009) that reformed the earlier Television without Frontiers [TwF] Directive from 1989 (Jakubowicz 2013: 447).

The rapid development of mobile broadband has intensified competition for electromagnetic spectrum use. The 'post-broadcast' emphasis is evident in growing political and economic pressures to reallocate to mobile broadband an increasing amount of spectrum space on which free-to-air terrestrial broadcasting depends. We are again dealing with problems in spectrum scarcity. In the European context, the regional focus of this research, the critical move concerns the reallocation of the 700MHz bandwidth, which could be taken from broadcasting as early as 2020 in ITU Region 1 (Europe, the Middle East and Africa). This is highly problematic in Europe where 30 per cent of all frequencies used by digital terrestrial TV operate on this bandwidth. Any reallocation will complicate terrestrial broadcasting operations with negative impact (Ala-Fossi & Bonet 2015).

From PSB to PSM – the need for critical reflection

FTA broadcasting is the historic justification for the universal service orientation, and related obligations. This principle was undermined by cable delivery in the 1970s and satellite delivery in the 1980s. Today, cable is the dominant distribution technology for television in densely populated areas and satellite distribution is important everywhere.

These developments encouraged a shift from *broad*casting towards *narrow*casting – from service intentions for broad, large audiences to targeted audience segments; facilitated by the shift from a few general channels to many niche channels. This shift did not end the broadcast era. Radio and television remained comparatively broad in their reach for audiences, and co-related practices of production and distribution evolved to cope – remarkably well, in fact. Besides that, programmes on cable and satellite look the same as those delivered by terrestrial television, and often overlap. So those earlier changes did not threaten the social and cultural relevance of broadcasting as an institution.

What is emerging today is a threatening challenge that arguably ushers in the *post-broadcast era.* Networked communications is not only re-contextualising television and broadcasting in general (Turner & Tay 2009; see also Goggin 2012: 79-80), but also redefining and, to an as yet undetermined degree, replacing it.[2] We need to understand the dynamics and implications. How much and in what sense is broadcasting as a social institution dependent on distinctive technological platforms? What is left from broadcasting if the terrestrial distribution of digital television ends, as some forecast? Is it possible to transfer institutional dimensions of broadcasting, especially its organisation and practices in professional content production, to the online and mobile broadband environments? As an operational strategy and as a concept for services, is 'broadcasting' applicable in online networks and for mobile broadband? Will there be room and uses for broadcast-like contents in the future? How would broadcasting and broadcasters adapt to more individually oriented mobile privatisation and to interactive and participatory forms of media use? How does all that impact universality of services and open access?

We can't answer all of these questions, but they are worth rehearsing to familiarise ourselves with the essential concerns that sketch the background for discussion about public service media. Envisioning PSM will be enriched by careful consideration of how the tradition of PSB and its institutionalisation as broadcast radio and television connects with interactive, participatory forms of networked communications. Towards this end we consider ideas that seem useful for re-articulating radio and television in the emerging media ecology. We do this with a keen focus on the social shaping of media technologies. We also comment on the consequences of cross-media use for broadcasting and consider the future of medium-specific and institutional audiences. To start, we elaborate on the relationship between technology and institution in the transformation of public service broadcasting into public service media, and specially raise the question about 'technology neutrality' in this transformation.

Broadcasting in the transition to PSM

In discussion about the future of PSB, the transition to PSM is widely accepted as the necessary point of departure for future development. In the RIPE initiative this was the focus of the 2006 conference in Amsterdam. In their introduction to the subsequent RIPE@2007 Reader, Jo Bardoel and Gregory F. Lowe characterised this transforma-

tion as "the core challenge for public service broadcasting". It is worth recalling how they sketched the main dimensions of change in strategy and practice in that early period of the transition.

In their view (2007: 17-19 & 21-22), broadcasting is traditionally based on a transmission mode that must evolve into a proper communication mode, especially in the approach to audiences. They characterised that relationship as a partnership (this idea was the thematic focus of the RIPE@2008 conference in Mainz, Germany, and the basis for the RIPE@2009 Reader). Regarding contents, however, the new media environment requires (op.cit: 19-20) an orientation they described as cross-media and cross-genre. Bardoel and Lowe were focused on RIPE's historic interest in renewing the public service ethos and revitalising the public service mission under 21st century conditions. Their editorial intentions for the volume were aimed at deepening critical thinking about theoretical, strategic and operational aspects incumbent in the transition to PSM.

Looking back on discussions about characteristic challenges of so-called new media technology to PSB, indeed to broadcast media overall, this volume marked and remarked an important context change that has become increasingly pronounced in the years since publication. In fact, the need for a thorough re-thinking was of defining importance even in the first RIPE@2003 Reader (Lowe & Hujanen 2003), as evident in the title: *Broadcasting and Convergence: New Articulations of the Public Service Remit*. Early discussions about new media technology and the role of PSB took place in the broad context of advancing convergence as a merger of three media technologies: computers, broadcasting and telecommunications. With this in view, it is evident that the concerns being addressed in this chapter can be traced back nearly fifteen years and represent a seminal body of research and scholarship. And one should notice that the multimedia orientation recommended by Bardoel and Lowe did not exclude radio and television.

Platform agnosticism and neutrality

A key concept in convergence was the process of digitalisation that entertained optimistic visions about television in the late 1990s and early 2000s. In these visions, digital television was portrayed as the multimedia centre of individual households, connecting broadcast media with online services that are interactive and participatory. The anticipations for digital TV have not yet come true, but Internet Protocol Television [IPTV] exemplifies the connection of television with parallel use of online services. As Goggin (2012) points out, however, television is losing its position as the first screen and is increasingly challenged by computer screens and mobile smart phones.

Bardoel and Lowe (2007) emphasised communication and partnership (especially Lowe in 2009). Their references to cross-media and cross-genre content link with aspects of a new media environment that David Holmes (2005: 10), in his analysis of the relationship between media, technology and society, identified as discourse about the "second media age". According to Holmes, convergence discourse, which

he characterises as new media discourse, portrayed media change as a dichotomous contrast between a first media age that was dominated by mass communication and broadcast media, and a second age now characterised by interactivity, participation and individual choice. He noted that the new digital age is usually contrasted with an earlier 'dark age' of mass media.

Holmes' discussion about media change is particularly relevant for on-going discussion about PSM, especially conclusions he reached about the normative dimensions of convergence discourse. He thinks the internet has 'institutionalised' the idea of network as the contemporary *normative* 'medium'. In the context of network communication, this is evident when broadcasting and broadcast media are represented in pejorative terms or as antiquated practices. It's no wonder, then, as pointed out by Goggin (2012: 109-113), that even traditional public broadcasters now actively pursue identification as PSM. Who would prefer representing the past, Dark Age of mass media? But there is risk that this relatively quick and poorly reflected change of identity underestimates the strengths of a still relevant and important approach to media services. This merits deeper reflection and further re-articulation to clarify how and why characteristic PSB traditions remain relevant.

Holmes' ideas provide an important reminder that media change and the future of media should not be understood as a dichotomous contrast between the past and the future. One should keep possible continuities in mind and investigate the interplay between old and new. He is not alone in this counsel. Similar themes have arisen in analyses of remediation and in critiques of convergence models (Bolter & Grusin 1999; Jenkins & Thorburn 2004; Jenkins 2006; Storsul & Stuedahl 2007; Neuman 2010). In fact, Gregory F. Lowe and Ari Alm addressed the balance between change and continuity in an article from 1997 that was based on Lowe's dissertation research in Finland in 1991 (Lowe & Alm 1997). So this understanding has a longer history than some have perhaps recognised.

Finnish media scholars have pursued similar analyses of media change in the framework of 'intermediality', which focuses on the interfaces and interrelationships between different kinds of media or 'platforms' (Herkman et al. 2012). Holmes' critique of convergence and the consequent discussion on media change is particularly relevant to discussion about PSM because he emphasises surveying interrelationships between 'broadcast' and 'network' media. He thinks interaction and integration characterise all communication, but are structured, organised and practiced differently in distinct architectures (Holmes 2005: 149).

The new PSM identity is important, perhaps a must for the future of public service mediation. But critical analysis is sorely needed about how that identity relates to former broadcasting traditions because we should avoid normative traps in new media discourse. Compared to the historic origin of PSB, the notion of PSM does not imply any particular distinctiveness in technology. It prioritises medium-neutrality and proclaims platform agnosticism. But it is unclear what this means. Does it necessarily mean the former identity of PSB as an institution legally mandated to provide

universal services in radio and television production and distribution is no longer relevant? Judging from legal instruments in Europe, the answer is no. Does it leave open the possibility that PSB still offers relevant aspects for future identity development? The answer is undoubtedly yes. It is amazing how little attention is being paid to the future of radio (especially) and television (too) in discussions about PSM. One wonders at the causes? Is this partly the influence of academic discourse – including in the RIPE context? Does it reflect disappointments created by miscalculated visions for robust digital terrestrial television? Is it because the essential purpose is mainly rhetorical as PSB firms struggle for renewed legitimacy against harsh commercial sector criticisms? It is probably some combination of the three, and other things as well.

Radio and television as broadcasting and electronic media

The notion of 'technology neutrality' is a familiar principle in contemporary media policy and regulation focused on media change. Let the market decide, goes the refrain. But when the market decides, does 'it' act with strict neutrality in relation to technologies? Certainly not. That is demonstrated in the historic construction of mass media. Thinking through the transformation of PSB into PSM, it is equally clear this process is not technologically neutral. It requires a new normative approach to media communication that emphasises partnerships and cross-media plus cross-genre content. Accomplishing that requires concrete decisions about how to organise and institutionalise content production and distribution, which demands engaging in a continuous negotiation about deciding which technologies to purchase and apply in production and how to guarantee the competencies required to master them. For public service broadcasters, the critical question is whether new technological platforms can be shaped in terms that are essential to their remits that are still largely dependent on being broadcasters?

Technology is not a neutral dimension in the transformation to PSM. This begs the question as to which 'media' PSM is about? Is it about radio and television together with something new, i.e. the internet and beyond? Or is it about a general orientation towards online audio and visual services and related broadband strategies that exclude broadcasting? Is it about combining broadcast media and mass communication with the interactive and participatory practices of networked communications, or does it mean a totalising transfer of all media products and services to a networked communications mode? This is the nub of the matter.

As pointed out earlier, cable and satellite redefined broadcast television as narrowcasting. A similar transformation took place in radio after deregulation and the consequent commercialisation of domestic operations. This transformation was reflected in a name change for one of the field's leading journals; in 1985 the *Journal of Broadcasting* became the *Journal of Broadcasting & Electronic Media*. The editorial reasoning was that broadcasting alone was insufficient to cover cable and satellite.

Electronic media was comprehensive, and yet broadcasting remains relevant in its own right. It is interesting to note the journal recently published a special issue (autumn 2014) entitled *Old Against New, or a Coming of Age? Broadcasting in an Era of Electronic Media*. Similarly, in the recent textbook by Schafer Gross (2010) electronic media covers radio and television broadcast as well as online media and mobile broadband. So there is certainly something in the air (so to say).

When discussing the networked communications ecology, it seems mass media are increasingly being redefined as electronic media. This suggests the historically distinctive 'electronic' basis of broadcasting is no longer a distinguishing feature of these media alone. But the question remains as to whether radio and television still make any unique contribution and difference, or if one should instead rely purely on a generic identification keyed to contents; a specific value orientation of public service; or functional specifications linked with genre, such as news and entertainment.

Technology is not the only determining factor in addressing this. Katzenbach (2013) reviews discourse about the social construction of technology to analyse interpretations of technology in media policy and governance. He argues one should not consider technology as though surveying a black box that cannot be opened. From some analytic altitude technological elements can appear to be fixed and thus either function as a trigger for regulation or as an object for (mostly *ex post*) regulation (pp.405-406.) Building on ideas from technology studies [STS] plus actor-network theory [ANT], he assesses technology as an institutionalised form of social action and structure that affects social interactions and structures.[3] He concludes:

> In sum, these findings show that technology is neither an artefact outside of politics and society that follows its own teleological path nor simply a flexible object of statutory regulation. It is subject to complex negotiations and politics, and is essentially shaped by both formal institutions and normative, cultural factors (Katzenbach 2013: 408).

What could such an institutional view of technology mean when thinking about the future of broadcasting in the post-broadcast era, that is to say in a media ecology dominated by networked communications? Part of the answer is keyed to technical affordances implied in the dominant technologies of the later, first the internet and then mobile broadband. According to Jakubowicz (2013: 450), new information and communication technologies enable networked communications on the internet and other digital platforms, and combine diverse modes of communication that previously required different tools and delivery platforms. The classic one-to-many mode of mass communications is included in these options. Jakubowicz points out that "allocution" in the form of top-down communication is increasingly complemented but not replaced by interactive "conversation" (ibid.).

One can conclude that technical affordances do not hinder the social shaping of media. Newer information and communication technologies are as subject to numerous and contrasting forms of social shaping as broadcasting. Following Jakubowicz

and also Jensen (2010), who proposes three degrees of communication (network, mass, and interpersonal communication), new forms of networked communications incorporate earlier forms from both mass and interpersonal communication. Jakubowicz took this as his starting point in looking for a definition of mass media that is not based on specific distribution technology. After reviewing the literature he concluded:

> In view of all of this, we may, in very general terms, say that it is the nature of the content that is the determining factor in deciding whether we are dealing with a mass communication medium. This calls for a technologically and institutionally neutral definition of the term 'a mass medium' as a media organization devoted to the production in an editorial process of media content and its periodic distribution to the general public, whatever the organization's institutional and organizational form and legal status, and whatever technology(ies) it uses to produce and disseminate content (2013: 448).

How should we understand this in relation to our argument about the continuous relevance of broadcasting in the context of public service media? His emphasis on the nature of content aligns with the 'Content is King' approach being recommended by the European Broadcasting Union [EBU], among others, as a response to digitalisation (Hujanen 2005). But how does this definition of 'a mass medium' relate to the institutional view of technology that was presented as a basis for arguing that technology is not a neutral factor in the development of PSM?

Critical reflection about the transition to PSM suggests this transformation is too often interpreted in a deterministic way as the inevitable nature of technological change. That is why too little attention is paid to connections and continuities between the broadcasting tradition and new practices of networked communications. The network is interpreted as superior in a presumptive normative dichotomy that does not allow application of any other logic. Jakubowicz' redefinition of a mass medium can be read as a counter argument against this dichotomous view of media change; as an argument against a deterministic interpretation. We need to recognise that new information and communication technology is shaped by practices that can be characterised as mass mediation or mass communication – whatever the technological platform.

In that light, radio and television remain valid for the future social shaping of media policy and practice. If we accept the principle that the material infrastructure that mediates distribution of content is no longer relevant to the definition of mass media (Jakubowicz 2013: 446), what then is the basis for a distinctive future identity in radio or television? It is arguably about *the continuity* of a particular aesthetic tradition and set of media practices that are related to the production and use of audio and audiovisuals. Our interest should be in how this relates to other characteristics of media-like activities that Jakubowicz discussed, including purpose, editorial policy and process, actors involved, ethical and other standards, periodic dissemination, public nature of communication. These are relevant dimensions for analysis when looking concretely at the roles and functions of broadcasting in the post-broadcast era.

Broadcasting in a cross-media user orientation

Media technology users are the most crucial factor in the social shaping of information and communication technologies. This happens not only as individuals, but importantly as communities and in media-specific categories (listeners, viewers, audiences, users, etc.). Couldry (2004; see also 2009 & 2010) has argued for concrete analysis of audience practices to deeply understand media change. Following this agenda, Kangaspunta (2008 & 2013; see also Kangaspunta & Hujanen 2012) collected data on how people responded to the digital switchover of television in Finland in 2007, and how that affected their media relationships. The research was implemented as a part of a major research project on intermediality in analyses of media change (Herkman et al. 2012). A recent summary of that research focuses particularly on the following research questions (Hujanen & Kangaspunta 2014):

- Is there any future for media-specific audiences in a cross-media context?
- How to connect mass communication or target-oriented audiencing with cross-media-orientation in the user relationship? How does that connect with the individualising tendencies of media use today, and the emergence of social and participatory forms of communication networking?

As to the first question, this remains an option but in practice the growth of platforms and channels makes it far more difficult to define audiences and to secure their exposure to content. Responses to Finland's digital TV switchover showed that discussion about the future of institutionalised media audiences (Napoli 2011) and media-specific audiences cannot avoid paying attention to the increased importance of cross-media user practices and the consequent change of media relationships. Institutional practices and identities are contested by the increasing autonomy of media users. They can reject institutional engagement and select on the basis of personal priorities. However, one should not overestimate the degrees of change and think that only individuals will matter in the future. Even in the context of a more individualised media use, the broader culture and society has values and norms, social bonds and practices that matter greatly. Fragmentation is often exaggerated (Webster 2014). The sheer scale of investment in services provided by media institutions and industries guarantee that legacy media and institutions will continue to exercise influences in the future.

There is sufficient evidence that television is considered the most trustworthy and reliable sources of public information by a majority of publics in many countries. That is an asset of supreme importance in a networked communications environment where building and maintaining trust and credibility is problematic. Data about responses to the digital switchover in Finland affirmed the continuing importance of television as a medium of social sharing and common interests. For younger generations, television as such may be less important but its programmes and contents are still popular reference points in their constructions of identity, and in determining taste and cultivating lifestyles in the framework of broader cultural consumption. They might not 'watch

TV' they watch a lot of what's *on* TV. The challenge for television as an institution is learning how to incorporate unfamiliar and more complex processes and practices in operational planning, and especially in the need to reconceptualise audiences. The traditional head count "exposure model" (Napoli 2011: 89-91) is insufficient in the context of cross-media use. There is great need for audience research measures that can identify and track different forms of searching out and using television content across platforms, and about how people interact with, themselves produce and distribute contents.

As to the second category of questions that relate to a mass versus target audience orientation, the researchers concluded that increasing cross-media use and the consequent autonomy of users do not as such exclude mass communication or target-oriented audiencing. This is supported by conclusions from a team of journalism researchers who analysed meanings of journalism in the social networks of media users (Heikkilä et al. 2012) and found the autonomy of users could be interpreted as a possibility to select different sorts of audience practices along a continuum. Increased cross-media use together with the potential for interactivity encourages people to act as a public, which is additionally supported by the social networking capacity of online digital media. Thus, media users can select between several parallel identities, including institutionally affiliated mass and target audiences. In all of this we are looking at concrete practices in the social shaping of media technologies, as well as interpretations of content worth and meanings.

Applied to television, the concept of 'optional audience identifications' is therefore important. Today's TV of Plenty (Ellis 2000) with its consequent commercialisation has made individual choice the dominant ideology to explain cultural consumption. From the perspective of television as an institution, the choices invite people to become members of institutional audiences that engage individual interests and provide personal gratifications. Choosing to be part of an audience emphasises the chooser's implicit awareness of similar orientations among others. That is the essence of the institutional target-orientation of television, and is qualitatively different from the earlier mass orientation that was based on a simple model of undifferentiated exposure to mass mediated messages.

Acting as a public, then, is a user-based practice which is not only about choices but also requires a suitable degree of active involvement and participation with other people who are embedded in their own social networks and engaging with an evolving constellation of new networks that are created to support some set of common interests. These practices clearly connect with institutional audience identities, a defining attribute of broadcasting and characteristic in the era of mass media. They equally represent social sharing and practices based on the newer potentials and affordances of social media. This transformation isn't about replacing the old, but rather developing a media system with systemic practices that are continually evolving on the basis of social shaping. As one dimension of routine media use, participation in a general public is about more than being a receiver of selected contents; it requires social shar-

ing and the distribution of some range of contents via mediated interactions whereby one might (or not) participate in the production of contents, as well.

Conclusions

This chapter emphasises the continuity of media change when discussing boundaries between broadcast media and new forms of networked communications, and considers media technologies as institutions that are subject to social shaping, which refers to the numerous negotiations in politics, economics, public regulations, and to general discourse in everyday life. Accordingly, when applied to on-going discussion about PSM, it is important to look for continuities with the PSB tradition. As to the notion that technologies are institutions, at question is whether and in what forms it is possible to integrate broadcasting and networked communications. That has two directions. 1) To what extent and in what aspects is it feasible and also desirable to shape the new platforms of networked communications in terms that characterise broadcasting? 2) To what extent and in what aspects is it feasible and also desirable to shape the legacy platforms of broadcasting in terms that characterise networked communications?

Broadcasting is a social institution that was developed by using the electromagnetic spectrum for one-to-many mass communication. This free-to-air tradition still matters when thinking about the universality principle. One essential conclusion is that we should not base our understanding of broadcasting on a particular form of distribution technology. It is a socially shaped and cultural conditioned form. As pointed out, broadcasting survived the introduction of cable and satellite and the consequent reorientation to narrowcasting. Broadcasting was no longer about sending messages to an undifferentiated mass of people as broadcasters became more aware of target audiences – that is to say, distinctions. This was development. Why should one think present requirements for more interaction and participation exclude broadcasting applications, or that useful development is not already happening here? We would be wiser to instead consider interaction and participation as dimensions of a comprehensive audience orientation in the context of cross-media-user practices. As demonstrated, institutional audiences are still a routine phenomenon in the cross-media context. Our theoretical understanding of the internet as the "third degree medium" that incorporates previous media forms (Bruhn Jensen 2010) also suggests that one-to-many mass communication remains an important option, even intention, in the emerging context of networked communications.

The transformation to narrowcasting first raised the question about conditional access. The must-carry principle was adopted as a solution for guaranteeing universal access to broadcast programming in cable distribution that is not free-to-air as a platform overall. Serious and significant negotiations are taking place today about the role of broadcasting in its use of electromagnetic spectrum. The results can drastically change the possibility for ensuring universal access to contents that are broadly cast,

and not for the better. In considering the integration of broadcasting and networked communications, we must continue to emphasise the societal importance of guaranteeing universal access to services also in the new platforms of networked communications. Without it, the future of public service in media is at risk and PSM can lose its role as an institution that creates an open public sphere for communication between different segments of society.

Institutionally the history of public service broadcasting is linked with the development of radio and television as mass media. This is why the discussion about public service media cannot avoid debating the future of radio and television. From the continuity point of view too little attention has been paid to important connections between radio and television as electronic media and the digital world of networked communications. In fact, networked communications represent fully electronic services that increasingly apply audiovisuality as the central means of expression. Networked communications are additional forms of electronic media. The linkage between electronic and digital media is an advantage that public service broadcasters should see as key to their strategic strength heading into future.

Notes

1. The project is funded by the Academy of Finland for the period 2013-2017. The research combines detailed analysis of media policy and governance (Focus A of the research) with a tight focus on key areas of public service content, identified as journalism, documentary and drama (Focus B of the research).
2. In the American context of commercial television Amanda Lotz (2014) identifies the ongoing transformation as 'post-network era'. This transformation refers to broadband-delivered television and cross-platform initiatives, as well as how competitive screen technologies like tablets and smartphones affect the use of the medium. This new phase is qualitatively different from earlier transformation which she describes as 'multi-channel transition'.
3. Similarly, Stephen Lax in his introduction to media and communication technologies describes his approach as 'one which see technologies as social products' (2009: 3). In his article *How Are Media Born* (1990) Brian Winston discusses two approaches to technological change which he characterizes technological and cultural determinisms. He selects to stress the cultural determinist view of media change by concluding that new media emerge in response to a host of factors in the wider social realm, including governmental and political, financial, corporate, and cultural factors.

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The PSM Paradox with Net Neutrality

Marko Ala-Fossi

Abstract

This chapter analyses institutional characteristics of broadcasting and networked communications as technologies, focusing on differences of decisive importance between the universality principle and the online principle of net neutrality, thereby highlighting problems of crucial relevance in the transition from public service broadcasting to public service media. Universality of access is a building block in the concept of public service broadcasting, and arguably its most fundamental principle. Without universal access a service produced for the public can hardly be regarded as a public service. It is an open question as to whether it is possible secure universality online. If not, this lack would be fatal to the PSM project.

Keywords: universality, public service broadcasting, public service media, network neutrality, data traffic management, geo-blocking

Introduction

Universality of access is one building block in the concept of public service broadcasting [PSB], and arguably its most fundamental principle. Without universal access a service produced for the public can hardly be regarded as a public service (Tracey 1999). But as PSB organisations evolve public service media [PSM] to meet the challenges of a general evolution in the media environment (Brevini 2013; Suárez Candel 2012), it is an open question as to whether they will be able to secure universality online. If not, this would be fatal to the PSM project. Following Christian Katzenbach's approach (2012), this chapter highlights problems of crucial relevance in transitioning from PSB into PSM by analysing the institutional characteristics of broadcasting and networked communications as technologies, and differences of decisive importance between the PSB universality principle and the online principle of net neutrality.

Universality of both content and access are defining obligations in the remits of most PSB organisations in Europe. Universality is typically required by law to ensure this without prejudice to a citizen's social situation or geographic location. PSB has

traditionally enjoyed priority status in national media policies and spectrum planning in Europe, making the achievement of universality doable in the broadcasting domain. But things are different in the online environment where there is no PSM priority lane or any required guarantees of access to public service content. Currently, 96 per cent of Europeans have no legal protection that would guarantee full and open access to the internet or against blocking lawful content, slowing down traffic, or allowing for paid prioritisation of internet traffic. With a few exceptions, internet service providers [ISPs] in Europe aren't required to ensure net neutrality – i.e. equal treatment of network traffic – and most do not whenever not doing so is in their self-interest.

In the USA, a long dispute over net neutrality was resolved in February 2015, or at least resolved for now, when the Federal Communications Commission [FCC] reclassified both fixed and mobile internet infrastructure as a common carrier. This protects an open internet in America (FCC 2015). In the EU, by contrast, only three countries currently have national laws protecting net neutrality – the Netherlands (2012), Slovenia (2013) and Finland (2015). The other member states rely either on self-regulation by ISP firms, or simple regulatory guidelines (EC 2014). The European Commission and the European Parliament have supported passing clear, strong European legislation to guarantee net neutrality as part of a wider EU telecommunications package called *Connected Continent*. The European Council of Ministers, the third power in EU governance and representing respective national governments, has preferred to allow the ISP companies to manage data traffic without 'interference' and favour creating a 'two-speed' internet for commercial purposes (Horten 2015).

A compromise between these European institutions was reached at the end of June 2015. According to the Commission, the EU will presumably have "the strongest and most comprehensive open Internet rules in the world" (EC 2015b) if the compromise goes forward. The new European law is supposed to overrule national regulations on net neutrality in all member states by the end of April 2016. But the official text of the agreement has not yet been published yet, so it is impossible to say whether it will be enough to secure the development of a robust, secure and genuine PSM online in Europe, or if what Europeans will have will more or less remain as PSB on the web.

The protection of civil rights in the areas of communication and information depend on net neutrality, but the European Commission has been much keener on consumer rights. Here another complication arises. The new EC Digital Single Market Strategy aims at opening the use of online video services (like the BBC iPlayer) across national borders. That would require prohibiting geo-blocking, a common method for restricting unauthorised access to and use of copyright-protected works outside the national territories in which they are licensed, and in the case of PSM also publicly funded. This restriction has greatly mattered for organising PSM services online (EC 2015; BBC 2015a). As contradictory as it seems, then, European PSB may need geo-blocking (specific geographic restrictions on access to content) as much as it also needs net neutrality (equal treatment of all data without restrictions on access to content). This chapter explores that boundary-related conundrum. The research is

part of project called *Broadcasting in the Post-Broadcast Era: Policy, Technology, and Content Production* at the University of Tampere, which is examining three boundaries of considerable importance for the theme of this book: boundaries between PSB and PSM, boundaries between international and domestic laws regarding net neutrality, and boundaries between international and domestic access.

PSB is not technologically neutral

Public broadcasting is not about technology; it is "about an idea, which happens to employ a technology, of how one creates and feeds society and its culture" (Tracey 1998: 16). In that sense broadcasting can be used for beneficial or harmful ends. The essential idea in broadcasting as a public service is to use it for mutually beneficial ends. If public service practice is not embedded in the use of broadcasting technology per se, then in principle producing and distributing such content should be possible on any platform. This is true, but only to a limited extent. There are specific reasons for safeguarding broadcasting as an essential platform for public service provision.

We can't discuss all the relevant aspects, so here we focus on universal access to PSB content as a fundamental element of the public service mission and mandates. As noted, there are established structures and systems in broadcasting that are essential in the capacity to secure universality that cannot be taken for granted in the online environment. This imbalance or asymmetry hinges on differences in the technologies people use and depend on in the practices of daily life. These differences mean the components are not neutral, mutually compatible or fully interchangeable. That should not be surprising because technologies are cultural products and, thus, different politics are deeply embedded in their designs and system architectures (Katzenbach 2012; Mansell & Silverstone 1996).

This chapter takes integrated approach in studying the case, one that is based on political economy and draws especially on Bob Jessop's ideas about the development of Keynesian welfare national states in advanced capitalist economies that were integrated in "Atlantic Fordism "after World War II, and their transition towards post-Fordist Schumpeterian competition after the mid-1970s (Jessop 2005; Pelkonen 2008). In addition, analysis relies heavily on three other scholars doing work that is linked to ideas advanced by Lawrence Lessig about how choices made in the development of a system's architecture are always political; in short, how system architecture is politics by other means (Lessig [1999] 2006; Lessig 2001).

One of the three is Paul Starr (2004) who suggested the notion that "architecture is politics" applies in the historical development of communication as in modern technologies. Policy decisions made in the development of media systems are constitutive choices, meaning they constitute the course of subsequent development. These choices can be a) general legal and normative rules, b) the specific design of the medium or the structure of networks, and/or c) institutional arrangements. Starr examines the history

of communications technology before WWII to describe how constitutive choices resulted in different approaches to broadcasting in the USA and Europe (Starr 2004).

Based on Lessig as well as Mansell and Silverstone (1996), Christian Katzenbach (2012) pointed out that although politics are encoded in media technology, current policy research largely neglects the political role of infrastructures in analyses of media governance processes. He argues that media are inherently so dependent on technologies that their infrastructures have institutional status, and as institutions the regulative structures and values are reflected in their architecture. He therefore suggests that the political dimension of media technologies can be fruitfully analysed by treating technologies as institutions that are at the same time "the outcome as well as the instruments of regulation" (p.130).

Finally, our approach builds on the work of Tim Wu, who coined the concept of net neutrality (Wu 2003). Wu argues that neutrality was a central principle of internet architecture design and reflected the values of its originators (Wu 2010 & 2003). He argues that net neutrality has been a primary reason for the rapid international growth of the internet, and that growth is a defining part of the problem we are dealing with. As the volume of data traffic (especially in video distribution) surges, ISPs in the USA and Europe have increasingly challenged the net neutrality principle out of self-interest to maximise commercial revenue.

This is the framework for our analysis of the origins of the universality principle and its preconditions for any continuation of the public service principle and approach in the networked communications environment.

The origins of PSB universality principle

The earliest radio transmitters generated signals on a very wide frequency band. The first cross-Atlantic transmission by Guglielmo Marconi in 1901 could have been heard on most frequencies. He was not interested in sharing the signal with everyone, however, because he wanted to create a global point-to-point communication business. After the invention of the vacuum tube it became possible to transmit on specific frequencies, but still the idea that radio signals would be potentially available to anyone "scared Marconi nearly out of his wits" (Hendy 2013: 9). Using electromagnetic radiation for point-to-point communication was an inherently imperfect application but was attuned to the idea of radio as a form of 'wireless telegraph' or telephony. At the time, there was no way to restrict the potential reception of radio signals. That limitation can be understood as a desirable feature of radio and explains why we refer to transmission as 'broadcasting' (Lessig 2006). On this basis a new approach evolved in which radio was understood as a way to broadly cast audio content addressed to a general public. In the 1920s and 1930s, the first broadcasting companies had to find ways to finance their operations. The key problem in that was the impossibility of excluding non-paying users (Ala-Fossi 2005) – the so-called 'free rider' problem.

Broadcast radio had another technology-based characteristic with profound economic consequences. After the initial fixed investments to build the infrastructure and make the content, it is possible to increase the number of the listeners without additional cost. Broadcast radio programming is an intangible public good because consumption by anyone doesn't diminish either availability or value of the same content for others (Picard 1989). The ability to provide simultaneous access to cultural goods for innumerable people can be compared with today's ability to reproduce digital goods at near-zero marginal cost (Lessig 2006). These features of free-to-air radio broadcasting are the foundation for a system architecture that can guarantee the universal availability of programming content. It is important to understand that the values attributed to broadcasting today are rooted in physical characteristics of the medium. These features equally hold for television, although this technology requires more spectrum space for each channel due to the video component.

These features enable the cost-efficient mass production and delivery of cultural goods that aligned perfectly with the needs and characteristics of the Fordist states that were taking shape in the early 20th century on both sides of the Atlantic (Jessop 2005). Radio became a problem-solving tool in the project of domestic nation building. At least two different sets of values came to define the objectives for doing that, and this explains the variance in how the specific features of broadcasting were applied in the two continents.

In fact, American and European radio broadcasters alike aimed at achieving universal availability for their broadcasts. In the USA, the dominant model for broadcasting became a commercial with revenue derived from advertising. As the number of channels grew and methods of audience research and signal encryption emerged in congruence with the development of cable delivery, by the 1960s commercial media outlets were able to concentrate on the most profitable target audiences instead of trying to reach everyone as a largely undifferentiated 'mass audience'. Universal availability was no longer necessary for success in commercial broadcasting as a business (Ala-Fossi 2005).

Most European countries instead followed the British example and chose a different model for building radio. This approach wasn't based on national networking of local commercial stations as in the USA, but on a single broadcaster operating within and for the nation as a whole. Later known as public service broadcasting, the income needed for fund broadcasting was not directly related to audience size, although wider coverage increased the number of potential buyers for radio (and later TV) receivers and therefore the number of licence fee payers. Given the non-commercial emphasis, European broadcasters were prioritising social goals and cultural values. The first Director-General of the BBC, Sir John Reith, understood the virtuous possibilities of harnessing the special characteristics of free-to-air broadcasting "as a social tool in the tradition of Matthew Arnold" (Hendy 2013: 21). Broadcasting was conceived as the means for distributing the best cultural goods to everyone, and thus universality of access as well as services became a core Reithian principle of public service in broadcasting. After WWII, the institutions that were charged with public service broadcast-

ing became indispensable to the development of the Keynesian welfare state, not only in the UK but also in occupied West Germany and Japan (Jessop 2005; Tracey 1998).

As national public service broadcasters, these organisations enjoyed priority position. They were accorded the right to select and prioritise contents they considered to be the best. And the universality principle meant that all citizens also had a right – the right to open access all of the content on similar terms. In this inclusive approach everyone was encouraged to use all of the cultural and political resources made available through broadcasting, and rather expected to learn new ideas and perspectives. These dimensions of universality were later identified as equally being about access (availability to everyone) and content (catering to diverse interests and tastes). European PSB has remained committed to both aspects of universality for decades, as still reflected in media policy documents of the European Union and the Council of Europe (Brevini 2013; Tracey 1998). Because universality guarantees the existence of openly accessed cultural and social resources, and this is now understood to be crucial in the achievement of innovation and creativity, it will undoubtedly remain a vital policy principle for PSB in the future (EBU 2014; Lessig 2001).

This is not to imply that there were no restrictions on access, however. There were also at least four motives behind efforts to restrict access to the radio spectrum and its content provision. 1) Large commercial stations in the USA accepted government regulation of the radio spectrum because it protected them from competition and interference. There simply isn't enough spectrum space available for everyone that would be interested to have a station. Without restrictions in the form of licensing, the system was so chaotic that no one was able to usefully control its application. 2) In Europe, there was a long tradition of public communication monopolies and this had a strong bearing in decisions to restrict permission to one or only a few centralised operators. In the Depression era, and after World War 2, the state was sometimes the only operator with enough resources to organise and guarantee service provision. 3) According to the Reithian interpretation of public service as an ideal, its role as the provider of the best creations of human culture could only be achieved on the basis of broadcast monopoly. 4) Governments on both side of the Atlantic started to legislate and regulate broadcasting more intensively after the 1930s as people became more aware of its political, social and cultural importance – i.e., its social impact (McQuail 2010; Ala-Fossi 2005; Lessig 2001).

Origins of the net neutrality principle

The idea of net neutrality is based on a theoretical vision of technological innovation as an evolutionary process. This has been the practical principle of network design. From an evolutionary perspective it is impossible to predict which application or device will succeed, and therefore networks as such should remain neutral about all contenders. Wu (2003) said the core ideas of this concept was implemented in US

telecommunications policy in the early 1970s when the FCC forced telephone operators to allow the use of their long-distance lines for data processing services. This prevented telephone companies from restricting competition, which was crucial for the growth of the American computer industry and subsequent online services. In the mid-1970s these ideals were instrumental in the system architecture of the emerging internet (Wu 2010 & 2003; Lessig 2001).

According to Lessig (2001), the neutral design of the internet was a result of: a) existing norms among developers as well as b) the FCC rule restricting telephone companies described above. Wu (2010) suggests the approach was also: c) a solution to practical problems as well as d) "a creature of its times" (Wu 2010: 202). He refers to the works of economist Friedrich Hayek, one of the fathers of neoliberalism, and to Leopold Kohr and E.F. Schumacher, as well as a theorist of urban planning, Jane Jacobs, all of whom were critical of centralised planning. Their ideas are evident in the internet's system design. In addition, the US army sponsored the prototype ARPANET (1969-1990) and they wanted an advanced computer network that would remain functional even if large parts were lost due to nuclear attack – i.e. a communications system with high redundancy. As the objectives of military survivability and the preferences of the computer scientists overlapped, the internet was built as a decentralised (i.e. distributed) network structure, in short a network of networks (Curran 2012).

In 1975 three of the internet's system architects, Jerome Saltzer, David Clark and David P. Reed, implemented the "end-to-end" approach. In this view, the network should remain as simple and neutral as possible, so the intelligence and power should be at the "ends" among users (Wu 2003; Lessig 2001). Vint Cerf and Robert Kahn adopted this principle in developing the Internet Protocol suite (TCP/IP), which allowed the internet to operate on any infrastructure and to carry any application. The developers claimed they were primarily solving practical problems that established preconditions for their work (Wu 2010 & 2003), but the idea of a neutral network design was popular among computer scientists who contributed to the internet's systemic design. The notion of a "technological democracy" became one of the most critical policy principles and design criteria, and made it possible for the internet to expand into a global network (Braman 2012).

As Curran (2012) has pointed out, American and later European countercultural ideals, as well as a European public service ideology, significantly impacted internet development. Again, however, we need to understand that a relatively modest ARPANET basis was able to grow into its current proportions as a global internet – the World Wide Web – because this way of handling things aligned with the needs and characteristics of the emerging post-Fordist state. The emphasis was shifted to Schumpeterian competition – a dynamic view of capitalism as a process of on-going creative destruction – that was more flexible than the Fordist preferences for mass production. Thus, the most important scale was no longer national, but more general and established by competition that has increasingly become more global (Pelkonen 2008; Jessop 2005).

Because the internet was neutral with regard to applications, physical distance is irrelevant in the web. A website anywhere can be available to everyone, provided the individual is connected to an open international network in which all data traffic is treated as being equal regardless of its point of origin or destinations. This specific feature of the medium gave Google the opportunity to become the global giant it is today. In a traditional telecommunication network, the metered nature of long-distance connections to California, for example, from the rest of the world would have made this impossible.

Although net neutrality as a practical principle has history, it is rather new as a media policy concept. Public discussions about threats to the open internet started in the USA in the late 1990s. Tim Wu published a journal article in 2003 as part of the discourse at that time, in which he defined the concept of net neutrality and argued for creating a law specifically prohibiting traffic discrimination on the internet. He saw network neutrality as a policy goal. Open access and prevention of broadband discrimination were understood as the means for implementing a neutral network that doesn't favour any particular application (Wu 2003; see also Marsden 2010). It should be noted, however, that even in a neutral network any kind of web content is never a true public good because its availability may diminish as the number of users grows (i.e. limits on server capacity).

Critics suggest the internet was never completely neutral (Yoo 2013), but only seemed to be that because until recently there were no effective means for managing internet traffic. The development of deep packet inspection [DPI] technology enabled a fully automated checking and prioritisation system for internet traffic (Horten & Brevini 2009; Lessig 2006). In periods of higher congestion operators can follow a "best efforts principle" to identify and slow traffic that would not suffer from being somewhat delayed, which heightens efficiency in traffic flow. The current internet architecture was designed for two-way communication, but is now dominantly used for distribution despite obvious problems with security and efficiency (Zhang et al. 2014). Thus, traffic management technology can provide the means for protecting network security and vulnerable services, and do that at a better cost and with more sophisticated operations. But it can also be an effective means for restricting certain services, in affect limiting competition. As a result, this can be understood as a freedom of speech issue. Thus, although the FCC recognises the need for "reasonable network management", it has explicitly banned blocking, throttling and paid prioritisation of the internet in the USA. This is justified as necessary to also preserve the internet as "a platform of innovation, free expression and economic growth" (FCC 2015).

Synthesis: The politics of PSB universality and net neutrality

The obligation to provide universally available public service content became part of the PSB remit for three reasons. First, broadcasting made this technically possible and economically cost-efficient. The second reason was keyed to social values and

political goals articulated in Reithian PSB that were aligned with a *Keynesian welfare state*. Broadcasting was a perfect tool for the production of cultural goods for mass consumption and PSB was a way to do this on a national scale with the explicit goal of directly enhancing the cultural and educational welfare of citizens, and more indirectly their social and political welfare.

Achieving this required a high level of social, political and cultural *prioritisation* of PSB and also inside PSB institutions. Carefully selected and formulated content was at first provided by a single privileged institution – PSB monopolies. This was the third reason, or perhaps factor. PSB was given public funds and sufficient spectrum space to fulfil a mission of providing free-to-air universally available broadcast contents within national borders. Although access to content production was in many ways restricted and certain services and genres prioritised above others, what was broadcast was openly and equally available to all citizens and this inclusive access to content made national PSB networks neutral from the perspective of the public.

In contrast, internet architecture design is aligned with the neoliberal values of the *Schumpeterian competition state* that favours innovation as an evolutionary process rather than a system of national prioritisation (see Table 1). The internet as such is a human construction without pre-set or natural physical limits (unlike radio spectrum). Originally, it was thought that new technologies, digital convergence and optic fibre networks would together create a practically unlimited amount of new communication capacity and usher in the end of spectrum scarcity – which in turn would make all social, political or cultural prioritisation unnecessary and obsolete (de Sola Pool 1983). In the open internet, access to content provision and the use of services was not supposed to be restricted by any fixed system of social, political or cultural decision-making. All content, including whatever PSB provided, and also each new application as it was developed, was presumed to have equal validity in principle. Their respective survival and successes in the consumer market were decided on the basis of evolutionary process – or to be exact, basis of market competition. The two states alluded to here, and their implications for media policy, are summarised in Table 1.

In summary, universality of free-to-air broadcasting for public service and network neutrality in internet communication have each and both been shaped by constitutive choices rooted in politics and ideological values that affect the development process of system architecture, as well as the later implementation and use of each system. The politics embedded in their respective system designs are different and incompatible as such, although not necessarily always in conflict. Although the decentralised ideological basis of network neutrality is compatible with neoliberalism and in direct contradiction with the traditional public interest approach of PSB, in the internet environment net neutrality is the precondition also for PSM universality. The most fundamental institutional differences between universality of PSB and network neutrality of open internet are their patterns of neutrality (asymmetric / symmetric). PSB can be obliged through prioritisation to provide universal access to its broadcast contents

and services – but only within the borders of the nation state, in which citizens finance the production and distribution of contents.

Table 1. Public service broadcasting in the Keynesian welfare state and open internet communication in the Schumpeterian competition state

	Keynesian welfare state / Public service broadcasting	**Schumpeterian competition state / Open internet communication**
Characteristics of economic policy of the state	Full employment, demand management, provision of infrastructure to support mass production and consumption.	Focuses on innovation and competitiveness in open economies. Increasing emphasis on supply of infrastructure that supports the knowledge-based economy
Characteristics of social policy of the state	Collective bargaining and the state aim to generalise norms of mass consumption. Expansion of welfare rights.	Subordinates social policy to an expanded notion of economic policy; restriction of welfare rights. Increase in inequality and uneven regional development.
Primary scale of the state policy-making	Relative primacy of the national scale in economic and social policy-making. Collaboration between the state and regional level.	Relativisation of scale at the expense of the national scale. Competition to establish a new primary scale. Continued importance of the nation state in between the scales.
Access to the content production and provision through the networks	Sociopolitical *prioritisation* of the broadcasters on the national level and the content provided on multiple levels (restricted access)	No prioritisation, neutrality to content providers. Sociopolitical discrimination of some content providers and content on the national level for crime prevention.
Access to the content consumption through the networks	No prioritisation, neutral or free access to national population, *universality* of public services provided for social, cultural and educational welfare.	No prioritisation, neutrality to all users also beyond the national borders. Some socioeconomic discrimination of potential non-paying and/or non-domestic users.
	Asymmetric neutrality *(prioritisation in access to content provision but not in content consumption)*	Symmetric neutrality *(no prioritisation in access to content provision or in access to content consumption)*

Note: Adapted by the author from Jessop 2005 and Pelkonen 2008.

Universality of PSB in network communication

There is not yet an agreed idea about how the universal availability of PSB services should be defined in a media environment characterised by networked communications. Ofcom, the UK media regulator, has suggested an approach based on the screens and interfaces available in a household, but this oversimplifies the issue (Ofcom 2014). Benedetta Brevini (2013) proposed a more sophisticated approach for redefining universality for PSB that is based on a) access to networks, which is needed for creating b) access to the contents. Brevini discusses the problems of PSB content availability online and refers to ISP demands for content providers to pay extra for increased network traffic. But she did not connect the principles of net neutrality and universality of ac-

cess. The two top layers of universality in her model are c) retrievability as the ability to be found and d) media literacy as ability to use the systems. She envisions (ibid: 45) these aspects as a pyramid, with access to networks as the foundation and media literacy at the top. Her work echoes what Maria Michalis (2002) earlier suggested: Integrating the concept of a universal service obligation [USO] with the concept of universality in PSB.

USO is rooted in telecommunications policy. The emphasis is on access to the infrastructure, whereas universality in PSB has been more oriented towards the availability and accessibility of content, as well as its cultural and social diversity (Nuciarelli et al. 2014; Michalis 2002). Universal access to networks is a policy goal that can be achieved by mandating a universal service obligation. However, the official EU definition of broadband currently means a 144kbps connection and the European USO (2009/136/EC) does not refer to broadband at any speed. The European Commission has also repeatedly, apparently, deliberately excluded broadband from USO (Venturelli 1998; Nuciarelli et al. 2014).

Universal access to content can be secured via either policy that favours net neutrality (Wu 2003), which would result in equal access to PSB content as well as all other legal content online, or positive discrimination by intentionally prioritising some or all PSB content online (Hege 2013). The later would be accomplished by introducing PSB "must carry rules" on the internet (Krone & Pellegrini 2011). However socially benign the intentions, the latter would be a form or discrimination in data traffic that would violate the net neutrality principle. It might be easy to agree that the EU is the right actor to set policy and make rules for accessing next generation networks (NGN) across Europe (Nuciarelli et al. 2014), in reality the outcome might be neither option. Although it does seem the EU was able to agree on a European law on net neutrality despite the largest European network providers being strongly against it (Horten 2015), any positive discrimination at the EU level in support of PSB activities online is not very likely today.

ISPs have opposed net neutrality out of concern about soaring internet traffic that demands increasing investment but without new means for monetising that traffic. In this dispute the European Broadcasting Union [EBU], the international PSB alliance, and the American video streaming company, Netflix (one of the most important sources of expanding internet traffic) have both supported strong net neutrality legislation for Europe. But in issues related to copyrights and geo-blocking practices, Netflix and PSM corporations differ because Netflix wants to eliminate country-based restrictions for the use of its services. As a web-based subscription service Netflix would benefit in being able to do business in similar terms in Europe as in the USA, in practice generating growth in revenue from an increasingly global consumer market. But from a PSB perspective, the territorial imitations of their services are crucial because public funds are collected from citizens at the domestic level via a TV license fee or a tax, depending on the country. Their domestic audiences have a right to universal access of PSB services online, whether considered PSM or not, but cross-border use

is typically restricted on the basis of geographic location determined by users' IP-addresses (geo-blocking). Problems therefore arise when people elsewhere, i.e. outside those borders, are trying to use their own domestic PSB video services when situated abroad – or the online video services of a PSB by foreigners.

From PSB to PSM? Case BBC iPlayer

The BBC made an early conscious policy decision in the late 1990s to expand its brand into the new internet platform on exactly the same principles as it has long prioritised in broadcasting. The internet was understood as "the third broadcast service alongside radio and TV" (Thorsen 2012: 20). The corporation readjusted its strategy in 2006 when Director General Mark Thompson announced that the BBC would move on to the second digital wave. The new multiplatform strategy ushered in the BBC iPlayer (in 2007). However, the BBC soon recognised problems in delivering public service content on a mass scale across platforms. Within a few months British ISPs were arguing that the BBC should pay extra for iPlayer traffic. As the popularity of BBC on-demand video services increased, the firms began to restrict the bandwidth available for iPlayer users (ibid). After the UK government rejected national net neutrality legislation in 2009 (Kozak 2015), in a public speech Thompson took a strong stand in support of net neutrality and used the universality principle of PSB as the basis for argumentation (Thompson 2011). It is worth noting that although universal service by PSB is a product of long-standing social and cultural prioritisation, the BBC did not ask for any PSM prioritisation but only for net neutrality. Whatever the role of his appeal, within two months in March 2011, British broadband providers published a self-regulatory code for "traffic management transparency for broadband services" (EC 2014).

In July 2011, the commercial subsidiary of the BBC, BBC Worldwide, introduced an iPlayer subscription service that became available for 16 countries in Western Europe, Canada and Australia as an app for Apple devices. Although the service had more than a million downloads in the first year, in 2013 BBC Worldwide scrapped plans to extend the service further because the "Global BBC iPlayer" was to be integrated into BBC.com over time. This was confirmed in the 2014 BBC annual report. However, in May 2015, just one week after the EU Commission had published its Digital Single Market (DSM) Plan, which introduced a demand for prohibiting geo-blocking of European online video services, the BBC announced the complete closure of the global version of the iPlayer within one month (BBC 2015a; BBC 2015b; EC 2015).

The DSM plan was highly problematic for the BBC because the iPlayer was actually geo-blocked in two ways. First, this method was used to prevent access to the "global" iPlayer premium contents from any IP- address in the UK or anywhere else outside the pilot market. The annual subscription fee of the global iPlayer (£51.60) would have been a much cheaper option for the British audience than the annual (colour) TV license fee (£145.50). However, in the UK the public already had access to the domestic

version of iPlayer as a catch-up service for recently broadcast programmes. This was not tied to TV license fee payment and enjoyed unrestricted use by everyone in the UK, while being geo-blocked for everybody else. The use of iPlayer for streaming live content would require a TV license fee, but when using the system this is indicated without asking for verification of a valid payment. This might be part of the reason why the proportion of TV households in the UK – actual license-fee payers – is at the lowest level since 1972 (Telecompaper 2015). In 2013, iPlayer only delivered about two per cent of BBC TV viewing in the UK, but cost about twelve per cent of total distribution expenses (BBC 2013).

These days geo-blocking is relatively easy to bypass using virtual private network (VPN) applications. With VPN software, the user can choose a location for re-routing internet traffic by changing the virtual location of the computer in use. The 2014 Global Web Index estimated that altogether 63.4 million people in China, the USA, India, Brazil, Russia and Germany accessed the (domestic) BBC iPlayer using VPN without paying anything for a service financed by the UK TV license fee (GWI 2014). The amount of loss to the BBC depends on whether one estimates the opportunity to monetise that audience (via subscription and advertising) through the commercial subsidiary of the BBC, or only the sheer expense of higher but unauthorised use of a service supported only by the British license-fee payers.

To summarise, the transition from PSB to PSM in Europe is entering a stage in which the main challenge may no longer be the missing legal protection for net neutrality as the vital precondition for domestic online universality of PSM. A bigger problem is keyed to finding ways to survive financially in a neutral net without geo-blocking and unrestricted access to the online contents, which are not treated as public goods like broadcasting. A combination of increasing expenses from unlimited cross-border consumer use online and decreasing public funding from a limited group of citizens (license fee, hypothecated tax) is not a viable 'business model' for the future of PSM.

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Above Us the Sky

The New Battle for Borders in Spectrum Allocation

Sylvia Harvey

Abstract

Mobile phone companies and digital terrestrial broadcasters in Europe find themselves locked in an increasingly bitter battle over the use of spectrum frequencies. This battle matters because mobile operators say they need significantly more spectrum to support the transmission of online data, including audiovisual material. This equally matters due to the threat this claim poses to the obligation that public service broadcasters continue to deliver a free and universally available broadcasting service via the airwaves. In the European Union almost half of all homes rely upon this free to air method of transmission. This chapter explores the proposition that such broadcasting services continue to offer vital cultural and informational resources to Europe's citizens, and must be retained on this basis.

Keywords: broadcasting, mobile telecommunications, digital terrestrial television [DTT], citizenship, public service, electromagnetic spectrum, World Radio Conference

Introduction

Many services make use of the airwaves – of the sky above us. From air-sea rescue to the exploration of outer space, from unmanned military drones to public broadcasting, these services affect the lives of millions. They all rely on electromagnetic spectrum frequencies. Over time the use of spectrum space has become more efficient and productive. As demand has grown governments have become more aware of the value of frequencies and of the need for 'intensive farming'. Spectrum scarcity, once considered at an end, is again a pressing problem.

The International Telecommunications Union [ITU], an agency of the United Nations, works with national governments in the allocation of suitable frequencies for various purposes. Governments, or their authorised regulatory bodies, then decide the ways that allocated frequencies will be licenced for use. Spectrum is a valuable national asset and most countries reserve a portion of it for use by public services of various types – for defence and emergency services, and for broadcasting (both terrestrial and satellite). In some cases commercial operators must win competitive auctions to obtain licences to use frequencies. The ITU has recognised that charges

in allocation should reflect the value of spectrum use to society, and thus frequencies used by public services might be subject to lower charges (or, indeed, no charges). In addition, the pricing of spectrum "…should not seek to maximise revenue for the government" (Cave et al. 2007: 187, 232).

This chapter considers two of the many users of spectrum: public service broadcasting [PSB], and mobile telephone and data providers that rely on wireless broadband. The key proposition advocated here is the view that public service broadcasting must retain its ability to reach all of the households of a nation, free at the point of use to be legitimately described as 'public' and 'national' in the digital order of the twenty-first century. Thus it is argued that the 'broadness' of broadcasting – the wide reach and cost-effectiveness that is a key characteristic of the technology – will require spectrum use for the foreseeable future.

It is also acknowledged that this proposition may be seen as more relevant or more acceptable in countries such as the United Kingdom that currently rely heavily on free-to-air broadcast transmission. However, a principled and perhaps more universally applicable argument is also made here about both the *cost-effectiveness* of broadcast distribution and about the *independence* of the public broadcaster in being able to reach an audience directly and not through forms of relay that are controlled or strongly influenced by competitive content providers (audio-visual cable or satellite services, for example). Geography, history and politics clearly also play their part in determining the definition, content and mode of delivery of PSB in different nation states.

The BBC is a useful example because it is currently in receipt of what is effectively a large content-producing fund (the licence fee), and says that it pays some 6 per cent of this income in delivery costs to reach over 98 per cent of the national population with a content service that is free at the point of use (BBC Trust 2013: 1). Critics argue that cable, satellite and the internet provide a better means of distribution for audio-visual content, but these also have delivery costs that are funded by individual users or households rather than the whole national corpus of users. Cable, satellite and internet fees might in future be more closely linked to the volume of usage as companies seek to recover investment costs. Thus, for example, heavy users (for example families with children) could have to pay more than light users.

The allocation of spectrum is a timely issue given the rapid growth and popularity of mobile services that account for growing pressure on some longer established users of spectrum – i.e. on broadcasters in general and PSB in particular. Mobile video in particular has high bandwidth needs. As so often in the history of media technology, newcomers fight incumbents for the resources they require and some may eradicate their predecessors. The internet replaced the telegraph (although not the use of submarine cables), while other apparent competitors such as cinema and television survive and co-exist partly because they make use of different resources and meet different cultural needs.

Here it is assumed that cultural, economic and political factors play their parts both in deciding resource allocation and rates of adoption. The view that technologi-

cal change alone determines all other changes is viewed with scepticism (Hills 2007; Briggs & Burke 2005). As we shall see, broadcasters worldwide – including PSB organisations – are arguably involved in a forward-looking project as well as a fight to retain the spectrum resources they currently have.

To illustrate, the *Future of Broadcast Television* group – founded in 2011 and with member broadcasters in over 20 countries (including China, Japan, Brazil, the USA and Europe) – announced a commitment to digital terrestrial broadcasting as "…the most spectrum-efficient wireless delivery means for popular real-time and file-based media content" (FOBTV 2012: 2). A more recent European initiative, the Wider Spectrum Group, called attention to the cultural and economic value of content-producing services that fuel the broadcasting industry (WSG 2015). The FOBTV and WSG initiatives are responses to (among other things) an intensifying conflict between broadcasting and mobile media over frequencies that is fuelling a return of spectrum scarcity. Resource competition in Europe has focused on an especially desirable part of the Ultra High Frequency [UHF] band between 470-790 megahertz [MHz], frequencies that are attractive to both industries (Lamy 2014).

It is important to note that although the spectrum is finite, new scientific discoveries allow more effective use of the spectrum, i.e. doing more with less. The PSB organisations that now risk losing the spectrum they require for terrestrial services have made significant contributions in switching from analogue to digital transmission, a change that has produced what some refer to as the 'digital dividend' enabled by digital terrestrial television [DTT]. This change has contributed to an earlier lessening of the scarcity problem as more television channels can be broadcast through fewer frequencies (Starks 2007). For clarity it should also be noted that the emerging conflict is only related to terrestrial broadcasting because satellite broadcasters do not use the UHF bandwidth.

The possibility that the PSB organisations might lose the spectrum they rely on to deliver free to air, terrestrial services throws a spotlight on the process of public policy making and the allocation of a public resource. This prospect also raises questions about the characteristics, nature and purpose of the PSB sector. The definitional aspects are tricky because PSB has changed over time. But one blunt question is pertinent: does it matter how their services are delivered? Free to air broadcasting, making use of a roof top aerial for reception, arguably maximises the independence of the broadcaster, ensures a direct link to the viewer, cuts out any gatekeeper or 'middle man', and has the capacity to provide a universal service with a good quality signal, free at the point of use and available simultaneously to all viewers[1].

The loss of frequencies and the consequent need to relay PSB programmes *exclusively* through privately owned cable, satellite or broadband internet (where a subscription is normally charged) could adversely affect the role and definition of the PSB institution. Might this threaten the availability, cost and 'publicness' of the public broadcaster? Does it already? Does involvement and possible intervention by the suppliers of subscription cable, satellite and fixed or mobile broadband necessarily end

the principle of universal service and universal access?[2] This chapter explores these issues in the knowledge that we are entering a moving field. In some parts of the world (Canada and the UK, for example) public service broadcasters are already giving up aspects of over-the-airwaves or 'free-to-air' delivery (Taylor 2013; BBC Trust 2015)[3].

Given the complexity of tracking what is happening, this chapter refers mainly to developments in the United Kingdom and Europe. Even here television delivery systems vary and all these countries are experiencing a period of rapid change. Consideration of the infrastructural dimensions of change addresses the theme of crossing borders and boundaries by identifying the invisible borders between spectrum frequencies. These borders might be considered – metaphorically – to construct new territories. Thus the current conflict between two great industries, broadcasting and mobile, can be seen as an alarming confrontation over the right to occupy certain territory with significant consequences both for users and for previously accepted definitions of public broadcasting.

Changing the rules on spectrum

The World Radio Conference [WRC], an agency of the ITU, meets in November 2015 to adjudicate on which industries may have use of contested frequency bands[4]. Representatives of national governments, including regulatory bodies and a large number of companies and organisations involved in various aspects of the radio communications industry attend this event. A range of industry bodies including GSMA, the trade body for mobile operators worldwide, and the European Broadcasting Union [EBU], representing public service broadcasters in that continent, will seek to obtain use of the spectrum that they believe vital for their future development. As the WRC meets infrequently, the lobbying by interested parties has preceded this event by several years.

Governments might be expected to defend the various interests of their spectrum users, although there is little or no involvement by consumers or users of spectrum-reliant services, or by civil society organisations such as the Voice of the Listener and Viewer (VLV). In December 2013 the European Commission was sufficiently worried about the prospect of conflict between mobile media and broadcasting, and the possible negative impact of that on the European economy, that it set up a High Level Group chaired by Pascal Lamy, political advisor and former Director General of the World Trade Organisation, to bring the dissenting parties together with the hope of some positive outcome (European Commission 2013). The findings of the Lamy Report were delivered in September 2014 and are examined in the last section of this chapter.

It is within the long range planning remit of the WRC both that new technologies receive the resources that they require and that any conflicts of interest are resolved. Thus its 2015 agenda includes consideration of "…additional spectrum allocations to the mobile service on a primary basis and identification of additional frequency bands for International Mobile Telecommunications" (Ofcom 2014a: 59).

In particular, the Conference considers allocation of the 694 – 790 MHz frequencies of the UHF band to the mobile media industry. These frequencies, referred to here as the '700 MHz band', are still used in many European countries for broadcasting. It seems likely, at the time of writing, that this re-allocation will be approved. Indeed, in some countries the change has already been recommended, e.g. Finland, Germany, Sweden and the UK (European Commission 2014; Ofcom 2014b). The proposed change is controversial because it will require broadcasters, including public service broadcasters, to relocate to other spectrum in the lower UHF band (below the 700s), with considerable costs entailed in re-engineering the delivery of signals. In Britain it is estimated that the re-engineering could be completed by 2018 or 2020 (DigitalUK 2014b). This could have considerable negative consequences for viewers who will need, at minimum, to re-tune their sets or even to purchase new television sets or aerials, and some could lose terrestrial television reception altogether and have little choice but to adopt a pay TV package.

The outcome of an earlier transfer of spectrum to the mobile sector is worth noting. In the UK in 2013 a higher part of the UHF band (the 800 MHz frequencies) was offered for sale to providers of new 4G mobile services. It was known in advance that some instances of interference with domestic television services operating at the upper end of the 700 MHz band could occur. As a consequence of concern expressed by broadcasters, politicians and civil society organisations, Government established, in advance, a new organisation 'at800' designed to address any problems that might arise (at800; Ofcom 2011; VLV 2012). At800 is funded by the mobile companies that benefitted from the auction of frequencies in the 800MHz band. Thus both Government and the regulatory body, Ofcom, established a principle that any newcomers causing damage and inconvenience to existing spectrum users must provide recompense and redress.

However, the more substantial threat lies not in the loss of an amenity that can be remedied, but in the loss of **any** free access to the DTT signals of public service and other broadcasters. From a European PSB perspective, the most alarming element of the WRC15 agenda is that the lower UHF band (470-694MHz) – the area to which PSB must retire if denied continuing use of the 700 band – is now also claimed by mobile interests. The formal wording in the WRC agenda says this portion of spectrum should be designated for equal or 'co-primary' use by broadcasters and mobile phone and data providers. The terrestrial broadcasters consider sharing this portion of spectrum with mobile operators infeasible with current technologies. The loss of so much suitable spectrum could make it impossible for broadcasters to operate.

It is not yet clear what position will be taken by European national governments on this issue. The UK's regulatory body, Ofcom, has indicated that it wishes to "… ensure the protection of DTT in the 470-694 MHz band" it therefore plans to oppose co-primary allocation (Ofcom 2015d: 3). At the time of writing none of these possible outcomes, from peaceful co-existence to speedy strangulation, is certain; though the direction of change is clear. If broadcasters were effectively excluded from the lower

UHF band then viewers might have no choice but to pay for subscription services to watch the programmes their fees or taxes have already financed for PSB. The principle of universal availability, free at the point of use – one of the defining characteristics of a national, public broadcaster – would end. Access via broadband internet might seem more attractive and more 'free', but domestic consumption on a large scale could bring much higher broadband fees as providers seek to recoup their investment in new systems to cope with much greater volume of use.

The case for mobile (and the internet)

The arguments for change in spectrum allocation and the forces behind those arguments are both powerful. The rapid rise of the mobile phone is remarkable – surging from 1 million subscriptions in 1994 to 100 million, globally, by 1998. It's estimated that half the world's population, or 3.6 billion unique subscribers, own a mobile phone. The important new development is smartphones with wireless mobile broadband access, allowing internet searches, video on demand and on the move, and the downloading and fast re-transmission of large quantities of data that is increasingly vital for a wide variety of businesses (ITU 2015). In a 2014 speech Anne Bouverot, Director General of GSMA, observed: "Global mobile data usage is growing strongly, with GSMA research indicating that this growth means an additional 600 – 800MHz of spectrum will need to be allocated for mobile use by 2025" (Bouverot 2014: 3).

The growing mobile data market is regarded as especially valuable and profitable, as noted in a separate GSMA report: "In 2011 a 4G connection generated 2.4GB per month… 28 times more traffic than a non 4G connection' (GSMA, no date, b). Still greater growth in smart phone numbers and the quantity of data consumed is predicted by 2017: "The smartphone installed base is expected to grow from 1.5 billion in 2013 to almost 3 billion in 2017 resulting in a surge of traffic as these devices generate on average 48 times more mobile data than a basic feature phone" (GISMA, 2014a: 4). Clearly we are talking about a high growth industry. This correlates with industry claims for the general economic impact of the mobile sector: "…the mobile industry (both directly and indirectly) created 3.6 per cent of global GDP (equivalent to $2.4 trillion) and directly supported 10.5 million jobs in 2013 – this is expected to rise to 5.1 per cent of GDP and 15.4 million jobs by 2020 (GSMA 2014a: 3).

While data on past numbers of mobile phones sold and the quantity of data consumed can be reported with reasonable accuracy, estimated claims regarding future volume of usage and bigger picture claims about impact on the global economy merit caution. Doubtless the economic and cultural significance of smartphones and other smart devices is considerable, although the balance between use that underwrites business, invention and growth on the one hand and use as leisure consumption is harder to assess. Nonetheless, the general success story that can reasonably be told has rightly had considerable impact on politicians and regulators.

But does this success story for mobile phone and wireless broadband spell the doom of broadcasting? As suggested, histories of technology are littered with stories of rival technologies that subsequently co-existed (television and film; Kindles and books). However, the finite amount of spectrum makes the disappearance of broadcasting a more credible thesis. In the US, in particular, imaginative and experienced operators envisage the internet replacing TV. A Netflix report to shareholders in 2013 asserted "the linear TV experience is ripe for replacement", while Marc Andreesen, distinguished inventor and venture capitalist asserted, "TV in ten years is going to be one hundred per cent streamed. On demand. Internet Protocol". Well-informed observers suggest that "during peak hours Netflix accounts for more than 30 per cent of all Internet down-streaming traffic in North America, nearly twice that of You Tube, its closest competitor.' (Auletta 2014).

It is worth noting that one of the factors driving the take-up of Netflix in the US has been the large volume of advertising on US commercial television and audience dissatisfaction with that which led to the networks losing some two-thirds of their audience since the 1970s. This also accounts in part for the rise of subscription cable [HBO] and similar pay channels. In this regard, although the pull factor is strong for IP-delivered Netflix in Europe, the push factor may be less strong here. The record of European PSB organisations variously indicates much less or even no use of advertising, significant investment in attractive drama and live events production, and well-resourced and relatively trusted news, current affairs and documentary programming.

Regarding the battle between mobile media and broadcasting in Europe (located in the ITU's Region 1 along with Russia, Africa and the Middle East), both will need to invest in research to make more effective use of the spectrum as broadcasters have already done in the switch from analogue to digital. In seeking to take over use of both the 700 and lower 500 and 600MHz UHF bands, GSMA suggests that: "Broadcasting services could be maintained in a smaller amount of spectrum using the latest broadcast technology and coding solutions" (2014a: 3). There is some scope for this in the longer term, but broadcasters cannot afford to lose the spectrum they currently need until they have affordable new technologies to make the use of less spectrum space a realistic prospect.

In Britain senior politicians are to some extent keeping their options open. Minister Ed Vaizey in a speech to the Digital Television Group expected to balance twin objectives: "to make sure that the core structure of the DTT platform is maintained as part of any transition and that interference issues are fully mitigated", and also "to enable spectrum cleared through this process to be available to Mobile Operators when they need it in line with releases across Europe and in other international markets" (Vaizey 2014). He further mentioned some of the technological innovations that might make it possible for broadcasters to be more economical in their use of spectrum, although as suggested these are not yet fully tested and operational. In practice there is a big 'if' as well as a 'when' that is causing considerable anxiety among broadcasting engineers.

Some national regulators appear persuaded by the narrative that a combination of cable and satellite-based subscription services with the prospect of Internet Protocol Television [IPTV] will answer to the problem of spectrum scarcity. Ofcom has argued that these developments may render free-to-air television unnecessary (2014c). The added bonus in this narrative is that government treasuries anticipate windfall income from spectrum sales to mobile operators.

Although details vary, competition for the same spectrum bands is intensifying as the agenda for the next WRC shows (Ofcom 2014a: 59) and it is clear from the GSMA literature that, on the assumption that mobiles will take the 700MHz band from the broadcasters in 2015, the eyes of the mobile operators are already focused on taking over the 470-694MHz UHF band (GSMA 2014a: 3). A clear 'head to head' conflict is evident.

The case for public service broadcasting

The Future of Broadcast Television group, consisting of commercial and public service broadcasters, has given a detailed account of the special characteristics of broadcasting. The technology is wireless and supports receivers that can move; it is 'infinitely scalable' with a one-to-many architecture; it is capable of delivering geographically local content; it is 'timely' and can provide both real time and non-real time delivery of content; and it is flexible in being able to deliver both free-to-air and encrypted, subscription services (FOBTV 2012: 2).

In Europe governments typically played a prominent role in the creation of public service broadcasting. Although this sector might, in some cases, be more properly referred to as state broadcasting where governments exercised direct control over content (Germany in the 1930s; Portugal and Spain until the 1970s; in central and eastern Europe until 1989), in Western Europe an early consensus emerged on what a relatively independent public service broadcaster would be and require. This development later influenced the thinking of international bodies like UNESCO and the European Union, although in the latter commercial competitors challenged the legality of some PSB services.

Some key characteristics of national public broadcasting are generally agreed to include:

- Public funding
- Independence from government
- Availability to all or being 'geographically universal'
- Diverse programming ('something for everyone')
- Having a special relationship to national identity and a sense of national community

- Recognising the rights and cultural interests of minorities
- Set apart from vested interests, whether in government, the public sector or business
- Serving the information needs of users generally, and more specifically in their role as citizens and voters
- Impartiality in presenting news and controversies of the day.

Members of the Broadcasting Research Unit in London in the mid-1980s added some additional characteristics: the notion that the service should be paid for by the 'whole corpus of users' (this might be taken to exclude individual subscription services), structured to encourage 'competition in good programming, rather than competition for numbers' and managed in order to 'liberate rather than restrict the programme makers' (BRU, 1985).

Taken together, these characteristics and their attendant values were summarised for their global relevance in UNESCO's media development document of 2008:

> Public Service Broadcasting… is broadcasting made, financed and controlled by the public, for the public. It is neither commercial nor state-owned, free from political interference and pressure from commercial forces. Through PSB, citizens are informed, educated and also entertained. When guaranteed with pluralism, programming diversity, editorial independence, appropriate funding, accountability and transparency, public service broadcasting can serve as a cornerstone of democracy (UNESCO 2008: 54).

The European Union has had some difficulties with the concept of PSB, fearing that it might erode market competition principles. But following debates in the European Parliament and the publication of a major report on the subject in 1996, a result of the work undertaken by Member of the European Parliament [MEP] Carole Tongue and many others, the EU agreed to adopt a statement recognising the right of PSB to exist. This was enshrined as a Protocol within the Amsterdam Treaty of 1997, thus amending the Treaty of the European Union. The Protocol acknowledges the role of public broadcasting as "directly related to the democratic, social and cultural needs of each society" and the right of Member States to fund PSB in order to fulfil "the public service remit". But beyond this permission, no details are given except that such funding must not adversely "affect trading conditions and competition in the Community" (European Parliament 1996; European Union Treaty, 1997: 109).

The various dimensions outlined above make no mention of spectrum availability or of technological infrastructure. They include the principle of universal availability and the idea that PSB should be 'controlled by the public and for the public'. But silence on practical questions about infrastructure is perhaps a sign of the taken-for-granted character of broadcasting after the astonishment that greeted its first appearance had faded. But much water has flowed under the bridge since then and as it approaches

its 100th birthday, broadcasting in general and PSB in particular might now be said to face an existential crisis. How is the voice of the public to be heard if governments increasingly believe that the house of broadcasting (and its spectrum foundations) must be sold to other inhabitants who will make more economically efficient use of it? Is it really true that PSB can be relayed by any means regardless of who controls the infrastructure?

Television is watched by 87 per cent of Europeans every day or almost every day; 97 per cent watch it at least once a week. Coverage is near universal, in many countries reaching over 98 per cent of the population. Commercial and public service provision co-exist, with free-to-view and subscription services both available; the take-up of cable and satellite subscription services varies far more widely from country to country. In short, TV is a popular and widely used medium. In the UK in 2013 the average viewer watched television just under four hours a day; 98.5 per cent of this was via a TV set with a meagre 1.5 per cent taking place via a mobile device. Although the range of devices used to watch TV is changing rapidly, there is a very long way to go before mobile media could be a substitute for broadcasting. In Europe overall 250 million people, nearly half the population, rely on digital terrestrial television with access free at the point of use. Many more millions make use of free DTT services if second sets are also included in the calculations. Finally, the overall breakdown of types of TV reception in European Union households in 2013 has been estimated as follows: 46 per cent rely on terrestrial transmission; 31 per cent on cable; 23 per cent on satellite and 10 per cent on broadband IP (Ofcom 2014d; Ratkaj 2014; EBU 2014; Eurobarometer 396, 2013).

Conclusion: the Lamy Report and after

But the pace of change is increasing and it is now possible that free to air broadcasting could find itself without the spectrum resources required to reach millions of users. By the mid to late 2020s broadcasters could be facing the disposal of redundant transmitters and the search for new methods for relaying programmes to audiences, most obviously via subscription cable or satellite services or via internet service providers using fixed or mobile broadband – at potentially significant costs to users. The current direct, efficient and cost-effective relationship between broadcaster and audience might come to an end. And this change could bring a loss of both editorial and scheduling control. As already indicated, the abandonment of DTT relay could also bring unwelcome additional costs to lower income households. It is thus unsurprising that a number of new organisations and groupings have emerged on the European or the world stage (FOBTV & WSG) whose purpose is securing a future for broadcast TV.

Decisions made at the 2015 World Radio Conference will make it clearer which way the wind is blowing although, even if the mobiles obtain approval for a new co-

primary status for the lower UHF band (470-694MHz), national jurisdictions and indeed the European Union itself, may seek to continue to provide suitable spectrum for broadcasters. It may also become clearer what scope the mobiles have either to use currently held frequencies more intensively or to obtain other usable spectrum well above the UHF range.

What light does the Lamy Report of 2014 cast upon this already flickering picture? PSB is undoubtedly strong and in many places popular in Europe. The European Commission set up the group chaired by Lamy to seek a consensual way forward. The group convened for a period of six months between January and June of 2014 and was made up of more or less equal numbers of senior figures from the two sectors of mobile media and broadcasting. However, the skills of the Chair were unable to persuade the parties to reach agreement. The unresolvable issue appeared to be how to respond to the proposal for allocating the lower UHF spectrum band for mobile use. The final report was therefore submitted to the Commission in September in the name of the Chair alone, containing his comments and a series of factual appendices where the facts at least were more-or-less agreed by the contesting parties. The document is a useful record of the issues at stake and offers a record of major changes taking place in the fields of telecommunications and broadcasting.

But the report is sensitive and even defensive on certain points, for example in the assertion that "…the debate about the future of the UHF band is not about sacrificing culture for the sake of the digital economy". There is acknowledgement that "…the European audio-visual model…fulfils major public policy objectives such as cultural diversity and media pluralism", and that "In most EU Member States digital terrestrial television (DTT) represents the backbone of this model". Lamy expects TV will "… continue to play an essential role as a major distribution platform for the foreseeable future". Moreover, free-to-air is acknowledged as a "…crucial factor in the European audio-visual model" (Lamy 2014: 3-4). The recommendations give some comfort to broadcasters. Although they advocate the release of the 700 band for use by mobile media, they also emphasise that "assurances are needed" that broadcasters will retain access to the band below the 700s (470-694MHz).

However, the timetable for change was foregrounded in the press release and this is not comforting for broadcasters. It has been referred to as the '20-25-30 model', meaning that by 2020 the 700 band should be released for mobile use; by 2025 a stocktaking of future needs and requirements for both sectors will be completed. Then 2030 is the ambiguous year that both holds the promise of a "reassurance…given to terrestrial broadcasters for a next cycle of investments" and may also signify an end date for UHF spectrum use by broadcasters (2014: 8).

The moral of the tale may be that where there is a serious conflict of interest between two major media industries, the mediation process is difficult and may even be impossible. There is clearly a case for users and civil society organisations concerned about the future of PSB to enter the lobbying process.

Post-script: Update on the World Radio Conference 2015 Result

The WRC meeting in Geneva in November 2015 agreed to allocate sufficient suitable spectrum to European broadcasters in the lower UHF band (470-694 MHz) at least until 2023. This decision relates to the whole of ITU's Region 1. In making the decision, the WRC rejected – on this occasion – the proposal made by the international mobile industry that this spectrum should be designated for 'co-primary' or shared use by mobiles and broadcasters. However, there were some corresponding benefits for the mobile wireless broadband sector, including the clearance of broadcasters from the 700 MHz part of the UHF band, making this now a 'harmonised' band available to mobile providers on a worldwide basis and across all three regions of the ITU. The mobile sector has also benefitted from some new arrangements at the higher frequency levels (1427-1518 MHz and 3.4-3.6 GHz) (GSMA 2015). Broadcasters in Region 1 have been granted a 'breathing space' for free-to-air TV but will now carry the considerable costs associated with the re-engineering of transmissions into the lower band. The EBU welcomed the lower UHF band decision emphasising the 'social cohesion' factor associated with terrestrial television (EBU, 2015). It is likely that the mobile interests will return at WRC19 and WRC23 to press their case for the release of the lower UHF band for their use.

Notes

1. A more scientific account of these characteristics is given in the Memorandum of Understanding of the Future of Broadcast Television group (FOBTV, 2012: 2).
2. This universal access issue also relates to the now extensive debate about 'net neutrality' and involves disagreements about the perceived need for traffic management of the internet (whether to do with capacity or, more controversially, with content) as against the importance of 'enabling the indiscriminate flow of all digital information' (Mansell, 2012: 163).
3. In the case of the BBC the controversy relates to a decision to end the free-to-air, spectrum-based delivery of one television channel (BBC 3, directed in particular towards younger people), reassigning it to delivery exclusively via the internet.
4. At the time of writing the World Radio Conference had not yet taken place.

A Note on Sources and Method

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Public Service Media in 'Coopetitive' Networks of Marketisation

Tanja Meyerhofer

Abstract
Public service media are in a state of flux as the sector attempts to balance opportunities and challenges in the context of an increasingly global interconnectivity in media environments. Building on Sassen's (2006) approach regarding 'transboundary networks', this chapter explores the emerging microsphere of marketisation where national public purpose goals and global market forces converge. The result is a contrarian perspective suggesting that although on the surface marketisation relates to strategies implemented to remain competitive, at a deeper level it constitutes a means to protect and reinforce public purpose values. The leveraging of these public purpose values, which are what makes public media services marketable, constitutes a key brand advantage that can enable public service media to remain competitive in today's complex networks characterised by 'coopetition' – a complexity of interaction that is sometimes cooperative and sometimes competitive.

Keywords: public service media, marketisation, coopetition, transboundary networks, public purpose values, globalisation, convergence

Introduction

Public service media [PSM] are in a state of flux as the sector attempts to balance opportunities and challenges in the context of an increasingly global interconnectivity in media environments. Innovations in digital technologies are reshaping the media landscape on multiple levels by enabling the delivery of content across a myriad of platforms that transcend sectoral boundaries and territorial borders. In democratic societies, the relevance of PSM is premised on civic participation and these transformations open unparalleled opportunities to connect and engage with public communities at national and global levels via a broad portfolio of public media channels in both traditional and interactive platforms. At the same time, however, this abundance exposes PSM to unprecedented challenges in efforts to future-proof their raison d'être in media markets that are shaken by increasingly tough competition for audiences and users.

Thus, it isn't surprising that this state of 'flux' in PSM's situation is so often described as a 'crisis'. Lowe and Steemers (2012: 10), for instance, portrayed Western European PSM as being caught up in a "storm [that] is catastrophic" and "has the makings of a crisis". Concerned about national economic growth, governments are designing policy frameworks to curtail public media services in order to prevent 'distortion' of domestic markets, which in practice means restricting PSM innovation and expansion in digital offerings (Donders et al. 2012; d'Haenens et al. 2008), while paradoxically encouraging PSM to be an active market participant.

This chapter does not contest the seriousness of the increasing marketisation of PSM. There are problems and those have been widely discussed, particularly in political economy literature. We agree that the trend to marketise PSM operations is particularly serious because delivering a universal service is still expected despite steadily decreasing public funds that are necessary to accomplish this. In this chapter we take issue with the tendency to treat PSM's marketisation from a one-sided, overwhelmingly negative perspective. The prevalent focus of discourse decries neoliberalism, capitalism, market liberalisation, privatisation, deregulation, commercialisation and, to use McQuail's (1986b) words, "synonymous paraphrases"[1] (p. 633). As a result, *marketisation* is exclusively associated with deterioration of the public service mandate (e.g. McChesney 2008; Murdock 2000; D. Schiller 2000; H. Schiller 2000; Tracey 1998; Dahlgren 1995).

In practice PSM has no real choice but to embrace marketisation because that is pre-requisite for participation in today's media environments and the contemporary context for connecting with public communities across multiple platforms. This contextual reality is not confined to a particular country, but is increasingly global. While competition is certainly a factor that drives the marketisation of PSM, the discourse tends to neglect the equally important pursuit of co-operation that is also driven by marketisation. The hybrid dynamic between acting both competitively and co-operatively is called "coopetition" (e.g. Küng et al. 2008)[2]. This dynamic interaction with, and integration increasingly defines operational practice in media systems everywhere today. Debates that emphasise negative effects triggered by competition and neglect the co-related emphasis on co-operation reflect oversimplified and overly normative assumptions about the operational space in which both commercial and public purposes interact and must coexist. The growing interpenetration of digital communication technologies is facilitating densely networked media relationships and activities. The result is collapsing sectoral boundaries and territorial borders, as evident in the convergence of publishing, broadcasting, telecommunications and computing industries within domestic markets that are increasingly also transnational markets.

We begin with a review of traditional understandings about PSM marketization, and then elaborate how reconstructing PSM's relations with civic communities can better ensure a deepening and broadening engagement. The emphasis on civic engagement explains Lowe's (2010) proposal to develop a "customer-centric" approach to PSM instead of preserving the overwhelmingly product-centric approach of PSB. This is important for understanding the emergence of new PSM models that rely on

marketisation to validate the pursuit of joint productions, collaborative research, and business-like practices in PSM management (Głowacki & Jackson 2014).

The contemporary operational context makes these and a host of other historically question 'developments' vital for fulfilling the public purposes that are at the heart of PSM's obligations. That is especially important given the reality of an increasingly globally connected media environment. PSM cannot stand outside the context or the developmental requirements facing all media operators in all sectors.

To understand how and why the case made so far enjoys validity, this chapter draws on findings from fourteen personal interviews conducted by the author with senior-level managers working in many areas, including sales, programme acquisition and distribution, programme development, co-production, corporate communications and marketing, and strategic planning, at German and Australian PSM organisations and their subsidiaries.[3] The aim is to generate insight into how practitioners experience PSM marketisation to enrich our understandings of the phenomenon. The investigation takes an organisational perspective on marketisation strategies to demonstrate its simultaneous importance for enabling PSM to remain competitive in complex networks of 'coopetition' (Küng et al. 2008) and to secure stronger civic engagement and, thereby, ensure the continuing achievement of public purpose goals in the future. But we should begin with diagnosis of the very real problems that marketisation creates for PSM. This is discussed in the next two sections, first in domestic terms and then in international relations.

Marketisation of domestic public service media

The marketisation of PSM is not a new phenomenon or critique. It is prevalent strand of discourse in political economy literature addressing macrostructural changes that are traced to the ideological shift favouring neoliberal politics in the late 20th century. Murdock and Golding (1999: 118) defined marketisation as "all those policy interventions designed to increase the freedom of action of private corporations and to institute corporate goals and organisational procedures as the yardsticks against which the performance of all forms of cultural enterprise are judged". Their concern was keyed to the impact and implications for the BBC.

Neoliberal policy facilitated the fevered privatisation of public properties in the 1990s and 2000s, also in broadcasting. A co-related trend encouraged corporatising public organisations, in principle to raise efficiency by ending bureaucratic procedures associated with public administration and replacing them with entrepreneurial management techniques such as quality assessment measurements. Inclined to support the growth of free-market economies, governments in the West relaxed media policy frameworks to liberalise national media markets. This exposed PSM to increasingly competitive environments within nation-states and encouraged growth in a global media marketplace where domestic public service broadcasters now compete with

both national and transnational operators of all types, in some cases including other PSM organisations.

In response to intensifying competitive pressure, most public service broadcasting corporations 'commercialised' their programming schedules by increasing the provision of entertainment-oriented programmes and cutting back on a variety of non-competitive genres, such as children's programming. Since public funds in most countries are no longer adequate to cover the high expenses required to produce children's programmes in-house, influential PSM organisations including the BBC (Steemers 2009), the ABC (Inglis 2006) and the South African Broadcasting Corporation (Teer-Tomaselli 1998) have increasingly relied on strategic alliances with commercially funded and internationally oriented licencing partners to generate ancillary revenue streams. As Steemer's (2009: 55) observed through the analysis of the impact on the BBC's offer for children, the increasing reliance on commercial income "may inhibit the…ability to satisfy…core purposes, by focusing attention on a more limited range of commercially and internationally appealing programming, which may be less relevant to [domestic] child audiences".

The author's research found that negative impact can also be observed at DW Transtel, Deutsche Welle's commercial in-house distribution division. Under the maxim of offering "the best of German television", the division traditionally acquired and translated children's programmes into a variety of languages. With programme decisions under high financial scrutiny, DW Transtel has lately aligned its packaging strategies with the requirements of profitable markets. As a consequence, countries with low revenue returns, mainly in Africa, Latin America and Asia, are no longer provided their respective language versions, and are therefore neglected by the organisation today.

The *marketisation* of PSM is initiated both externally by policy that favours neoliberal approaches and the globalisation of media as business, and internally through a co-related expansion of commercial activities by PSM organisations in some cases and more generally in the implementation of market-oriented strategies. This strikes a stark contrast with the traditional basis for legitimising PSM as a normative model where the emphasis is on the modernist concept of a "public sphere" (Habermas 1989). Normatively construed as a "space for a rationale and universalistic politics distinct from both the economy and the State" (Garnham 1990: 107), PSM's engagement with marketisation, whether in terms of market-favourable politics, market-oriented practises or commercial sources of income, is associated with 'deterioration' of the public purpose ethos.

Debrett's (2009) investigation of the reinterpretation of public purpose goals in the context of digitisation at six PSM organisations (in Australia, Britain, New Zealand and the USA) revealed the growing need for investment to achieve increased quantities of content that are required for operating multiple radio and television channels, as well as online and mobile platforms. This proliferation is creating an enormous "financial burden" (p. 823) on PSM organisations. The justifications for engaging in commercial activities that were the author's research confirm Debrett's findings. The

accelerating decline of public funding affects PSM with an increasingly severe financial crisis. Tight budgets beg the question, "where is the money for the provision of public service television supposed to come from if not from commercial activities?" (ZDF Enterprises: Interview 3).

For public service broadcasters the only obvious solutions to cumulative cutting and worrisome deficit are 1) engage in commercial activities and 2) implement cost-saving strategies. Both strategies are being pursued as a package by diverse PSM operators, and the second strategy by nearly all of these organisations. For example, despite its vital contributions in serving Australia's multicultural society, the Special Broadcasting Service [SBS] is funded by a hybrid financing model in which 80 per cent of the revenue is from governmental allocation and the rest from commercially generated income (advertising and sponsorship). The Australian government's reluctance to provide their share of financial support has created conditions that practitioners described as "suffering" (SBS: Interview 1). The only solution to compensate for severe financial decline is to exploit commercial revenue streams "more directly" (ibid), for instance through in-house sales activities, integrating advertisements into programming breaks rather than exclusively at the beginning and end of programmes, and intensifying efforts to grow merchandising and sponsorship.

Although SBS's managers believe "commercial revenue is critical" to balance the lack of sufficient public funds (SBS: Interview 2), they are concerned about the potential detrimental impact on the public's perception of and support for SBS. The reason hinges on a "very strong sense of public ownership" that prompted "vocal stakeholders" to engage "quite passionate[ly]" in a debate on whether this shift would harm the organisation's commitment to serving the public interest above all (SBS: Interview 1). In her study, Debrett (2009: 807) similarly found that "some of the compromises being made – as funding is stretched and supplemented with new commercial services – could well prove undermining in future".

Research on the BBC, Rai Italy, RTVE Spain (Brevini 2010; Debrett 2009), the SABC in South Africa (Sparks 2009; Teer-Tomaselli 2008), SBS in Australia and NZTV in New Zealand (Debrett 2009; Jacka 2005) suggests that PSM organisations tend to jeopardise a distinctive identity rooted in addressing the democratic, cultural and social requirements of 'national' public communities when required to adjust programming strategies to focus on attracting media consumers as a prerequisite for maximising commercial revenues.

Transnationalised spheres of PSM marketisation

The magnitude of budgetary cutbacks for PSM is not only experienced within domestic markets; it transcends national boundaries. Responses from DW in Germany see the Australian government's reluctance to provide PSM organisations with sufficient funding as a political decision that encourages *marketisation* not only of national but

also international PSM structures. This is because the historic co-operation between SBS and DW has consisted of a non-cash exchange of time slots on SBS for content from DW. As "curator of international content" (SBS: Interview 2) SBS relies on foreign content providers, while DW as an international PSM organisation depends on SBS to rebroadcast its programmes in Australia where satellite dishes are not common. This was described as being "partner platforms" (Deutsche Welle: Interview 4).

Conceptualised after World War II as a public diplomacy instrument to communicate Germany's political and cultural perspectives to as many people as possible, the commercial possibility for financing DW's international broadcasting service "has always been very strongly questioned" (Deutsche Welle: Interview 1) by the German government. Emphasising the contribution of an international public broadcasting service to a good national image, the German government decided that "public resources" derived from taxpayers' money would best ensure the achievement of international public purpose goals. For DW, SBS's 'more direct' engagement in commercial activities raises serious concern that "we have to some extent to prostrate ourselves before commercialisation" by either having to edit programmes so that SBS can place commercials within or around them or by having to provide mass-appealing programmes to avoid being "moved" to less attractive time slots (Deutsche Welle: Interview 3).

The close connection between a healthy budget and compliance with editorial policies, and by implication the successful achievement of public purpose goals, was repeatedly echoed across respondents in the interviews. It is also clear that financial power is a determinant factor on editorial decisions reached in co-operation not only with commercial suppliers but also public sector producers including Britain's BBC and Germany's ZDF. Analysing the growth of *marketisation* within PSM reveals how the 'deterioration' of public purpose goals can indeed occur when PSM organisations can only thrive through the application of market-based and -oriented rationality.

Evidence of potential compromises to make programmes commercially exploitable in a global marketplace is evident in responses from professionals at ZDF Enterprises (for similar developments at BBC Worldwide see Donders et al. 2012). For ZDF's commercial arm, the unpredictability of sufficient public funding is the rationale for an increasing reliance on independent business activities. When developing and co-producing programmes on behalf of ZDF, the mission is to create a product carrying cultural values that are important for German society and this guides the private subsidiary's production strategies. The fact that "two thirds" of these programmes will be difficult to distribute beyond German-speaking language markets is accepted as part of the fulfilment of the public mission (ZDF Enterprises: Interview 1). However, when operating independently of the public service parent and its fundamental remit, i.e. under strict market conditions, the aim is to derive a maximum financial benefit. To make content "products" marketable in as many countries as possible, ZDF Enterprises then pursues strategies to 'internationalise' content by reducing the amount of "cultural discounts", in other words by producing content that "has preferably a global concept" (ZDF Enterprises: Interview 3).

With the power to "shape" a production process heavily relying on the sum invested in joint productions, there is concern that less well-financed stakeholders who "only pay €1.50 [cannot] be the determiner" when it comes to programme-making decisions (ZDF Enterprises: Interview 1). Similar to findings reported by Raats (et al. 2014) in their study of public value partnerships, these results suggest that the alignment of a public service mandate with market rationality in co-produced content hinges on achieving compromises when it is necessary to take every stakeholder's respective interests into account. Thus, while stakeholderism is a fine concept in principle, in practice it creates conundrums for the public service mission today. In the PSM context, 'compromising' is addressed as a process of not just "giving in" to commercial partners but, more importantly, "being steadfast" in not compromising on values of particular significance to public service provision (ZDF Enterprises: Interview 1).

Marketisation in transboundary networks

In *Regaining the Initiative for Public Service Media*, Lowe and Steemers (2012: 10) contend that the current 'crisis' of PSM may also originate in part from declining support by "academicians". Reviewing the literature, that seems relevant because it is clear that many scholars are struggling to continue their historic support for PSM because the realities of today's operational requirements often strongly contrast with the normative prescriptions of an ideal public service broadcasting [PSB] endeavour. However, it also seems fair to claim that by addressing *marketisation* as a linear process solely related to the deterioration of PSM, scholars provide only the most limited tools for the sector to address characteristic challenges. With "[t]he nature of media [being] much more fluid", media professionals feel they are left without a sense of "where the world is going" (SBS: Interview 2). Given the unprecedented way in which digitisation is transforming every aspect of PSB, we suggest that *marketisation* should no longer be exclusively conceptualised as a phenomenon causing deterioration in the public mandate, but instead merits analysis on a larger structural scale where deterioration constitutes only *one* of multiple dynamics within a complex network of converging media spaces. In this section we treat that claim.

The integrated nature of *marketisation* as a space where national public purpose goals and global market forces converge, without necessarily or only deteriorating public spheres, is generally overlooked because PSM continues to be conceptualised as an enclosed "national institution … inhabiting that critical liminal space between public and private powers" (Born 2003: 64). Analysed in the light of "methodological nationalism" (Beck 2002: 51-54), PSM as a 'public' space for civic engagement is situated within "the container of the nation state" (Beck & Grande 2007: 31) with boundaries protecting national public territories from external influences that today include transnationalised content flows, policy frameworks and market forces.[4] The framing of PSM as 'contained' in an 'enclosed' and purely 'national' space encourages

the misunderstanding that transnational dynamics which include *marketisation* exist "in parallel" or as "layers" that are only "added" to the public service ideal (Born 2003: 77).

There is good reason to doubt this concept of PSM as being 'contained' in a nation-state framework and as a space somehow opposed to external global market forces. Moreover, neither conjecture offers a realistic vision for the development of PSM in the digital era of networked communications. As the previously discussed examples of SBS, DW, BBC Worldwide and ZDF Enterprises indicate, PSM operations nowadays transcend the territorial boundaries of the nation-state. This was thematic in the focus of the RIPE@2014 conference in Tokyo. To capture the interplay between national and transnational dynamics within the network of public service *marketisation*, Sassen's (2006, 2007a, 2007b, 2009, 2010) concept of globalisation is crucial for exploring PSM structures in the digital environment because it allows one to develop the idea that *marketisation* resembles "transboundary" processes.

In Sassen's view, global market forces are reflexively integrated and they cut across the historical frames of national public purpose goals while simultaneously emerging *from* public purpose goals. The presumption of a clear "dividing line" (2006: 379 & 2009: 520) distinguishing national and global spaces does not exist today. Instead, national and global dynamics are *both* clashing / conflicting *and* overlapping / intersecting (on this see also Beck 2002 & 2007). From a contemporary perspective, PSM *marketisation* constitutes a space where 'national' public purpose goals and 'global' market forces 'converge'. Unlike the modernist proposition that idealises PSB as a 'public sphere' that can somehow achieve a comparatively radical degree of independence from the State and the Market (Garnham 1990; Tracey 1998, etc.), the 'convergence thesis' rather requires one to pursue a pragmatic approach in recognising that competitive pressure can also motivate PSM organisations to develop differentiation strategies. This is evident, for example, when they emphasise their strengths in the provision of news and information content. Analysing ZDF's differentiation strategies in the context of digitisation, Meier (2003) found that 'convergence' occurs on different structural levels, having no effect on organisational strategies but influencing programming strategies and management techniques. Thus, if PSM organisations are free from advertising pressure and compete with commercial media only for 'media users' rather than 'consumers', differentiation by placing emphasis on information content is less motivated "by a superior mission unaffected by market pressures" but rather driven by strategic decisions emerging from a PSM's "organisational self-interest" to maintain public and political endorsement in the market-driven context (ibid: 341).

Innovations in digital communication technologies are transforming media use. Multipurpose communication devices including smartphones, smart televisions and mobile tablets, enable media users to access all content in text and audiovisual formats via one device, on demand and on the move. In digitised and globalised media environments, PSM organisations compete with commercial content providers by offering both mass-appeal and traditional public service (information) niche programmes. For

example, one of DW's managers recalled that traditionally the German international broadcaster only shared the global news space with the BBC and Voice of America. The limited number of transnational broadcasters gave DW a "monopolistic position" (Deutsche Welle: Interview 4). By offering audiences "plenty of other [information] sources" the Internet has broken the de-facto monopolistic structures of "independent news", thereby undermining the "importance of international channels" per se (ibid).

Responses further suggest that the fierceness with which professionals experience competition derives from the multidimensionality of competitive forces. This multidimensionality involves varied operators and approaches, from public service to state to community and commercial media, and cuts across local, national, regional and transnational spheres. For DW the "too intense" competitive pressure caused by "regionalisation" strategies makes it difficult to attract regionally fragmented audiences (Deutsche Welle: Interview 4). As a result, editorial strategies have been altered with the German international media service increasingly specialising in and focusing on the provision of information with regional relevance (ibid). To ensure that programmes are relevant for local media markets, broadcasters rely on market research. Prioritising the public mandate, respondents perceive this commercial practice as an instrument to achieve public purpose goals. Moreover, since public purpose goals are best achieved when communicated to the maximum audiences, respondents do not think market research practices interfere with the "public remit" but rather contribute to its fulfilment (ibid). These findings suggest the force of the market, in this case competition for 'quality' not 'revenues', can have positive *marketisation* effects because the competitive pressure encourages PSM organisations to focus on the achievement of core public purpose goals. Of course the caveat is important – i.e. that the competition is not for revenue. As earlier discussed, however, this is increasingly problematic due to cumulative cuts in public funding.

Customising transboundary PSM structures

It is interesting to note that customer-centrism in the form of market research, prioritising customer relationship and practices in brand management has recently become accepted in academic literature relating to PSM. These trends are not discussed as any negligence of public purpose goals but rather as constituting responses to fragmentation, diversification, individualisation and globalisation in characteristic patterns of media use (Hartmann 2010; Leurdijk & Leendertse 2010; Lowe 2010; Bardoel & d'Haenens 2008a; Enli 2008; Picard 2005). While Tracy (1998) criticises public media services for operating under market conditions that address media users solely as consumers rather than (also or only) citizens, proponents of customer-centric approaches to public service practice repeatedly point out that the conceptualisation of civic communities as 'customers' (not simply consumers) does not underemphasise civic needs. People must purchase media products and services in various ways today,

and thus are customers when financial transactions are made. This points to legitimate interests as customers, but without necessarily implying that citizen interests are not important. Lowe (2010: 25) highlighted this:

> None of this is to under-emphasise the importance of PSM as an essential service for social, cultural and democratic needs, or to slight the significance of audience as citizen. But the importance of citizenship does not inherently accord no importance to people's interests as customers.

A "customer-centric" PSM organisation still concentrates on "serving citizens in all the ways their public interest activities seek to fulfil social, cultural and democratic needs" (Bardoel & Lowe 2007: 22). That is fundamental to being a 'public service' organisation in the first place. But from this perspective a stronger focus on customer interests and the concomitant customisation of public media services in adapting to variegated and manifold patterns of public engagement is justified as an attempt to encourage the participation of media users in in mediated dialogue about matters of shared public interest, whether in their role as 'citizens' or 'customers'. That is essential to ensuring fair value for the expenses they bear for having the service (see also Picard 2005).

The traditional conceptualisation of 'viewers as citizens' is important but has a second flaw as traditionally conceived. Morley (2000) noted that media users are conceived as a unitary 'national' civic community, or in Scannell's (1989: 137) words as a "*general public*" (emphasis in the original). From a Habermasian perspective, a national civic community is conceptualised as an "idealised single public" (Morely 2000: 114) rather than a collective of diverse cultures where interests flow and also conflict across local, regional, national and transnational spheres. This perspective typically overlooks or underemphasises transnational influences that are enabled by digital communications technologies, which 'deconstruct' the historic boundaries theoretically separating territorial spaces into 'national' cultures. By "reproducing, delivering, accelerating and magnifying 'content' within the chosen logics of subjective networks across a globalized scope" (Volkmer 2014: 12), individuals within national civic communities surpass and transcend the imagined boundaries of an enclosed national space to participate in an increasingly evident global public sphere (Volkmer 1999).

Today national culture is, as pointed out by Born (2006: 112), "fluid and differentiated, fuelled by intercultural contacts that can generate multiple new hybridities". A central subject in debates on how to reinforce civic engagement therefore needs to relate to the cultural adjustment of PSB to "pluralist" civic communities (Dahlgren 2001: 11; see also Born 2006; Jakubowicz, 2007). Given that public interests go far beyond locally focused content, and that so much of this is primarily facilitated by advancing marketisation, the challenge for PSM in encouraging national civic engagement therefore arguably involves aligning individual media users' continuing interests in local content with their participation in a transnationalised public sphere. That is achieved by creating moments where both experiences are shared.

PSM co-operation dynamics

Considering the 'borderless' character of today's digitised public and private content spheres, the application of market rationality as a means for establishing whatever is distinctive to the organisational identity of PSM is vital. A review of the co-operation between the BBC and the ABC makes this clear. Both public service broadcasters have collaborated within the framework of programme exchange networks since the establishment of television services in Australia in the 1950s. In the early years only commercial broadcasters imported entertainment programmes from the USA. With American providers being driven by "commercial principles of cost minimisation, economies of scale and maximising audience reach" (Cunningham 1997: 96), the ABC deemed such programming as a low quality standard, thus considering it to be inadequate for the education of Australia's civic communities.

As an alternative to American imports, the ABC supplemented domestic programmes with imports acquired from or co-produced with other members of the Commonwealth Broadcasting Association [CBA], in particular with the BBC. According to Inglis (2006: 197) the ABC reached an agreement "that in television as in radio, the ABC would be able to take or decline any BBC programme before it was offered to an Australian commercial operator".[5] This is interesting in part because it indicates that marketisation and global media markets began for PSB much earlier than usually realised. But continuing, for the BBC the exchange and co-production of programmes within the network of CBA countries was encouraged with the aim of maintaining connections with their home country by British migrants and communicating British values to UK colonies in the hope of fostering social cohesion among 'British people' worldwide (Potter 2012). Between the ABC and BBC, the early form of *marketisation* was manifest in content trade that occurred along the grids of a 'colonial' network with a shared emphasis on programme quality and appropriateness as a public service.

Times have changed. To safeguard its own digital market opportunities, nowadays the BBC offers content to the ABC only "as a second run or a third run" (SBS: Interview 2). To leverage content resources, BBC Worldwide aggressively ventures into the Australian public content market – a markedly different relationship. Digital communications technologies such as the iPlayer enable the BBC "to go directly to audiences" (ibid), thereby circumventing the ABC as a platform to distribute BBC content. Domestic public service content niches that were traditionally protected by technological boundaries are increasingly served by 'external' PSM organisations. Thus, competition between these organisations has been sharpening. As an SBS strategist opines, the BBC's online television services seriously challenge the rationale for a PSM organisation such as the ABC that relies for content on a significant amount of its programmes aquired from the BBC. Lacking sufficient public funds to establish a distinctive local identity, the future sustainability of the ABC model would seem to be "in question" (ibid). To strengthen the ABC's ability to compete in borderless digital

content spheres, and to reassure the organisation's commitment to the Australian community, ABC's managing director recently announced plans for a stronger focus on local content that will cater for the needs of all "audiences across the nation"" (Scott 2015: online).

Interestingly, the findings reveal that the multidimensionality of public service *marketisation* is not only driven by increasing competition but also by PSM's attempts to link with other 'nodes' (Heinrich 2011). The increasing penetration of multipurpose communication devices carrying both text and audio-visual content is accompanied by the convergence of publishing, broadcasting, telecommunications and computer sectors. To reach fragmented media users, commercial and public service organisations alike are attempting to diversify their content services across platforms. Since the diversification of content services often involves higher investment risk and requires the development of new skills, competencies and knowledge, all large media organisations are expanding their networking activities worldwide to pool resources with other content deliverers and providers and spread risks. Through partnering with other nodes, PSM can achieve public purpose goals despite insufficient public funds. A programming executive at DW summarised thusly: "We have two important elements in this context: partnerships and digitisation. We generate revenues and decrease expenses due to partly commercial partnerships. Because of digitisation we have lower production costs" (Interview 2). The growth and development of partnerships, collaboration, alliances and so forth are therefore in large part the consequence of marketisation.

The justification for entering into partnerships with commercial companies extends beyond purely financial aspects such as decreasing production costs and exploiting additional revenue streams. The most significant advantages of digital technology are the "new ways of getting to audiences that we currently don't have and we would never be able to afford that infrastructure" (SBS: Interview 2). Established as a broadcasting service, an organisation such as SBS lacks both the financial resources and the in-house innovative capability to create a digital infrastructure similar to that of "global companies" such as Google (YouTube) and Sony (PlayStation) (ibid). But PSM organisations can access those infrastructures through partnering with other transnationally operating distribution platforms, so there is no necessity for establishing new 'public service' infrastructures on their own.

Owing to the fact that those global companies rely on commercial business models such public-commercial collaborations involve, indeed require, "commercial opportunities" for PSM organisations (ibid). Nonetheless, being primarily guided by a public service mandate, the decision to co-operate with commercial partners is based on whether "more people are going to see the content" rather than how profitable such co-operation is (ibid). Thus, the essential public service values remain crucially important but are balanced in nuanced ways with accommodations that are necessary in the contemporary operational environments. Indeed, responses relating to PSM's co-operative efforts reveal that the hybridisation of commercial and public service content sectors is motivated by shared "quality concerns" (ZDF Enterprises:

Interview 2) rather than purely by financial considerations. For example, striving to provide a certain level of quality, newspapers and publishing houses tend to acquire their audio-visual content from PSM organisations such as ZDF Enterprises, because "this constitutes something no commercial channel is doing" (ibid).

Conclusion

The growth of networking activities between commercial and PSM organisations can be understood as an attempt to diversify content offerings to reach fragmented media users and make the best use of increasingly scarce resources. In this sense, marketisation is about improving effectiveness as well as efficiency. The practice not only dissolves sectoral boundaries but is also breaking territorial boundaries and thereby reshaping national content spheres. The emerging structure is a hybrid mixture of co-operation and competition – i.e. coopetition (Küng et al. 2008). This strategy reduces investment risk, enables knowledge sharing and relies on joint technological capacities. Coopetition strategies are inherently cross-platform and cross-media alliances that pool resources with stakeholders, which especially include customers, suppliers and competitors. This extension of networking activities is crucial for contextualising PSM in broader transnational structures.

While on the surface *marketisation* relates mainly to competitive strategies, at a deeper level it constitutes a means for protecting and reinforcing public purpose goals *and* values. The leveraging of public purpose values is precisely what makes public media services marketable and constitutes a key brand advantage that enables complex networks of 'co-opetition'. The work reported here supports the advice of Denis McQuail (1998: 126) who suggested, "we need a more realistic view of the [public service] media system which does not assume that public, non-commercial broadcasting is the norm".

As a service to the public, academic research should itself constitute a 'borderland' (Sassen 2006) where ideas that might appear mutually exclusive at first are tested. This 'realistic' approach in research is important because consultancies rather than academics are most often hired to help PSM managers because academic research "has developed more and more into a niche field, where scholars talk to one another in their journals, while (...) practitioners have trouble understanding their theories or have simply stopped listening" (Riesenbeck & Perry 2007: viii).

In conclusion, this chapter has taken issue with the one-sided entirely negative view of *marketisation* in PSM. We have acknowledged problems with marketisation in PSM, but argued that movement in this direction is unavoidable because of system characteristics and dynamics in media structures and practices today. To play the game the team has to take to the field. Importantly, we have highlighted a range very real benefits and assets that can *only* be realised by embracing aspects of *marketisation*. These especially include developments in public-private partnership, collabora-

tion, and joint investment and production. We have emphasised the increasingly transboundary phenomenon of a media system that is global in all aspects of media production, distribution and consumption. The most important ideal to keep in view is the preservation, indeed the development, of public purpose goals in connection with both global market forces and across the diverse spheres of contemporary life.

Notes

1. Translated from German to English by the author.
2. The term 'coopetition' is derived from 'competition' and 'cooperation'. The Oxford Dictionary defines 'coopetition' as a "collaboration between business competitors, in the hope of mutually beneficial results". Retrieved March 15, 2015, from http://oxforddictionaries.com/definition/english/coopetition?q=coopetition.
3. ZDF Enterprises, Deutsche Welle, DW Transtel, Australia Network and SBS.
4. See also Tracey (1998: 287): "[T]he modern, democratic nation-state needs a national public broadcasting service, because it needs a quality of life, social and cultured coherence, and to quarantine the tendency to division, degradation, and domination."
5. This agreement ceased after 50 years when BBC Worldwide and the commercial pay television company Foxtel reached a deal that as of mid 2014 Foxtel will air BBC programs first (Foxtel. Retrieved March 15, 2015, from http://www.foxtel.com.au/about/media-centre/press-releases/2013/bbc-worldwide-and-foxtel-forge-new-partnership.html)

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Section II.
The State, the Market & Civil Society

European Public Service Media and Communication Rights

Minna Aslama Horowitz & Hannu Nieminen

Abstract

The authors argue that public service media are pertinent to debates over media, communication technology, and human rights. Although PSB remains a national project, international trends underscore the need for developing a more generalisable framework to legitimate public service provision in the 21st century. The authors suggest that PSM should re-align the remit with the broad, global issue of communication rights because these institutions have a crucial role to play in safeguarding those rights in a complex and increasingly global digital media ecology. The authors focus on public service media in Europe to demonstrate the importance and potential of a human rights approach. The chapter speaks not only to the contemporary situation in Europe, but importantly to a generally global condition that is pertinent to the roles, functions and meanings of PSM today.

Keywords: communication rights, human rights, public service media, European Union, globalization, media policy, digital media

Introduction

Communication rights have re-emerged as a topic of public discussion, policy negotiations and academic analyses. While earlier global debates, often driven by the United Nations, addressed basic issues such as freedom of expression, and the right to information, the Internet and mobile communications have re-ignited discussions on access to information, and communication technologies, as well as intellectual property rights, privacy, surveillance and the right to be forgotten.

Digitalisation has encouraged the concept and practice of public service media [PSM]. This indicates public service broadcasting [PSB] institutions have extended their activities to include an increasing focus on Internet and mobile platforms, i.e. beyond broadcast media. PSM has been fighting for its right to exist because mature PSB organisations are fiercely challenged as being disruptive to competition with commercial operators in the digital era. In this chapter we suggest the key question is not actually its 'right' to exist, but the rights for which it ought to exist.

PSB and PSM should be included in the global agenda on debates about the media, communication technology, and human rights. This approach to media service has enjoyed wide global and regional support for a long time. UNESCO endorsed public service broadcasting and supports this approach as a cornerstone of democracy and important to facilitate an inclusive knowledge society (Smith 2012). Another example from the field of global human rights is the work of *Article 19*, an organisation that has conducted dozens of legal analyses of national media laws and engages in organised advocacy campaigning and capacity-building efforts for PSB. Defining and honing PSB in media policy is supported at the European level as a consequence of the 1996 treaty update of the European Union (Amsterdam Protocol), by the Council of Europe, and by the Organisation for Security and Co-operation in Europe [OSCE] (see Jakubovicz 2014: 219-221).

But the principle of public service in the framework of human rights has not been emphasised at the global level, in most legal documents, and in many current organisational remits. Our approach therefore discusses public service in media from a relatively new perspective. Conventionally, PSB/PSM is framed on the bases of society structures and media systems that support Western liberal democracy. We address individual communication rights as a complementary not contradictory prerequisite for democracy[1]. This is useful because notions about communication rights and PSB are closely related. PSM is *de facto* an institution charged with implementation of communication rights for citizens in a democracy and, as illustrated in this chapter, this task is ever more crucial and complex in the era when public service broadcasting has a presence in multiple platforms.

We argue that addressing communication rights is a logical and appropriate step for discussing public service in media for the digital era. We focus on Europe where the tradition of institutional PSB is strongest and debates are heated, where some regulatory steps the EU has taken point to citizens' communication rights, and where several policy analyses and white papers have launched discuss about public service in digital media within a human rights framework.

We condense core aspects for a rights-based approach to PSM in the digital age and begin by showing how public service principles have developed alongside human rights and communication rights. We then illustrate how public service can serve communication rights. It is our contention that a rights-based approach is well suited for efforts to define and legitimate public service in media for the digital era.

The (almost) parallel lives of communication rights and PSB

Human rights and communication rights are equally elusive concepts. They may seem universal at first glance, but have many context-based variations. Both have evolved over time and are operationalised at the complex cusp between theory and praxis (Goodale 2013). Human rights regimes are bound not only by national legislation but

also numerous international and regional declarations, in some cases as a single-issue and in others as a general principle. At least nine international treaty bodies monitor performance on the two dimensions (Donelly 2013).

Communication rights are most often represented in ratified conventions and agreements (Calabrese & Padovani 2014: 1-13). Among the rights that are most often included in information and communication rights [ICRs] are principles that include freedom of speech, freedom of expression, freedom of information, and rights to education. Special emphasis is often given to the rights of minorities and subaltern groups, especially women, ethnic minorities and cultural groups, and people with disabilities. In the digital era, new rights such as the right to be forgotten are also being formalised.[2]

The original understanding of communication rights was based on a range of what has been termed 'negative rights', meaning the focus is on defense rather than a proactive understanding. That is characteristic for freedoms of speech, the press, and expression. The rationale protects rights owners (as citizens) from governmental interference, i.e. the misuse of political power.[3] This understanding grounds Article 19 of the United Nations' Universal Declaration of Human Rights (1948). The concept of a positive right to communication developed slowly. This idea implies that citizens should not only be guaranteed access but also have an inherent right to the means for executing these freedoms. This understanding is implicit to the concept of an active, informed citizenship, which has defined the European social contract since the end of World War Two.[4]

To make informed choices about matters of societal importance citizens must be informed. This requires universal access and availability of information. It also implies participation in information creation – i.e., being competent to participate in public debate in which political will is formed and expressed, and decision-making happens (Golding 2005: 165-177; Delli Carpini & Keeter 2002.) This is where the media – together with other public institutions such as education and general public services – is of decisive importance. This is also where the idea of public service broadcasting becomes especially relevant because these institutions, which follow the model set by the BBC in the 1920s and 1930s, expanded rapidly in the post-war period in Europe and elsewhere.

Originally, public service broadcasting institutions were designed to achieve societal goals after World War One in a tense European atmosphere where both left and right radicalism challenged weak democracies. PSB was considered a viable means for strengthening national integration – and, as in the case of the BBC, also for international co-operation and understanding: "Nation Shall Speak Peace Unto Nation" is the motto of the BBC (Thompson 2010). Programming tended to focus on high culture and religion, education, and non-political social issues. In sum, the result of the emergence of European public service in the 1930s created the institutional rationale for PSB, characterised by public ownership and non-commercial finance, at arm's length from government control, featuring non-partisan and culturally conservative programming intended to educate the masses. It took a paternalistic approach to audiences, was centralised in capital cities and also in mentality.

The post-war period of reconstruction after 1945 created conditions that changed the media and communication landscape. One of the major socio-cultural changes brought by this "Long Boom" in the 1950s and 1960s concerned the use and consumption of media. As prosperity returned and unions gained stronger protections for the working class, people had more free time and more disposable income – and soon more choice (see Marglin & Schor 1992). PSB's universalist 'one size fits all' approach was challenged as needs and expectations evolved in differentiation. In response, PSB organisations diversified their services by starting new radio and TV channels. But in the 1970s a new broadcasting philosophy gained headway, one that was partly based on local and community interests and partly on commercial logic, which became increasingly prevalent in the 1980s. The later was in stark contrast to the intentions of many that wanted to create a community-based not-for-profit communication sector. The shift to a market-based orientation produced the most significant change in the wider landscape of electronic communication in Europe as commercial interests increasingly challenged the formerly dominate ideals of public service in media.

PSM in the service of communication rights?

Commercial interests have since been coupled with many other challenges to public service broadcasting. Voltmer (2013: 160) summed this up:

> At a historical moment, when public service broadcasting is under threat worldwide from digital convergence, the imperatives of deregulated markets and fragmented audiences, it might be impossible to recreate an institution that perfectly suited the needs of society [in the middle of the Twentieth century], but has to reinvent itself to preserve the values of independence, quality information, impartiality, and integration in the age of the Internet and globalization. In this respect, both new and established public service broadcasters are sitting in the same boat.

One way to ensure those classic values is to embrace human and communication rights as an explicit PSM mission. More specifically, and here we are focusing on Europe, if we take seriously the normative engagement of welfare societies about informed citizenship and communication rights, and if we learn from the critique of paternalism, centralisation, elitism, the imitation of commercial channels, and so forth, what can we suggest for PSM in the service of communication rights in the digital era? Finding answers requires tackling one conceptual challenge and one empirical challenge.

The conceptual issue is fundamental. Today the European institution of PSB embodies many of the rights that specifically relate to information and communication with regard to access and availability of relevant information for citizens.[5] But there is a conceptual rift between PSB and communication rights that needs to be resolved. In most academic literature, public service in media has been linked to democracy theories, and therefore in practice to the constitution of democratic societies. While

rights-based approaches share a commitment to the ideal of equal political dignity for all, and while realisation of human rights requires democratic government, the ideals of democracy and rights point in different directions. Democratic ideals are about collective empowerment, while rights are about individual prerogatives. The traditional practice of PSB is clearly related to the former, as evident in the historic pattern of a paternalistic, one-way flow of communication from one centre to everybody within the transmission reach – in practice the nation as such.

Thus, PSB has been used as a vehicle for realising certain communication rights, not least access to information, but not necessarily for enough beyond that. To find out whether PSM can serve the broader, deeper range of communication rights in the digital era one must operationalise those rights. One useful schema for understanding the rich panoply of communication rights maps them as five distinct operational categories (see Nieminen 2010, 14-15; Splichal 2002, 168-169):

1. *Access* is about citizens' equal access to information, orientation, entertainment and other contents serving their rights.
2. *Availability* indicates that relevant contents (of information, orientation, entertainment and other) should be equally available for citizens.
3. *Competence* is about citizens being educated with the skills and abilities to use the means and information available according to their needs and desires.
4. *Dialogical* rights means availability of public spaces that allow citizens to publicly share information, experiences, views, and opinions on common matters.
5. *Privacy* indicates two things. First, that everyone's private life must be protected from unwanted publicity, unless such exposure is clearly in the public interest or if the person decides to expose it to the public. Second, protection of personal data means that all information gathered by authorities or businesses must be protected as confidential.

In the current media landscape, PSM is no longer alone in serving the public on these dimensions. In today's multi-platform environment many believe public service functions can be performed by what has been called *public media de facto*, ranging form community media to networked projects and events (see Bajomi-Lazar et al. 2012; Horowitz & Clark 2014). A commercial TV channel can offer a particularly important and engaging political debate programme or news website; a community radio station may address issues of particular importance to a region in greater depth than national PSB; and citizens may inform each other (and the world) about happenings of great importance via social media, as happened in the *Arab Spring* and the *Ferguson* riots. This can be done, in some cases at least, more effectively than what legacy media news outlets can provide, whether public or private.

Yet, in general PSM could manage well in the service of communication rights, precisely because of its 'universalist' tradition. That, surely, has and would continue

to mandate *access* to information as well as entertainment, while many other outlets may focus on niche markets and products, or struggle with sustainability of access. PSM also naturally fits the bill of *availability* and counters the challenges of paywalls. Education has traditionally been a key component of the PSB remit in many European countries, so the right to *competence* would be a natural extension. While *dialogicality* is a feature offered by many media outlets with the help of social media, it is not distorted by commercial pressures when executed by PSM organisations. The same goes for *privacy*: Many commercial outlets need to exploit user data for sustainability, while that is not the case with PSM.

Communication rights in the service of PSM?

What happens when we turn the approach around and look at how public service media can benefit from a right-based framework? We have demonstrated how the concepts of communication rights and public service broadcasting are not only connected but bound by, and products of, political-cultural climate. We have argued that we are in an historic moment that requires a fundamental re-thinking of what public service in the media means, and in that regard how a rights-based approach that is prominent in the wider movement to reclaim a digital commons (Thompson 2014) might inform the concept and practice of PSM. It is clear, as well, that we are not alone in our thinking.

The core idea of introducing a citizen-focused question about communication rights as a defining strand of discourse about public service media in the era of networked communications signifies a paradigm shift in media policy, one that van Cuilenburg and McQuail (2003: 204) suggested already a decade ago: "The element of control in future policy requires justification by an appropriate definition of both the 'public interest' and also private or personal rights (both individual and collective)." Scholars such as Hasebrink (2010: 138) have built models in which the roles of the media user include not only those related to being a consumer and citizen, but also "the owner of rights" to be protected in certain kinds of content and, related to this, regarding privacy issues. The core argument that public service media should be based on citizens' rights rather than on filling gaps in commercial market structures (or to suit to the needs of particular governments), has recently emerged in European policy.

In 2009 the European Broadcasting Union [EBU] commissioned a study titled *Public Service Media According to Constitutional Jurisprudence: The Human Rights And Constitutional Law Dimension of The Role, Remit and Independence* (EMR 2009). The report focused on legislative frameworks for PSB in six EU countries. In 2014 the EBU published an analysis based on Article 10 of the European Convention on Human Rights – the right to freedom of expression and information (ECHR). This report responded specifically to Greece's decision to shut down its public service broadcaster, ERT, in 2013. The report concludes that Article 10 gives public service media legal protections against State actions that are arbitrary or disproportionate

relative to the legitimate aims that a State may pursue, and obliges the State to (re) establish a media system that meets the general requirements of Article 10 (Berka & Tretter 2013). While informative, both reports are descriptive and relatively narrow in focus. They address the applicability of certain rights-related legislation to existing PSBs, but do not discuss much about a rights-based approach to public service media.

A more comprehensive European rights-based model for PSM was offered in a recent policy paper commissioned by the Commissioner for Human Rights of the Council of Europe. That document, titled *Public Service and Human Rights: Issue Discussion Paper* (CoE 2011), does not evoke information and communication rights but its central premised is grounded on reviews of both the UN Universal Declaration of Human Rights and the European Convention of Human Rights (ECHR of the Council of Europe). The model highlights PSM as closely linked to human rights standards, including freedom of expression (and protection of sources), cultural pluralism, and rights such as protection from discrimination. The core framework has two dimensions.

First, public service media should primarily have a role in ensuring human rights, including freedom of expression as well as rights to education, public participation, and assembly. Second, human rights standards contained in, and principles derived from, international human rights instruments should guide policy development for PSM and therefore set measures for accountability of achievement by PSM institutions. The recommended benchmarks for assessing this are similar to the communication rights we described earlier: a high degree of *participation* of all interested parties; *non-discrimination* (including equality and inclusiveness); and the role of PSM as *empowering* rights holders to claim and exercise their rights. They also include an institutional component, namely *accountability* – the state should be accountable for its policy in support of PSM, while PSM institutions should be fully accountable for their actions (CoE 2011: 17-23).

Although specific in their European context, these documents illustrate how a rights-based approach can be useful and also valuable in supporting the need for and practice of public service media. That is keenly important in this period of significant challenges to PSM in conceptual and operational terms. Moreover, this approach offers great opportunity for developing multi-stakeholderism in PSM (Horowitz & Clark 2014).

Human rights and communication rights (as opposed to an institutional mission of filling gaps in programme diversity, for example) recognises a connection between micro, meso, and macro levels of interest – i.e. between individuals, organisations and structures. For example, the Council of Europe's discussion paper (CoE 2011) lists six specific actor groups that need to collaborate in operationalizing a rights-based framework for PSM: 1) PSM institutions, 2) governments, 3) regulators, 4) audiences, 5) international institutions, and 6) human rights defenders. This list can be elaborated further, but it suggests a human-rights approach to PSM offers a distinctively valuable new ally in the fight to ensure the provision of media services for people as citizens.

Furthermore, communication rights as a matter for multiple stakeholders has been a principle of global Internet Governance deliberations. Following this idea, it has been

argued by scholars (see, Horowitz & Clark 2014), and also recently highlighted in the European Broadcasting Union's report *Vision2020*[6], that multi-stakeholderism and collaboration are essential for the current media landscape and to ensure thriving PSM organisations. According to Cees Hamelink, media and human rights have not had a good relationship because the former has not actively promoted the later (Hamelink 2012). Given that much (if not all) parties involved in reclaiming the digital commons for citizenship (rather than consumer-based interests) cite the importance of rights, PSM would be wise to align its mission with the movement and work earnestly to gain a broad range of relevant supporters in the process. In reality, it may be that PSM *de jure* cannot, or should not, alone be responsible for realization of communication rights. Here is where collaboration becomes crucial. However, as noted in the Council of Europe paper (CoE 2011: 27), the rights-based approach to PSM can ensure that viewers and listeners have access to diverse content that addresses both individual and group interests, and will demand that PSM promote human rights – communication rights particularly included.

A double focus for PSM legitimation

Our overview of the development of PSM on the premise of a proposed human rights model suggests two lessons, one with regard to public service as an ideal and the other in the realisation of that ideal as an institution.

1. *Take a rights-based approach in defining PSM*. Public Service Media is so far a descriptive idea and seems largely about extending the existing PSB remit with the help of Internet-based distribution. A rights-based approach will encourage the development of benchmarks to measure what counts as a genuine public service in media – regardless of the production modality or organisation, and regardless of the distribution channels.
2. *Pursue a rights-based approach in developing PSM practice*. If PSM organisations take this challenge seriously, they seem in the best (most effective) situation to be promoters of communication rights for citizenship in the 21st century. At the same time, a rights based approach will require creating suitable measurement tools for ensuring accountability, and for effective application of this as an advocacy tool in a socio-political climate where communication rights have high visibility.

Thus, we contend that the remit for public service media should not be narrowed but *doubled* in focus**.** Put it simply: Policy makers and advocates should conceptualise PSM as the harbinger of communication rights. This would greatly enrich the historic concept and practice of public service organisations in their several roles as institutions that are necessary to the practice of contemporary democracy. A rights-based model for citizens' needs would include the basic elements of communication rights:

universal access and availability, competence, dialogue, and privacy. These principles can define public service media *de facto* and *de jure*.

Admittedly, there would be challenges in adopting the rights-based approach for PSM. For instance, audiences of public media can be global, regional, national, local and/or issue-driven (Aufderheide & Clark 2009). In addition, PSM exists in the same platforms as commercial competitors. That may result in compromises in terms of *intermediary liability*, especially regarding privacy and freedom of expression (MacKinnon 2010). In practical terms, national PSB companies are regulated under national legislation but as they increase their presence in social media platforms their activities are ruled (mostly) by US jurisdiction. And, conversely, as Ziccardi (2013: 39) observes, digital communication and its platforms may have the potential to enhance international human rights, but this process is continuously interrupted by nation-states and their narrower interests. How would PSM organisations react to these challenges? That is unclear and needs deeper thought and more effort. Still, the original (even if implicit) role of PSM in guarding communication rights is clearly present and can be enhanced. No other media sector has that scope or scale of historic as well as sustainable principled commitment with legal obligation to support these rights for their publics as citizens.

In this chapter, we analysed the inherent and, in our view, essential linkage between media as a public service that can ensure communication rights. That is important because, again in our view, there is an emerging paradigm shift towards prioritising human rights in communication policies and governance. Recent developments, such as the Global Network Initiative (2008) that aims at promoting human rights standards among companies including *Google and Facebook* (Joergensen 2014: 103-104) indicates discourse about information and communication rights is intensifying. In our view PSM cannot and should not remain outside these discussions and emerging regulatory practices that will be rooted in such thinking. In the future public service media will need to rely on the assumption, and hope, that many other stakeholders and actors respect communication rights as well. Net neutrality, access to social media platforms, and other issues related to communication rights will define how well PSM can function as PS. Even more fundamentally, in our mediatised societies communication rights matter more than ever to each individual member of society. Having examined the development of PSB, and the emerging PSM, we suggest (rephrasing Tracey 2014: 101), that perhaps it is time to return to the 'humanistic' origins of public service, but now in a proactive, rights-based context.

In closing, this chapter suggests that PSM in the 21st century must cross a range of historic boundaries to remain relevant and be effective in the era of networked communications. It must bridge the historic divide between public service principles and human rights conventions. The connections between these are indicative but not yet explicit, and that is a problem. Crossing this boundary will be valuable for legitimating PSM in both de jure and de facto aspects. We have also noted that boundaries must be crossed to connect a variety of stakeholders, a range that goes far beyond the historic

focus on political stakeholders and, to a lesser degree, audiences as taxpayers. PSM will need to develop relationships of greater variety and deepening significance to ensure a viable future. Finally, we have suggested that PSM as a traditional institution (grounded in the historic practice of PSB) would be wise to work earnestly in efforts to develop fruitful collaborative relations with non-institutional providers of public service media.

This chapter has demonstrated how crossing boundaries is also relevant to crossing borders. Developmental trends that define contemporary media systems are not confined to particular countries or even regions. The practice, experience and meaning of media are increasingly global. PSB was and largely remains a national project. PSM clearly can't be only that, even though domestic services to local audiences remain the core emphasis. But international trends in content, networks, protocols, ownership and, importantly, also policy suggest the importance of developing a more general framework of legitimacy for public service provision in media. We find no better alternative than an approach based on communication rights as fundamental to human rights.

Notes

1. Some scholars place communication rights as a social movement for democratising communication policy (see Hackett & Anderson 2011). This line of thinking usually focuses on alternative media and/or Internet rights, but seldom on public service broadcasting.
2. See, e.g.,: Court of Justice of the European Union PRESS RELEASE No 70/1, Available at: http://curia.europa.eu/jcms/upload/docs/application/pdf/2014-05/cp140070en.pdf
3. In the sense used here, amongst the first recognitions of communication-related rights in legal forms were the *Lapse of the Licensing Act* in the UK, in 1695; *The first Freedom of Information Act* in Sweden, in 1766; and the *US Constitution*, in 1791. See Hamelink (2014: 19-20).
4. See the famous articulation by T.H. Marshall in his *Citizenship and Social Class* (1950).
5. A normative basis for information and communication rights are established in a number of international treaties and conventions by the UN and its organisations, the Council of Europe and by the European Union. These include, among others:

   On information and communication freedoms: Universal Declaration of Human Rights (1948), Article 19; International Covenant on Civil and Political Rights (1966), Article 19; Convention on the Rights of the Child (1989), Article 13; Protection of privacy: Universal Declaration of Human Rights (1948), Article 12; International Covenant on Civil and Political Rights (1966), Article 17; Convention on the Rights of the Child (1989), Article 16;

   On the inclusiveness of communication: Universal Declaration of Human Rights (1948), Articles 19, 21, 28.; International Covenant on Economic, Social and Cultural Rights (1966), Articles 13, 15.; Declaration of the Principles of International Cultural Co-operation (1966), Article IV (4).

   On the diversity of communication: International Covenant on Civil and Political Rights (1966), Articles 1 (1), 27. Universal Declaration on Cultural Diversity (1995), Article 5.;

   On participation: Universal Declaration of Human Rights (1948), Articles 21, 27.; International Covenant on Civil and Political Rights (1966), Article 25. See also the UNESCO Diversity Convention (2005).
6. See EBU Vision2020. Available at: https://www3.ebu.ch/files/live/sites/ebu/files/Publications/EBU-Vision2020-Full_report_EN.pdf

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International Broadcasting and Editorial Independence

Case NHK Japan

Takashi Ito

Abstract

This study examines the contradictory requirements of public service broadcasting in a democratic nation by focusing on Japan's Nihon Hoso Kyokai [NHK]. While public broadcasting needs to be independent from the control of government and lawmakers, it also needs to be accountable. Since the beginning of the twenty-first century, pressure from the Japanese Cabinet over the control of broadcasting has been increasing. The author argues that the accountability of a public service broadcaster to society can protect the broadcaster from unjustified interference by the government and lawmakers. The author demonstrates that this is not yet the case in the Japan's public media system.

Keywords: Japan public broadcasting, Nihon Hoso Kyokai NHK, editorial independence, public accountability, Japan Broadcast Act, state intervention, international broadcasting

Introduction

On 10 November 2006, the Japanese Minister of Internal Affairs and Communications, Yoshihide Suga, issued an order to the Japan Broadcasting Corporation [NHK] (Okuda 2007; Hogg 2006). It instructed NHK to pay heed to the issue of Japanese nationals abducted by North Korea. Although the Broadcast Act guarantees editorial independence and freedom of expression for Japan's television and radio stations, NHK's international broadcasting operation is an exception. The Minister responsible for the broadcast administration had the authority to issue such orders concerning NHK's international broadcasting (the term "order" was later changed to "request" in the Broadcast Act of 2007). This authority is based on an understanding that NHK's international broadcasting is part of Japan's international public diplomacy. Under the Broadcast Act, introduced in 1950, NHK was allowed to act as the nation's public service broadcaster and to establish an international reputation as one of the best resourced institutions of its kind in the world. This was the first case when the Minister issued such an order to NHK and doing so discredited the editorial independence and freedom of expression[1] for NHK in the field of international broadcasting.

This incident sheds light on challenges that public broadcasters can face when providing international services. A public broadcaster must cope with conflicting requirements. On the one hand PSB must be independent from state power and from the influence of any specific group or organisation, including large commercial enterprises. On the other hand, a public broadcaster needs to be accountable to society because it is granted the exclusive right to use a certain bandwidth (often a fairly wide footprint at that) and to collect financial resources from the public in the form of a fee or tax. Ironically, however, requirements for public accountability could allow the state to interfere with operations. Christian S. Nissen, the former Director General of the Danish Broadcasting Corporation from 1994 to 2004, maintains:

> Civil society…is a concept alluding to a physical being that is not specifically embodied or materially captured. That is why we elect members of parliament and governments to *represent* the interests of citizens in a civil society, which is supposed to be inherently diverse, is often conflicted and constantly evolving. Because of this, regulatory and oversight authority is placed in the hands of parliament and administered by government and more or less independent regulators, who are supposed to act as the institutional addressees for a wider and more general public accountability (Nissen 2016: 126).

The requirement for public accountability appears to contradict the principle of editorial independence. On the other hand, a proper system of accountability to society may protect a public broadcaster from unjustified interference by the state or powerful market interests. Therefore, the requirements support each other to some extent, although they are sometimes and in some ways also in contradiction – potentially, at least. Thus, the boundaries we are discussing are permeable, complex and difficult to balance.

Western scholars addressing Japanese politics and media[2] typically pay attention to Japan's democratisation and the role of mass media in this. With regard to media-state relations, they have particularly examined how mass media impacts Japanese democracy and the degree to which its independence from the government is secured (see Feldman 1993; Pharr & Krauss 1996; Krauss 2000). Drawing on these studies, this chapter develops a case for NHK's international broadcasting, working to provide an analytical framework for understanding the 2006 intervention incident. The author argues that the legal system which focuses on securing the independence of the NHK as a public broadcaster also allows the institution to be negligent in terms of societal accountablity, and that the lack of accountability and transparency creates distrust towards the institution, which can be beneficial to policy makers who want to use public broadcaster for their own policy-related purposes.

Analysing how and why the 2006 incident occurred requires a review of the changing environment that contextualises NHK.[3] This chapter aims to identify key institutional characteristics of NHK and the institutional factors that constitute editorial independence for a public service broadcaster. State authorities in many countries have used broadcasters as a tool for international public diplomacy. Scholars are paying

more attention to the function of public diplomacy in the advancing context of globalisation in media. Focusing on political intervention in international broadcasting, this chapter explores how NHK is governed and how it deals with relevant challenges. The implications certainly go beyond the Japanese case.

Media environments and regulations

Before the War ended, there was only one broadcaster in Japan. It was completely controlled by the government and the army, and disseminated both misinformation and disinformation. Post-war regret caused the nation to emphasise broadcaster freedom from government interference. The fact that Japan was practically occupied by the United States[4] was a strong influential factor in establishing a new legal framework to govern Japan's broadcasting system in the post-war period.

Under the guidance of the occupying forces, the Radio Regulatory Agency was created in 1950 as an independent administrative body along the lines the Federal Communications Commission [FCC] in the U.S., which has the authority to develop and apply broadcasting policy and is responsible for supervising the activities of America's broadcasters. Japan's Broadcast Act established NHK as a special public service corporation, but also invited commercial broadcasters to join the business. The Radio Regulatory Agency was abolished after Japan recovered sovereignty in 1952, when a ministry under the control of the cabinet was authorised instead.

The independence of NHK was an important concern and broadcasters were keenly aware of the value of editorial freedom in broadcasting. The system that ensured extensive freedom was effective in the development of Japan's broadcasting industry. NHK and a commercial broadcaster started TV broadcasting in 1953, and the five major commercial TV broadcasters in operation today began between that time and the 1970s. Japan's broadcasting system has prospered and enjoys enormous public support.

NHK is the biggest broadcasting organization and one of the most influential mass media operators in Japan. NHK employs more than 10,000 full-time employees and is financed almost entirely by reception fees that are collected from each owner of a TV reception device. In 2015 the reception fee was ¥2,520 JPY for two months to pay for terrestrial TV channels, and ¥4,460 JPY for terrestrial and satellite channels combined. Lacking advertisements, NHK's estimated annual income amounted to about ¥683 billion JPY in 2015, equivalent to €5.25 billion euros.

NHK operates several channels – two terrestrial TV channels, two satellite TV channels, one FM radio channel, and two AM radio channels. The institution has fifteen subsidiary companies, and five affiliated companies. Audience ratings are high, which indicates strong public confidence in NHK. According to data produced by Video Research, the only company to provide television ratings service in Japan, 19 NHK programmes were among the top 30 nationwide during the seven days beginning on March 16, 2015.[5] NHK enjoys a stable and powerful position in Japan's broadcasting market.

Internet service has spread since the mid-1990s. The conventional mass media companies have capitalised on new opportunities offered by digital development and provide several services using the Internet and mobile media. It is clear in Japan, as elsewhere, that the influence of mass media has gradually waned. According to yearly statistics provided by the Japanese Newspaper Publishers & Editors Association, the total circulations of major newspapers belonging to the association, which reached a peak of more than 53 million copies a day in 1997, declined to 45.36 million copies in 2014. The market for advertisements on terrestrial television shrank by 12% since its peak of 2000, although the 2014 figure was the highest in the past six years. As commercial mass media enterprises face financial challenges in the fierce competitions among them and with new emerging media outlets, it is likely that NHK's presence as a non-profit public broadcaster will expand.

Broadcasting regulations

Unlike other democratic countries that have established independent administrative bodies to supervise broadcast policy and the activities of broadcasters, Japan's governance system is quite distinct and unique. Regardless of whether operators are commercial or public, the Ministry of Internal Affairs and Communications [MIC] manages their administration and supervises oveall broadcast policy and oversees operations. This may sound as if broadcasters are subject to strict control by MIC and the cabinet, as well as lawmakers in the ruling parties, which would greatly compromise the broadcasters' independence. That is not so. As described later, the governmenet's authority to regulate broadcasters is limited and there are no cases when supervisory authorities imposed any concrete or practical sanctions against Japan's broadcasters.

Article 3 of the Broadcast Act stipulates "Editorial Freedom of Broadcast Programmes": "Broadcast programmes shall not be interfered with or regulated by any person except in cases pursuant to the authority provided for in laws." A standing rule of Article 4, "Regulations of Broadcast Programmes", provides possible reasons for a government to intervene. This Article enumerates four obligations that a broadcasting corporation must fulfil:

1. "It shall not harm public safety or good morals"
2. "It shall be politically fair"
3. "Its reporting shall not distort the facts"
4. "It shall clarify the points at issue from as many angles as possible where there are conflicting opinions concerning an issue"

The Broadcast Act does not spell out the punishment for ignoring the legal regulations. When broadcasters are found guilty of inappropriate conduct (for example, staged reportage), the MIC has issued administrative directives as reprimands. Between 1985 and 2009, the MIC issued a total of 31 administrative directives (Sasada 2009: 75-76),

but these did not involve concrete or practical sanctions.

Article 76 of the Radio Act grants broadcasters the right to use radio waves for broadcasting. Should a licensee violate provisions of the Radio Act or the Broadcast Act, or any orders or administrative dispositions thereunder, the Minister may order the licensee to suspend operations for a specified period not exceeding three months. The MIC has said they have the authority to suspend the operation of broadcasters based on this article in the event of a violation of the Regulations of Broadcast Programme, but so far this possibility has remained theoretical. No broadcaster has yet been ordered to suspend operations.

An ex-official working in the broadcast administration for the Ministry has stated that the Ministry could implement the article on broadcasters only when all the following conditions are met:

1. The broadcaster clearly violated the Regulations of Broadcast Programmes
2. It was necessary to suspend their operations for the future
3. The broadcaster had been repeating the same kind of violations and was not ready to take appropriate steps to prevent their recurrence
4. It was therefore impossible to rely on broadcaster's self-regulations (Kanazawa 2003: 57).

Therefore, if a broadcaster routinely repeated inappropriate conduct, like staged or fabricated reportage, and ignored repeated administrative directives from MIC to stop, MIC could suspend the operations of the broadcaster. Again, this has not happened to date.

In sum, the MIC has the authority to suspend the operations of broadcasters, but no other means of sanctioning them. And as a matter of fact, it has never levied any concrete or practical sanction against a broadcaster.

Legal regulations about NHK

As noted, NHK is a specially designated public corporation established by the Broadcast Act, which stipulates the corporation's purposes. The form of management and a budget based on reception fees have been major points of argument in efforts to exert political pressure. The corporation's Board of Governors decides on the basic policy of the corporation (Article 29). It is comprised of 12 members (Article 30). The governors cannot be ex-employees of NHK and are appointed by the Prime Minister with the consent of both Houses of the National Diet. The Board of Governors makes resolutions on basic policy related to the management of NHK, its income and expenditure budget, its business plan, and its funding plan.

Article 49 stipulates, "In addition to the members of the Board of Governors, one President, one Vice President and seven to ten Directors shall be appointed as executive officers in NHK". This group comprises the Council, which discusses the performance

of all NHK operations (Article 50). The President represents NHK and presides over its operations (Article 51); he or she is appointed by the Board of Governors. The Vice President and Directors are appointed by the President with the consent of the Board of Governors (Article 52). The term of office for the President and Vice President is three years, and Directors have two year terms (Article 53).

The official supreme decision maker for NHK is its Board of Governors. In reality, however, the President and Council have held overwhelming power because the Board of Governors lacks authority to intervene in NHK's daily operations. Article 32 of the Broadcast Act reads: "[T]he members [of the Board of Governors] may not edit individual broadcast programmes or otherwise execute the operations of NHK except where otherwise provided for in this Act or orders pursuant to this Act". This article also prohibits members of the Board of Governors from committing acts that interfere with the editorial independence of the public broadcaster.

At the Board of Governors meeting on 25 July 2014, a member of the Board of Governors, Mr. Naoki Hyakuta, criticised the comments of an anchorperson in an NHK evening news programme regarding permanent ethnic Korean residents in Japan. The Chairperson of the meeting read aloud from Article 32 and stated that Mr. Hyakuta's comment is against the article. *Asahi Shimbun* newspaper reported this case in the morning edition on the following day, with a critical comment against the behaviour of Mr. Hyakuta from a professor specialising in media studies. Mr. Hyakuta resigned when his first term ended in February 2015.

The Broadcast Act stipulates that NHK's annual budget must be approved by the National Diet and politicians can take advantage of this rule. In particular, when NHK plans to increase reception fees the public broadcaster tends to focus on the intentions of lawmakers. But the Broadcast Act respects the independence of NHK. The aforementioned ex-official has written that there was less space for officials to intervene in the activities of NHK than in other special corporations established by law. The ex-official continues that, for example, officials have the power to control the budget of special corporations *except* for NHK. The MIC is not entitled to correct the institition's budget, but is restricted to commenting on the budget and submitting it to the National Diet (Kanazawa 2003: 159).

Some criticise this system for requiring budgetary approval by the National Diet on the grounds it causes the public broadcaster to excessively focus on lawmakers and fosters a favourable relationship between them. In practice, however, the National Diet cannot delay approval of the budget for a long time or stop NHK operations. And because its programming is so popular with the public, politicians cannot afford to ignore the electorate's desires to preserve and protect the corporation. Thus, it is not convincing to understand NHK as being subject to lawmaker influence only because its budget is approved by the National Diet.

Some critics emphasise that NHK's editorial independence has been heavily compromised due to pressures from the ruling LDP party (Krauss 2000). Krauss stated that legally NHK enjoys significant freedom.

> [NHK] obtains its revenue from receivers' fees rather than from central government allocation and the government has no direct control over its daily administration. NHK is an independent broadcast agency, and on paper at least, perhaps the freest in the democratic world. Autonomous from, but somewhat accountable to, government may be a good way to characterize the position of NHK (Krauss 2000: 3).

Krauss argued, however, that NHK's independence from the state is only superficial. Politicians have a strong desire to control NHK and heavily influence its activities through unofficial means. On the other hand, Krauss cited comments from NHK employees working as reporters, stating, "No journalist at NHK told me that he had ever been subject to any crude direct political pressure from a politician or an official (Krauss 2000: 81)."

But Krauss continued in asserting that reporters do not feel the pressure from politicians and officials because such pressure has already filtered down to the News Center through the NHK bureaucratic chain. Politicians and officials do not exert pressure on reporters, but rather on executives. For example, "the director of the News Division might tell his vice-director to 'be careful and report the facts,' and the point would be made and transmitted to exercise more restraint in dealing with that issue in the future." Krauss stated that the reporters of NHK do not feel the pressure because "the very collective, bureaucratic process that insulates the News Center from direct political interference also makes such intervention rather unnecessary" (Krauss 2000: 83). Krauss's argument is partly based on his observation and analysis of NHK's daily 30-minute evening news programme that starts at 7 p.m. NHK's investigative reporting segments are aired as documentaries, which are separate from the daily news programme. Krauss did not analyse this kind of reporting by NHK.

An effective example of NHK's independence was the documentary entitled 'Working Poor' that aired in 2006. Because it revealed emerging issues such as poverty and social disparity in Japanese society under the LDP and Komei's coalition government, the programme caused a sensation among policy makers and the public. The documentary aired duing a period when the prime minister, Mr. Junichiro Koizumi, enjoyed high popularity that secured his political power. The documentary dealt a heavy blow to the coalition government, which is believed to have contributed to a major defeat of the LDP and Komei's coalition government in the national election of the House of Councilors in 2007, and the House of Representatives in 2009. If NHK had been a lapdog serving the government, this film would never have been aired.

The arguments regarding the governance of commercial and public broadcasters in Japan have been focused on the independence of the broadcasters. However, the failure of the legal system to make broadcasters, particularly the public broadcaster, accountable to society has not been frequently discussed. Therefore, NHK has enjoyed freedom from both official sanctions *and* public scrutiny. This is striking in today's context where public accountability is very important more or less everywhere else.

The broadcasting industry emerged from the difficult 1950s and expanded into a robust market. The price for developing the industry was an absence of discussion

about democratic ways of regulating broadcasting policy and broadcasters. The price, which the public must pay, for focusing on securing such pronounced independence of broadcasters is the lack of a system to ensure both accountability and transparency. It was not until 1997 that the NHK and commercial broadcasters established an independent body to receive public complaints about human rights violations in broadcast programmes and to judge whether complaints are legitimate. This demonstrates the fact that Japan's broadcasters lacked a mindset for the governance of societal accountablity.

In terms of business, a system allowing broadcasters significant freedom has been very beneficial for their interests. However, NHK's negligence in being accountable enough to society is turning out to be a weak point, which policymakers can take advantage of in an age when governments are increasingly utilising the public broadcaster for their policy purposes, as discussed next.

NHK's international broadcasting under fire

While the Japanese regulation system is designed to minimise the interference of governments, it allows governments to interfere in the international broadcasting of NHK. This section provides an overview of NHK's international broadcasting operations and recent developments, and then examines various factors that could damage the independence of NHK overall.

NHK's international broadcasting in the 21st century

After Japan's defeat in World War II, international broadcasting was prohibited because it was considered propaganda. In 1950 when the Broadcast Act was constituted, it opened the way for NHK to do international broadcasting. This began via shortwave radio in 1952, and later included television broadcasting in 1995. NHK's international broadcasting, while operating independently, is required to respond to requests from the Minister. Article 65 of the Broadcast Act reads:

> [The] Minister of Internal Affairs and Communications may make a request to NHK that international broadcasting or international satellite broadcasting by NHK be transmitted, having designated the broadcasting district, broadcasting matters (matters relating to the protection of the life, body and property of overseas Japanese nationals, matters pertaining to important State policies, important matters pertaining to the culture, traditions, society and economy of Japan) or other important matters (the MIC's official translation).

The article also maintains that the Minister shall give consideration to NHK's freedom to edit broadcast programmes and that NHK shall endeavour to comply.

Until 2006, the "orders" were nominal. The Minister had never designated specific topics and areas, and simply designated three areas to be covered: 1) current affairs,

2) important national policies, and 3) the Japanese government's official version of international affairs. In other words, the government's requests to NHK's international broadcasting respected the historic devotion to broadcast independence.

In late 2006 the MIC Minister at that time, Mr. Suga, broke with customary practice and gave an order to NHK. He demanded the corporation to pay heed to the issue of Japanese nationals who had been abducted by North Korea when considering which stories to broadcast, although saying that he had no intention of intervening in the processes of editing or programming at NHK (Press release from the MIC dated on 10 November 10 2006).

As international broadcasting is expected to expand as a component of NHK's overall operations, this would encourage more government interference and thereby curtail NHK's future independence. It is therefore useful to consider whether NHK will continue to have the strength to resist interference from the government, and whether the current system of governance for public broadcasters is robust enough to protect NHK's editorial independence.

NHK's independence under fire

There are various factors that have historically enabled NHK to maintain its freedom from government intervention. Two major factors are identified here. First is the regional order that Japan enjoyed in the post-war period. Japan has built relatively peaceful diplomatic relations with neighbouring countries and has avoided further wars. One cannot overestimate the importance of peaceful political and diplomatic environments in arguing about the extent to which NHK and other mass media in Japan can enjoy independence from political pressures. Second, mass media have secured an independent position from the government. NHK and commercial media organisations alike have emphasised the importance of their independence and freedom of expression. They have always been critical of any interventionary move by politicians and bureaucrats that would impinge on NHK's editorial independence.

It is typical for Japanese academics and journalists to take the BBC as an ideal model for governance that secures PSB independence from government and political pressures[6]. This ideal does not necessarily measure up in reality, however. The BBC suffered severe government pressure as Greg Dyke, the former Director General, describes in his memoir (Dyke 2004). He was forced to resign in 2004 due to a controversial investigative report on the Iraq war. The report revealed wrongdoing by the British military in Iraq. Using both official and unofficial routes, the British government and Labour Party politicians applied tremendous pressure on the BBC, which resulted in running both the BBC Trust chairman and Director General out of office.

This case may be exceptional in normal times, but not in time of war when it is crucial to engage in media control to grow public support for a war (Christians et.al. 2009: 196-218). In the knowledge of this author, there are no such cases suggesting that

NHK's top executives ever suffered from such intensive and direct pressures from the government as experienced by BBC executives. The differences of the level of political pressures against the BBC and the NHK cannot be explained without mentioning the fact that Japan enjoyed peaceful diplomatic relations with neighboring countries since the end of World War II, partly due to the Constitution renouncing war and prohibiting Japan to maintain a standing army.

One needs to understand that Japan's diplomatic relations with neighboring countries and the media environment, alike, appear to be transforming in the early 21st century. The two last decades have seen an increasing number of unexpected diplomatic issues emerge. Bilateral relations between Japan and China, and between Japan and Korea, have been deteriorating due to historical frictions, territorial "disputes", and wartime compensations for injured individuals. North Korea's intention to build nuclear weapons is destabilising the regional order in East Asia. Further, in 2014 Prime Minister Abe's cabinet changed the interpretation of the Constitution to the effect that Japan can exercise the right of collective defense.

Under these circumstances, the government has begun to utilise NHK international broadcasting as a tool for promoting their policy purposes. Since the turn of the century, Japan's government has promoted the export of media contents to a global market, hoping that Japanese content will push economic recovery. In a policy speech at the 2002 Diet session, Prime Minister Koizumi declared that the cabinet had designed a state strategy to protect and make use of intellectual property in order to strengthen the international competitiveness of Japanese media industries. The Japanese government refers to content that appeals to the international market as 'Cool Japan', and MITI (Ministry of International Trade and Industry) set up an office to promote the 'Cool Japan' brand in 2012.

The MIC also set up a commission to discuss ways to strengthen NHK's international broadcasting in early 2000s, but did not achieve conspicuous results. Twelve years later in August 2014, the MIC set up the "Investigative Commission for Strengthening Transmission of Information to Other Countries by NHK". This body consists of 14 members, including scholars, journalists, and the president of Japan's largest advertising agency – the Dentsu Inc. The aim of the Commission was to discuss how to secure NHK organisational improvements and financial resources to enhance and improve international TV broadcasting aimed at foreigners. The apparent agenda was to improve Japan's presence in international markets and to generate global interest in Japanese cultures and products. In its interim report on 30 January 30 2015, the Commission demanded that the NHK budget for international broadcasting be raised to 5% of total income within three years (MIC 2015: 25).

Until 2006, the government financed only NHK's international radio broadcasts, the expenditure of which for the year 2006 was a modest ¥2.26 billion JPY (about €17.4 million euros). The government recently allocated more money to NHK's international broadcasting. The amount in 2015 was close to ¥3.6 billion JPY (€27.7 million euros) – approximately 3.3% of the total expected NHK annual expenditure.

The government also tries to use NHK for public diplomacy. The 2015 interim report of the MIC Commission quotes one member as saying:

> The] independence of NHK should be appreciated. However, we also need to remember why this Commission was originally established. It is a fact that Japan has not been able to refute effectively the false historical arguments about its wartime responsibility that China and Korea circulate worldwide as an anti-Japanese campaign. (MIC 2015: 16, author's translation)

Japan's Ministry of Foreign Affairs has also emphasised the importance of public diplomacy since the early 2000s, especially promoting "an understanding of Japan among the general public overseas and to enhance their image of and sense of affinity toward Japan" (MOFA 2015).

It is abundantly clear that the government intends to utilise the NHK for their policy purposes, and that these attitudes conflict with the conventional behaviour of the government respecting the editorial independence of NHK. The transformation of international, and especially the regional, environment favours governmental initiatives to turn NHK's role as PSM into something political as well as diplomatic. Article 65 of the Broadcast Act can be used to encourage this change.

Moreover, in today's media environment NHK faces new challenges in maintaining independence from government interference. While NHK still enjoys the trust of the Japanese public, it has been bothered by dissatisfied voices. On the one hand, the so-called liberal-minded citizens complain that NHK is very deferential to the LDP and bureaucrats, reluctant to expose information that might be detrimental to their interests, and that NHK programmes avoid criticising governmental and administrative powers. On the other hand, the conservatives express discontent that NHK propagates programmes that compromise or sometimes damage Japan's international reputation. One can easily find rumours and speculations on the Internet that support either side. Some argue that NHK is manipulated by the government behind the scenes, while others argue that the NHK is run and managed by left-wing sympathisers. Such rumours and speculations seem plausible due to the lack of transparency of NHK's operations, based on the legal system that allows NHK to enjoy such extensive independence.

Due to the proliferation of online communications, both opinions based on uncertain evidence are highly visible to the public and stir debate among citizens. Although traditional mass media conventionally support the editorial independence of NHK, the public that acquires information mainly through the Internet or SNS tends not to believe these concerted voices. There was an age when mass media was the only way for a person to transmit a message to many unspecific persons. At that time, as the German philosopher Norbert Bolz suggested, public opinion could be observed only through mass media (Bolz 2007: 63-70). People had to rely on mass media to know what others thought of certain topics. Anything that can be thought of as indicating public opinion, such as opinion polls, results of elections and social movement, could be recognised as public opinion only when reported by mass media.

But the mass media monopoly on public opinion ended with the arrival of the Internet age. Now, many rely on the Internet and interactive media to see what others think about any topic. Mass media still exist and provide significant information in cyber space as well, attempting to represent public opinion. But the opinions expressed by mass media outlets are no longer as common to the public as a whole. With the advent of the Internet, each mass medium is reduced to being but one player who presents their own opinions in the populous cyber space. They cannot make themselves distinct from the large number of people who present their own opinions on issues of interest on the Internet.

Public voices of discontent and distrust towards NHK have increased in the last decade as a consequence of various scandals. One of the major scandals was disclosed in 2004 about embezzlement by a producer. This scandal encouraged public refusal to pay NHK's reception fees. The Diet session called the NHK President on the carpet to explain how these scandals happened and how NHK would tighten governance to prevent a recurrence. Moreover, since 1976 it was customary for NHK's President to be appointed from among NHK former employees, but all three presidents since 2008 have not had work experience at NHK. The most recent appointee in 2014 was Mr. Katsuhito Momii who unintentionally became an internationally recognised NHK President due to controversial remarks[7]. Whenever President Momii makes controversial remarks, other broadcasters and print media pose questions concerning NHK's independence from the government. Some media observers worry about whether NHK can continue to operate as a proper PSM.

Considering the changing diplomatic environment surrounding Japan, the stance of policy makers and the visibility of growing distrust among the public towards NHK, Japanese PSM needs to establish a governance system that is accountable to society. That would seem the best way, perhaps only, to resecure trust from the public, which is the most powerful resource protecting the NHK's editorial independence from illegitimate interference by the government.

Accountability and advantage

> Here real editorial independence and adequate accountability are not balancing extremes of a single continuum. On the contrary, they are better understood as two sides of a coin. Few things are helping PSM institutions secure independence from governments as much as being conceived accountable by their real owners: civil society (Nissen 2016: 138-139).

Nissen describes how challenging it is for PSM to maintain editorial independence and promote democratic governance. As this chapter explains, NHK has faced these challenges since the beginning of the 21st century and they are significant challenges for a PSM corporation. How NHK can avoid or overcome these challenges remains unanswered at this point, but the argument here is that NHK would do itself by pro-

viding space for public dialogue, critical as it might be, to regain waning public trust and renew the historic confidence it has long enjoyed. Such public consciousness and the understandings it would create could only be beneficial for Japan's image in the international community, as well.

As this chapter suggests, the increasing demands for a domestic PSM organisation to become a powerful international operator are encouraging NHK to become a more transnational and transborder PSM organisation. While that might be of interest in developing PSM across borders as a more global enterprise, such demands certainly invite more governmental intervention and thereby threaten NHK's editorial independence. How NHK deals with this risky situation is an increasingly urgent task that should be of interest outside Japan, as well.

Notes

1. The author earlier discussed the issue of regulating the freedom of expression in Japanese society from a sociological perspective (Ito 2006).
2. In the literature review part, we only refer to works in English published by Western scholars. Although there are many Japanese scholars who work on the relations between mass media and politics in Japan and provide both similar and different views from Western scholars, they are mostly written in Japanese.
3. Nobuto Yamamoto (2013) explores how NHK's international radio broadcasting could send "public" reports to emerging East Asian "public" who concern transnational security issues.
4. Officially between 1945 through 1951, Japan was occupied by the Alliance consisted of the United States, the United Kingdom, China, and the Soviet Union.
5. The list appeared on page 14 in a national newspaper, *Sankei-Shimbun*, on March 24, 2015.
6. For instance, Mr. Hiroshi Matsuda, a former journalist turned scholar of media studies, maintains that the BBC has been brave in fighting against pressure from the British government, while NHK constantly demonstrates a weak attitude whenever there is fear of pressure from the government and/or LDP politicians (Matsuda 2014: 234). However, his arguments are based on the speculation that NHK executives must be subordinate to the wishes of policy-makers and does not provide clear evidence that NHK executives intervene in broadcasting operations out of political consideration for policy-makers wishes.
7. For example,at Katsuto Momii's first press conference after being appointed as Director-General of NHK, he was accused at home and abroad of defending the nation's use of so-called 'comfort women' before the end of World War II. In mentioning the women forced to provide sex during wartime, he stated that such an institution existed in every country. He also stated that NHK cannot vocally oppose governmental policy in international broadcasting.

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Fighting the Neoliberalised Media Market & State Interference

The Interdependency of the Taiwan PTS and Civil Society Organisations

Hui-Ju Tsai

Abstract

The author investigates the extent to which deregulatory communication policies, market-oriented cultural policies, bipartisan battles and active civil society organisations are influencing the development of PSM in Taiwan. A model for the reform process highlights the crucial interdependency of the Taiwan public television system [PTS], civil society organisations and Ministry of Culture. The results to date indicate this interdependent approach is a better path than the neoliberal prescription because it respects boundaries between the State and PTS to ensure needed editorial independence, and simultaneously relaxes boundaries between PTS and civil society to ensure higher accountability. A historical perspective on the neo-liberalised mass market in Taiwan is provided to clarify this empirically.

Keywords: neoliberalism, public service broadcasting, civil society organisations, media accountability, media reform, editorial independence, democratisation

Introduction

This chapter assesses the changing relationship between Taiwan's Public Television Service Foundation [PTS; in Chinese 財團法人公共電視文化基金會], the State[1] and civil society organisations during a fifteen year period of significant change between 1997 and 2013. We look at how the newly established Ministry of Culture (2012), the agency responsible for public service media [PSM] in Taiwan, could create an improved system in a gradually neoliberalised market[2]. The chapter investigates the extent to which deregulatory communication policies, market-oriented cultural policies, bipartisan battles and active civil society organisations are influencing the development of PSM in Taiwan. The boundaries of particular importance are between the state and media, which require greater arm's length relations, and between PTS and civil society organisations, which require stronger integration.

At its start in 1997, PTS was conceived as a niche service to complement a rapidly commercialising media market. From the start it lacked sufficient funding and was mar-

ginalised in cultural and communications policy. The situation was later complicated by friction between the two major political parties in Taiwan – the Kuomintang (中國國民黨) and the Democratic Progressive Party (民主進步黨). Between 2010 and 2013 there was considerable friction over issues related to managing PTS personnel, particularly directors. Thus, PTS has been politicised in Taiwan.

Radical structural reform is needed, especially regarding the media's role and position in Taiwanese democracy. Civil society organisations recognise this. A variety of groups have become powerful voices that are demanding amendments to the Public Broadcasting Act, which is the basis for PSM in Taiwan. They emphasise the need to guarantee much higher editorial and administrative independence. Improved cooperation would support more general reforms in Taiwan's neoliberalised media policy.

The author explores symbiotic relations between PTS, civil society organisations and the State in Taiwan. Official records, documentary material, newspapers, previous studies, and surveys provide accessible research data that is useful for tracing the history of PTS and the interactions between PTS, the state, and civil society organisations. Documentary analysis is therefore the primary method. We shall concentrate on the dynamic development of PTS and conclude with suggested alternative approaches for policymaking in the near future.

We begin with an overview of public cultural policy for PSM's future in Taiwan. We then look at the development of PTS under conditions of political interference and a burgeoning neoliberalised media market. After this the civil society campaign for reform is analysed. The chapter highlights the tug of war over PTS and the real need for PSM in an increasingly hegemonic structure that has been created by neoliberal media policy. We conclude that public cultural policies should be revised to prioritise two objectives: 1) strengthening a collaborative relationship between PTS and civil society organisations and 2) ensuring the accountability of PTS while ending State interference.

New cultural policy and PSM in Taiwan

Since 2012, PSM in Taiwan has been governed by the Ministry of Culture. This puts PTS in a core position for cultural policymaking and that is promising for needed development in Taiwanese democracy and cultural citizenship. Raymond Williams' (1958, 1975 & 1984) theories and analyses of public service broadcasting [PSB] underlines the critical importance of cultural factors and democratic practices in determining the uses and meanings of communication technologies. As Jim McGuigan (1996: 180) observed, "Democracy is about the rights of citizens; culture is about meaning and pleasure". The two are intertwined in PSB, which has a recognised role in cultivating and supporting cultural citizenship (Jauert & Lowe 2005). Feng (2012) convincingly argues that public cultural policy is essential to the remit of PSM today. Larsen (2011: 35) contends that, "PSB institutions…have to live up to cultural policy obligations". We

agree and thus resist today's overwhelming emphasis on neoliberal ideology because cultural policy contributes public value by cultivating "an inclusive public sphere, a vivid democracy and a national culture" (ibid: 44). This view is well supported in the most recent RIPE Reader before this volume (Lowe & Martin 2014).

Returning to Williams, the essence of cultural policy is about guaranteeing a system of public support for the arts, securing independence for the media, and enabling the construction of cultural identities. McGuigan (2005a) believes globalisation has been a key driver for advancing neoliberal approaches worldwide, a view shared by Garnham (2005) and Hesmondhalge (2005). The State plays the most important role in deciding cultural policy at the domestic level and has the power to craft policies that conform to a public interest perspective. The problem we now face is that cultural policymaking is increasingly commercialised as a consequence of neoliberal ideology. D.J. Lee (et al. 2011: 297) offers useful insight:

> The 'case' of public value is an instructive lesson in the dangers of policy churn in the context of cultural policy. The way in which the concept was enthusiastically embraced by think tanks, politicians and cultural organisations is indicative of the restless marketplace for ideas that typifies contemporary cultural policy-making. Public value, with its implicit focus on privatised individual citizens who are seen as 'shareholders', shows us how deeply neo-liberalism has transformed our collective understanding of social value; now public value is that which can be measured through focus groups and market research, prone to the flux of fashion, and at risk of creating a culture which values short-term gains over long-term benefits.

PSM has a significant role in defending the media's democratic and cultural responsibilities against damaging excesses rooted in today's overwhelming emphasis on neoliberal logic. Taiwan is a useful case for improved understandings about why that is essential, especially in countries where democratic practice is comparatively young, evolving and therefore requires firm supports. PSM has a role of decisive importance in developing public value and enhancing democratisation in digital media markets (Donders 2010). As Hesmondhalgh (2005: 107) suggested, "media and cultural policy need to be considered in relation to each other, and in relation to public policy more generally". We agree on the high degree of interdependence and co-determination this implies. Cultural policy in the West is particularly imbued with neoliberalism, globalisation and an alluring discourse that advocates the supreme importance of 'creative industries'. This perspective has achieved great impact and influence elsewhere, including Taiwan. This is worrisome because a considerable body of research documents the failure of creative industries policy to produce the anticipated public benefits (e.g. McGuigan 1996, 2004, 2005a & 2005b; Keat 2000; Volkerling 2001; Oakley 2004; Garnham 2005; Grant 2011).

A new and symbiotic relationship can be developed in Taiwan that better integrates the relationships between PTS, civil society organisations and the state. It is a better path than the neoliberal prescription because it would both respect boundaries between the

State and PTS to ensure independence, and simultaneously relax boundaries between PTS and Civil Society to ensure accountability. This is the vital path for supporting the healthy development of democracy in Taiwan. The relationship we have in mind is pictured in Figure 1, which indicates the key dynamics treated in this chapter.

Figure 1. Model for a better system of relations between PTS, Civil Society Organisations, and the Ministry of Culture in Taiwan (i.e. the State)

First, the model underscores an urgent need to reassess the current creative industry policy that drives the increasing commercialisation of Taiwan's media system. As earlier noted, there is plenty of evidence that over-reliance on market-oriented cultural policies actually lowers the public value of culture and erodes the commonality of culture. This is unhealthy for a young, evolving democracy. PTS is the key agency for PSM in Taiwan and thus a vital component of cultural policy because it can be the fulcrum for reorienting the media-society system to creae a much better balance than the situation today. PSM can and should be the key node for integrating resources for the provision of media content, training and technology in pursuit of innovation where the focus is on producing robus public value, here understood as value that benefits the broad, general public rather than primarily the interests of private capital and their commercial enterprises.

Second, our model suggests the critical importance of ensuring that PTS has stable financial resources combined with a proper arm's length distance to guard against State interference. The Ministry of Culture must address both issues. That can be achieved by changing the budgetary policy and investment plan that already supports film, TV, pop music and the creative industries in Taiwan. The 2015 budget for this (Ministry of Culture 2015: 33) sets aside 28.85% to support "film, TV and pop-music industries" (equalivalent to 331.2 million NT dollars) and another 3.68% for "the development

of creative industries" (amounting to 42.3 million NT dollars)[3]. The Ministry can guarantee that enough of the total is devoted to the roles and function of PTS. The likely cause of problems in failing to do that hinge on political interference and bipartisanship battles that continue to be the main obstacles in achieving the much needed development of PSM in Taiwan.

Third, the model emphasises the importance of good governance to ensure adequate independence, which is crucial for growing public trust and equally important for guaranteeing accountability. The Ministry of Culture has the decisive role and particular responsibility for connecting PTS and Civil Society in the tripartite system. Achieving that will require resisting considerable pressures for political intervention by the State and working effectively to amend the Public Television Act. These two steps would give PSM in Taiwan a fair chance to develop an independent operation without the damage of so much internal political strife within and between staff and managers.

Another implication of fundamental importance is the need for the Ministry of Culture to create effective channels of communication with civil society groups. Especially important here are professional media reform groups that have focused on the development of PSB for years and have well developed ideas for achieving that – ideas that enjoy strong public support. The present practice instead relies on informal channels that privilege self-interested alliances between politicians, the State and commercial firms. Taiwan's legislators and politicians have long disregarded the publicness of media. The Ministry of Culture should create a formal channel to enable all interest groups, especially within civil society, to comment and critique cultural policies about public media and to guarantee the transparency and accountability of public media in Taiwan.

All of that is about cultivating a better system of relationships between PTS, civil society, and the Ministry of Culture. There are two pre-requisites for this to happen. One is developing an alternative system of accountability for the PTS to civil society organisations. The second is to guarantee a stable annual budget and independence from political interference. In terms of alternative accountability, a new official channel between PTS and civil society can be set up. According to PTS's seasonal report on public services and performance, it is legal for civil society groups to give suggestions. In particular, the development of PTS in Taiwan has been faced with intense and persistent political intervention. The function of alternative accountability via civil society organisations can resolve this problem.

In addition, the new Ministry of Culture (in place since 2012) has given subsidies to PTS to develop the Digital TV and High Definition Television Service through special projects (Cheng & Lee 2014). However, these short-term subsidies don't solve the annual budget shortage, which is caused by political intervention through bipartisan struggle. Therefore, the new mechanism that includes more stable financial resources and less political intervention must be prioritised by the Ministry of Culture.

If these goals are accomplished, if the Ministry of Culture has the will to make it happen, PTS can become the most important media platform for facilitating a shared,

developmental, democratic cultural experience among the Taiwanese people. This is vital because it's clear that the market-oriented cultural policy of recent years has not accomplished any of that. That experiment has run its course and the evidence of failure is convincing. It is the responsibility of the Ministry of Culture to fix the problems by exercising its budgetary and legislative authority for enacting the necessary changes to ensure the maturation of a public media system for Taiwan that genuinely produces public value – that is to say, value *for and to* the public. Thus, any genuine possibility for reform depends on having the political will to achive an enlightened media policy on behalf of the public.

Political interference and the neoliberalised market

Taiwan's PTS is not an old or institutionalised entity. It is quite young, actually, having been established in the 1990s in the context of digital convergence. Broadcasting and digital services were integrated from the beginning. Unlike the typical case in Europe, the most urgent and complex challenge was not about making a transition from PSB to the PSM (Bardoel & Lowe 2007). The core challenge in Taiwan remains the need to overcome a complex combination of structural features that particularly include neoliberal media policy, political interference and the marginalised position of public service in Taiwan's highly commercialised media market. As other chapters in this volume suggest, the challenge is equally core for other developing democracies that are struggling with an authoritarian heritage. As evident in Table 1, the KMT government and private capital have controlled broadcasting in Taiwan for decades.

Table 1. Shareholders of broadcasting companies in Taiwan

Broadcaster	Start	Shareholders		
		Beginning	1990s	Now
Taiwan Television Enterprise (TTV)	1962	The State 49%; Private 11%; Japanese investment 40%	The state 48.95%; Private 34.07%; Japanese investment 19.98 %	Private 100%
China Television Company (CTV)	1969	KMT 50%; Private 50%	KMT 68.23%; Private 31.77%	Private 100%
Chinese Television Service (CTS)	1971	The military 49%; Private 51%	The military 29.76%; Ministry of Education 10.39%; Private related to the military 45%; Other private 13.55%	PTS today
Formosa Tele-Communication Investment Co., Ltd. (FTV)	1997	Private related to DDP 75%; Other private 25%		Private 100%

Source: Cheng et al. 1993 & Lin 2011.

From TV's start in the 1960s, Taiwan Television Enterprise [TTV, 台灣電視公司], the China Television Company [CTV, 中國電視公司] and the Chinese Television Service [CTS, 中華電視公司], were primarily propaganda tools serving the demands of a one-party state. In a sense, TV broadcasters were 'accomplices' of the State and legally permitted to make extortionate profits as the benefit for being such. This warped broadcasting system merged authoritarian political ideology and commercial interests.

Martial law ended on 15 July 1987. A sweeping privatisation of Taiwan's media market ensued, in principle forbidding political interference (or at least ownership). The jargon and ideology of the 'free market' was all the rage with strong emphasis on the presumed benefits of liberalisation, globalisation and individualism. This situation persisted through the 1990s. The main reason that PTS was delayed until 1998 was caused by political argumentation over the Public Television Act. There was disagreement over whether PTS should be 'a national channel' separated from KMT control – especially pointed because a new channel affiliated with the DPP was launched. Moreover, lobbyists from private TV stations appealed for protections to secure their commercial interests from 'unfair competition'.

Thus, the Public Television Act was not passed until 1998 after considerable contention over many of the clauses. In line with the preferences of the KMT government, PTS should be an 'ideal' state TV broadcaster, and therefore correspond with the interests of Government. The budget and the President of the PTS Board would be "directly nominated by the government". The DPP fought against the KMT but also worked with them, for example in removing a proposed clause stating that commercial broadcasters would have to set aside a certain percentage of their surplus each year for the development of PSB. The cable TV sector was also involved, a system that had become gradually popular since its start in the late 1970s, exerting significant pressure in the development of Taiwan's neoliberalised media market. In the period of our analysis the cable market was monopolised by a few local private capital firms along with international private equity funds (Rawneley 2004 & 2011). The Public Television Act that was finally passed was a watered down set of 'compromise agreements'.

After almost 10 years of arduous negotiations, PTS was finally launched. Despite problems, as we discuss in ths chapter, one should not minimise the fact that this was a significant achievement for civil society organisations thathad collaborated on many of the key issues, especially including the structure for internal governance, a guarantee of reasonable funding, the emphasis on independence in media policy, and the scope and scale of public media's remit in Taiwanese society. None of the goals were achieved in full, or even fully enough, but all of them were emphasised in the discourse and these organisations exerted influences that made a difference in the outcomes to date There were three stages in the roles played by civil society organisations and that history merits analysis.

Civil Society Organisations in three stages of PSM development

The relationship between PTS and the civil society organisations accomplished a great deal in efforts to secure PSM in Taiwan. These accomplishments required political struggle to achieve. Most of these relationships were task-oriented and limited to specific periods. For example, the goal of the Movement of Three Retreat [MTR, 黨政軍退出三台運動] was to obstruct the draft version of the KMT government's proposal that threatened the arm's length principle. The purpose of The Action Coalition for Spawning PSM [ACSP, 公共媒體催生行動聯盟] was to demand investigation of the KMT government's dilatory practice in dealing with the legislative process, and to urge the government to act decisively.

Although the various civil society organisations held different positions on a range of issues, they co-operated on particular issues to demand that political parties (particularly the DPP) adopt practical institutional reforms. Assessing the details would require a lengthy treatment that space limitations don't permit, but the significant point is that civil society organisations across the political spectrum intervened in the political process in efforts to ensure the democratisation of PSM in Taiwan, and their involvement profoundly affected the design of PTS.

In the involvement of such groups was a persistent feature across three stages in the design and implementation process, as sketched in Table 2. We need to remember that the process was dynamic and involved a complex set of issues with varied and flexible connections among political activists in each stage.

Table 2 demonstrates a range of civil society groups that together comprise a broad social movement that is devoted to securing a proper system of public service media in Taiwan. This provides ample evidence of the supreme importance of democratic interest and the necessity of public involvement in the project to create PTS, and subsequently the broader initiative to build TBS (treated soon). In short, the focus was not only on creating an organisation, but importantly on building a system. These groups emerged and, in some cases, dissolved in the various periods of struggle and debate. The participants are activists that set up organisations and worked co-operatively to address failings in both Taiwan's neoliberalised media market and historic political interference in broadcasting. At the same time, the development of the Taiwan Broadcasting System [TBS[4], 台灣公共廣播電視集團] in the second stage indicates the characteristic necessity for a longer-term, developmental, and incremental process in order to realise the ultimate objective of radical systemic reform – an obviously complicated and complex project.

At the same time, however, it is important to recognise that internal difficulties for PTS and, more recently TBS, are significant. For PTS the problems have hinged on making the transition to a non-state media actor that is also not part of the private sector. For TBS, internal personnel disputes have been rife due to the heritage of political allegiances and conflicts. Political lobbying, protests and commentary in mainstream media and documentaries should be understood as attempts to solve the historic problem of politics interfering in Taiwanese broadcasting. The Ministry of

Table 2. The social groups and PSM in Taiwan

Stages	Name	Year	Type	Main Members
Stage 1: Before PTS	The Movement of Three Retreat [MTR, 黨政軍三退運動]	1995.2.18-1995.8.18	Task-oriented	Tangwai[5], SCS, academics, & cultural intellectuals
	Solidarity of Communication Students [SCS, 傳播學生門陣]	1996 to the present	Student solidarity	Students, especially from the media and communication departments in universities
	The Action Coalition for Spawning PSM [ACSP, 公共媒體催生行動聯盟]	1996-1997	Task-oriented	Some from MTR, academics, cultural intellectuals, SCS
Stage 2: Enlarging PTS to TBS	Taiwan Media Watch [TMW, 台灣媒體觀察教育基金會]	1997 to the present	NGO	Mainly from CPCP
	Campaign for Citizens' TV [CCT, 無線電視民主化聯盟]	2000-2002	Task-oriented	CPCP, SCS
	Campaign for Media Reform [CMR, 媒體改造學社]	2003 to the present	Critical academic	The predecessor of CCT, and part from TMW
	Citizen Media Watch [CMW,公民參與媒體改造聯盟]	2004 to the present	Long-term coalition	From almost 60 different social groups, including TMW & CMR especially
Stage3: Personnel Disputes of TBS	Civil Society Saving Our TBS [CSCTBS, 民間搶救公視基地]	2008-2009	Task-oriented	TMW, CMW, Taipei Society
	The First-Year of Culture [TFYC, 文化元年基金會籌備處]	2011 to the present	Task-oriented	Cultural intellectuals, artists, and part from CMR (but left in 2014)
	In those years, they brought down the public television? [Documentary Project, 那些年，他們搞砸的公視]	2012	Public Fund-raising to produce	Many individuals: Independent filmmakers, Former employees of PSM
	Satirising The Extension of 4th TBS Directors [第四屆公視董事會延任吐糟團]	2012 June-2013 June	Task-oriented	TMW, CMW, some employees of PSM
	Civil Society Surveillance: TBS General Manger Selection [公民社會監督公視總經理遴選百人觀察團]	2013 Sep	Task-oriented	TMW, CMW, TFYC
	TBS Civil Society Surveillance [公民監督公視聯盟]	2013 Dec to the present	Long-term alliance	TMW, CMR, CMW, TFYC

Source: Author's own.

Culture was only founded in 2012 and it is therefore understandable that they have often seemed adrift and unsure how to proceed. It took nearly one year to reorganise the new TBS's Board of Directors, mainly because tension between the KMT and the DPP warped the atmosphere by cultivating much distrust and encouraging political hyperbole in positions and pronouncements on on everything.

One of the two main actors in the first stage, the Movement of Three Retreat, required the intervention of the KMT to ensure the military did retreat from controlling TV channels (TTV, CTV, and CTS) and pressing for public ownership. 'Three retreat'

alludes to three forces – the military, the political party and government bureaucracy. MTR organised protests against political and military control in 1995. When victory was achieved the public was slighted when private capital actually took control. Critical communication scholars and student groups picked up the torch in press forward in a campaign advocating the democratisation of broadcasting in the form of PTS without private capital involvement.

It's important to acknowledge academic involvement in the struggle because this partly accounts for successes that have been achieved. Media scholars were outspoken in their criticisms of Taiwan's media system. In the late 1980s and early 1990s, several studied abroad and developed a political economy orientation to communication media, along with a healthy respect for the social responsibility approach. They returned to Taiwan genuinely determination to encourage systemic change in pursuit of democratic development – not only of the media system, but for the society overall and fully aware of the crucial role of public media in this struggle. They taught their students in universities and encouraged them to develop their own campaigns for building PSB in Taiwan. Academic involvement remains a significant and influential feature in the project to build public service in media.

The presidential election of 2000 was an opportunity for the DPP to give people who supported the democratisation of broadcasting an opening to compose a communication policy white paper, which was one of the election demands (Feng 2002). The DPP won the election but did not implement media reform (Wei & Lin 2012; Lin 2003). Critical communication scholars, cultural intellectuals and the SCS organised a new group called the Campaign for Citizens' TV against the DPP government for failing to keep its promises. This disappointment lead to a growing realisation that the democratisation of broadcasting in Taiwan would not be accomplished in the short term and fuelled efforts to establish long-term surveillance and policy research into the development of the PSB and the neoliberalised media market.

In this connection, a new academic organisation called Campaign Media Reform was started in 2002. CMR would not only develop alternative discourse on media, but increasingly demonstrated an interest in broader progressive endeavours to develop Taiwanese civil society. For example, CMR actively responds to laxity in government reforms by organising press conferences and protests, and by authoring academic papers, media policy reports and commentary that is published in mainstream media. Critically oriented media literacy classes have been developed in community colleges and widely disseminated by CMR and TMW.

Moreover, an alliance between media reform groups, civil rights groups, press unions and green groups was organised in the 2000s. This co-operation between different civil society organisations is working to create a heightened degree of cultural and social cohesion, and supports a citizen-based approach to PSB. However, the different political positions and backgrounds of these groups might be a double-edged sword for the sustainability of PTS. Cheng and Lee (2014) believe that public service media management has been influenced by the political bias of some civil society

organisations. What is more, the independence of PSM is not only manipulated by politicians, but might also be affected by such organistions in ways that are detrimental to the editorial independence that is desired in the first place. Therefore, the boundary between the independence of PSM and the surveillance of civil society organisations needs careful thought, particularly regarding the new mechanism of alternative accountability (as shown in Figure 1 above).

Lin (2003) observed more than ten years ago that the media reform movement requires the support of civil society. The situation and results since that time confirm the truth of this. Taiwan's emerging character of civil society organisations taking action is the essential feature that has enabled the realisation of PSM here. Civic participation has been the most important factor in assuring every success so far achieved. It appears to be impossible to work effectively across the political and economic boundaries created by strong vested interests without civil society support. We suppose the case is not unique because media reform isn't likely to happen anywhere without civil society groups taking action and persisting in the struggle to achieve democratic aims.

Left to their own preferences, those with the power to make decisions have tended to produce inadequate budgets, partisan personnel appointments and persistent political interventions. The Public Television Act that was passed in 1997 was poisoned from the start by the political atmosphere and the state's intentions to retain control. Media reform groups and other civil society organisations had to fight for PSM to become a reality in Taiwan. It is crystal clear that these are fundamentally political disputes.

Today, much depends on Citizen Media Watch, a coalition of more than 60 civil society organisations that are focused not only on issues relating to PSM but more generally on the problems of mass media in the Taiwanese context, including content characteristics, the situation for media labour, and the structure of the media industry. The neoliberalised mass media market has not done Taiwan any favours in achieving the aims for democracy development. The failings have propelled more media reform groups, civil rights groups and media unions in the fight for structural changes. These groups have opposed unfair discrimination and the reinforcement of negative stereotypes in media content, pushed for equality in the treatment of minorities and other vulnerable people. They are focused on stopping market concentration, the unfair dismissal of media workers, and ensuring a host of needed media reforms.

This suggests that in this third period, co-operation between the various groups has become more complicated due to an intensification of political struggle. The enlargement into TSB and honouring commitments to amend the Public Television Act should have been completed during the DPP's rule before the end of 2008. However, a history of mutual distrust and animosity resulted in a situation where no political party actively supported the policy to create TSB. With KMT returning to power in 2008, the symptoms of political intervention became more apparent rather than less. But civil society organisations are now addressing external (structural) defects. Amending the Public TV Act and developing better public policies are primary concerns. The campaign for PSM in Taiwan is focused on institutional issues instead

of internal political and personnel struggles. In 2008 a new coalition, Civil Society Saving Our PSM, made an appeal to the legislature to unfreeze the budget and to fight government interference. The participation of many individual citizens and PTS staff members in the "Save Our PSM" march resulted in a government promise to reduce the intervention of legislators. Unfortunately, this campaign did not immediately aim to alleviate the problem of an inadequate annual budget.

State intervention in matters involving PSM personnel and limitations on the number of Board Directors remain contentious issues. CMR is demanding transparency in PSM appointments and a public oversight mechanism. When the Ministry of Culture was founded in 2012 it took on oversight responsibility for PSM, but in fact more political intervention occurred from the Ministry's legislators in dealing with the candidates for the Board Directors during 2012 and 2014.

Table 2 demonstrats a variety of task-oriented groups founded since 2011 to address sustained controversies about the board of directors. For example, one organisation, 'the First Year of Culture' (文化元年基金會籌備處), appealed for better cultural development/policies, including a new project related to the PSM's future which was proposed by some CMR members. A documentary was produced, titled *'In those years, they brought down the public television ?'* (那些年，他們搞砸的公視), produced by independent filmmakers and former PSM employees after a successful round of online public fundraising in 2012. These individuals exhorted the public to recognise the importance of PSM-related issues, particularly controversies related to the board of directors. 'Satirising the extension of the fourth cohort of the PSM Directors' (第四屆公視董事會延任吐糟團) was a Facebook page, also set up in 2012. These task-oriented groups and campaigns played a significant role in attracting the attention of the public.

The fifth cohort of PSM directors took office in June 2013. The dispute lasted 934 days. Some civil society organisations worried that the political intervention of PSM personnel would continue and created an alliance called 'Civil Society Surveillance: PSM General Manger Selection' (公民社會監督公視總經理遴選百人觀察團) in September 2013 after the selection panel of the PSM general manger had been set up. Soon after, the 'TBS Civil Society Surveillance' (公民監督公視聯盟) coalition was set up in December and remains active today. Table 2 also illustrates a complicated relationship between PSM and civil society organisations in Taiwan. Some groups co-operated on many issues, but quite a few only on particular issues. The continuity of some groups, particularly the professional media reform organisations such as CMR and TMW, illustrates the long time scale that is involved in achieving media reforms that depend on movements that have continued for over 20 years. It's an open question whether other societies and their popularions are similarly committed to reform to degrees that would sustain such long-term involvement. And although civil society involvement is essential, that is not to say it is always smooth or without conflict. A democracy is fundamentally political in nature and contesting is therefore a constant feature of civil life. Although sometimes frustrating, the fact that it happens should be seen as an encouraging sign.

Notes

1. There are three stages illustrating the conception of the 'state' in the historical process of Taiwan. First, the nationalist KMT government and Chiang Kai-shek fled from mainland China and established the Kuomintang [KMT] government, an authoritarian market-state in the pre-democratization period from 1949.
   Democracy and social movements emerged in the 1980s and indirectly contributed to the lifting of martial law and the ban on competing political parties in 1986. Some studies (Taylor 2002; Wang 2004; Laio 2008) suggest the first wave of democratisation in Taiwan was from 1986.The state's authoritarian control gradually loosened in the second period. These dynamics demonstrate that the democratic character of the state has only slowly developed and still is not completed. Taiwan's PTS was conceived in the third period, which is a blend of semi-authoritarian and semi-democratic regimes that has taken hold since the late 1990s. In 2000, the ruling Democratic Progressive Party [DPP] oversaw the transition to a genuine two-party system that allowed alterations in political rule. The DPP eventually threw its support behind the KMT, however, and the latter formed the new government in 2008.
2. Taiwan's neoliberalised media market emerged in the 1990s. The KMT government and a few private capital firms controlled broadcasting before this change. Taiwan's system was a type of authoritarian market. The structure of television regulation was neoliberalised in the 1990s. In particular, the transition of the media market structure was changed from a politically controlled free market to a de-regulated free market. Liu (2006: 116) has demonstrated that unfortunately "this trend meets the interests of media owners rather than of the public".
3. Calculated at the exchange rate for 15 September 2015, the time of this writing, the amounts equal about €10 million euros in total – i.e. for the two percentages combined.
4. The Taiwan Broadcasting System [TBS], founded in 2006 that includes the PTS, the CTS, Hakka TV, Taiwan Indigenous TV [TITV] and Taiwan Macroview Television [MACTV].
5. Tangwai (translated: outside–the–KMT) is a political group that demanded rights for a democracy, to form a political party, the abolishment of martial law, and freedom of the press.

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PSB and Press Freedom in the 2010s

Challenges for Radio Television Hong Kong

Ken-ichi Yamada & Nobuto Yamamoto

Abstract

This chapter explains the media environment in Hong Kong since the mid 2000s when the historic public service orientation in broadcasting has been threatened by political interference from the government of the People's Republic of China [PRC]. The authors investigate resistance by the PSB provider, Radio Television Hong Kong [RTHK]. The 2007 debate over restructuring RTHK to limit editorial independence marks a starting point. Since 2012, in particular, political pressure has intensified. There has been persistent, increasing political pressure since that time. Hong Kong's citizens and journalists have resisted, and RTHK continues to play a significant role in defending Hong Kong's historic democracy under challenging circumstances. The authors examine complications of decisive importance for defending democracy that pertain to PSB's role in representing a genuine public interest in popular struggles over political interference and editorial independence, local and national interests, the state and citizens.

Keywords: China, Radio Television Hong Kong, press freedom, editorial independence, media and democratisation, public service broadcasting, popular resistance

Introduction

Hong Kong's media environment is unique. The city is home to many of Asia's biggest media players, including the *Asian Wall Street Journal*. It is a hub for tabloid journalism, and has a flourishing film industry – among the world's largest. Hong Kong is not a sovereign state, however. Since 1997 it has been a Special Administrative Region of the People's Republic of China [PRC]. The handover from Britain happened on 1 July 1997 after the 99 year lease by the United Kingdom expired. Under the "One Country, Two Systems" policy (Maria Tam 2012) that the PRC government proposed, the PRC promised that Hong Kong would have a democratic system. The Chinese government hopes to use Hong Kong as an example to lure Taiwan into re-unification as well. Thus, the PRC government has for the most part refrained from direct intervention in Hong Kong's internal affairs. The British legacy of a free and independent press has so far encouraged a degree that is remarkable degree in the PRC (So & Chan 1999; To 1999; Chan & Lee 1991 & 1996) since 1997 (Hartmann & Weisenhaus 2007; Lai 2007).

There are two "national" issues that Hong Kong's news media are not supposed to directly report. They are forbidden to advocate independence for Taiwan and Tibet, and personal attacks on Chinese national leaders is also forbidden (Lee & Chu 1998). Otherwise, their news media can criticise the Hong Kong government (Lai 2009). This reflects the British colonial legacy when press freedom was secured. Because there is no official media censorship, Hong Kong had been considered to enjoy press freedom. *Freedom of the Press Data* published annually by Freedom House categorised Hong Kong as a "free" entity between 2004 and 2007 (Freedom House 2015). But evaluation does not cover the extent to which self-censorship has been practiced (Lee & Lin 2006; Cheung 2003; Scuitto 1996).

The literature on Hong Kong's media environment since 1997 tends to emphasise positive dynamics (Chu 2011; Lai 2009; Chan & Lee 2007; Lee 2007; Ma 2005; Cheung 2003). This unfortunately overlooks an approaching PRC shadow in Hong Kong's political and economic spheres. Hong Kong has undergone an especially complicated and diverse socio-cultural transformation in recent years. Li (2012) argues that emerging e-media is becoming popular and influential, whereas traditional media are losing credibility. Lee (2014) observes some popular talk radio programmes that impact public opinion and these sources arguably keep the democratic aspirations of Hong Kong's citizens alive. This is evident in the so-called 'umbrella revolution' that took place over a 79-day period from September 2014 when young activists used social media to mobilise the local population and gained moral support from a global audience.

Ten years after Hong Kong's reversion to PRC control, a free and independent press is clearly now on a path of gradual deterioration. From 2008 the Freedom House annual reports have characterized Hong Kong's status as "partially free" because "political pressures and controls on media content" have increased. This is especially evident since 2007 when Donald Tsang was sworn in for his second term as the Chief Executive of Hong Kong. Data and analysis from Freedom House (2015) confirms political pressures are now significant and apparent. The deterioration can be traced to the 2012 Basic Law Committee publication titled, *The Basic Law and Hong Kong: The 15th Anniversary of Reunification with the Motherland* (Maria Tam 2012). It was drafted the same year the pro-Beijing administration of C.Y. Leung took over after the seven year rule of the previous Tsang administration.

As early as 1989, Radio Television Hong Kong [RTHK] described Mr. Leung as a pro-Beijing conservative advocating gradual political reforms (Cheung 2014/2015: 100). Under two consecutive governments since 2005, the combination of PRC political and economic engagement with Hong Kong and a generally tame reaction to that, account for deteriorating press freedom. The media environment has become less democratic. In consequence, since the mid-2000s the public service broadcaster has faced a series of serious challenges (Yamada 2013, 2011 & 2007a + 2007b; HKJA 2007 & 2008). This chapter argues that PRC's influence is creating a challenging media environment for public service broadcasting [PSB] in Hong Kong. We explain why

and how Hong Kong's media environment has been transformed in recent years, and observe how RTHK has been trying to maintain editorial independence against increasing difficulties.

Changing the media environment in the 2010s

RTHK is a legacy of British rule and Hong Kong's sole PSB provider. It is not a private company and its channels carry no advertisements. It is organisationally part of the Hong Kong government, which provides funding. It has a reputation for a high degree of editorial independence (RTHK 2015b). RTHK remains independent from the Hong Kong government, which increasingly shows a pro-PRC attitude, and has not been criticised for a biased editorial position. In this RTHK is a contrast with commercial media which follow the administration's line that reflects the PRC's influence. RTHK's independent attitude has cultivated expectations among the Hong Kong people that could play a critical role as a barometer of editorial independence in an unpredictable period of struggle over that.

RTHK's struggle is a unique case for understanding the complications and challenges in crossing borders and boundaries in discussions about the function of PSB in fragile democracies. Under "One Country, Two Systems" several boundaries are indicated. First, there is a boundary between the British heritage of independent news media contemporary pressure to be pro-PRC. A second boundary is between government control and press freedom. Third is the local Hong Kong value system and local preferences versus the PRC. Hong Kong PSB is caught in the middle of a pressurised environment that suggests the difficulty of remaining independent and the necessity of persistent struggle to have and keep higher degrees of press freedom. The boundary-related issues indicate that a genuine public service news function is a continual struggle in which outcomes depend very much on contextual conditions.

In the first decade after Hong Kong was returned to China, there was an optimistic mood that Hong Kong mass media could spread democratic values to the PRC. The winds changed in the late 2000s due to visible interference from PRC in the media industry, including RTHK. Understanding this requires examining the historical development and characteristics of RTHK and details in the debate about restructuring RTHK in 2007. It's important to observe how the PRC increased pressure on RTHK by undermining political and editorial independence, and especially how the Hong Kong public supported PSB against the PRC's political intentions. This grounds treatment of the important role of public support for RTHK in fighting back. RHTK, as the self-evident PSB provider in Hong Kong, plays a significant role in defending and developing popular demands for preserving and further developing democracy under challenging circumstances. The implications suggest that developing PSB in countries where democracy is weak depends on building trust with the public, providing genuine services in their interests, and involves real struggle with complex pressures.

Since the mid-2000s, the Hong Kong Journalists Association [HKJA] has expressed strong concern about deteriorating press freedom in Hong Kong. Established in 1968, HKJA is pledged to secure press freedom and has persistently released statements when threats and problems occur. Most pro-democratic journalists and media workers are HKJA members, which also provides training.

The HKJA conducted a survey in 2012, the 15-year commemoration of Hong Kong's return to Chinese rule. The survey examined the state of the press in an assessment of the Tsang administration between 2005 and 2012. This was done between 18 April and 4 May, about three months before the Leung administration was sworn in on 1 July. The HKJA sent out 1,154 questionnaires and e-questionnaires to reporters, editors, photographers, and editorial management, and received 663 responses. In the same month that Mr. Leung took office, the results were published in an HKJA annual report titled *New Leader Raises Fears: Challenges for freedom of expression in Hong Kong* (HKJA 2012). The report has six sections that are revealing to understand the contemporary situation:

- Section 1 "New Challenges Face Hong Kong"
- Section 2 "Manipulated Sources: Tsang's Legacy"
- Section 3 "Heavy-Handed Policing Hits Hard"
- Section 4 "Legal Proposals Raise Freedom Fears"
- Section 5 "Problems Hit Media Sector"
- Section 6 "Cold Winds Batter Macau".

Each section provides intriguing facts with informative discussion. The questionnaire compares degrees of press freedom under the Tsang administration and anticipations for the Leung administration. As the report title indicates, the survey results indicate grave concerns about press freedom in Hong Kong (HKJA 2012: 33-36).

Two points are important for our discussion. First is the focus on press freedom during the Tsang administration. Asked about press freedom between 2005 and 2012, nearly 87 per cent of the respondents agreed that press freedom had decreased (combining 57.2 percent of "obviously less" and 29.7 percent of "a bit less). Among those who answered that Hong Kong has less press freedom, nearly 93 per cent attributed this to the "Hong Kong government's tighter control over the flow of information". Fully 71 per cent observed "self-censorship in the industry" and about 79 per cent believed that it became more serious under the Tsang administration. Those surveyed were also asked whether they themselves or their supervisors have practiced self-censorship and nearly 36 per cent answered yes. Of this group, 37 per cent said that they have self-censored by downplaying information unfavourable to the PRC Government. The report contends that the government under Mr. Tsang's leadership abused the system of off-the-record briefings and blocked the media from covering certain news events. This supports concerns about recent moves by the Leung administration to introduce

new laws that would affect press freedoms, and the government's attitude of ignoring calls for freedom of information legislation (HKJA 2012: 2-3).

Second, the HKJA's worries are aligned with many analysts who predicted that Mr. Leung would be much more proactive than his predecessor in imposing his will on government policy-making (HKJA 2012: 2). The survey results clearly correspond with, and confirm, the HKJA's concerns. Asked about their view of press freedom conditions after Mr. Leung assumes office, only 4.7 per cent thought it would improve, while nearly 60 per cent expected less press freedom. Asked about the most serious problem facing the media industry during the new administration, the most common answer (52 per cent) expected "more restrictions by the Hong Kong government", followed by (43.5 per cent) expecting "heightened pressure on media from the PRC's Liaison Office". More than one-third (36 per cent) anticipated "legislating Basic Law Article 23", while nearly one-quarter (23 per cent) worried that "self-censorship will be more common".

The survey results indicate serious concerns among Hong Kong's journalists about deterioration in press freedom and expectations that the situation would worsen. The HKJA called on Mr. Leung and his administration to implement policies to bolster protections for freedom of expression and press freedom on the premise of acting in accordance with Hong Kong's legal obligations under the International Covenant on Civil and Political Rights and the Basic Law.

RTHK and the 2007 Review

According to RTHK's budget plan for fiscal year 2015, the organisation has 703 workers: Radio has 281, Television 384, Educational TV 18, and New Media 20. Its annual budget is 823.1 million HK dollars, about 106 million US dollars. In 2015, 414.3 million HK dollars are allocated to television production and 347.5 HK dollars for radio broadcasting. RTHK has seven analog radio channels, which are broadcast by Radio 1, 2, 3, 4, and 5. They provide programming in either Cantonese or English. Radio 6 broadcasts reruns of the BBC World Service, and Putonghua channel. As for the digital radio broadcast, they have five channels that consist of simultaneous broadcasts of analog channel programmes (DAB31, 33, 34 and 35) and DAB32 with reruns of China National Radio from mainland China. Since RTHK does not have its own TV channel, its television programmes are allocated on two terrestrial commercial broadcasting channels – the TVB and the ATV – in primetime hours. RTHK will produce 2,164 TV programmes in 2015 with a total time of 1,303 hours (RTHK 2015).

Because RTHK does not have its own TV channel, its operational budget is comparatively small. Its programmes nonetheless enjoy an established reputation for high quality. An independent research body commissioned by RTHK has conducted annual surveys on public perceptions of TV programme quality since 1991. RTHK's score has been consistently higher than the averages of all other broadcasters surveyed (Yamada

2007a). Popular TV programmes include "The Headliner", a satirical analysis on current affairs, and "Hong Kong Connection", a news-documentary series that has won a number of international awards, as well as "The City Forum", which provides live interviews with citizens. It is safe to say that RTHK is a relatively popular broadcaster in Hong Kong.

The predecessor of RTHK launched radio broadcasting in 1928 as a station run by the British colonial government. In 1948 it was renamed Radio Hong Kong [RHK]. In 1949 the Government Information Services [GIS] took over radio services. In 1970 RHK established the public TV division to produce current affairs programming. Transmission relied on time slots from a commercial channel, Television Broadcasts Limited [TVB] and, later, also Asia Television Limited [ATV]. Until its own news division was set up in 1973 to provide original reports, RHK used news materials provided by the British government's Public Relations department. In 1976 RHK was renamed RTHK to reflect the expansion in TV broadcasts, but without its own TV channels.

In 1970, James Hawthorne of the BBC came to RTHK as editor-in-chief. He set up a news department premised on the idea that the organisation must break away from governance by the PR division to become an independent news provider. Hawthorne's eight-year tenure established the independence of editorial rights, which constitute the foundational principles of RTHK today. According to the RTHK's media digest (RTHK 2006), the critical culture towards government took root as a consequence of his work and influence.

RTHK's website launched in 1994 when the World Wide Web was in early evelopment. RTHK was the first station to provide radio and TV programmes on the internet. In 1995 RTHK agreed to exchange a memorandum of rules for programme production with the Hong Kong Broadcasting Authority once a year, and promised to conform to these rules. In March 1997, with the return of Hong Kong to the PRC, the organisation launched the first Mandarin language broadcasts. RTHK compiled Producers' Guidelines in 1998 as internal rules for editing programmes, and in 2000 it beefed up online broadcasting by all six radio channels except Radio 6 and TV programmes, which air in prime hours on TVB and ATV with online simulcasts. RTHK began an online news service in 2001, enabling users to freely download the contents. In addition to live broadcasts, RTHK's programmes are also archived online and accessible for one year.

As indicated by the British colonial case and the Hawthorne period, during the past 25 years there have been occasional calls to more strictly separate RTHK from government. In 1989 RTHK proposed a plan for "corporatisation", following the example of the BBC. In the face of PRC government opposition in anticipation of Hong Kong's return in 1997, the proposal was shelved in 1993. After sovereignty was transferred to the PRC, pro-China groups intensified criticism of RTHK. Xu Simin, who founded the Chinese language magazine, *The Mirror*, said at the 1998 National People's Congress that the government needed a medium for publicising its policies. He proposed that RTHK should become Hong Kong's equivalent of China National

Radio on the mainland, which is under tight control by the PRC government. This proposal met with fierce opposition from the Hong Kong public and has not been realised so far. But RTHK's political independence has been eroded by constant interference of both tangible and intangible types (Yamada 2007b). From the mid 2000s there has been debate about whether RTHK should even be understood or defined as PSB, as discussed next.

Currently, RTHK is under the Commerce and Economic Development Bureau of the Government of the Hong Kong Special Administrative Region, and is supervised by the Communications Authority. The Director of Broadcasting is the head of RTHK but also serves as the unit chief of the Hong Kong government (RTHK 2013). That suggests higher potential for governmental influence over broadcast programming. Conventionally, RTHK staff members were promoted to the Director's post.

The debate on public broadcasting reform

Since the mid 2000s a more or less united front of pro-Beijing supporters have spearheaded severe criticism against RTHK. They have argued that RTHK is a government department financed by public revenues and should therefore be a mouthpiece instead of an independent voice criticising and exposing the government's mistakes. This has been the context of debate about public broadcasting in Hong Kong since 2007.

In January 2006, Chief Executive Donald Tsang Yam-kuen appointed the Committee to Review Public Service Broadcasting. It was headed by veteran journalist Raymond Wong. The remit was to consider the future of public service broadcasting in Hong Kong. The Committee members were Chan King-cheung, Judy Tsui, Leung Tin-wai, May Fung, Mathias Woo, and Pao Wan Lun. After fourteen months of review and research, the Committee submitted its final report to the Legislative Council on 28 March 2007 (Legislative Council 2007).

As is always the case of government reports in Hong Kong under the "One Country, Two Systems", the discussion part is political horse-trading – in this case over RTHK. On the surface, the report recommended establishing a new public broadcasting corporation that would not be a government department, which indirectly implied the suspension of RTHK. It appears that the Director of Broadcasting, Chu Pui-hing, suggested a model aligned with the Britian's BBC for the restructuring, which was not the main line of recommendation the report issued. Therefore, the report's recommendation should be understood as pressure for RTHK to become politically moderate and obedient to the Hong Kong government (Yamada 2007b). Having this reading in mind, one can understand why the Hong Kong public reacted as they did to the report and its related media coverage.

On 17 May 2007, the legislature's Panel on Information Technology and Broadcasting discussed information technology and public broadcasting based on the Committee's report. The Report included recommendations for PSB "governance structure, accountability measures, funding arrangements, and programming" by "taking into

account international best practice and the unique local environment". This shows serious concern for the independence of the envisioned new public broadcaster, and offers valuable suggestions. Choosing members for its Board of Directors should involve an open recruitment process from functional constituencies. A nominating committee should recommend candidates for appointment by the government.

Moreover, its government appropriations should follow the funding model for public universities and be approved by the legislature, independent of the general government budget. Further, editorial independence should be guaranteed by legislation (Legislative Council 2007). It is also important to observe that the Committee anticipated "the Report would generate a myriad of comments and reaction from various sectors of the community and stakeholders of public broadcasting". Therefore, in order to build "a genuine home-grown PSB model" that would be fitted "to best serve the interests of the Hong Kong community", the Committee recommended "the full participation of the public through open and rational debates" (Legislative Council 2007: 4).

The recommendation to replace rather than reform RTHK came as a surprise to many in the Hong Kong community, and was a major shock to RTHK internally. There were no proposals for how RTHK might be transformed to become the new public broadcaster. Since the report's release, many in Hong Kong have voiced opinions on RTHK's phone-in programmes. The vast majority apparently agrees that RTHK should be allowed to evolve into the proposed new public broadcaster, and thinks setting up a new organisation would be a waste of taxpayers' money. There is also mistrust of the government's intentions because the community already perceives self-censorship as a serious problem for Hong Kong media (Cheng 2007).

Oppositional political parties and pro-democracy mass media operators, as well as social media participants, raised questions about the Committee's report and political intentions of the Hong Kong government. By mid-2007 the Hong Kong public understood that the report was a veiled attempt to end PSB and replace it with a new organization that would in principle be more independent, but in practice would be more under the government's sway than before. Public criticism of the Review Committee's Report prompted the cancellation of planned public consultations that were due to begin in January 2008. Mr. Tsang responded by changing his political stand on RTHK. Acknowledging growing public resistance he compromised and suggested there was no urgency. In the end, the government abandoned the proposal (Chan & Lee 2007a; HKJA 2008; 18-20; Yamada 2007a; 2007b; 2011). The incident confirmed that RTHK has more public trust and support for its role as a PSB provider than the government anticipated. Thus the Hong Kong government decided to let RTHK remain organisationally a part of the government, but with editorial independence.

The 2007 debate demonstrates a political tug of war over RTHK between press freedom and government control. It is also a struggle between pro-democratic public forces in Hong Kong and pro-PRC parties in the government. Under the current system of the Legislative Council system, pro-democratic political parties have no possibility

to gain the majority of seats. Therefore, pro-democratic public voices matter greatly to prevent the PRC's influence from dominating Hong Kong. This is a confrontation between the Hong Kong public and the PRC government. These cross-boundary issues were exposed to the Hong Kong public, and thereby ironically invited more political intervention from the PRC government in the 2010s.

RTHK's challenges as a PSB provider

From 2010 the PRC has cast a growing shadow over Hong Kong media in general, and this certainly includes RTHK. The PRC government has visibly increased its influence on commercial media and there is a growing realization among the people of Hong Kong about the need for a PSB provider to ensure free speech and a free press. RTHK enjoys comparatively high levels of political independence, but is under constant pressure from the governments of both Hong Kong and Beijing. A series of incidents in recent years indicate setbacks, especially following the mentioned appointment of a government official as the Director instead of an independent member of the RTHK organisation. Among typical examples we can also highlight the contract termination of a popular radio host and plans to end a flagship programme. The general view suggests the Chinese government was behind these moves. But even under more difficult circumstances, the public broadcaster is less reserved and reluctant to face the pressures than the commercial stations. Still, the future is quite uncertain as the PRC government has been tightening control over speech even more severe since President Xi Jinping took office in 2012. There is little hope that mainland China will be democratised any time soon, or that freedom of speech will be realised in the near future (Mine 2014).

Political independence under attack

The 2010s under President Xi's leadership has provoked mounting challenges to RTHK. Governmental pressure has become increasingly visible. Five incidents that occurred between 2011 and 2014 make this very clear (Yamada 2013).

First, as mentioned above, a bureaucrat was named the head of RTHK for the first time in its history of last 50 years. In September 2011, the Hong Kong government appointed Roy Tang Yun-kwong, the second-ranking official of the Labour and Welfare Bureau, to head RTHK. When the government solicited candidates for the position, an eligible member of RTHK applied, but the government chose one of their own officials, a political appointee without experience in broadcasting. RTHK's labor union and external observers strongly opposed this decision, believing that it diminished public broadcasting and indicated conversion to a governmental publicity organ. On Mr. Tang's first day as Director the union members rolled out a black carpet in front of his office and greeted him in dressed in funeral clothing, holding signs that demanded a retraction of his appointment.

Second, two outspoken popular radio hosts were sacked without just cause, again for political reasons. In November 2011 it was disclosed that from January 2012 RTHK would not renew the employment contracts of Ng Chi-sum and Robert Chow. Ng was the eight-year host of a popular radio talk programme, "Open Line, Open View Phone". Chow had hosted a phone-in radio show since 1999. Ng was renowned for blunt criticism of the government, while Chow was a famous pro-China commentator, and therefore he was believed to have been sacked as a cover of Ng's case. The decision to replace them came less than three months after Mr. Tang took over as Director of RTHK. Although his office denied any political motivation behind these sackings, the staff saw things differently and voiced fears that the appointment of an administrative officer with political marching orders was already damaging editorial independence (Ties 2011).

Third was the so-called "empty chairs" incident in September 2012. RTHK's popular programme, "The City Forum", prepared a programme about the controversial National Education Programme [NEP] then being promoted by Hong Kong authorities. This was keyed to the intentions of the PRC government to institute a new educational curriculum in Hong Kong schools. The NEP generated a strong backlash from the Hong Kong public, who believed the curriculum was intended to "brainwash the people into worshiping communism". Criticism against the Secretary of Education, who was trying to enforce the policy, was mounting. Despite RTHK's repeated requests for participation in the programme, the Secretary and other education officials would not agree. RTHK broadcast the programme anyway, but with two empty chairs on the screen. They were scathingly critical of the officials' refusal to discuss the matter in public.

After the show, Mr. Tang ordered the producers of this programme to obtain prior approval from their managers to place empty chairs on screen in the future. In January 2013 the first author interviewed Janet Mak Lai-ching, then Chairperson of RTHK Programme Staff Union, about this matter. She said putting the empty chairs in the studio was an unusual measure that made the intended point with the public. Ms. Mak emphasised that the consequent demand for managerial approval regarding how to present a programme is a violation of editorial rights.

Fourth, there was a popular programme that faced the threat of cancellation in November 2012. At that time Mr. Tang announced to RTHK staff that he was planning to terminate an interview programme on current affairs called "Legco Review", and to instead launch a new programme similar to one on a commercial channel – TVB's "On the Record", in which government officials are invited for studio interviews. According to Ms. Mak, the announcement triggered a burst of opposition among the staff who understood this move as another development in support of Mr. Tang's policy. The host of TVB's interview show was apparently quite hesitant to ask candid, critical questions of government officials, and claimed that the TVB staff was not willing to be involved in the programme. The host of "Legco Review", Allen Li Peng-fei, told the first author that he had said, "go ahead and cancel the programme if you dare to do that". As soon as his comment became public, Mr. Tang withdrew his proposal. Mr.

Li believed that his reversal was due to RTHK worker's outrage and the high ratings for the programme. Had RTHK journalists and editors not stood up and spoken out, the programme would certainly have been replaced with a more malable alternative.

Lastly, in January 2014 a new building plan for RTHK was withdrawn. The plan was to construct new premises for broadcasting on three new digital TV channels scheduled to launch in 2018. On 11 November 2013, the Legislative Council Panel on Information Technology and Broadcasting discussed the proposal for construction of the new House for Radio Television Hong Kong, and approved it (Legislative Council 2013). Within two months, and because the opposition from pro-China parties in the Legislative Council of Hong Kong claimed it was too costly, the government withdrew the plan entirely. Media analysts believe that pro-China legislators were unhappy about RTHK's criticism of the government and exerted pressure through budget cuts.[1]

These five incidents show that RTHK's political independence is under concerted, constant and complex attack. By means direct and indirect, in tangible and intangible ways, the boundaries between news media and government control are being challenged. The heritage of RTHK editorial independence, modelled on the British approach to free speech and freedom of the press, is at odds with the PRC's approach to media as a tool for publicity and manipulation by and for governmental interests. So far RTHK has not given in to these politically motivated moves and has maintained a democratic spirit and commitment. But it is a difficult and continual struggle against mounting odds.

RTHK and the "umbrella revolution"

This is the context for understanding the "umbrella revolution" in September through November 2014, and its aftermath. This civil disobedience campaign demanded universal suffrage in the 2017 voting to elect Hong Kong's Chief Executive. The "umbrella" refers to protestors' use of open umbrellas in efforts to stave off tear gas fired by the police. In the early days of this protest, the participants' civil behavior made headlines in local and international media. RTHK covered the event on a daily basis, mobilising their reporters, camera teams and social media. An executive producer at RTHK, Danny Sit, reported: "The students of Hong Kong have hit the headlines all over the world. Many of them have become new soldiers of democracy, with boycotting classes and staging protests as their first experience of action politics" (Sit 2014). This revealed his sympathy with the (mostly young) protesters on the street. By making this statement publicly, RTHK demonstrated its political independence and editorial position.

For nearly six months after the umbrella revolution ended, RTHK tried to keep the democratic spirit alive through its broadcasts. On 5 April 2015, RTHK Radio 3 aired a statement from Legislator Fernado Cheung. In it, he summarised the historic 79 days of occupying the major roads and highways in Hong Kong:

> The Umbrella Revolution is indeed revolutionary, not in a sense that it has toppled any regimes, but in its surprising new forms and spirit. It is a massive civil diso-

> bedience on a scale that was never seen in Hong Kong, or for that matter in any other Chinese communities. The Chinese University of HK estimated that about 1.2 million people have taken part in the occupation one way or another" (Cheung 2015). Mr. Cheung concluded his statement by saying: "Under CY Leung's combative leadership, Hong Kong is on a course to race to the bottom in great speed. One can only hope that we shall bounce back stronger and better. Seeing what our younger generations can do in the Umbrella Revolution, I have hopes for our future. (ibid, with minor grammatical changes to ensure clarity)

The fact that RTHK managed to broadcast voices that were so critical of the government of Hong Kong demonstrates the organisation's editorial independence and an abiding commitment to public service values in news and journalism. The case illustrates the important fact that struggle for such values is continual and that each generation must engage the struggle as a matter of both principle and practice because contexts change. It is encouraging to find that RTHK has and has kept public trust and strong support. The young generation of Hong Kong's citizens understands this struggle is of supreme importance in determining the character of social life and the practice of democracy in a situation where governmental pressures are a genuine threat. In this sense, although under peculiar political circumstances, RTHK is an important case of an historic PSB provider struggling against and across boundaries between the state and the media, and between local values and preferences against international pressures and constraints.

Crossing boundaries

Feedom of speech and a free press are of fundamental importance for any democratic society. China's growing influence seeks to erode these freedoms in Hong Kong. That is being resisted. It is clear that PSB has a critical role in the resistance, and equally that being in this position is quite a difficult task and a constant challenge. The growing popularity of online media is important for public participation, but so too is legacy mass media in broadcasting. Online media are sometimes bolder in revealing stories that major media hesitate to deal with, and that can have a significant role in a grassroots struggle. It is equally clear that online media are not on a par with established news organisations that are highly trusted and employ a large number of experienced journalists. This suggests the importance of crossing boundaries in the use of media, and the practice of journalism, for both development and preservation of democracy under 21st century conditions – especially important where democracy is fragile or under threat.

The credibility and trust the population of Hong Kong has for RTHK suggests the irreplaceable importance of public service media in democracies at risk. The support for RTHK indicates that a majority of this population understands how important that is for successful resistance against undesired changes. Although RTHK is smaller and less influential than some commercial broadcasters, the PSB provider in Hong

Kong plays a significant role in defending and developing the popular demand for democracy under very challenging circumstances. RTHK can expect continuing and often fierce headwinds from various directions from within Hong Kong and from the PRC. Public support is essential to make headway in the face of such challenges and this indicates another and the most significant boundary of all – *the boundary between the public and the service in broadcasting*.

Note

1. One leading such scholar is Professor Joseph Man Chan from the Chinese University of Hong Kong, with whom the first author made an interview on 12 March 2015. Considering recent debates at the Legislative Council, it is unlikely that RTHK would move to a new site and start to have its own TV station in 2018 as previously planned.

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State-administered Public Service Broadcasting in Morocco

Bouziane Zaid

Abstract

This chapter explores the complex process of media reform in transitional democracies, analysing the case of Morocco where political liberalisation and democratisation marked the second half of the 1990s. The structure of broadcast media was re-defined, a regulator set up, public service broadcasting was reformed, and a framework for private broadcasting was created. The author examines the legal framework and institutional structure to illustrate a deeply conflicted orientation. The analysis features two boundaries of pivotal importance: between state and public, and between history and contemporary needs. The study found that the conflicted orientation in Morocco's media reforms indicate a *competitive authoritarian* regime rather than a transitional democracy. Investigation uses a multi-method approach that combines document analysis and qualitative in-depth interviews with regulatory personnel.

Keywords: public service broadcasting, competitive authoritarianism, broadcasting regulation, media law, state-administered PSB, media reform, democratisation

Introduction

This chapter explores the complex process of media reforms in transitional democracies. In Morocco, the wave of political liberalisation and democratisation in the second half of the 1990s resulted in major media reforms, especially in the broadcasting sector. The High Authority for Audiovisual Communication (*Haute Autorité de la Communication Audiovisuelle*, HACA) was created in 2002 and mandated to establish the legal framework for liberalising the audiovisual sector, and to oversee a public service broadcasting [PSB] sector. In November 2004, Parliament adopted the Audio Visual Communication Law, ending the state's monopoly in broadcasting management. In April 2005, Moroccan Radio and Television (*Radiodiffusion et Television Marocaine*), the institution that earlier managed state TV and radio, was transformed from a subsidiary of the Ministry of Communication to the National Company of Radio and Television (*la Société Nationale de Radiodiffusion et de Télévision*—SNRT). A public

company and self-proclaimed as independent, SNRT manages public service radio and TV stations and is not subject to administrative control and supervision by the Ministry. It is the largest broadcasting company and controls nine television stations and six radio stations, all formerly state owned. The Law assigned public service obligations to Al Oula,[1] 2M,[2] and Medi 1 TV,[3] the three nationwide public service TV stations. Although independent, the state controls the majority of the shares of these stations.

Thus, the structure of Morocco's broadcast media was re-defined, a regulator set up, public service broadcasting was reformed, and a framework for private broadcasting was created. A key concern questions the extent to which these reforms represent a break with the past and are aligned with the stated democratisation ambitions of the state. These reforms imply a country that is crossing the historic boundaries of state versus public, moving from arrangements where broadcasting served the state to become institutions for serving the public. An initial examination of the legal framework and institutional structure illustrate a deeply conflicted orientation, however. On the one hand, the reforms sought to relieve broadcasting from direct political control, but on the other the state established a system that limits realizing this for fears that the results could destabilise the governing status quo. The state still controls media content directly through repressive laws and a regulatory institution that lacks true independence. Morocco has not yet achieved the promise of liberalisation in its broadcasting sector, and has failed to break with its own history as an instrument of propaganda and political control. This suggests two boundaries of pivotal importance: between state and public, and between history and present needs.

This chapter argues that the conflicted orientation in Morocco's media reforms is the result of the nature of Morocco's political regime, which is a *competitive authoritarian* regime rather than a transitional democracy. Competitive authoritarian regimes utilise elements of democracy to ensure continuing domination over opposition forces. Levitsky and Way (2002), who authored the concept, conceive competitive authoritarianism as civilian regimes in which "formal democratic institutions are widely viewed as the primary means of gaining power, but in which fraud, civil liberties violations, and abuse of state and media resources so skew the playing field that the regime cannot be labelled democratic" (p. 4). Such regimes are competitive because democratic institutions are real and "opposition forces can use legal channels to seriously contest (and occasionally win) power; but they are authoritarian in that opposition forces are handicapped by a highly uneven – and even dangerous – playing field. Competition is thus real but unfair" (ibid).

Thus, competitive authoritarian regimes are hybrids characterised by the presence of some democratic institutions and some democratic practices (such as elections, multi-party system and, in our case, a self-proclaimed independent media regulator) within the authoritarian state. Levitsky and Way introduced the framework to challenge the "democracy bias" of most literature about post-cold war regimes. Hybrid regimes are typically categorised as flawed and incomplete and described as transitional, e.g. as "evolving democracy," "nascent democracy," "ongoing democracy," or "would be

democracies." For countries where the "transition" isn't moving forward, terms such as "stalled," "protracted" or "flawed" democracies are typical. Levitsky and Way argue that such characterisations are misleading because they assume that hybrid regimes are – or should be – moving toward democratic forms of government, when in reality many regimes remain stable or actually increase authoritarianism. Guillermo O'Donnell (1996) and Thomas Carothers (2002) suggested we should stop treating such cases as transitional and conceptualize them as distinctive forms of non-democratic regimes.

Morocco's media reforms are aligned with this vision of governance, whereby the state creates democratic institutions to use as a site of struggle with opposition forces while steadfastly maintaining control by establishing an uneven playing field. The chapter investigates mechanisms used by the state to maintain this uneven playing field. The chapter understands broadcasting as traditionally conceived. Debate about the impact of new digital and multiplatform distribution systems (Lowe et al, 2008; Brown & Goodwin, 2010; Jackson, 2010; Lowe et al, 2012) also emphasise the difficult conditions and uncertain future of PSB in the light of political hostility, increased competition for revenues, and the progressive fragmentation of audiences. In Morocco, however, radio and television remain distinct and vigorous media. Due to low literacy levels and a general lack of access to online media, broadcasting companies have not yet needed to transform their media organisations. PSB television stations receive funding from the state and revenue from advertising, rely on analogue terrestrial and digital satellite broadcasting, and the online presence are mainly extensions of their analogue versions rather than new distribution systems.

The political economy of broadcasting in Morocco

A prevailing approach in studies about media production and performance focuses on economic and political forces that influence the media industry (e.g. Adorno & Horkheimer, 1972; Herman & Chomsky, 1988; Schiller, 2000; Altschull, 1995; Schiller, 1976; Williams, 1974; Curran, 2002). Described as political economy theory, the approach is committed to cultivating democratic culture within societies. Research examines how political and economic constraints both limit and bias content production and distribution, investigating media content as an instrument of control in reproduction of a social order. Political constraint consists, among other things, in controlling news content and government's tendency to impose legal limits on media operations. Economic constraints emphasise the structure of media ownership and ways in which the profit motive impacts media contents.

Unlike commercial print media, the PSB model has typically accorded the state considerable powers over the way broadcasting functions. The history of PBS in Europe makes this evident, even though the intention is to ensure accountability to the public. From the start states have needed to manage the spectrum, especially problematic in the early days when this was considered a scarce public resource. Receiving a license

to broadcast entailed obligations to provide a genuine public service (Christians et. al., 2009). Some state control was necessary to manage broadcasting, but the level did not extend to control of content. However one chooses to approach this, the question is not whether the state wields power over broadcasting but rather how much and of which types. In mature democracies the state exercises power over licensing, in crafting policy and regulations, and typically in appointing executive managers (for stations/companies and regulatory institution), but not over content. Editorial independence is considered an essential prerogative, with notable exceptions regarding 'indecent' content such as violence and nudity or illegal content such as racism and hate speech. In Morocco, the locus of power over broadcasting includes licensing and policy formulation, but also reaches into editorial decisions. The state hasn't yet relinquished power to media institutions to do their job of informing and educating the citizenry without interference.

After a description of methodology, we begin with the proposition that observable configurations of power over broadcasting in Morocco are mainly tied to a repressive media culture and heritage that can be fairly described as a competitive authoritarian regime. Argumentation is grounded on analysis of history and the political economy of broadcasting in Morocco. Analysis of media policy and the structure of HACA will demonstrate how state power works and why efforts to democratize are more reflective of competitive authoritarianism than a genuine drive toward increasing democratization. The chapter provides an account of why PSB is an uneven playing field with the state having the upper hand. Although our case is Morocco, the substance and focus are certainly evident in various shapes and diverse hues in many countries struggling with crossing boundaries imposed by the legacy of state broadcasting.

Methods

The study adopts a multi method approach that combines document analysis and qualitative in-depth interviews with HACA's Monitoring Department personnel. This department is responsible for monitoring the contents of radio and TV stations to ensure they are in compliance with audiovisual law and regulations, and with provisions in their licensing obligations documents (LODs), which typically include public service mandates. The interviews were semi-structured, meaning there was a list of questions covering specific topics but with leeway to change the order of the questions and to adjust the level and type of language in order to pursue pertinent information that would otherwise be neglected (Berg 2005). The interviews were conducted in French and/or *darija* depending on the preferred or spoken language of the interviewees.

The sample was purposive (Patton 2002). Interviewees were selected on the basis of personal expertise and their willingness to discuss.[4] Interviews lasted about one hour each and were conducted between October and December 2013. In total, fourteen personnel were interviewed. Four are managers in various services and ten are

mid-level employees. Interviewees were promised confidentiality to ensure being comfortable discussing HACA's content monitoring. Anonymity was required due to fear about losing jobs.

Although semi-structured interviews can't generate generalisable results, the quality of the information was very high given the expertise of respondents in the subject matter and their proximity to decision making about media content within HACA. This renders the findings of very general importance. At issue was how the HACA interferes with content. That is the essential boundary between state control and public service.

The political environment and media landscape before 1997

Morocco was a protectorate of France from 1912 to 1956 and inherited a media system built by the French as instruments of colonial rule. The French handed this over to the newly independent government in the late 1950s instead of private owners, conditioned by their experiences at home with government-owned broadcasting (Rugh 2004). Like many countries in the early post-colonial era, Morocco perceived the role of media as a nation-building project (Mowlana 1985). This is not unique to Morocco. In fact, nation building was one objective for PSB in Western Europe (Jauert & Lowe 2005). A key difference is these newly independent countries considered normative principles such as 'social responsibility' and 'public service' of secondary importance. During the Cold War the post-colonial countries were a battleground over competing ideologies vying for political power and public support. It was generally believed that ensuring political stability and public order required state control over the flow of information. Western countries were more concerned about East/West alliances than requiring these countries to meet their commitments to protect human rights (Thussu 2004).

Morocco's state controlled media system was mandated with a role in modernising the economy and serving as an instrument for education and social change (Ibahrine 2007). It was agreed that privately owned media would be motivated to seek profits and this would deprive the populations of content that fulfil educational and informational values (Rugh 2004). For instance, in the 1960's King Hassan II (1961-1999) mobilised radio and television for political awareness and education, including preparations for the country's first general elections and a constitutional referendum in 1962. The regime distributed free TV sets in public cafés to expose the public to information about the constitution and mobilize them to vote (Ibahrine 2007). But the political environment at large was characterised by human rights violations, corruption and a discredited political system.

It is important to discuss the appointment of Driss Basri, a former chief of police, who in 1979 was nominated by King Hassan II to head both the Ministry of Interior and the Ministry of Information. The same man was in charge of the media and state security forces, a contradiction that only an authoritarian regime could rationalise. It

was difficult to determine whether television cameras were used for journalistic purposes or policing purposes. For thirty years, the line was blurred between providing information to audiences and providing information to police services. The period from 1962 to 1999 was purely authoritarian. Media professionals worked in fear. At the time of Driss Basri, state media journalists, management, and staff considered themselves salaried employees of the Ministry of Interior. When King Mohammed VI succeeded his father in July 1999, he immediately removed Basri from his functions – a symbolic move and sign of hope for a more democratic and free Morocco.

Until the mid-1990s, however, the culture of media in Morocco was authoritarian, administrative and partisan. The state controlled financing, regulation, production, and distribution of broadcast media, which was considered the most powerful media. In contrast, print media featured a dozen publications by Moroccan nationalists. The press was initially a tool in the struggle for liberation and independence from France, and later (in the French tradition) served as mouthpieces of political parties. Opposition leaders used print media as essential weapons for expressing dissent and for political agitation because they had no alternative for articulating their challenges against the regime. In a country with low literacy rates, this was not seen as a great threat to the regime. The interdependent relationship between the regime and mass media took a radically different turn when the opposition socialist government was elected in 1997.

Competitive authoritarianism and the media landscape post 1997

The new government's mission was enacting political reforms aimed at promoting human rights, civil liberties, an open, pluralist media, and establish the rule of law. One of the first major pro-human rights measures under Mohamed VI was the 2003 creation by Royal Decree of the Forum for Equity and Reconciliation [FER], which investigated human rights violations from the past to establish the truth. The Commission organised public forums in 2004 in which victims voiced their pain and suffering under the old regime. These forums were broadcast live on TV; a very important moment in Moroccan television history. The Commission sought to facilitate the reconciliation of Moroccans with their recent past. Another major initiative was the Family Status Law, or *Moudawana*, decreed in 2003 to protect the rights of women. A Freedom House's study praised this initiative and noted the improved status of women and respect for their rights. To safeguard and promote Amazigh language and culture, Mohammed VI created the Royal Institute of Amazigh Culture (*L'Institut Royal de la Culture Amazighe*, IRCAM). The Amazighen constitute a large ethnic group, but their culture was undermined for decades. For political reasons, Hassan II's regime identified with Arabism.

These were positive reforms that earned the new king political capital and furthered his legitimacy. But why weren't the media reforms as genuine and profound? The concept of competitive authoritarianism is very useful for answering the question.

As discussed, competitive authoritarian regimes are characterised by the presence of some democratic institutions and some democratic practices, but these regimes violate principles of democratic rule and end up falling short of the goal (Levitsky & Way 2002). But unlike hegemonic authoritarianism where no meaningful contestation of power in permitted, even weak democratic institutions create opportunities for opposition forces to gain some ground (Howard & Roessler 2006).

Four arenas of political contestation are characteristic of competitive authoritarianism: (1) the electoral; (2) the legislative; (3) the judiciary and (4) the media (Levitsky & Way 2002: 54). Elections are flawed but represent real opportunities for opposition political parties to make gains and put pressure on autocratic authorities. The legislative and judiciary are important sites of political contestation, but usually firmly under the regime's control. The media, then, represents a crucial site of contestation. In competitive authoritarian regimes private and public media systems co-exist; in practice, a dual system. Political parties and opposition groups have access to varied channels and platforms, especially access to the digital media. However, authoritarian regimes work to limit the exposure of citizens to alternative information and views by placing "restrictions on means of communication, media content and media consumption" (Schedler 2009). An array of choices are available for achieving the strategic aim of containing the flow of information, ranging from repressive laws to restrictive broadcasting regulations, to blocking and filtering of internet content or imprisoning journalists, etc.

While the FER, the *Moudawana* and the recognition of Amazigh culture are positive developments, they do not constitute serious opportunities for challenging the status quo in Morocco. The media, however, offers opportunities for opposition forces to participate in content production and dissemination. The Audiovisual Communication Law established the legal framework for private ownership. That opens opportunities for opposition forces to have their own TV or radio stations and thereby access and activate the public sphere. But the state has established a PSB system it can control through regulatory structures. This allows it to tilt the playing field in its favor. Let us examine some of the most important mechanisms in Morocco.

The Constitution

The constitutional history of Morocco originated in a struggle between the monarchy and opposition political parties in the aftermath of the Independence. A series of constitutions drafted in 1962, 1970, 1972, 1992, 1996 and 2011 have preserved and strengthened Morocco's Monarchy. Therefore, many legal analysts refer to these dates as only constitutional *revisions*.

There was hope that the 2011 Constitution would be different. Two weeks after the first demonstrations during the so called Arab Spring, on 20 February 2011[5] King Mohamed VI responded by announcing new constitutional reforms in which he promised to devolve limited aspects of his wide-ranging powers to an elected head of

government and parliament. This was undoubtedly the result of fears that the King could experience the same fate as the former Presidents of Tunisia and Egypt (Ben Ali & Moubarak), both of whom were overthrown as a consequence of revolution.

Included in this 2011 reform package were provisions to grant greater independence to the judiciary and an expansion of civil liberties. On July 1 the King's proposals were approved by 98.5 percent of voters in a referendum. Voter turnout was 84 percent. The promises made in the March 9 speech were not delivered on 17 June, however, when the contents of the new constitution were made public. The king remained "at the center of political and constitutional life" (Madani et. al 2012: 4). In contradiction to the March 9 speech where the King insisted on the notion of accountability, under the new constitution he maintains executive powers without accountability to the public (Ibid: 50).

Although the 2011 constitution strengthened the judiciary as a separate branch of government, it is far from independent in Morocco. The King chairs the High Council of Judicial Power and appoints its members. As such, the courts often fail to produce fair and balanced rulings, frequently basing their decisions on recommendations from security forces (ibid). An independent judiciary is vital for a democracy and to freedom for media to act in the public interest. Moroccans need to have confidence in the impartiality and independence of the courts.

The Press Code

The Press Code regulates print media in Morocco. It is called a "code" but is in fact a law. It includes provisions for imprisoning journalists. Although meant primarily for print media, the Press Code applies to broadcasting and the internet as well because Article 38 stipulates its application to all forms of communication and media. The first Press Code was instituted in 1959 on the French legal framework inherited from the Protectorate era between 1912 and 1956. King Hassan II (1961-1999) strengthened an already repressive law by instituting the Press Codes of 1963 and 1973. In the interests of guaranteeing public order and insuring national security, newspapers can be fined, suspended, or banned, and the freedom of journalists can be threatened.

Since Mohammed VI's accession to the throne, given the wave of reforms, there was hope that radical reforms of the press laws would follow. Such aspirations have not been fully realised. The 2002 Press Code maintains prison sentences for journalists and gives the power to the government to shut down any publication deemed "prejudicial to Islam, the monarchy, territorial integrity, or public order." Article 41 stipulates that anyone who offends these institutions can be imprisoned from three to five years and pay a fine of MAD 10,000 to 100,000 (roughly US$ 800 to 8,000). The publication can be suspended for up to three months, or permanently banned. Besides its oppressive nature, language in the Press Code is vague and allows a wide margin of interpretation for judges. Words and phrases such as "prejudice," "offense," and "public order" can be variously interpreted.

The law also holds printers and distributors legally liable for the content and they can refuse to print or distribute based on their assessment. These authoritarian laws reinforce the practice of prior censorship and convert distributors and printers into editors in chief. These provisions also apply to online communication. The Anti-Terrorism Law, passed in 2003 after the May 16 terrorist attacks in Casablanca,[6] gave the government sweeping legal powers to control online content that is deemed to "disrupt public order by intimidation, force, violence, fear or terror."[7] Ostensibly intended to combat terrorism, the authorities have wide latitude in defining vague terms such as "national security" and "public order", opening the door for abuse. According to this law, legal liability rests with the author, the site, and ISPs. Therefore, ISPs are obligated to screen, filter, and block content that infringes. They bear joint liability with the particular internet site, which must also filter and screen posted content. One of the most important implications of this law is that website owners and ISPs effectively become state censors, deleting material deemed inappropriate under the pretext of legal liability. These authoritarian laws reinforce the practice of prior restraint.

High Authority for Audiovisual Communication (HACA)

HACA was established on August 31, 2002 as an administrative body in charge of regulating the audio-visual communication sector in Morocco. A close look at this organization creates doubt about its self-proclaimed independence from government. HACA consists of the Higher Council of the Audio-Visual Communication. It is a nine-member council, five of whom are appointed by the King – including the President. The Prime Minister appoints two members and the last two are named by the respective presidents of the two Chambers of the Parliament.

HACA's legal authority lies in its presumed independence. But the appointment process for the Higher Council and the criteria for nomination of members for Audio-Visual Communication are flawed. This is the highest authority within HACA and the organ that makes final decisions on licensing and every legal action. Given the appointment process, it is clear that the state holds all the power within HACA's highest decision-making apparatus.

The Audiovisual Communication Law

Two years after the creation of HACA, the Moroccan parliament adopted the Audiovisual Communication Law in November 2004, putting an end to the state's monopoly in broadcasting management. The Law regulates radio and television in Morocco. Similar to policies around the world, broadcasting is accountable to the public and must promote democratic ideals, enhance national audio-visual communication production, and preserve the national cultural heritage. The most positive development introduced by this law is the establishment of a legal framework for private ownership. Before this law broadcasting in Morocco functioned in a legal void. Radio and TV

stations can only be started via a Royal Decree, which meant convincing the King himself to approve such request.

The Law has the same restrictions of freedom of expression that the Press Code carries. Article 9 states that TV and radio programs must not question Morocco's dogma, Islam, the monarchy, and Western Sahara. The law does not stipulate prison sentences for infractions, but that is not needed since the Press Code contains those provisions. Regarding ownership, Article 21 stipulates that any broadcasting company or shareholder can own shares in another broadcasting company up to a maximum of 30% of the shares. This is intended to prevent any individual or company from controlling more than one media outlet. Only the state can do that.

This law is a site of conflicted orientations. Although the law opens the door for more pluralism and diversity in media, it empowers a state regulatory institution to make decisions on content and allows editorial interference in broadcasting. As a competitive authoritarian regime, the government utilises democratic institutions to reform its media system while entrenching these institutions within authoritarian laws. The result maintains the status quo while giving the impression that democratisation is advancing.

Broadcasting: An uneven field of political contestation

The legal and regulatory framework for broadcasting in Morocco was created to encourage investment in the private sector and thereby encourage independent broadcasters to emerge. However, current regulatory practices fail to encourage pluralism in media ownership. In the first and second wave of licensing in 2006 and 2009, HACA granted licenses *only* to state-owned TV stations and to a mix of state and private radio stations (18 of the latter). Ownership reflects closeness to the regime power structure (Majdi & Zaid 2008). The list includes owners of pro-government print media organizations, members of conservative (pro-monarchy) political party, and former employees of the state owned TV and radio stations. In the second wave of licensing in 2009, HACA declined five private TV license applications on the grounds of a "deteriorating situation in the advertising market," and the need to "maintain the stability and viability of existing public and private operators." HACA exclusively justified these decisions on a financial basis.

Three interviewees, all managers in the Monitoring Department, believe the "deteriorating" advertising market actually had nothing to do with these decisions. Ensuring the financial success of a TV or radio station is no prerogative of HACA. Two of the five bids for TV licenses were from powerful people and HACA could not relinquish two at once. One came from Fouad Ali El Himma (an advisor to the King) and the other from Othman Benjelloun (the second wealthiest man in Morocco). Giving two TV licenses could be risky for the state, one interviewee argued, by setting a precedent that would open the door for others to receive licenses. This would undermine state control over television. For another interviewee, if the new TV station was success-

ful, it would compete for audiences and advertising revenue, undermining the two state-administered TV stations: Al Oula and 2M.

Despite some progress with radio licensing that led to an increase in pluralism and diversity, the second wave of license allocation shows the limitations. The legal and regulatory framework is subject to government interference and does not fully enhance pluralism in broadcast media. Government believes radio and television are too important to be left to private persons.

Content and editorial independence

A healthy democracy depends on the quality of news and on the existence of a culture of dissent and debate. PSB is mandated to provide citizens with access to information and to be a platform for discussing ideas and facilitating the formation of public opinion. Using broadcasting as an integrated component in the mechanisms for repression and control seem to accomplish the opposite. The news output of the two PSB stations in Morocco did not change with the liberalisation of the audiovisual sector. When private radio stations attempt to provide a venue for open political discussions, HACA interferes with their editorial independence to squash such initiatives.

For many of the interviewees, the "holiness" of Royal activities and the amount of air time they occupy in the public service channels is a clear violation of their mandates. "We are incapable of flagging such things, we risk losing our jobs," said one who has worked at HACA since its creation in 2002. Another cited a good example from Al Oula's news coverage. On the morning of Saturday 26 April 2008, a fire broke out in a mattress factory in Issassfa, a suburban of Casablanca, killing 55 workers and injuring a dozen more. Al Oula reported the story in the main prime-time evening news at 20:00, but only after reporting extensively on Royal activities first. The fire story was not even a headline. The King presided over a signature agreement ceremony, had a meeting with his aunt, Princess Lalla Amina, to congratulate her on becoming a member of the Advisory Board for the International Special Olympics committee, and met with local authorities of the city of Meknes to discuss rehabilitation programs. The final story was about the King expressing his condolences to the families of the fire victims and instructing the authorities to investigate the causes of this tragedy. These stories took 24 minutes. The 10-minute coverage of the fire consisted of a description of what happened, using testimonies from witnesses, fire fighters, and survivors. Most of the coverage addressed the causes of the tragedy and the heroic role of the fire fighters. The coverage also included the visit of the Minister of Interior to the scene.

The interviewee said that the private press and the political party press severely criticized this coverage of a national tragedy. There was enough reason for HACA to interfere. The print media expressed the humiliation of average Moroccans, HACA employees included, when they saw their public television channel give priority to protocol activities over a human tragedy of such magnitude. HACA did not respond to any criticism.

All the interviewees confirmed as fact that news programmes in 2M and Al Oula do not adhere to the public service mandate embedded in the Audiovisual Law and in the channels' LODs. They uniformly expressed an inability to shake up the holiness of the royal news stories. They also agreed that HACA's top management understands the political and financial cost for such action on HACA itself and on their own careers; that is why they abstain from interfering with coverage of Royal activities. More recently, on 30 January 2015, on the occasion of the 16th anniversary of King Hassan II's death, the prime time news bulletin of Al-Oula dedicated a total of 47 minutes to this event. National and international events, sports and the weather forecast lasted 19 minutes.

HACA displays more potency when monitoring political discussions on private radio stations. In May 2010, the Monitoring Department flagged a statement made during an interview with a film producer in a talk show on Radio Mars, a non-political sports and music station. When asked about his dream job, the film producer said he would like to be the first Moroccan president if Morocco were ever to be a republic. HACA immediately ordered the station off the air for 48 hours (from Thursday 3 June to Saturday 5 June), levied a fine of 57,000 MAD (US$ 6500), and demanded the station make a public apology. The sanctions were excessive, not proportional. To order a commercial radio station off the air for 48 hours can have serious economic consequences for the station. It is difficult to interpret Article 9 of the Audiovisual Law, to know when broadcast contents cause "harm or damage or defame" the Monarchy, territorial integrity and Islam. It is hard to determine if the punished statement does any harm or is in any sense defamatory.

The interviewee who flagged the statement did not expect this reaction from his superiors. This is an entertainment radio station and "the interview was casual, there was nothing political about it." He was required to flag any statement made on radio or television that questions the Monarchy *in any way*. A phrase associating the identity of Morocco with a republic is considered extremely dangerous, the interviewee said.

The competitive authoritarian trap

McQuail (1994) points out that the media are both a product and a reflection of the history of their host society. The evidence on PSB in Morocco indicates no real political will to liberalise or democratise the country. Morocco survived the turbulence of the Arab Spring by orchestrating a series of reforms in the spirit of competitive authoritarianism; a few concessions were made while allowing the monarchy to retain autocratic powers. The 2011 Constitution made several reforms, but in no way diminished the King's powers.

This study tells the story of an attempt to transform broadcasting from a state-controlled institution into a public service entity that has been stifled by a competitive authoritarian regime. Morocco failed to liberalise broadcasting sector and continues the history of state broadcasting as an instrument of propaganda and political control.

The historic and political boundaries remain firmly entrenched. The legal framework and institutional structure provide the conditions for public service to materialise, but do not guarantee its performance. The characteristic non-democratic culture of the country is the main deterrent of public service in performance. From a political economy perspective, any study of PSB in non-democratic countries must examine the nature of the political regime to understand the locus of power and how much the state wields in its management of broadcasting.

The Moroccan system can be promising in the sense that the state laid out a structure that, if truly democratised, has the potential to be an adequate structure for ensuring an effective public service broadcasting system. But as a competitive authoritarian regime, the state instead utilises democratic institutions to reform its media system while entrenching these institutions via authoritarian laws. The status quo is maintained while giving the impression that a democratisation process is underway. Unless there is political will at the highest levels of the political pyramid, a genuine public service system is impossible. The result can only be a pseudo system bouncing back and forth from milder to stronger forms of authoritarian control.

Notes

1. Launched on March 3 1962, Al Oula (formerly known as RTM) was the only television station available for Moroccans until 1989 when 2M was launched. It was State-owned and controlled.
2. 2M started off in March of 1989 as a private TV station, and due to financial hardships, the state bought 72% of its shares in January 1996. Today is State-owned.
3. Created in 2005, Medi 1 TV is owned by the State. Its radio affiliate was launched in 1981as part of a Moroccan-French partnership comprising associates from banks and major enterprises of the two countries.
4. I had the opportunity to conduct two intensive training sessions over two weekends in October and December 2013 for the monitoring department personnel on content analysis. I had 20 trainees and I managed to get to know them and what they do. The data collected as from the 14 interviews I conducted.
5. February 20 Movement held rallies and marches throughout the country to demand democratic reforms, a parliamentary monarchy, social justice, the end of absolutism, and the abolition of corruption. They also held posters with slogans that targeted the rampant corruption in Moroccan public institutions, and particularly public broadcasting.
6. On 16 May 2003, Morocco was subject to the deadliest terrorist attacks in the country's history. Five explosions occurred within thirty minutes of each other, killing 43 people and injuring more than 100 in suicide bomb attacks in Morocco's largest city, Casablanca. Morocco has been a staunch ally of the U.S. The 14 suicide bombers all originated from a poor suburban neighborhood in the outskirts of Casablanca.
7. Open Net Initiative, "Internet Filtering in Morocco. 2009," available online at, http://opennet.net/sites/opennet.net/files/ONI_Morocco_2009.pdf (accessed 20 February 2013).

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Section III.
Crossing Institutional & Operational Boundaries

Public Service Media and the Commons

Crossing Conceptual and Institutional Boundaries

Corinne Schweizer

Abstract

This chapter argues the value of the commons concept as a narrative for legitimating public service media in the digital age. The author outlines different institutional and conceptual boundaries that need to be crossed to realise this ideal in practice. After a short introduction of the concept as such, the chapter offers critical discussion of the approaches that have connected the commons notion to PSM. The essential contribution is a proposed framework consisting of five ways to look at PSM from a commons perspective. Each underscores vital challenges. The boundaries of particular importance are philosophical, structural and legal, as well as boundaries related to audience participation and the measurement of outcomes. The commons concept invites consideration of PSM as a civic alternative in an increasingly commercialised information environment. The framework provides a systematic means for improved understandings of key challenges today.

Keywords: public service media, commons, institutional boundaries, conceptual boundaries, PSM framework, legitimacy, civic alternative

Introduction

This chapter argues the value of the commons concept as a powerful narrative for legitimating PSM. I privilege a civic perspective that describes PSM as an alternative in an increasingly commercialised information environment, a role that can strengthen PSM's position (Trappel 2010). One problem in accomplishing this is especially important – institutional practices that contradict the notion. Based on research about the commons, specifically approaches that address PSM as such, this chapter identifies institutional boundaries that hinder the organisation from being a 'commons'. These boundaries must be overcome for the concept to be useful in legitimating PSM.

I first explain the commons concept and discuss how PSM can be linked with it, and then provide an overview of research literature about this connection. There is lack of agreement about how to describe and analyse PSM from a commons perspective, which indicates boundaries that won't be easily overcome by these organisations. I suggest five dimensions for examining PSM from a commons perspective that help

clarify the boundaries that must be crossed for a successful result. Before proceeding it is important to contextualise the discussion. The contextual feature of greatest importance for our analysis hinges on the transformation from PSB to PSM, which Lowe and Bardoel (2007) highlighted as a "core challenge".

Public service broadcasters went online in the 1990s (Moe 2008a). By consolidating their online platforms since that time (Brevini 2013) they are no longer exclusively radio and television broadcasters and are usually denominated as public service media [PSM] organisations. This transition raises three issues of fundamental importance: 1) What should public enterprises be allowed to do online (Donders & Moe 2011; Latzer et al. 2010; Trappel 2010), and 2) should all of these activities be collectively financed (Picard 2006)? Further, 3) PSM is challenged to achieve more openness and greater opportunities for public participation (Lowe 2010).

Although legal frameworks in most countries approve PSM activities online, defining this as part of their role and scope in domestic remits, and condoning public funding to pay for these services (Brevini 2013), has spurred debate about the legitimacy of PSM. The debate over PSM legitimacy is much the same as nearly ten years ago (Bardoel 2008: 3954; Thomass 2007: 85). Following Suchman (1995: 574), legitimacy can be understood as a general perception that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, and beliefs. This suggests there is some lack of generalizability in perceptions about the transition to PSM. This perception is subjective and evolves continually and collectively to produce shared beliefs (ibid.). The on-going debate indicates there is not yet a shared belief among policy-makes, researchers and within civil societies about PSM's online activities, and thus its legitimacy is contested.

The commons concept

There are contrary perspectives on the need for PSM in the 'digital age' or era (Donders 2012: 25ff). One view is based on economic argumentation (largely a market failure perspective) that recommends either abolishing PSB all together because today's media environment is characterised by abundance rather than scarcity (see especially Elstein et al 2004 & Peacock 2004) or marginalising PSB by restricting its services to areas that are not profitable for commercial firms (e.g. Armstrong & Weeds 2007). The alternative perspective takes a cultural standpoint (a social democratic perspective) and supports PSB's online engagement (Donders & Pauwels 2010; Collins 2002), and thus advances the concept and practice of public service media (Moe 2008b; Bardoel & Lowe 2007; Steemers 2003). The concept of PSM as a 'commons' is rooted in this perspective (Donders 2012) and has been articulated by Graham Murdock (2005) and others (discussed below).

This commons concept is not often heard in public discourse about PSM, however, which indicates a conceptual boundary that has not been crossed. As argued here, it

should be. There are two ways to explain the presumed reluctance to interpret PSM as a commons. One obstacle is rooted in the term's historic association with the shared use of a natural resource. This goes back to collective arrangements for land use among medieval farmers. Researchers have applied this concept in analysis of other 'public' resources, especially including information, culture, and knowledge. This grounds analysis of a commons as something that has been "constructed" (Shaffer van Houweling 2007). This perspective is highly pertinent to debate about PSM because online distribution doesn't use a public resource, in contrast with broadcasting which relies on the use of electromagnetic spectrum. Thus, the historic argument that defended PSB on the basis of spectrum scarcity no longer easily applies, and this lack undercuts that premise for the commons argument.

A second obstacle hinges on uncertainty about how to interpret the concept or theory. While a neoclassical economic perspective suggests specific characteristics of a public good (e.g. Berg et al 2014), other social scientists and most lawyers equate the commons with goods in the public domain. This makes sense in application to PSM, but the uncertainty is problematic. In this chapter we follow the definition offered by Hess (2008: 37), who defined the commons as "a resource shared by a group where the resource is vulnerable to enclosure, overuse and social dilemmas". This accommodates the first obstacle by acknowledging resource vulnerability, and escapes the second by offering a clear interpretation of the concept.

The commons concept merits examination because it offers a "new language", and therefore alternatives for thinking about the issues involved (Bollier 2007: 28 & 31). According to Hess (2008: 39), characteristic features of the commons include co-operation, collaboration, sustainability, equity and interdependence, a perception of imminent enclosure, and the belief that appropriate rules are important to govern the use of such resources. This provides a reasonable basis for expanding the concept from its historic basis in "natural environmentalism" as a philosophical framework for "digital environmentalism" (Shaffer van Houweling 2007). As we shall see, understood in this light the commons ideal has strong potential as a basis for legitimating PSM.

The broad scientific exploration of the commons concept started in the mid-1980s. Various smaller-scale natural resources (forests, land, fisheries, water) were analysed by different disciplines or as interdisciplinary projects (Hess & Ostrom 2007: 6). Nobel Prize winner Elinor Ostrom (2008 [1990]) conducted institutional analyses that showed how groups are able to organise and collectively manage and sustain a shared resource. Her work is considered a direct answer to Garrett Hardin's (1968) controversial essay on the "tragedy of the commons", an argument supporting limits on human 'breeding rights' based in Thomas Malthus' idea that resources are finite but populations are not. In case studies Ostrom and her colleagues disproved Hardin's argument by demonstrating that rational human beings can collectively organise the commons to the benefit of all.

This concept was adapted to larger-scale environmental issues including the oceans, biodiversity, the atmosphere and use of the electromagnetic spectrum (Vogler 2000).

Such resources extend beyond a particular state's territorial boundaries and therefore must belong to everyone or to no one (Milun 2011: 5-6). Collective decision-making is therefore vital. Hess (2008: 32) sees these as aspects of a "global commons", the oldest and most established of what she calls "new commons". Based on a review of the literature, she offers a systematic overview of the various "new commons" (2008: 14-33) and, importantly, emphasises overlaps.

- **Infrastructure commons** are physical resource systems made by humans for public consumption, including transportation, communication, governance and public services. Here the need is for common access.
- The focus of **neighbourhood commons** is locations where people live in close proximity and come together to strengthen, manage, preserve, or protect a local resource. The threat is enclosure of public spaces.
- The vast literature on **knowledge commons** more precisely addresses the need for access to information, often in connection with democracy. The research is highly dispersed, from dealing with libraries to intellectual property rights, science, education, learning and peer production.
- Research on **culture commons** is concerned about a shared cultural heritage being endangered by privatisation and commodification – again, leading to restricted enclosure. This literature also deals with threats to local and indigenous people posed by a majority population.
- **Market commons** connect the notion of markets with sharing through the gift economy or peer production. This research also discusses what resources should not be commodified.
- **Health and medical care commons** matches the idea of public goods and private interests to address the general needs of a population for health welfare.

PSM has characteristics of four of these "new commons" proposed by Hess. PSM depends on a communication *infrastructure* for distribution. Spectrum frequencies, orbital positions for satellites, and internet protocols all require collective decision-making about usage. Furthermore, they comprise the communications infrastructure that enables public discourse and deliberation, for which access is of paramount importance. PSM organises mediated discourse primarily on the national level, which positions them as intermediaries between commons at the local (*neighbourhood*) and global levels. They also contribute to the public sphere that connects the global information society. PSM are a means for storing, preserving and (re)producing shared *culture and knowledge*.

Since 1995 scholars have seen a connection between digitally distributed information or knowledge and the commons (Hess & Ostrom 2007: 4). Social movements have used the commons paradigm to articulate rights-based claims that drive the notion's growing importance (Hess/Ostrom 2007b: 5 & 12). Stalder (2011: 29ff) notes three. The

"Free-Software-Movement", founded by programmer Richard Stallman, which resists the commodification of software. Activists want computer software to be open for everyone to use, to share and to further develop as a result. The "Free Culture Movement" believes all members of a society should be able to participate in cultural production and take part in public life and discourse. The "Access-to-Knowledge-Movement" is concerned about an international public's access to knowledge-intensive goods such as academic publications and licensed medicine.

The volume and variety of contents PSM enterprises deliver account for an impressive portion of culture and knowledge resources. The fundamental principle of universality means that PSM supports open access. A critical perspective would argue that PSM does not comply fully enough, however, because a truly shared culture would accommodate everyone as a producer and contributor, not only provide access to what professionals have made. As content distributed by PSB was accomplished in a top-down manner, a significant change is necessary for PSM to become a mature commons. Thus, there are inconsistencies that make attempts to connect PSM and the commons problematic.

Literature connecting PSM and the Commons

Although the commons perspective is not as well known in research about PSM as the public value concept, it has been used for description and analysis. Karen Donders (2012) mentions Murdock's work (2005) as an often noted example of this perspective in application to PSM. There have been other attempts, mostly from British researchers discussing the future of the BBC. Here I shortly describe and compare these efforts, focusing on their description of PSM as a commons. I then offer a critical summary and highlight some important inconsistencies.

Murdock argued that PSM delivers cultural resources needed for everyday life. He listed five: information, knowledge, deliberation, representation and participation (Murdock 2005: 216-217). In his view, PSM must include the internet to fulfil their core mission because this creates additional possibilities for accessing cultural resources. He concluded that the BBC had taken steps in the right direction by offering message boards, links to further information, and the "Video nations project", and by planning an electronic archive (Murdock 2005: 226-227). Steemers (2004: 10) mentioned Murdock's approach in a short article on British policy papers published in the run-up to charter renewal in 2006 to support the idea of a Creative Archive for BBC content as pertinent to the commons concept in practice.

Murdock doesn't see the public enterprise, and the content it produces, in isolation. He describes PSM as part of a national network of institutions providing cultural resources and thereby contributing to the cultural commons. This network includes other civil society organisations and public institutions such as libraries, museums and schools, as well as social groups and movements. All are linked by a "shared refusal of

commercial enclosure and [… a] commitment to free and universal access, reciprocity, and collaborative activity" (Murdock 2005: 227). In his view PSM should be the host or "central node" in this network (Murdock 2001: 457).

Uuni From (2005) connected public broadcasting as such with a cultural commons. In contrast to Murdock, she did not discuss the content of other institutions but focused on domestically produced TV drama to highlight PSB's societal functions. On the basis of two illustrative cases (*Taxa* and *Better Times*, both produced by Danmarks Radio and also transmitted in Sweden), she discussed how such content can offer viewers a "shared frame of reference" (p.163) about important values. She argued that PSM is able to construct a framework narrative about the country, even though drama productions are forced to accommodate international trends and are increasingly standardised in approaches and structure.

Another attempt to connect PSM to the commons was undertaken by Jay Blumler and Stephen Coleman (2001), and further elaborated by Coleman (2002). These British researchers envisioned an interactive communication platform via the internet providing universal access for diverse news content, considered essential to enable a national conversation about "who we are, how we live, and what we want from the future" (Coleman 2002: 89). They called this platform a "civic commons" and described it as a space "designed to enable and organise consultation and deliberation between citizens and political institutions over issues of public policy" (Coleman 2002: 97). Its main tasks would be to promote, publicise, regulate, moderate, summarise, and evaluate content from all media (Coleman 2002: 98).

Whereas the focus of Murdock and From was on the intangible cultural commons that PSM (and other institutions) provide, Coleman's approach draws attention to organisational elements. The civic commons needs to be constitutionally connected, he argued (2002: 98). It should be managed by an independent agency, funded by government, and accountable to the public. Although convinced this role is tailored to PSM, he underlined the need for organisational transformation to facilitate the realisation of the civic commons in practice (Coleman 2002: 10-14). Instead of a national institution that transmits content in top-down fashion, creating distance between viewers and politics, he argued that PSM should be interactive to offer a democratic space for deliberation.

Various obstacles hinder PSM from becoming a commons as understood in this light. Phil Ramsey (2013: 870) investigated whether media regulation leaves room for the BBC to become a civic commons online. Based on analysis of parameters specified in the Online Services License (2012) of the BBC Trust, he concluded the license offers such opportunities but pressure from commercial rivals is especially problematic for its realisation (Ramsey 2013: 870, 874-875). Karl Knapskog (2010: 56) addressed obstacles when discussing the development of digital archives: "[…] although access to audio-visual archives may well be said to constitute a legitimate cultural right for citizens […], the idea […] is bound to stand in opposition to the interests of rights holders, revenue for the creators, and commercial exploitation of archive resources."

Alfred Hermida (2010) concluded that the paternalistic, top down heritage PSB ethos was an obstacle for civil society participation in the BBC's Action Network.

This review illustrates the lack both of an agreed description and way to analyse PSM from the commons perspective. The concept has been used to address different issues regarding the organisation, content, activities, and affects of PSM. Most often, such work has highlighted the M in PSM to emphasise new possibilities to be interactive and more engaged via the internet, although all agree that PSB contributed to the commons long before digitalisation and new media. When comparing these approaches with other literature about the commons concept, one finds boundaries that hinder PSM from becoming a commons in the fullest sense. There are inconsistencies and open questions that need to be addressed.

To begin, approaches that link PSM to the commons do not offer a consistent picture of institutional or geographic boundaries. As suggested, there are two ways to describe PSM from a commons perspective: 1) as an institution (alongside others) that contributes to and offers access to an intangible culture or knowledge commons, or 2) as a specific infrastructure that creates a shared space for public deliberation. The first perspective implies that the resources PSM delivers are shared across institutional and geographic borders. The second perspective implies that PSM should be a platform for a community, nominally within national borders, and therefore needs to collapse the boundaries between source and receivers.

While both approaches have appeal, some authors think it dangerous to set the boundaries of institutional or geographic borders so broadly. Moe (2011: 65) criticised the idea of connecting PSM with various other institutions because it might "lessen the concept's applicability in specific policymaking related to public service". Uzelman (2011: 294) warned that when the concept is used to describe institutions on the national or global level, the number of 'commoners' correspondingly expands. While Moe's warning highlights the need to define institutional characteristics for PSM to qualify as a commons, Uzelman's highlights the difficulty of including large groups (like a national audience) in decision-making processes about PSM. Furthermore, inconsistencies about PSM's boundaries indicate mounting difficulties in being national organisations in an increasingly global 'information society'.

There are also inconsistencies with authors who say that a "communication commons" should be separate from the state, and should not rely on commercial funding (e.g. Kidd 2003: 59). Concerning state influence, there is broad agreement that editorial freedom is a pre-requisite for PSM to achieve a genuinely public service, but it is difficult to imagine crafting any remit or ensuring a sustainable collective funding system without government involvement. PSM are typically non-profit organisations and for some commercial funding is forbidden by law. But there are many that have a commercial stream – if often organised as a semi-autonomous subsidiary like BBC Worldwide. So far unresolved, these inconsistencies highlight the importance of public control mechanisms and transparent decision-making processes in and for PSM.

A last inconsistency hinders achieving maximum openness for the commons, both in access to content and public participation. PSM struggles to reach these ideal conditions because rights holders and other actors want to commercially exploit their ownership of audio-visual resources and are therefore opposed to open access for all content and the introduction of creative commons licensing (Knapskog 2010: 56). Moreover, although PSM needs to be more open for participation, it must protect the credibility of news organisations. Thus, a balance between openness and reliable governance structures is needed.

A framework for examining PSM as commons

The thesis of this chapter is that the commons concept can be a powerful narrative for legitimating PSM by representing the enterprise as a societal alternative to corporate commercial media. There are two problems for making that happen, which need to be addressed. First, there is need for an agreed description and analysis of PSM from this perspective. Second, there are boundaries that won't be easily overcome by these organisations. While some might interpret these problems as restrictions on the explanatory power and usefulness of the commons approach for PSM, it can be argued that they are actually advantages because:

- A commons perspective highlights several issues regarding PSM that underline its systemic nature. While researchers normally look at a specific variable, this approach forces one to see the organisation, its content, and its impact on society as interdependent variables.
- The fact that the institutional characteristics of PSM only partly match the commons ideal highlights what is most crucial to address for institutional development. The boundaries are aspects that PSM needs to cross in order to increase legitimacy as civic organisations today.

Thus, we need a framework that systematically treats the issues highlighted by the commons perspective and the boundaries that require closer investigation and focused effort to resolve. I suggest five ways to look at PSM from a commons perspective and specify the boundaries of greatest significance in each. These are treated as layers of possibility. The boundaries are philosophical, structural and legal, and they address challenges for audience participation and the measurement of outcomes (or impact).

The first possibility to construct PSM from a commons perspective is from the angle of its *purpose and position in society*. This layer is about the normative basis of PSM and defines the public resources it should provide – not only those that are provided to facilitate operations. Suggestions for connecting PSM with other institutions that also produce and archive culture and knowledge are pertinent here, as well. In this layer we find a **philosophical boundary** between perceptions that are based either on economic or civic foundations. While PSM is often described in economic terms as

a corrective for market failure, the commons approach would imply a narrative that prioritises PSM as a civic institution – as the central node in a network that continually produces the "cultural commons" (Murdock 2005). When dealing with this first layer, researchers and practitioners address the way PSM is thought of and talked about.

A second possibility is to highlight PSM's *organisational structure*. This layer is about constitutive institutional characteristics of PSM and the roles played by different actors. In the literature, PSM as commons is defined as a collectively funded, non-profit platform, accountable to the public – the commoners – that is organised by the state but editorially independent. PSM is supposed to be an alternative to commercial media due to the perceived importance of its role in ensuring a strong civic foundation and non-profit orientation. There are two **structural boundaries** in this layer. First, PSM could be too close to the state or to commercial interests to accomplish its purposes as a commons. Stable collective funding, under attack in many countries, is necessary for sustainability. Second, all commoners must have the right to participate in constitutive decision-making processes, which implies mechanisms are necessary to accomplish this. So when dealing with this layer, researchers and practitioners must simultaneously address how state and commercial influence can be minimised and how civic influence can be maximised.

A third possibility is to look at PSM with a focus on the *process of content creation* – the 'daily business' of the enterprise. At issue is how the content delivered by PSM is produced, and by whom. With the rise of digital platforms PSM is especially challenged to achieve greater openness and opportunities for public participation in the process of content creation. At the same time, PSM organisations have a mission that requires them to deliver a high standard of quality in content. The balance between professionalism and participation (Van Vuuren 2008), or between transmission and interaction (Coleman 2002), requires significant adjustment. In this layer, we therefore find a **participation boundary**. The "tragedy of the commons" lurks at both ends of the participatory spectrum: While too much openness attracts problematic behaviour and creates complications, a lack of participation misses the potential for the civic commons. Researchers and practitioners dealing with this layer must address possibilities for the audience to contribute in content production and public discourse. They must also find governance solutions for collapsing distinctions between source and receiver, but at the same time prevent antisocial behaviour that can damage credibility.

A fourth possibility for looking at PSM from a commons perspective is to address the question of *access to content*. In analogue times, universal open access was an important goal of PSB – a goal typically achieved. Research describing PSM as a commons aligns with this in focusing on possibilities to provide universal on-demand access to audio-visual content and digital archives. But there are questions about transnational open access in the light of restrictions linked with intellectual property rights. In this layer we therefore find a **legal boundary** that threatens the enclosure of content. Researchers and practitioners addressing this layer must deal with questions

about how to harmonise access to content as a civic right with commercial interests of rights holders, and therefore need to create a revenue model to offer producers a fair and sustainable income.

A fifth possibility to look at PSM from a commons perspective is to talk about what Ostrom calls the *"outcome",* meaning the richness of the commons and its impact on society. In the case of PSM, a desirable outcome would be an institutional design and governance that complies with requirements of the previous four layers. Additionally, the goals specified by Coleman (2002), From (2004) and Murdock (2009) are important here: citizens will be well informed and knowledgeable, they can take part in deliberative processes, and will have a "shared frame of reference" about what is important for their society. In this layer, we therefore find an **assessment boundary** in the need to measure whether PSM is fulfilling a commons "function". Researchers and practitioners dealing with this layer therefore need an integrated measurement instrument to evaluate PSM as a commons. Assessment would need to include both the degrees to which a PSM organisation has fulfilled the requirements of its remit, and outcomes as its service activities have impacted society.

Crossing institutional and conceptual boundaries

This chapter argues for the commons concept as a potentially powerful narrative in efforts to legitimate PSM. I have highlighted institutional practices that contradict the notion and suggest five ways to look at PSM from a commons perspective that could help to overcome the contradictions. If we apply the layers of the proposed framework in a comparative setting, one finds some PSM organisations are closer to the commons ideal in practice than others. While Sweden's SVT is funded entirely by the public and therefore resembles a commons in the second layer, other PSM organisations have a considerable share of commercial funding. While Australia's ABC allows their viewers to upload content on their website, other PSM organisations have not yet crossed this participation boundary in the third layer. While the BBC iPlayer is not accessible outside Britain, most programs of Germany's ARD and ZDF can be watched online even with a foreign IP address, in conformance with the commons in our fourth layer.

These examples demonstrate both that PSM organisations in various contexts feature constitutive characteristics of a commons, and also the variable nature of accomplishment to date. All of these institutions have weaknesses in some of the prescribed layers and will have to address the obstacles described in this chapter, which have general significance.

It is crucial to understand that the commons concept can be a convincing basis for legitimating the public service enterprise today, but it will not work if the concept is only used as a rhetorical device. If PSM attempts to use this as a narrative without making the necessary operational changes to accomplish the commons ideals in practice, the concept will be nothing more than a ploy and that will ultimately dam-

age institutional credibility. Challenging practical work is therefore required of every institution in the sector, although the particularity of challenges and needs will vary.

Aside from institutional boundaries, this chapter also addressed conceptual boundaries that prevent the commons from being recognised as a potential narrative for PSM in research and practice. Further, the conceptual boundaries not only challenge practitioners, researchers and policy makers, but also viewers, listeners and users. As mentioned at the beginning of this chapter, the commons should be understood as "a resource shared by a group where the resource is vulnerable to enclosure, overuse and social dilemmas" (Hess 2008: 37). This perspective does not address users as individuals, but rather as a group that is collectively responsible for ensuring the resource is shared. Instead of being receivers of a public service, citizens are depicted as "commoners". This view challenges the typical view of 'audiences' because one must think of PSM as a platform of shared civic tools conceived in broader terms than their immediate private interests typically encourage.

To conclude, the commons concept offers a powerful narrative to legitimate PSM in the digital age. It also highlights boundaries that need to be crossed in order to reach the ideal in practice. The concept invites us to think about PSM as a civic alternative in an increasingly commercialised information environment and addresses key issues in a systemic way. Our discussion goes to the heart of PSM today and illuminates vital challenges for its accomplishment – all of which involve requirements for crossing boundaries of many and varied types.

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Finding Public Service Media in a Global Mediascape

Lizzie Jackson

Abstract
Findability is a pressing issue for PSM in an environment characterised by networked media and communications. This chapter analyses advanced website and network practices used by *The Guardian*, *The Huffington Post*, Nesta, and DuckDuckGo to illustrate nuanced approaches to ensure the findability of content on the web in various applications (tablets, smartphones, laptops, etc.). Building on earlier research (Jackson 2014), the author argues that the use of advanced database-driven platforms within the Internet offer opportunities for tagging content, for personalisation, prosumerism, and the recommending and forwarding of content. All of that increases visibility. Secondly, the author suggests the use of customer-relationship management systems, which enable storing and analysing user preferences. This is also helpful to ensure that PSM content is readily visible. The author is especially concerned about the need for PSM news to be easily findable as an independent high quality alternative to commercial online news aggregators.

Keywords: public service media, networked communications, visibility and findability, customer relationship management, news, aggregators, personalisation, social media

Introduction

This chapter draws on research that has deconstructed advanced website and network practices observed in four organisations. The research is focused on findability and the results are useful for developing the visibility of public service media [PSM] in an online media landscape where national boundaries are increasingly less significant. The research project was done in response to a request from Victoria Jaye, Head of TV content for the BBC's iPlayer, at the 2013 Salford Media Festival. She called for research on ways to increase the 'findability' of PSM (Jackson 2014: 119).

The techniques deconstructed here are connected to improving more nuanced approaches to the selection, personalisation, promotion, and delivery of PSM content on the Web, as well as for tablet computers and mobile smartphones, which are creating a 'portable' Internet. Distribution on a variety of networks enables the 'reversioning' of

websites, for example, to better suit different regions or even different nations, which may run counter to the traditional PSM project that is closely tied to the nation state. This is, however, something the BBC has been doing for some time in distinguishing between the national www.bbc.co.uk and the international www.bbc.com in its websites. To enhance clarity for those unfamiliar with much of the pertinent terminology a 'Key Terms section' provides definitions and an overview of characteristics that describe the global Mediascape from cultural and technological perspectives.

The 'Mediascape' is an analogy to describe a networked media and communications 'landscape' that is constructed on the basis of computer code. It is increasingly characterised by the blending of database-driven websites and participatory platforms (such as game worlds), streamed or downloadable linear media (television programmes and films, as well as short video features), and social media and related communications. Today's mediascape is also characterised by participatory culture. It is fluid, recombinatory, multi-directional, and concerned with the diffusion of content. Material 'served' to publics online crosses national boundaries easily (unless deliberately blocked) and is embedded within a global network of interconnected computers – i.e. the network of networks.

It is impossible for contemporary media outlets to ignore the geographic effect of networks and browser-based selection. This follows Meyerhofer (2014) who elsewhere in this collection doubts that "...the concept of public service media as 'contained' in a nation-state framework and as a space opposed to external global market forces is a realistic vision in the digital era." For PSM this might offer opportunities to provide both national and international versions, as in the BBC example and the case studies we consider here. However it is managed, without some level of adoption of distribution systems based on computer coding, PSM firms risk becoming less 'findable' online than the historical ease of finding their contents in over-the-air broadcasting.

Firstly, we argue that the use of advanced database-driven platforms located within the network of networks (i.e. the Internet) offers opportunities for tagging (labelling) content, for personalisation, prosumerism, and the recommending and forwarding ('diffusion') of content to increase visibility. This refers to the 'spreadability' of content, a concept advanced by Jenkins (et al. 2013). Secondly, we suggest that the use of customer-relationship management systems, which enable storing and applying access preferences by users, could bring PSM more readily and visibly to variously preferred devices. Lastly, as in the broadcasting era per se, we contend there is continuing need for PSM to provide an easily findable and sufficiently broad range of independent high quality news as an alternative to commercial platforms online that mainly function as news aggregators.

We are dealing with a degree of complexity that encourages beginning with an overview of the structure of today's global media network and how it facilitates the distribution of media and communications worldwide. This is necessary to ground the techniques and practices being developed by the four case studies: 1) *The Guardian* (a quality UK newspaper and companion online news service), 2) *The Huffington*

Post (a USA-based online tabloid-style news service), 3) Nesta (a UK-based charity supporting adaptation to the Mediascape), and 4) DuckDuckGo, (a quality, ethical, American search engine). Each case study was chosen because it demonstrates interesting technical, editorial, and economic responses to a range of distribution systems. Textual analyses were conducted across the website, tablet computer, mobile services, and Privacy Policies for each case. The presence of each organisation on YouTube and Facebook was also reviewed.

For PSM organisations the value of the study lies primarily in the identification of specific strategies being used to increase 'findability' within the World Wide Web [WWW]. The case studies were chosen to include at least two contrasting news outlets because this is such a critical function of PSM. The techniques used by *The Huffington Post* are highly related to many already used by commercial media firms operating online. *The Guardian* is useful as it has adapted successfully to the new Mediascape. Nesta was selected because, as a business accelerator, they support and demonstrate adaptation to the digital media business. The US search engine DuckDuckGo is included because it has developed an 'ethical' approach to the delivery of high quality content that doesn't require the targeting of users through tracking, and also because it has a highly symbiotic relationship with the public as prosumers – something of potential interest to PSM.

In addition to these recent studies, the author draws on experience as a BBC web producer who was responsible for the BBC's first database-driven content efforts. She was promoted to Editor of BBC's Online Communities (forums, chat rooms and live chats) between 1997-2007.

Key terms explaining the structure of online networks

We begin – rather forensically – by assessing the technical architecture of the Internet as a basis for shared understanding. This requires deconstructing the software systems and platforms that drive web pages and social media systems.

The Internet is a global network that relies on a transmission control protocol [TCP]. This is the foundation for communicating between computers because it facilitates sending data of all types through networks of linked computers. Each computer is a unique network node and therefore is assigned an Internet protocol address [IP]. That is the digital equivalent of a personal post box in a sophisticated global network. The global computer network is divided into serving and receiving computers. Web producers use 'server' computers from which users can access content made available online or – increasingly – on other platforms and devices capable of receiving content delivered by Internet Protocols. These especially include tablet computers and mobile smartphones. All of the content is digitally encoded in hypertext markup language [HTML], which supports web pages and facilitates linking other documents, graphics, audio and video files.

Getting to a specific node, i.e. a particular website, requires the computer to have an installed 'browser'. The most popular options are Internet Explorer (Microsoft), Chrome (Google), Safari (Apple), and Firefox (Mozilla). A web browser retrieves pages from a server. Each page, even a single file such as a .pdf document (Adobe), will have a specific uniform resource identifier [the URI or URL]. This is the address for that page or piece of content. Advances such as HTML5 enable serving and receiving an expanding range of content across different kinds of hardware, such as televisions, computers, tablets, and mobile phones. Often the content must be adjusted to fit the screen, but HTML5 is 'responsive' and can do this 'automatically'. The system responds to the platform's screen size by adjusting the structure of a web page to optimise the content for the viewer. This responsiveness enables the same website and its content to be viewable across devices, and is essential to the development of 'cross-platform' narratives and applications.

Web pages are situated within a user-interface. This is the informational frame that allows a viewer to interact with the content. Just as every computer linked to the network has a specific IP address, each web page has an address known as its 'meta tag', which is written in HTML. The meta tag describes the page's contents and, if comprehensive, improves the 'findability' of that page when using a search engine.

Producers who work on content for the web often discuss 'platforms', a term describing the operating system or collection of software that directs a computer's operations, controlling and scheduling the execution of tasks and programmes. Virtual world immersive online environments including *Second Life*, *World of Warcraft* and *MineCraft* exist on computer platforms, for example. Every website and all web-based services are governed by computer software referred to as programmes. A programme 'communicates' through application programming interfaces [APIs]. APIs enable software programmes to inter-operate. The 'inter-operability' of the whole network is extremely important (Palfrey & Gasser 2012) because that determines the success or failure of an online offering such as Amazon, eBay or Facebook. APIs work in connection with computer algorithms, which are sequences of Boolean logic (if/then structures) that determine how a task is completed.

Some content can bypass the WWW and be delivered via Peer-to-Peer [P2P] networks that don't use the web or any media server as an intermediary. They are typically used to distribute very large files, such as complete television programmes or entire feature films. BitTorrent (www.bittorrent.com) is one of the best known. P2P technologies could become highly useful for PSM firms in the future as distribution mechanisms that are independent of other firms or intermediary sites.

An emerging feature of online technology is machine translation [MT], a programme that automatically translates webpage text from one language to another. Familiar examples include Google Translate and Babelfish (www.babelfish.com). Although crude at the moment because cultural nuances are often lost or absent, as MT improves language barriers will dissolve, enabling PSM firms to 'create once and use many times'. One of the case studies reported here, the 'ethical search engine'

DuckDuckGo, approaches the offering of multiple languages differently by encouraging its community of committed users to provide translations that are uploaded for the benefit of all. An important advance in accessibility is the possibility to localise web pages by offering closed captioning in different languages online.

Although specialists and enthusiasts are familiar with these terms and the related functions they fulfil in the Mediascape, we suppose a majority of broadcasters are not. This lack of understanding affects PSM firms in their capacity to handle 'diffusion' (the spreading of media by forwarding) that is offered by the multi-directional networks of networks and their characteristic features, and functions. This is one reason why network-distributed media is fundamentally different from the sender-receiver model of legacy mass media. The system as a whole is designed to facilitate cross-boundary, cross-border communications of diverse kinds, and to do this in super abundance.

This 'Mediascape', which is comprised of computer code, extends the potential creative palette for PSM and commercial operators alike, and offers the ability to 'tag' (label) and deliver personalised content at the right time and place for the user on the device he or she prefers. The system is participatory, connective, social, global and fluid. It can deliver 'old' and 'new' media alike, and actually juxtapositions the two. This opens the way for exciting additions to traditional television and radio programmes, including applications that rely on social media, archives, gaming, and immersive storytelling. PSM success within this complex system – in this Mediascape – depends on how well makers and managers understand the underlying architecture of networked media and communications, and the sociability they enable. If there is not a sufficient depth of understanding of the underpinning technologies, aesthetics, sociology, psychology and economics of the rapidly developing new Mediascape, PSM operators will miss valuable opportunities and (worse) risk becoming unfindable and therefore irrelevant.

The Mediascape

The Mediascape is conceptualised as a series of media platforms within the network of networks (the Internet). Its functionality is based on the competent use of computer code. The term is helpful for differentiating network-delivered media from earlier mass media systems that rely on the sender-receiver distribution model, which characterises broadcasting. As remarked earlier, the characteristics of today's Mediascape are sufficiently different from broadcasting to require the development of new approaches in marketing and distribution. Three scholars are particularly helpful in generating insights about the differences from technological, political, and cultural perspectives.

Lev Manovitch (2013) argues "the revolution in the means of production, distribution, and access of media has not been accompanied by a similar revolution in the syntax and semantics of media" (p.56); when we consider the emerging media landscape we need to use the lens of its constituent parts: computer code and the metadata that frame media files. Manovich uses the term 'Metamedia' to describe a

'computer metamedium' that "contains two different types of media. The first refers to simulations of prior physical media extended with new properties, such as 'electronic paper'. The second type refers to a number of new computational media that have no physical precedents" (ibid: 110). In addition to navigable 3D spaces, and interactive multimedia, this metamedium also offers hypertext and hypermedia. Hypertext and hypermedia are texts that link to other texts. Through this Internet convention, and the use of meta tagging (the labelling of texts and files), content can be sifted, sorted, recombined, and forwarded across networks.

For PSM organisations it is increasingly critical to understand the nature of distribution via these networks. Manovitch's work is helpful in providing a useful clarification of the constituent parts of the 'computer metamedium': 1) Media files (content) and 2) software techniques to improve findability, such as link, sort and search, as well as data analytic techniques such as artificial intelligence, Machine Learning, Knowledge Discovery, etc. This second category is medium-independent because it refers to techniques that enable digital media to be displayed in many ways and are therefore likely to operate in connection with algorithms.

Roger Silverstone (2007) is helpful due to his concern with the value of the Mediascape as a public sphere with potential to support deliberative democracy. His work provides a political-cultural perspective that is of interest for PSM, which is supposed to facilitate high quality debate and educational opportunities for active and informed citizens. Silverstone refers to the Mediascape as a 'Mediapolis' – a space for the consolidation of collective judgments through the provision of a wide range of information and media sources. For Silverstone, such breadth encourages looking with a 'proper distance' or perspective. In contrast, Google, the commercial search engine, has been accused of creating a narrow 'Filter Bubble' (Pariser 2011).

Aesthetically, the Mediascape offers a new kind of 'fluidity' in media and communications through its sheer variety of content, platforms, sociability, prosumer uses, distribution capacity, and the recombining of all these elements. The audience-participant is central to this kind of ecosystem, 'remediating' what producers have provided within a constantly changing selection, resulting in a feeling of immediacy and 'liveness'. Fast-moving news websites could even be characterised as 'hypermediated' with producers "…arranging text, graphics, and video in multiple panes and windows and joining them with numerous hyperlinks" (Bolter & Grusin 2000: 9). Sonia Livingstone and Leah A. Lievriouw (2002: 9) are especially helpful for conceptualising 'new media' as phenomena that encompass hyper reality, virtuality, anonymity, interactivity, and – overall – being highly recombinant. According to Tiziana Terranova (2004: 1), this means the Mediascape is "...a cultural formation, a *network culture,* that seems to be characterised by an unprecedented *abundance* of informational output and by an *acceleration* of informational dynamics".

Thus, we can understand the contemporary Mediascape as a phenomenon comprised of three essential dimensions: 1) a metamedium that combines content with findability and analytics, 2) a mediapolis that is fundamentally social and therefore

which could support deliberative democracy rather than being merely a technological construct, and 3) supporting a network culture that privileges recombinatory production. All three dimensions are fundamentally about crossing, even collapsing, boundaries.

(The breadth of) news matters

The diffusion of content through computer-mediated networks is an intrinsic aspect of the Internet. According to Kadushin (2012: 137) this "…is a process through which elements are transferred, borrowed, or adopted into a social system". We argue that PSM could harness this expansive diffusion capacity to encourage audiences to 'like' and 'share' PSM content, including cultural, educational, and news material. In theory, this potential for diffusion offers a more sophisticated means of reaching the widest variety of publics, particularly if customer relationship management software is applied to account for previous interests. The key, however, is not to merely supply what the people think they want, but also and importantly what should be brought to their attention because it is in the public's interest.

Silverstone's largely positivist view of the Mediascape as a potential vehicle for deliberative democracy (a 'mediapolis') is obviously dependent on citizens having access to a sufficiently broad range of high quality news to make informed judgements. Because search has become a primary means of finding news it is important that search returns are not overly affected by the narrower self-interests of market forces. Lovink (2011) argues that one of the consequences of an increasingly crowded network is difficulty and complication in maintaining the coherence of narratives connected with the public sphere. In his view, "news media are, at best, secondary sources" (p.5). This makes it imperative to ensure that PSM content remains findable, otherwise it will no longer be possible to serve the public or compete effectively with commercial firms. Having breadth and visibility is necessary to ensure the continuance of independent high quality journalism that is deliberately produced as a service in the public interest, and to counter the growing dominance of online behemoths that especially include Google, Netflix, Amazon Prime, and YouTube.

In 2013 Mark Graham and Stefano De Stabbata at the Oxford Internet Institute in the UK, mapped the Internet to see how it is affecting the distribution of information worldwide. In their study, titled *The Age of Internet Empires*, Facebook emerges as the world's most popular site. According to a later study by Newley Purnell (27 June 2014), the use of Facebook in Indonesia has risen to 69 million users. Google is now the most popular website in North America, Europe, and parts of south Asia. Facebook is about sharing. Google is about finding. These are the two constituent elements that determine value in the emerging Mediascape.

Search is becoming the dominant means for finding news and information, but it is not an impartial mediator. The commodification of search results through the use of

predictive analytics (offering content influenced by previous searches, personal data, and purchasing behaviours) results in a potential narrowing of sources. Eli Pariser calls this a 'Filter Bubble' (2011). There is, as yet, no viable public service alternative. For PSM firms to exert a substantial intervention may require forming alliances with search engines whose model, ethics, and values are aligned (or at least not contrary to) these firms. The case study DuckDuckGo, discussed later, suggests interesting potential.

Iyengar and Kinder (2010: 122) define "news that matters" as that which "faithfully and wisely" interprets the "vital public issues of the day", matching as closely as possible what is reported with what is (to the best intents and purposes) the reality. Not only is there a need to reflect reality and do this from an independent stance, but there is also need to offer news messages for a particular purpose – i.e. to serve the public good. Cushion (2012: 206) thinks the importance of public service journalism is not only in combatting market dominance or market failures, but also to "extend beyond the language of the market-place and relate to the broader impact it can have on democratic life". This is about the relational mediation that is challenged in Manovitch's 'Type B' data (that which links, sorts, searches, and predicts) because that is most likely to either widen or narrow one's worldview.

Mathias Döpfner, Chief Executive of the German publisher Axel Springer, was so alarmed by the growing dominance of Google that he wrote an open letter to Eric Schmidt, the Executive Chairman of Google, which was published in the German newspaper *Frankfurter Allegemeine Zeitung* on 7 March 2014. The letter asked whether Google was trying to create a super state where anti-trust and privacy laws don't apply (Dopfner 2014). Dopfner also observed that there is no non-commercial alternative to Google's search engine that would offer his company the same visibility. This reminds one of an observation made by Manuel Castells (2013: 6):

> …the ongoing transformation of communication technology in the digital age extends the reach of communication media to all domains of social life in a network that is at the same time global and local, generic and customized in an ever changing pattern…There is, however, one feature common to all processes of symbolic construction: they are largely dependent on the messages and frames created, formatted and diffused in multimedia communication networks.

PSM framing will be increasingly challenged in the emerging Mediascape that producers continual flows of predominant discourses and ideas. It is therefore critical for PSM producers to understand how they can harness and shape this diffusion, which implies the need for mastering a new set of skills. Jenkins (et al. 2013) suggest content is more likely to be shared if it's available when and where audiences want it; if it is portable. The content is also likely to have a higher visibility if it is easily 'grabbable' so that it can be picked up and inserted elsewhere, and is thus easily reusable for multiple audiences as users who find it relevant. "Content that appeals to more than one target audience, both intended and surplus audiences, has greater meaning as spreadable media", and may also be more likely to be spread virally" (ibid: 197-198). For PSM organisations

that have been traditionally tied to a particular nation state as their host domicile, being able to tag content for distribution firstly to a national audience and secondly, as an additional bonus, to an international audience, should be highly attractive. Such a strategy would certainly increase findability for the PSM project across borders. This is not to imply that doing so would be without complications, but only to say that it is a worthy pursuit in the light of the Mediascape that contextualises service provisions.

In summary, then, today's increasingly global computer network – this complex network of networks – is dependent on sophisticated control mechanisms that need to be understood in order to influence the framing of content in pursuit of media services for the public good. That is important because so far most of what has been accomplished is not about public service in media, but rather to advance commercial interests. To this point private companies continue to have the deepest understanding of network practices and are clearly predominant in the emerging Mediascape. A quote from Des Freedman (2014: 114) is especially pertinent here:

> Corporate power, far from disappearing in recent years, is flourishing and has adapted itself to meet the challenges of the digital economy. Distributed technologies have led to the abolition neither of the laws nor the contradictions of capitalism, but have offered a range of both existing and new organisations the capacity to secure customers for their goods and services.

This matters because information flows can be influenced, subverted, hacked, commodified, or curtailed. Shirky (2010: 206) argues for the better use of online tools in order to manage this fluid online activity, "because the social tools we now have can shape public speech and civic action, people who design and use them have joined the experimental wing of political philosophy".

There have been far fewer large-scale non-commercial developments online, with the obvious exception of the Open Source movement and Wiki services. This lack of alternatives can only be redressed by a strong global counterforce, which is so far lacking. The result is growth in network channelling and geoblocking. Curran (2012: 9-11) addresses the global inequalities of the Internet, including an inability to access websites, the lack of a shared language, the lack of fluency in the dominant language (English), cultural differences, the strength of nationalism (internalism), authoritarian governments who may control what is presented as 'the Internet', and finally, inequalities within countries. Altering the information flow is therefore *tangibly* evident at national levels in some regions (e.g. the People's Republic of China, Iran and North Korea), and *intangibly* adjusted at the level of commercial global media firms more or less everywhere.

It is therefore keenly important for democratic governments and regulators who are genuinely committed to the public interest in media to support PSM's efforts to operate effectively in the contemporary Mediascape. For PSM this entails a steep learning curve, with considerable 'unlearning' as well, but the rewards to be gained make that worthwhile. These include continuing to be visible within the Internet.

So far, we have firstly argued that the effective use of network practices used by advanced database-driven online platforms will assist greatly in the improved diffusion of content in today's Mediascape. We have further argued that collecting and analysing public preferences could assist in the delivery of content to the right device at the right time for the broadest variety of publics. Lastly, we have foregrounded the importance of retaining the visibility of PSM as a project within the Mediascape because it offers the only obvious and sufficiently robust alternative to commercial dominance, particularly important for news and current affairs content.

We next consider how the challenge of assisting PSM in remaining findable can be met, beginning with a brief review of European initiatives to support the evolution from PSB to PSM. We then consider techniques successfully used by four media firms in their efforts to remain findable and therefore relevant in the context of networked communications.

Ensuring 'Findability'

Lacking visibility in a networked Mediascape means, in affect, being non-existent. In Europe a number of PSM firms are already restricted in the length of time their content can be available for use online. Germany is the prime example. More generally, pressure from commercial lobbies is strong in the European Union, encouraging still wider and stronger restrictions on the online activity of PSM operators. There has been some pushback, as evident in the 2012 Declaration issued by the Council of Europe (Council of Europe, 15 February 2012a) in which the author had the privilege of advising.

The Declaration and an accompanying Recommendation (Council of Europe, 15 February 2012b) strongly encourages regulators and governments in EU Member States to allow domestic PSM firms to expand activities in the provision of online content. The explicit purpose is to retain relevance and visibility "with the help of new interactive technologies" (2012b). Outside Germany, influential PSM firms have been expanding more easily so far. For example, in the UK the BBC announced (thedrum.com, 21 July 2014) that BBC3, the BBC's TV channel for 18-34 year olds, will re-launch as an online-only service in 2016. But commercial companies, including YouTube, Netflix[1], and Amazon Prime are investing in infrastructure to support online streaming, so the stakes are increasingly high.

The four case studies each exhibit technical, editorial, and economic adjustments to the Mediascape that have been made to increase 'findability'. Figure 1 summarises the findings. Analysis of the websites, mobile, and tablet content took place between 10-18 April 2015. The YouTube and Facebook channels, and the Privacy Policies of each organisation were reviewed between 31 October-1 November 2015.

Figure 1. Strategies to increase the 'findability' of content

Strategies to increase 'Findability'				
Case Studies	***The Guardian***	***Huffington Post***	**Nesta**	**DuckDuckGo**
1. The Inclusion of the public				
Prosumerism	Blogging, Tweeting, photo submission, hosting of networks for professionals	Blogging, Tweeting, content creation	Blogging, Tweeting, activism, events, training, online tools to support innovation.	Content creation, public as language translators and moderators.
Nuanced distribution to suit audience profile	Print, Web, Mobile, Tablet	Web, Mobile.	Web, Tablet.	Web, Mobile, Tablet.
Personalisation	Member tracking	User-tracking for personalisation and + targeted advertisements.	N/A	N/A
2. Diffusion of content by both producers and the public				
Embedding	YouTube, Facebook	YouTube, Facebook	Facebook	Facebook
Sharing	Email, Facebook, Twitter	Email, Twitter, Facebook, Pin It, Reddit, Google+	Facebook, LinkedIn, Twitter, Google+, Storify	Twitter, Reddit, Blog, RSS Blog feed.
3. Evolution of business models/revenue streams				
Internationalisation	UK, US, Australian, and international websites.	13 separate national editions	22 European projects,15 international projects	67 'regional' versions (Asia, Africa etc). .
Diversification	Dating, price comparison, and job websites	Huffington Live, a televisual channel, extends the website	Events, publications, online tools, reports, training, workshops	Micropayments from Facebook and Amazon for referrals.

The table reveals a clear narrative that, firstly, demonstrates the importance of including the public in the enterprise because diffusion by the public is the crucial success factor in the spreading of content through the Mediascape. The more each selection or message is liked, shared and recommended, the more visible it becomes – and therefore easily findable. Each of the case study firms has also taken a strategic decision to foreground one or two platforms over other options. This nuanced distribution is in response to the preferred platforms that particular audience segments use. For example, *Guardian* readers use print, web, mobile phones, and tablet computers. They are "affluent, young urban consumers" (Guardian 2015) and are likely to be interested in technology. However, many Guardian readers still prefer a paper version, which is therefore also provided.

In contrast, the consumers of *Huffington Post* are younger, with twice as many females as males, and a surprisingly high volume of users accessing the website from school (Huffington Post 2015). They like to access content on the move, so delivering content via mobile smartphones is very important. As a business accelerator, Nesta's

audiences like to blend Web access with tablet computers, so both websites and tablets offer the ability to view and download charts and reports easily. For their part, DuckDuckGo users want a 'portable internet' and can therefore access the service across the Web, tablet computers, and mobile phones. An important point to be underlined is that which platforms the various case firms consider most essential was defined by consideration of users and use, not by the preferences of the company.

Both the Guardian and the Huffington Post use the 'live' tracking of audience data and they are therefore able to match content to potential readers on a continual basis, greatly increasing the 'findability' of their material on a minute-to-minute basis. The Guardian frames their readers as members of a Guardian community, with higher subscription fees guaranteeing access to specialist content. They run events and training courses, even a dating site to enable Guardian readers to meet each other. The Huffington Post's audiences are highly tracked by in-house customer relationship management databases and tracking apps. This enables considerable personalisation of content and the offering of proximity advertising to marketers. The Guardian and the Huffington Post have dedicated YouTube Channels, likely reflecting future ambitions to expand video content and reach. The Huffington Post already runs an online video channel, 'Huffington Live', a daily talk show heavily featuring the audience alongside celebrity and expert guests. This demonstrates the capacity of the Internet to juxtapose 'old' and 'new' media.

Content analysis shows the Guardian has achieved a reasonable additional subscriber base of over 180,000 via YouTube, and more significantly over 4 million global followers on Facebook. The Huffington Post has 67,000 subscribers on YouTube and over 5 million followers on Facebook. YouTube is still a growing distribution network, whereas Facebook is more mature and of greater significance so far. Every firm in the case studies has Facebook pages, underlining the importance of social media for a wide range of audiences.

The Mediascape also offers opportunities to extend findability through the reversioning of websites to serve the various needs of different nations, or at least regions of the world. That is evident in three of the cases: The Guardian, The Huffington Post, and DuckDuckGo. By forming alliances with the two online marketplaces, Amazon and eBay, the search engine DuckDuckGo receives a micro-payment each time a user that was referred by the search engine makes a purchase. The Guardian has extended its activities to the running of a large jobs website and links through to affiliate websites that offer readers holidays, insurance or financial advice. The case studies that collect and use 'live' audience data benefit from having a greater understanding of how to reach consumers in a nuanced way.

For PSM these findings suggest new approaches that might be used to increase the visibility and adjustment of content across platforms. This is possible through the use of network protocols that extend the Internet to mobile media devices. The function the public plays in the diffusion of content in today's Mediascape is also clear, placing the public quite centrally within the ecology and this, by extension, has implications for the PSM enterprise.

Reviewing the four cases, key themes emerge in connection with internationalisation, spreadability, community emphasis, prosumerism, and diversification in business models. These adaptations increase findability, but they can also be seen as indicators of the ability of media firms to continue to respond in today's Mediascape that is characterised by iterative and recombinatory media content and communications.

Mastering the M in PSM

The question we have addressed is how PSM can become more 'findable' in an increasingly competitive Mediascape that is increasingly a borderless network of networks. Content can be delivered via Internet protocols (IP) to a variety of 'platforms', including the web, tablet computers, mobile phones and also SMART television sets. We have argued that PSM could take advantage of computer networks *provided that* these firms develop a deep understanding of the complex structures and characteristics of the Internet and the World Wide Web.

We have used the term 'Mediascape' to highlight a digital, networked, media and communications environment that is comprised of computer code and algorithms, and therefore substantially different in nature when compared with broadcasting. This environment offers opportunities for the multi-directional diffusion of content that will increase content findability and therefore PSM visibility. The diffusion of content is largely done by audiences, however, and therefore encouraging the public to share, like and recommend content is becoming a critical success factor.

The use of predictive analytics (analysis of previous choices) to determine which fresh selections of content to deliver to which sections of the public, and hence the growing personalisation of content, may result in a narrowing of material or the preferencing of commercial messages. This indicates a continuing need for the PSM development project to provide non-commercial, independent, and high quality alternatives to commercial offerings. Any lack of breadth of news sources, in particular, would reduce the publics' ability to achieve perspective on issues of national or international importance.

The Mediascape therefore offers opportunities for reinvigorating the PSM enterprise through the development of a closer and more nuanced relationship with the publics it is supposed to serve. Secondly, the growing sophistication of database-driven platforms and the intelligent tagging, storage, and retrieval of content offers the ability for PSM organisations to deliver material to the right platforms, at the right times for diverse segments of a general public. This could extend to the production of local, regional, national, and even international versions.

Such potential for development relating to PSM in the emerging Mediascape depends on developing competencies in the knowledge and use of tools, functions and capabilities that are fundamental to networked media and communications. Without the ability to harness such innovation the PSM enterprise will not mature and, ultimately, will be regarded as a relic of the broadcasting era – as a candidate for extinction.

To emphasise this chapter's focus with regard to the book's theme, findability is a need, function and purpose of supreme importance in the context of networked communications. In the online environment there are far fewer borders, and boundaries of every kind are collapsing. This is a very different situation compared with the era when broadcasting predominated. The range and volume of competition is already very high and this is only the beginning.

PSM is arguably even more important and more needed in the emerging Mediascape precisely because of the public service principles and ethos that ground the enterprise. Quality news provision that adheres to the highest standards of professional journalistic practice is essential to democratic process and practice – at home and abroad. Comprehensive services are required to satisfy the needs of increasingly diverse populations. Interactive services are necessary to facilitate the exercise of personal prerogative in the interests, concerns and involvements individuals prioritise. The possibility of multiple revenue streams matters, as well, in the context of decreasing financial security among PSM operators.

In the end, however, if the contents and services provided by PSM can't be found then they aren't services and there is no public. Like it or not, deliberately working to cross boundaries and borders is an essential requirement for successful media enterprises today and the M in PSM won't be properly realised unless and until these firms master the environment outlined in this chapter.

Note

1. In a recent report Netflix's investment in original programming has outstripped both the BBC and the Discovery Channel. The company is also investing heavily in live streaming. According to Standard & Poors, as of 31 December 2014 Netflix had $9.5 billion in commitments to streaming content, compared with $7.3 billion in 2013.

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Crossing New Boundaries in Public TV Drama

The Transnational Success of Denmark's Forbrydelsen

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Abstract

This chapter examines the Danish-German co-production *Forbrydelsen* (The Killing), complementing existing scholarship about this DR drama by emphasising international and generic perspectives. The chapter explores why *Forbrydelsen* has managed to cross so many boundaries, an investigation that foregrounds new opportunities for the circulation of TV drama in the 'post-broadcast' era of television, including programmes produced for 'public service' broadcasters. In addition to relevant features of the international context in which *Forbrydelsen* circulated, the author argues the importance of four influences on the programme's design that account for its distinctiveness: 1) the 'public service' philosophy within DR Fiction; 2) the deployment of pervasive conventions in high-end drama; 3) the 'narrative transparency' of the programme's murder investigation trope; and 4) stylistic features that derive from *Forbrydelsen*'s inventive application of Nordic Noir aesthetics.

Keywords: post-broadcast, public service drama, international export, serial narrative, narrative transparency, murder investigation trope, Nordic Noir television.

Introduction

Lauded as "Denmark's biggest export since Carlsberg, Hans Christian Andersen and the Vikings" (Gilbert 2012), the Danish crime serial *Forbrydelsen* (*The Killing*), co-produced with Germany's ZDF Enterprises, is an outstanding example of transnational success for a European originated, foreign language drama. *Forbrydelsen* has been exported to 159 countries (Bondebjerg & Redvall 2015: 223), an unprecedented outcome for a Nordic 'high-end' (high production value) TV drama. Its appeal in a variety of English-speaking markets suggests that *Forbrydelsen* has been able to overcome the traditional resistance of English-speaking audiences to subtitled dramas (see Steemers 2004: 23). Although not directly imported, *Forbrydelsen* was adapted for American television as *The Killing*. Although far less successful than the Danish original, this version had a four season run. Given the historical tendency of failure

for American TV dramas developed as format adaptations, such longevity provides another indicator of the unusual allure of the original programme.

Although this is not the first Danish drama to be successfully exported, the unprecedented scale of *Forbrydelsen's* transnational success has placed DR Fiction and its TV drama productions in the international spotlight. As Danish scholar Eva Novrup Redvall underlines, this level of attention is unprecedented "for a small production industry used to targeting a population of 5.6 million Danes" (2013a: 153). Our interest in this chapter is not to account for the international appeal of this programme, but rather to examine how and why *Forbrydelsen* has successfully crossed so many national boundaries. We investigate four influences that go some distance in explaining this achievement from an international perspective. The chapter's line of argumentation accentuates *Forbrydelsen*'s achievements as high-end TV drama, its inventive approach to crime drama, and pertinent features of television's current 'post-broadcast' environment that boosted its exposure to international audiences.

First, we look at the domestic circumstances that facilitated *Forbrydelsen* as a Danish TV drama. Of central importance is the 'public service' philosophy and creative culture at DR Fiction, the Danish Broadcasting Corporation department in which it was conceived and produced. Second, we highlight *Forbrydelsen's* deployment of pervasive conventions in high-end TV drama, the sophisticated small-screen form behind actor Kevin Spacey's assertion of a new "golden age" for television (Spacey 2013). Third, we explore *Forbrydelsen*'s appropriation of the 'murder investigation' trope that has imbued it with 'narrative transparency', and thus the potential for universal resonance (Olson 2004). Fourth, we consider *Forbrydelsen's* usage of the aesthetic characteristics of what Glen Creeber (2015) terms 'Nordic Noir television', from which it derives additional distinction within the prolific and perennially popular category of TV crime drama. Although *Forbrydelsen* comprises three seasons, each of which tells a different crime story, for the purposes of this chapter we concentrate on the first.

Forbrydelsen as Danish public TV drama

Forbrydelsen (2007-12) is a leading example of Danish high-end drama, a 'prestige' strain of TV drama exemplified by such notable examples as *Riget* (1994), *Ornen* (2004-06), and *Borgen* (2010-13). *Forbrydelsen*'s success began in its domestic market, which, for any TV drama produced with export in mind, operates as the 'test' audience. The strength of *Forbrydelsen*'s Danish audience response was evident from the outset, with season one averaging 1.7 million viewers when it aired in 2007 (Redvall, 2013b: 48), almost one-third of the Danish population. Important to this outcome was its creation as a high-end 'Sunday night' drama for DR1, Denmark's oldest channel (ibid: 167), and a well-established platform for such a costly production.

In smaller TV markets, there is a tendency to rely on imported programmes (O'Regan 1993: 11-12) because these are so much cheaper to acquire than original

productions. High-end dramas, because of their exceptional cost to make, are emblematic of this problem. A limited market size usually means imported dramas predominate and domestic examples are relatively few. This imbalance explains why the cultural contributions of domestic dramas become more pivotal than they might otherwise be, legitimating public funding to enable their production which is often described in 'cultural good' terms.

A positive reception for domestic high-end drama is by no means assured, however, especially if imported examples are prevalent enough to function as the generic frame of reference against which domestic dramas are assessed by viewers. That, too, is characteristic of small markets. Even if domestic dramas can lure viewers on the basis of their uniqueness, there is always a balance to be struck, in respect of their conception and creation, between elements of 'cultural specificity' and 'universality'. Central to this is a blending of perceived national elements and verisimilitude with characteristics that are considered to be conventional and/or generic (Dunleavy 2005: 8). Assisting the domestic appeal of *Forbrydelsen* is partly its achievement of aesthetic sophistication and the 'cinematic' look that has been characteristic of successful American dramas such as *The Sopranos, Mad Men* and *Breaking Bad*. Thus, the reconciliation of cultural specificity and universality includes aesthetics and style, as well as stories, characters, settings and locations – considerations we return to later.

But unlike American TV dramas that are created for channels funded by advertising or subscription revenue, or by a mix of the two, DR's *Forbrydelsen* is representative of the public service broadcasting [PSB] paradigm in which a range and volume of TV programmes are produced in pursuit of domestically prioritised principles and expected to contribute to a shared sense of cultural identity. As the high-end product of DR's license-fee funded in-house production department, DR Fiction, *Forbrydelsen* exemplifies the opportunities for creative risk-taking and experimentation in 'public service TV drama', i.e. TV drama that is produced for PSB channels and audiences. Pivotal to these opportunities which provide TV drama with an effective volume of 'risk capital' (Dunleavy 2005), is the combination of a PSB philosophy, public finance, and schedules whose non-commercial footing removes direct commercial influences on programme design. This distancing from advertiser influences is crucial for maximising the possibilities for conceptual, formal and stylistic diversity, as well as for experimentation.

Forbrydelsen and TV drama at DR Fiction

The influence of PSB philosophy and culture strongly informs the development of drama production at DR Fiction. The department has a lengthy tradition in Denmark. A re-assessment of its objectives became a priority after the start of competition from TV2 in 1988, one element of which was an increased emphasis on the potential of such dramas to be 'flagship' programmes for DR (Bondebjerg & Redvall 2015: 222). This turn prompted DR Fiction's interest in the industrial model that is used to sustain

American series drama, which was fundamentally re-shaped in the 1980s and 1990s in response to the demands of multi-channel competition in that market. Bondebjerg and Redvall single out the DR1 procedural series, *Taxa*/*Taxi* (1997-99) as one of the first DR Fiction series to adapt this American-originated model, whose capacity for a high and ongoing production output has centred on team-writing and a relay system for production. While the popularity of *Taxa* demonstrated the benefits of the American industrial model for Danish TV drama in general, the Emmy Award-winning *Rejseholdet*/*The Unit* (2000-04) seemed to confirm the efficacy of the new direction for drama production at DR Fiction (ibid: 223). Two aspects of change were crucial.

One was DR Fiction's decision to focus on producing 10-episode dramas for DR1's 'Sunday night drama' slot, a change that prioritised high-end productions over modestly-budgeted forms, such as soap operas and sitcoms (ibid: 222). This encouraged an ongoing convergence between DR Fiction's drama output and the 'quality' characteristics of dramas created for the slot. Acknowledging how this connection shaped *Forbrydelsen*, Redvall (2013b: 167) says the "basic structure" of this programme "grew out of the institutional demands" of DR1's 'Sunday night drama' slot. While national broadcast drama paradigms have often included a 'quality' strain, DR Fiction's focus on high-end, event-oriented drama productions gave it the capacity to achieve the kind of 'quality' drama output that has long been important to the reputation of BBC drama production and was demonstrably crucial to the 'quality drama' reputation established by the American 'premium cable' provider, HBO. For the BBC, HBO and DR Fiction alike, TV dramas with high production values and a limited number of episodes offer fertile ground for conceptual risk-taking, narrative complexity, and the pursuit of 'cinematic' aesthetics. For their host channels, the value centres on the cultural distinction such dramas can confer.

The second crucial change was the 2003 formalisation of 15 "production dogmas" in DR Fiction policy (Redvall 2013a: 154). Taken individually these are not unique to DR Fiction, but as a set of requirements that govern programme conception, writing and production they constitute a specifically Danish public service philosophy about how best to create TV drama. Redvall's analyses of these dogmas and their impacts on DR Fiction's drama (2013a; 2013b) underline the pivotal importance of four key strategic elements that merit review.

The first is 'one vision', which is a commitment to placing an individual writer-producer at the creative helm of the production from conception through completion (Redvall 2013b: 66). In *Forbrydelsen*'s case, this role was filled by one of DR Fiction's foremost writers, Søren Sveistrup. Second is 'double storytelling', the requirement to incorporate "ethical or social connotations" into a drama's central narrative to imbue it with what DR personnel term a 'public service layer' (ibid: 68). As Bondebjerg and Redvall (2015: 228) observe, *Forbrydelsen* features a 'triple storytelling' structure involving police, family and political domains. Their intersecting stories are rendered more complex through narrative interlinking "between the characters' private and work lives".

The third key strategic element is 'producer's choice', which assists the efficacy of 'one vision' by allowing the leading producer and writer to decide who is hired

to perform all other roles (ibid: 71). The industrial benefit of 'producer's choice' is allowing production teams to be assembled project by project, using a mixture of in-house and outsourced personnel. The fourth key strategic element is 'crossover', which describes the institutional practice of "hiring people from the film industry to work on television series" (Redvall 2013b: 73). This appears to have directly contributed to the 'cinematic' aesthetics of successive DR dramas. One stimulus for 'crossover' was the critical success of *Riget/The Kingdom* (1994), an 8-episode serial written and directed by Lars Von Trier (ibid: 55). In addition to the impact of its aesthetic sophistication on perceptions of *Forbrydelsen*'s quality, 'crossover' also contributed to perceptions of the programme as 'Nordic Noir', a topic addressed later.

These four elements are inter-related and co-dependent. 'One vision' underpins and informs them all. This dogma facilitates something comparable to the creative autonomy of the American-styled 'showrunner', which folds together the roles of head writer and executive producer. As a strategy that is now considered pivotal to the success of DR Fiction's TV drama (Redvall 2013a: 153), 'one vision' recognises and extends creative leadership to the person whose idea and project the series is considered to be, and places them "'in charge of' rather than 'in control of' the processes" (Redvall 2013b: 67). At DR Fiction this ideal of individual responsibility is nuanced by a tradition of dual leadership whereby writer-producer and director-producer pairs collaborate on successive productions. In producing *Forbrydelsen,* DR Fiction paired Sveistrup with producer Piv Bernth. Assisted by the experience and perceived "originality" of Sveistrup as a writer (Bernth cited in Redvall 2013b: 169), *Forbrydelsen* is considered to have taken one vision "to a new level" (ibid: 170).

The 'crossover' strategy is partly responsible for the 'cinematic' aesthetics that have characterised successive examples of DR Fiction's drama. However, its ability to make a significant difference to the aesthetic quality of a given production depends on the availability of high-end budgets. In a study of 18 Western countries, the Scandinavian countries (including Finland) figure among the highest investors in public broadcasting services per capita (Nordicity Report 2011: 4). While a relatively high level of public investment cannot be expected to necessarily yield higher budgets for TV drama productions, the anecdotal experience of Peter Nadermann, the former ZDF Enterprises executive who was most closely involved in *Forbrydelsen*, suggests it is certainly a factor. According to Nadermann, Scandinavian budgets for TV drama "are 10-20 per cent higher than [those] in Germany" (cited in Pham 2013).

Access to additional finance from two sources, Nordvision Fund and the Nordic Film and Television Fund, contribute to this budget position for Scandinavian TV dramas (Bondebjerg & Redvall 2015: 220). Both institutions are keen to support collaborative projects between public broadcasters in the member countries and have helped establish a more united and receptive "inter-Scandinavian" market for the resulting productions (ibid). Developed in the last three decades, this pattern of collaboration means that DR Fiction, even if required to devise its high-end dramas for a Danish audience first and foremost, can 'greenlight' these in the expectation that

they will flow into the larger 'inter-Scandinavian' market and, once there, benefit in reception terms from a degree of 'cultural proximity' (Straubhaar 2007: 91).

DR Fiction also co-produces some TV dramas with ZDF Enterprises, a subsidiary of the German public service broadcaster. This company partnered with DR in producing *Forbrydelsen*. Indicative of the broader benefits of foreign co-production – whose agreements usually entail co-investment in the production in exchange for a stake in distribution rights and sales revenues – the agreement with ZDF Enterprises ensured *Forbrydelsen*'s distribution and profile in several key European markets. Of these, the largest and most immediate was Germany, a market where foreign language dramas are dubbed rather than subtitled. *Forbrydelsen* aired there as *Komissarin Lund* and the first season averaged 2.79 million viewers (Redvall 2013b: 163).

High-end drama and television's 'post-broadcast' era

Here we ascribe five dominant characteristics to contemporary high-end TV drama (see Dunleavy 2009: 211-22). The first is a 'must-see allure', which recognises an effort to engender 'addictive' rather than only 'appointment' viewing. The use of a serial (or cumulative) rather than episodic (or self-contained) narrative structure is integral to this. Second is the attempt to identify an individual author, a strategy with the potential to elevate a drama's perceived cultural status beyond 'ordinary television' whose creators are rarely profiled. Although this tactic is flawed in its disavowal of the collaborative nature of TV drama creation, there is a case for a televisual form of authorship in instances where the same individual who devised a TV drama's concept also leads its realisation as both head writer and 'showrunner'.

The third dominant characteristic is 'generic mixing' in the drama concept design (Mittell 2004: 153-55). This term recognises the pursuit of conceptual innovation through the blending of tropes and related aesthetics taken from historically separate TV genres or sub-genres. Fourth is 'narrative complexity' (Mittell 2006), whose attributes in TV drama include a particularly dense layering of interwoven storylines, the use of non-linear storytelling, and the interrogation of morally conflicted lead characters. The fifth is an enhanced visual quality derived from the use of both a mode of production and shooting medium which, together, allow high-end TV drama to achieve what Nelson (2007: 111) described as a "much closer approximation" to the visual and aural aesthetics of cinema.

As a drama devised for a Danish audience but also influenced by the performance expectations of its co-investor, ZDF Enterprises, *Forbrydelsen* exemplifies all five defining characteristics of contemporary high-end drama. These characteristics undoubtedly assisted its capacity to successfully compete with other high-end dramas (including English language examples) in a range of foreign markets. *Forbrydelsen*'s accomplishment across these five areas goes some distance in explaining its success in crossing so many national boundaries.

Having circulated far more widely than its DR Fiction predecessors, *Forbrydelsen* has clearly benefitted from new opportunities for high-end TV drama that are attributable to television's digital and so-called 'post-broadcast' era. The term does not imply the demise of broadcast television, but recognises the reduced dominance of broadcast networks in the context of an increasingly pervasive multi-platform context for TV commissioning, distribution and consumption. In the post-broadcast era, original high-end drama – whose prohibitive production costs once made it the exclusive domain of well-established broadcast channels – is produced by and for a more diverse range of providers, a change most marked in such sizeable and well-resourced media markets as the USA. In consequence, and running in tandem with the continued commissioning of high-end drama by national public and commercial broadcasters, there is a burgeoning post-broadcast commissioning sector for high-end TV drama. This is illustrated by the two outlets for which *Forbrydelsen* was format-adapted in America. *The Killing*'s first three seasons were commissioned by AMC, the 'basic cable' host channel of *Mad Men* and *Breaking Bad*. Its fourth season was commissioned by the American-based Netflix, one of the largest and fastest growing subscription-funded internet streaming services worldwide.

In the American market, this diversification in TV drama's traditional range of providers and outlets has intensified the demand for original drama, particularly because it is supported by the unprecedented availability of programming across different platforms (Deloitte 2014) coupled with an evidently insatiable audience appetite. In this context, the American adaptation of foreign drama formats has itself increased. Examples include *Life on Mars, Skins, Hatufim/Homeland, House of Cards,* and *Broen/Bron/The Bridge*.

While format adaptation offers one opportunity for Danish and other foreign-language dramas to travel across borders and boundaries, *Forbrydelsen*'s export to 159 countries foregrounds the international appeal of the Danish original. Its capacity to enter so many national markets has been assisted by the increased immediacy and audience reach that new post-broadcast platforms and services enable, including niche channels. Although *Forbydelsen* was devised for a Danish national audience, the availability of niche channels has been instrumental to reaching TV drama audiences in a larger range of foreign markets than would have been possible even a decade ago. In Britain, BBC4 was the host channel for this programme (Weissmann 2012: 189). In New Zealand the host channel was SoHo, a subscription-funded TV drama channel. Alongside the increased exposure afforded by niche channels, TV drama programming is gaining increased international reach through the more recent expansion of internet streaming services. Netflix is among the first to exploit the internet's potential for an enhanced, more immediate global distribution for TV programmes. The firm's international subscriber base now exceeds 62 million viewers and continues to rise (*The Statistics Portal* 2015). As Bondebjerg and Redvall (2015: 216) observe, "easy access" itself "increases demand and consumption".

What kind of drama is *Forbrydelsen*?

Forbrydelsen is a serialised crime drama described by its creator and head writer, Søren Sveistrup, as a 'thriller'. As a murder investigation that unfolds across multiple episodes its precedents include American ABC's *Twin Peaks* and *Murder One*, British ITV's *Cracker*, *Prime Suspect* and *Trial and Retribution*, and the longest-running, Canal Plus's *Engrenages*/*Spiral* which debuted in 2005. As with all of these precedents, *Forbrydelsen* eschews the dominant tendency in TV dramas to investigate murder by relying on the psychologically reassuring 'episodic series' structure in which each story unfolds and is resolved within a single episode. The use of a serial narrative structure for crime drama enables the interrogation of morally conflicted characters, a density of interweaving stories, and the use of false leads to complicate and delay resolution. Unlike *Twin Peaks*, whose two seasons were devoted to the investigation of the same murder, *Forbrydelsen* follows the British dramas listed above in devoting each season to resolving a different case. But whereas these British examples were deployed as 'occasional serials' with a limited number of episodes (usually 3-4), *Forbrydelsen*'s first season had 20 episodes.

Forbrydelsen's record-breaking success in Danish TV drama owes a great deal to the creative ambitions of DR Fiction writer-producer, Sveistrup. These centred on the attainment of a 'world-class' quality and the desire to forge an alternative structure for DR Fiction's crime drama (Redvall 2013b: 165). Key to both aims was a departure from the 'case-based' and episodic narrative structure that DR Fiction had been using in favour of the character-driven serial narrative that (as demonstrated in the continuing flow of American cable TV dramas that have used it) is more conducive to narrative complexity and moral ambiguity. Reconciling these generic aims with DR's PSB objectives, Sveistrup aimed to use crime "as the inciting incident for interweaving a number of characters whose lives were otherwise not linked" (Redvall 2013b: 172). The result is a central narrative whose different narrative strands interweave and resonate through diverse but interconnected 'family', 'workplace', 'police', and 'political' domains. It is through these intersecting strands and domains that *Forbrydelsen* achieves its appealing 'generic mix' between 'procedural crime', 'family melodrama' and 'political drama'.

The first two genres, procedural crime and family melodrama, have functioned historically as the most prevalent and popular in TV drama overall (Newcomb 2007). Writing about *The Sopranos*, Horace Newcomb identified three traits that the blending of these genres brings to the perceived cultural relevance of contemporary TV drama, all of which are evident in *Forbrydelsen*. Importantly, the impacts of these traits are greatly enhanced by the use of a serial narrative structure because this allows for the ongoing and psychological probing of characters.

The first trait entails the development of more complex characters whose public and private lives conflict. The result, as Newcomb (2007: 563) suggested, facilitates "explorations of intense personal, individual psychological states and motivations of characters". In *Forbrydelsen's* first season the motives and personal dilemmas of DCI

Sarah Lund are interrogated alongside those of other core characters, including mayoral candidate Troels Hartmann, and Birk Larsen employee Vagn Skaerbaek.

Second, the crime is located, as Newcomb explains (ibid: 564), in "social contexts that can best be described as beleaguered… in which 'crime' is but one of a number of indicators of social decay or, at best, decline". The beleaguered context that Søren Sveistrup saw as central to *Forbrydelsen* was the impact on Denmark of the global financial crisis that was raging as he wrote the programme. "When it opens", Sveistrup observes, "Sarah Lund is actually doing pretty well… not caring about the crisis" and instead "trying to make a life for herself" (Billen 2013). While Lund's challenges are moral and personal, the troubled national economy is particularly evident in the struggles of the Birk Larsen family. They run a successful business that employs a number of workers, but have trouble finding money even to fix the washing machine.

Third, the crime occurs in a notably "familial" setting, distinguished by the "extension of a sense of the 'biological family' to other groups" (Newcomb 2007: 564). In *Forbrydelsen* we see the 'familial' represented across the different narrative strands, specifically by the Birk Larsens, by Lund and the reconstituted family that she is struggling to build, and as an aspiration for 'Uncle' Vagn, whose misplaced 'familial' identification with the Birk Larsen family leaves it dangerously exposed. Although both 'political' and 'workplace' domains are placed under the microscope as the police investigation proceeds, it is significant that Nanna's murderer is finally unmasked in the 'family' domain.

The exemplar scene in *Forbrydelsen's* first season occurs in the final episode when aspiring family insider Vagn participates in the Birk Larsen family's birthday celebration. Pinpointing the scene's psychological impact, Agger (2013: 238) registers the "sinister feeling" that arises for viewers who realise, even though other characters do not, that "the killer is among us". Accordingly, a feature of TV dramas that have blended 'crime drama' with 'family melodrama' – one that *Forbrydelsen* shares with HBO's *The Sopranos,* AMC's *Breaking Bad* and BBC's *The Fall* – is the relocation of criminal behaviour from the streets to the domestic sphere, a move that brings greater potential to create morally conflicted characters.

Forbrydelsen and 'narrative transparency'

As a Danish-language drama that has exported to 159 countries, *Forbrydelsen* has broken through an historic 'glass ceiling' in the international circulation of non-English speaking TV drama. *Forbrydelsen* is additionally unusual as a rare example of drama to succeed in both main areas of international television trade. One of these, the export of finished TV programming, continues to be dominated by American products (see Kuntz 2010), a pattern whose perceived social impacts were integral to the once-pervasive discourse of 'cultural imperialism'. The other, the export of programme ideas or formats, is an industry that has continued to expand in the post-

broadcast era, allowing a much larger range of countries to participate and to become influential as TV producers.

Although format adaptation has been extremely successful in the meta-category of light entertainment (game shows, talent shows and 'reality' programming), its history in TV drama is littered with failures (US MTV's *Skins* and ABC's *Life on Mars* to name two), despite two recent triumphs with Showtime's *Homeland* and Netflix's *House of Cards*. Adapted for AMC, *The Killing* ran for three seasons. When AMC cancelled the show in 2013 the rights were sold to Netflix, which then commissioned a fourth season. With four seasons and a total of 44 episodes, *The Killing* is one of the few format-adapted TV dramas to achieve such longevity on American television. This accomplishment foregrounds the impact of 'universality' in the Danish original's concept and narrative.

Explaining the international appeal of American films and TV programmes, Scott Robert Olson coined the concept of "narrative transparency", arguing that this element has given American programmes "a competitive advantage in the creation and distribution of popular taste" (2004: 114). Olson defines narrative transparency as "any textual apparatus that allows audiences to project indigenous values, beliefs, rites, and rituals into imported media" (ibid). Pivotal to its effectiveness, Olson suggests, is that the tropes, values and myths offered by a given text can "resonate" in foreign markets "with the same meanings they might have if they were indigenous" (ibid). Although Olson conceived narrative transparency to explain the unflagging international appeal of American TV dramas, the transnational appeal of *Forbrydelsen* underlines that its effect is by no means exclusive to American programmes.

The potential impact of narrative transparency on the export success of *Forbrydelsen* is demonstrated most strongly in season one. The central narrative of this crime thriller investigates the kidnap, rape and murder of a 19 year-old high school student, Nanna Birk Larsen. Important to the maximising of narrative transparency is the established function within the contemporary urban imaginary of crime narratives in general and murder investigation stories in particular. Murder investigation has also become the predominant trope in television crime drama.

Crime stories have remained prevalent in long-form TV drama because of their psychological function in massaging urban insecurities and anxieties, which are ultimately dispelled through a reassuring ending that suggests crime, including murder, cannot evade detection or escape punishment because the agents of law and order prevent both. As such, Richard Sparks (1993: 87) argues that crime stories "fold together the satisfaction of some rather deeply embedded desires and the invocation of our most unsettling anxieties". Through the repetition of crime stories in TV drama, Sparks suggests that an innate audience desire for security and safety is psychologically reconciled with the understanding that violent crime is an inevitable societal presence. Underscoring the importance of resolution and reassurance in crime drama, its predominant narrative structure has historically been episodic rather than serialised. In this structure, episodes are devoted to resolving the 'crime-of-the-week'. The formula

entails an efficient movement through the same basic sequence of "transgression, pursuit, capture [and] retribution" (ibid: 86).

By choosing a densely layered serial structure, *Forbrydelsen* offers an alternative that is narratively complex, yet without undermining the universal accessibility of TV crime drama's most prevalent trope. As a serial rather than an episodic narrative, *Forbrydelsen* exchanges resolution at each episode's end for the delayed gratification of identification, capture, and retribution in the season finale. *Forbrydelsen* confronts and challenges its audiences by probing the potential for rape and murder to occur in any sector and be perpetrated by any inhabitant (teenagers, schoolteachers, politicians, officials, or trusted family friends) of the contemporary society it constructs. Unfolding slowly, and over more episodes than subsequent *Forbrydelsen* seasons, the case of Nanna Birk Larsen offers a striking example of the intensity, complexity, and moral ambiguity that a serial structure brings to TV drama's murder investigation trope.

Forbrydelsen and 'Nordic Noir Television'

Whilst the 'narrative transparency' of *Forbrydelsen*'s murder investigation trope provides a clear example of the programme's universality, the evident influence of 'Nordic Noir' attests to its use of cultural specificity. 'Nordic Noir', as Glen Creeber (2015: 21) observes, "describes a particular type of Scandinavian crime fiction". There are examples in novels, feature films, and TV dramas. Although by no means the first example of 'Nordic Noir television', *Forbrydelsen*, as a programme that was created for television rather than adapted from literature, has forged a new template for this as original TV drama, whose impact has not only been to "re-invent" 'Nordic Noir Television' (Weaver 2011) but also, as Creeber argues, to exert influence on English-language crime dramas. That influence includes the BBC's *The Fall,* ITV's *Broadchurch,* and HBO's *True Detective*. Creeber characterises these as examples of 'Celtic Noir'.

Nordic Noir originated in Swedish crime novels. Maj Sjöwall and Per Wahlöö (authors of the 'Beck' novel series) and Henning Mankell (author of the 'Wallander' novel series), established the conventions that account for their popularity. Both series enjoyed success and longevity when adapted as Swedish TV drama series, the latter also produced as a British TV series. Nordic Noir took a different direction with Stieg Larsson's *Millennium* novel trilogy, in which the central character was female vigilante Lisbeth Salander. Larsson's novels were the source of inspiration for a succession of popular feature films. Two recent examples of 'Nordic Noir television', the Swedish/Danish co-produced serial *Broen/Bron* (*The Bridge*) and Danish series *Den Som Dræber* (*Those Who Kill*), both testify to the influence of *Forbrydelsen* on the development of Nordic Noir television.

Creeber (2015: 24) argues that Nordic Noir television centres on "an aesthetic blending of social realism and film noir". While this may seem to foreground aesthetics over concept design, setting, characters, and narrative form, Creeber suggests this blend

enables the characteristics of Nordic Noir to shape all the elements as the aesthetic framework for the kind of "moral, political and social critique" that distinguishes it (ibid). For example, while Film Noir's influence can be seen in Nordic Noir television's preponderance of dark settings, slow pacing, and troubled or dysfunctional characters, the influence of social realism is clear in this genre's critical disposition, formed by what Creeber (ibid) highlights as "anxieties concerning the Scandinavian loss of belief in the creation of a utopian society" occasioned by a declining welfare state.

Although in *Forbrydelsen* this disposition was influenced by the "theory of interdependence" (Sveistrup cited in Redvall 2013b: 166) according to which individual actions are seen to cause larger societal problems, Nordic Noir's broader tendency for "moral, political and social critique" offers a reservoir of possibilities for TV dramas to be imbued with the "ethical or social connotations" (ibid: 168) that are required of DR Fiction productions. Increasing the effectiveness of *Forbrydelsen*'s own "moral, political and social critique" was the decision to set this series in Copenhagen, Denmark's most populated city. As the seat of political power, this setting increased the significance of the political story (ibid: 167), while the diversity of Copenhagen allowed for striking contrasts between *Forbydelsen*'s 'family' and 'political' domains, such as those between the City Hall building and the humble Birk Larsen home in Vesterbro (Agger 2013: 236). Its Copenhagen setting also enabled *Forbrydelsen* to construct and reflect Danish society in microcosm.

Two other characteristics of *Forbrydelsen* seem pivotal to the template for contemporary 'Nordic Noir television' that it helped to establish. First is the overwhelming preference for night scenes, coupled with an extreme form of under-illumination for both interior and exterior scenes. As Jensen and Wade (2013: 262) observe, "the main scenes take place in all but total darkness, leaving only a few sources of light. The viewer is barely able to see the action unfolding". Second is the tendency to create detective characters whose melancholic personalities work in harmony with the appearance and challenges of a cold climate to create a specific mood (Creeber 2015: 22). This interlinking of character and landscape is strongly characteristic of the aesthetic of 'psychological realism', as one that allows the physicality of a hostile landscape to externalise a character's internal psychological struggle to deal with circumstances beyond their control (Dunleavy, 2009:73). The above elements, which are broadly characteristic of Nordic Noir, are taken to the extreme in *Forbrydelsen*. As Redvall (2013b: 168) found, "a mantra" for Piv Bernth and the production team was that "the sun was never allowed to shine and Sofie [as Sarah Lund] was never allowed to smile".

Six boundaries of particular importance

This chapter has examined the Danish drama *Forbrydelsen* to illuminate and understand the main factors contributing to its unusual transnational appeal and success. This programme set a new record for the international circulation of a non-English

language TV drama series. Investigating its production and distribution contexts in combination with analyses of *Forbrydelsen*'s first season, whose distinctive characteristics established an alluring template for the programme as a whole, the chapter demonstrates this programme's capacity for boundary crossing in several ways.

First, as a drama devised for Danes and the product of Danish public service television, *Forbrydelsen* has crossed boundaries between traditional broadcast and emergent post-broadcast TV cultures. Assisted by the global reach and immediacy of digital services and technologies, it attained an unprecedented level of international attention, an outcome to which niche TV channels contributed by providing the necessary exposure. Second, *Forbrydelsen* has crossed boundaries between public service and commercialism as a drama that reconciles national PSB objectives with the textual conventions of leading post-2000 examples of high-end drama, a form more often produced for commercial TV channels or providers. The creative and funding strategies deployed by DR Fiction provide a broadly applicable demonstration of how a small national screen industry and public service production department have been able to overcome the significant challenges of producing TV drama that can achieve international as well as domestic success.

Third, *Forbrydelsen* crossed boundaries through the reconciliation of universality and cultural specificity in its design and narrative. *Forbrydelsen*'s generic mixing and murder investigation trope are foregrounded as key contributors to its universal appeal and resonance. The cultural specificity of *Forbrydelsen*, whilst also informed by the well-established literary traditions of Nordic Noir, was strongly shaped by the distinctive PSB philosophy in play at DR Fiction.

Fourth, as a drama written for television rather than being adapted from literature, *Forbrydelsen* brought innovation to Nordic Noir as a form of TV drama. Its inventive deployment of a densely layered serial structure and other key characteristics of contemporary high-end drama, constitute a departure from Nordic Noir's earlier iterations as TV crime drama. *Forbrydelsen*'s creative legacy is evident, for instance, in Swedish-Danish co-production *Broen/Bron* (*The Bridge*) and the Danish *Den Som Dræber* (*Those Who Kill*). *Forbrydelsen*'s innovation and success stimulated a re-negotiation of textual conventions to forge a new template for 'Nordic Noir television' (Creeber 2015). However, this re-negotiation of conventions is not confined to European TV dramas. Accordingly, a fifth instance of boundary crossing for this programme is *Forbrydelsen's* creative influence on English-language crime dramas including *Broadchurch* and *The Fall* in the UK, along with *True Detective* and *Fargo* in the USA.

Sixth and finally, in helping to break down the traditional resistance of English-speaking viewers to subtitled TV dramas, *Forbrydelsen* has crossed an important cultural boundary. The international success of *Forbrydelsen* foregrounds new opportunities for dramas of non-American and non-British origin to play a more central role in the global supply of TV drama, gaining momentum from the specialist channels and internet streaming services that help to distinguish post-broadcast from earlier eras of television.

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PSM Going Global?

Navigating the Trans Border Rights Minefield

Benjamin J. Bates

Abstract

The author reviews industry and academic research about the viability of distributing broadcast signals and content across national borders. It is clear that emerging digital networks can provide a low-cost distribution system, and the rise of mobile broadband is rapidly expanding market reach in most countries. But it is equally clear that despite hopes for expansive international trade in signals and content, few markets have so far proven capable of generating meaningful revenues. The author examines the complexity of what is involved. Unless the PSM firm owns full Intellectual Property [IP] rights to the content, they will have to deal with diverse owners with varying and often contrary interests, and even when agreed, content licensing regimes often differ across countries. All of this suggests this strategy for earning additional revenues for PSM firms could be costlier and more complicated than is generally understood, and raises questions about whether this really is a viable option.

Keywords: trans-border markets, public service broadcasting, intellectual property rights, content licensing, WIPO Broadcasting Treaty, economic potential, programme trade

Introduction

Since the early 20th century, public service broadcasting [PSB] has a long history of providing content for audiences. In the early days there were significant technological and economic constraints. The technological limits on spectrum limited the number and reach of radio signals, and later television. Emphasising the public good aspect of broadcasting encouraged a search for indirect sources of funding (Bates 1987; Anderson & Coate 2000). The initial lack of media-specific content required PSB organisations to create their own content, and to search for content that could be readily adapted (Nissen 2006). Acquiring content meant dealing with intellectual property [IP] rights (primarily copyright). PSB managers quickly recognised both the necessity and benefits in securing the rights for content.

As PSB firms sought content, national copyright and associated IP laws and policies further developed to regularise and also support broadcast content markets (Ricketson

& Ginsburg 2006). This occurred within a framework of global treaties that organised a framework for handling IP rights (WIPO 2015a). While this system worked well for traditional radio and television that operated exclusively at a national level, the rise of digital global networks (the so-called Information Society) has transformative impact on the historic IP rights regime (Bates 2008; Cohen 2002; Litman 2001). The rise of digital media and global digital networks encourages self-reflection among PSB organisations and media regulators.

Technological advances in content creation, storage, and transmission, the rise of alternative distribution systems (cable, satellite, IP video, etc.), changing regulatory frameworks and cost structures, and increased competition from a growing variety of media channels (commercial broadcasting, multicasting, and online IP video market segments) have together redefined PSB in market-driven contexts (Cowhey & Aronson 2012; Napoli 2011; Picard 2002; Schiller 1999). The shifting costs and rising competition – combined with an increasingly deregulatory approach to broadcasting policy (Van Cuilenburg & McQuail 2003) in many countries – have pressured many PSB organisations to develop new distribution channels, seek new publics to serve, and identify new revenue sources[1] (Lowe & Bardoel 2007; Picard 2006; Price & Raboy 2003). Environmental change explains the drive to become public service media [PSM] operators. More recently still, environmental conditions are encouraging PSM to consider expanding their service areas beyond national boundaries.

This chapter examines pertinent issues, potential benefits, and the likely costs of going transborder. We focus on economic and intellectual property issues that PSM organisations face as they consider whether or not to distribute their signals and/or content in international markets. Of particular relevance is the potential (real or not) of added revenues earned from 1) transborder markets and 2) online video markets.

Transborder markets for PSM signals and content

While many PSM organisations have well-established "international" services[2], these have primarily focused on reaching targeted publics outside the nation rather than seeking a presence in transborder markets with the hope of generating additional revenue. Commercial gain is not the only reason for creating and distributing content to international publics (Bates 1988) and Benkler (2006) noted several motivations that are related to community and social value in such provision.[3] For example, many PSM firms recognise the value of serving smaller ethnic and minority groups through expanded service delivery options (Karim 1998; Ginsburg 1991). In recent years there has been serious consideration of how PSM can expand services across new media platforms and across international borders within the framework of their public service mandates and goals.[4] But PSM organisations must operate with limited resources, so the potential value of expanded services must be weighed against their costs. The good news for PSM is that digital production and distribution costs can be

minimal, making many of these potential expansions economically feasible. On the other hand, it can be difficult to measure and to monetise the value of public service activities (Lowe & Berg 2013; Bates 2009; Picard 2005). In addition, there are two aspects that merit consider in a cost-benefit analysis.

First, PSM firms may need to incorporate content for which they do not own the rights. In such cases, they must either acquire those rights or license their intended use. There will be costs in either case and the amount can vary with the perceived audience value of the content and the intended market/s. Although transaction costs[5] within the primary service area are generally well-established, licensing and transaction costs are more complex when the proposed service goes transborder because intellectual property right regimes vary from country to country and the stakes involved for various stakeholders also vary.

Second, and potentially more benefit than problem, PSM organisations may produce content or provide signals that have economic value for audiences beyond those explicitly treated in their domestic remits. In such cases, PSM organisations could generate additional revenues from licensing content to other broadcasters or channels, generate carriage feeds for their signals from multichannel services outside the primary service area, or even from commercial operation of the added services (via the inclusion of advertising or use of subscriptions). While there is some anecdotal evidence that PSM content may be valuable enough to generate additional revenues from transborder operations in some cases, it is unclear how great that value is or whether such value is widespread.

The potential for added revenues from transborder markets

Is there a viable economic transborder market for PSM signals and content? As multichannel services[6] develop, there seems to be growing potential for commercial broadcast and cable networks to significantly increase audience reach, which in turn has potential for revenue generation (Bates 1998; Waterman 1988). The BBC has enjoyed success in creating global and regional TV feeds (BBC 2013), which provides tempting, albeit anecdotal, evidence of the potential value for PSM to go "transborder." However, on balance such successes have proven quite rare. The BBC case might well be the exception rather than the rule.

Still, the hope of a new revenue source for broadcasters led the World Intellectual Property Organization (WIPO) to consider creating a new set of intellectual property rights for broadcasting outlets (Bates 2007; WIPO 2015c) that would apply to (primarily transborder) retransmissions of broadcast signals. The Treaty for the Protection of Broadcasting Organizations (commonly referred to as the WIPO Broadcasting Treaty) is supported by many PSM organisations and commercial networks alike, but has encountered a great deal of opposition from outside groups and from country representatives within the WIPO. Many saw the proposed Treaty as legally problematic and of dubious social value (Hinze 2009; Bates & Wells 2007) because it assigns "exclusive"

intellectual property rights to content that already has "exclusive" copyright protection. More critically, it seemed unclear whether the Treaty's protections would actually produce the revenue that was the Treaty's stated goal and purpose (WIPO 2010).

For the vast majority of PSM organisations, transborder markets and the prospect of additional revenues are of uncertain value. A study looking at broadcasting signal piracy and its financial impact on broadcasters (WIPO 2010) came to two interesting conclusions. First, broadcasting signal piracy was rampant, particularly in developing countries. Second, there wasn't any clear economic loss (potential or actual) that resulted from such "piracy". Thus, for most broadcasters (commercial as well as PSM) there appears to be little revenue potential from marketing their signals in other countries. This for the simple reason that even where there are audiences who would be interested in, and who value, a broadcaster's content, few could afford to pay Western-level subscription fees. And where audiences could pay, there is little apparent interest (i.e. perceived value) in paying – particularly for imported PSM signals.

Bates and Fontenot (2012) looked at the specific sets of IP-rights in the draft WIPO Broadcasting Treaty and considered the potential value they might provide for PSM organisations. They found a couple of the more specific (and rarely applicable) rights that could have modest value, but most of the value of the listed rights, if any, would be captured first by copyright holders and then performance rights holders. So unless the PSM also owns the copyright and performance rights, the proposed Treaty wouldn't be of much use. The researchers also questioned whether the proposed Treaty's emphasis on restricting access and use of broadcast signals is in conflict with PSM's principle emphasis on maximising reach for its content.

A recent white paper from Ernst and Young (2013) questions the potential for creating and capturing value from media and entertainment channels and content. They noted that interest in accessing free content doesn't necessarily correlate with willingness to pay for it if were not free. Further, they found that the USA is one of only a few countries where both Internet use, and willingness to pay for content, are high enough to create a viable economic market. Thus, with a few and quite limited exceptions, there's not a lot of opportunity to generate significant revenues from online distribution of media services and content. That is to say, there is no significant potential for most PSM operators to prosper economically by transborder signal distribution.

There is, however, some evidence of a (limited) market for PSM programmes (i.e. content but not channels). That is clearly proven by a history of successful licensing for specific content to other broadcasters for use in transborder markets. The BBC and other UK public service firms (C4 and ITV, especially) illustrate. As demonstrated by Trisha Dunleavy in her chapter in this book, DR Drama is a particular and important example, as well. But, again, it is not clear how generally applicable this potential actually is. Most PSM firms don't enjoy the degree of international popularity for their content productions.

Moreover, economic theory suggests that shifting from an open-access broadcast model at the domestic level to an online, controlled-access distribution model (at

either the domestic or international levels) would mainly encourage PSM to tap any already existing surplus value via recycling older content, providing expanded access options, and marketing affiliated goods, rather than producing new content specifically focused on transborder market success. There could be opportunities to create added-value for their services (for example, higher quality, commercial-free, early access, access to additional content not included in the original program, etc.), but this would beg the question as to whether a clearly commercial focus is consistent with historic PSM service goals and obligations, or in conflict with the ethos that has long legitimated the enterprise.

All of this taken together illustrates the problem of the lack of evidence on the potential (much less real) value for PSM signals outside their domestic markets; much less how much of that value could be monetizable (WIPO 2013). There are illustrative examples of successes, mostly from the US and Britain. Such would include the product licensing success of Sesame Street;[7] subscription revenues for cable networks with similar ratings and that have sometimes co-produced programming with PSM firms; money raised by PBS and NPR in the American pledge drive practice;[8] and the success of BBC international satellite channels on the world market (BBC, 2013).[9] But these are the best-case examples, from the wealthiest markets and can be conceived as exceptions rather than generalizable phenomena.

The growth of online video markets

Revenues are only one side of the equation. The good news for PSM is that while the potential to generate revenues in transborder markets is weak, the costs of entering those markets through the use of online video streaming (IP-video) can be minimal. The rise and diffusion of online video systems offer opportunities to enter new markets and provide value-added services at minimal distribution cost compared with traditional broadcasting operations (Sherman & Waterman 2014; Simpson & Greenfield 2012). But the extremely low costs for distribution are not the only factors at play.

In practice, using online video (or IP Video) for the real-time distribution of long-form television content requires a combination of newer devices and improved broadband Internet access in order to be competitive with existing signal distribution options[10]. Obviously, access to broadband, and the costs for both connection (i.e. subscription) and hardware, limits the size of viable IP-video markets, particularly for longer-form content. (Short-form content can be accommodated more cheaply).

The last few years have seen the rapid diffusion of IP video-capable devices and broadband Internet access (Brotman 2015), resulting in an explosion of IP-video audiences and IP-video traffic. Cisco's Visual Networking Index (2015, May) found that global online video traffic has increased five-fold in the last five years, and occurs in all global regions (although neither universally nor uniformly). Further, the rise of mobile video is driving much of the increase in IP-video traffic everywhere, particularly including Africa, Asia and the Middle East. Much of the rapid growth

is the result of smartphones with 3G subscriptions that meet the minimal technical requirements for real-time IP video streaming of TV signals and content. Development of the 4G mobile standard is likely to encourage the trend as this was designed (in part) to easily accommodate IP video (mobile broadband).

A recent IAB report (IAB 2015) found that 85% of U.S. Internet users have watched online video. Other industry studies suggest that roughly 1.6 billion people around the world currently access video content through the Internet; some 900 million use online services for long-form TV content – also called over the top [OTT] video (Digital TV Research 2015). Ericsson (2015) predicts that 90% of the world's population will have access to mobile broadband, and thus mobile video, by 2020, and that 95% of people aged six or older will have a device capable of receiving and viewing IP-video[11].

Thus, there seems to be little doubt that online video is already viable and will be an increasingly utilised channel that PSM organisations can use for transborder distribution of their signals or content. One advantage of IP video services is that they can avoid the "free-rider" problem by limiting access to subscribers or otherwise authorised users. An industry report puts global OTT video service revenues at $26 million USD in 2015, and predicts it will double by 2020 (Digital TV Research 2015). At this point, the revenues come primarily from the U.S., Canada, and Western Europe. The report predicts that eleven countries will generate $1 billion or more in OTT revenues by 2020. Knapp (2013) noted that while OTT revenues are growing in top European markets, they still represent less than 5 per cent of traditional TV revenues. Still, online video certainly offers a growing potential market and is something that PSM organisations need to consider.

Of particular relevance is the fact that access and distribution systems are of little value without content because that is what creates value for audiences – and those who seek to influence audiences. The costs for original content is driven by production costs and the costs for acquired content is driven by acquiring the rights to broadcast (i.e. intellectual property rights). The rise of digital systems has significantly lowered production costs to the point where most digital cameras and smartphones can produce (at least near) broadcast-quality content. The technical costs are only a minor portion of overall video production costs, however, because much of the cost is related to paying for the rights and talents involved to be able to produce. On the other hand, once produced, the cost of reproducing content for distribution via other markets and distribution networks is minimal – and thus generally not a limiting factor in deciding whether or not to enter a market. That holds in so far as the PSM organisation has produced and owns the intellectual property rights for the content, or has acquired those rights without additional cost. If such is not the case, however, the PSM organisation must navigate the minefield of intellectual property rights that can arise when using digital networks or when taking content distribution across national borders – our next focus for discussion.

The transborder intellectual property rights minefield

There is a global framework in place for the intellectual property rights of media content. The problem lies in the fact that it is not a uniform set of global regulations, but instead a framework based on the idea that if content is granted IP rights in its country of origin, then the same rights are granted in other countries, but under the specific IP law and policies in those areas (WIPO 2015a; Ficsor 2001). That makes things simpler within a country where the IP rights regime is the same for all content, regardless of the country of origin. But it complicates transborder markets because the terms of coverage, the particular set of associated rights included and how they are applied, and specifically what kind of licensing framework exists, varies significantly from nation to nation. PSM organisations with large (and old) archives of content may also face the "orphan works" issue (van Gompel & Hugenholz 2010), where the IP rights owner may be unknown, or cannot be contacted, making it impossible to obtain permission to reuse the work outside of the original license terms. In fact, the licensing situations in various countries are even more jumbled than the IP rights systems (WIPO 2015b). The wide range of licensing systems within the EU has led them to form a group that has been working to standardise licensing arrangements within member nations (EU 2014).

The allowed variations can force PSM organisations and other transborder content distributors to grapple with a wide mix of licensing options – a range of complications that justify our use of the term 'minefield' to describe the situation:

- Differing longevity in IP rights can result in situations where content under copyright protection in one country may be in the public domain in others.
- Differences in the definition of what types of content are granted IP rights can result in content having rights in some countries, but not in others.
- Differences in the selection of which "related rights" are recognised by a country can impact the range and scope of licensing requirements.
- Differences in the terms and framework for "fair use" and licensing process across countries can impact licensing transaction costs.
- Differences in the process of identifying IP rights holders and negotiating licenses.

It has been clear for at least a decade that laws on intellectual property rights have not smoothly adapted to accommodate digital content and online distribution systems (Cohen 2002; Litman 2001; Kuhn 1996). In addition, there is an environment of strong IP rights enforcement, and resistance to reform, resulting from traditional media seeking to further restrict and control content distribution as a cynical attempt to compensate for declining revenues in traditional outlets – i.e. to enforce scarcity (Ricketson & Ginsburg 2006). The strategy has been somewhat successful in the USA,

where licensing and subscription fees now surpass traditional revenue streams, e.g. recording sales for music and advertising in broadcasting (Friedlander, 2015). Meanwhile the global IP rights framework remains in a state of flux (Yu 2009) and is further subject to the vagaries of legal rulings regarding the interpretation and application of varied laws in specific cases.

PSM organisations have long been celebrated for the quality of news provision. This, as well, may create additional copyright headaches if their news programmes make use of "found" or solicited audio and visual content (Gervais 2009). The language used in recent legal judgements concerning media use of user-generated content [UGC] suggests that claims of ownership for "found" UGC (particularly when used for commercial gain by the "grabbing" media organisation) will not be upheld – while clear language granting media organisations the right to use solicited UGC for specific and limited purposes will be upheld. The problem is that a lot of situations fall somewhere between the two extremes. In addition, there's a lot of variability in "fair use" claims for use in news reporting, although giving credit to the IP rights holder appears to help.

All of this explains the considerable degrees of uncertainty for media organisations, and equally pertains to PSM, although the degree to which they are "non-commercial" organisations or are given compulsory licenses may make some of this less concerning with regard to the licensing needs for UGC. Still, PSM managers need to be aware of potential IP rights / licensing issues affiliated with their use of UGC, and proceed with caution.

What to do?

There can be significant value for PSM in extending their signals and content beyond domestic boundaries (WIPO 2015c; Bates 1998). Such could be the case in seeking to serve ex-patriot communities and émigrés, promoting cultural and educational opportunities, or supporting public diplomacy efforts. In such efforts extending PSM signals and content beyond national borders can certainly complement historic PSM goals and mandates. In addition, looking into international markets for PSM signals and content could open the way for new revenue streams.

But in an era of increasingly litigious intellectual property rights enforcement, it must be noted that any content licensed by PSM (rather than created and owned outright by the firm) may not include out-of-market licensing. If PSM wants to distribute such content outside the areas covered by a license, or in ways that violate other terms of that license, they will need to obtain additional licensing for each market area and/or use. As noted, this can open PSM to a demanding process of having to navigate a virtual minefield of rights and licensing issues that are compounded by multiple sets of IP rights and issues linked with content and the likely forthcoming signal rights associated with the proposed WIPO Broadcasting Treaty. The WIPO and related treaties are extending these rights globally, with several major parties pushing heavily

for extending coverage and increasing enforcement. It should be noted, however, that there is also political pressure to standardise intellectual property rights around the globe. This could simplify transborder licensing issues. At the moment, it is unclear which approach will prevail.

Thus, the problem that PSM organisations face in efforts to extend their signals across borders, or one could say globally, is a minefield of interconnected IP rights and licenses that may not extend to those areas. If the PSM organisation creates its own content and has full rights to its use, or has acquired the full set of intellectual property rights to the use of purchased content, then they are likely to at least have the capacity to extend their signal coverage without interference or potential additional licensing costs. This is not to imply that they should not consider the impact that doing so may have on their domestic legitimacy or efforts to market or license that content in other countries. But the problem can be magnified by the fact that a single piece of content may include multiple items of distinct intellectual property (IP), each with a distinct set of IP rights. And each element covered by some IP right may have separate and distinctive licensing arrangements that limit what can be done with that content. As noted repeatedly, licensing issues vary widely from country to country.

In addition, the continued growth of new distribution mechanisms and consumer devices for consuming content are producing alternatives not envisioned by older licenses. Legal battles persist over whether such uses are subsumed by existing licenses or require new licenses. Moreover, the impact of IP rights and licensing are not static – uses that were covered by fair use yesterday may find that a court ruling or change in some law somewhere or other will mean it's no longer considered fair use. Licensing authorities can and do change fees or terms. This is the complex minefield that PSM organisations (in fact, any content distributor) face when entering new markets today, most of which are international. Licensing issues are not only potentially expensive and legally dangerous, but are prone to shifting with the whims of legislators, licensing authorities, and courts.

Extending PSM capability to distribute signals and content is technologically and economically viable today. This certainly seems to have the potential to be socially and culturally valuable. What it may not be is legally or economically viable – particularly if the firm doesn't own the IP rights for the content they are looking to market and distribute elsewhere – potentially to generate additional income.

Recommendations for PSM going global

The recommendations for PSM wanting to distribute their services internationally are fairly simple:

1. Make sure the organisation holds the full IP rights for as much of their content as possible.

2. If not, managers need to be certain about what the primary license for the content allows, and what is necessary to obtain licenses for use in countries that are desirable markets.
3. If licensing particular sets of content is too difficult, consider finding or creating substitute content that is public domain, open-license, or for which the firm owns the IP rights.
4. If a particular country's licensing system is massively problematic and a lot of content requires licensing, consider removing that country from the firm's marketing plans because it's probably not worth the effort, cost-wise.

PSM organisations can also support grassroots efforts encouraging the expansion of a simplified and global licensing regime under the direction of the Creative Commons movement. This movement supports compulsory licensing for non-profits, educational, and public service media operations, and the movement towards expanding "fair use" and public domain expansion (primarily by limiting the term of IP rights).

There is one last thing for PSM managers to consider before 'going global'. If the content is very valuable, and the firm owns IP and/or licensing rights; it might be more profitable to license the content separately than to market a comprehensive service that includes such content. This becomes a concern primarily when a PSM organisation's primary goal is to commercially exploit its content or signals.

Notes

1. In fact, all media are facing revenue challenges as a result of rapidly transforming media markets. Finding new opportunities for monetizing video channels and content is a critical issue (Ulin 2013).
2. Through short-wave radio outlets and broadcast towers on borders. Further, these were established for purposes other than revenue generation.
3. Many of these alternative motivations are consistent with PSM goals.
4. For example: Bardoel & d'Haenens (2008), Burns & Brugger (2012), Iosifidis (2010), Lowe & Bardoel (2007), Lowe & Martin (2014), Lowe & Steemers (2012), Tambini & Cowling (2004), Trappel (2008).
5. Transaction costs refer to the costs involved in obtaining licenses for intellectual property.
6. Multichannel video distribution includes cable systems, DBS operators, and satellite aggregators. There is now movement to include Internet (IP) video into the definition as well.
7. Which is not owned by PBS/CPB, and thus doesn't help that PSM at all.
8. As these are additional contributions, arguably by those who value the service and content more highly; they can be seen as reflecting the surplus value of PSM.
9. BBC has successfully marketed both a global news channel BBC World News, several commercial, entertainment-focused, targeted channels (America, Canada, Entertainment, Lifestyle), and foreign-language channels emphasizing news (Arabic, Persian, Urdu). By law, all are separate from BBC domestic PSM operations and funding.
10. For IP video to be considered "competitive" it needs to be able to stream content of equal or better picture quality in real time. Most recent computers, tablets, and smartphones have the processing power to meet that standard, but real-time streaming also requires minimal broadband Internet connections.
11. A smartphone or tablet with Wifi and/or 3G or higher mobile subscription.

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Crossing Boundaries for Innovation[1]

Content Development for PSM at Yle

Sari Virta & Gregory Ferrell Lowe

Abstract

The authors explain the crucial importance of crossing boundaries to achieve innovation in PSM content development. The reasons are explained with reference to creative organisation and innovation theories, and demonstrated in practice via analysis of an empirical case from Yle, the Finnish Broadcasting Corporation. The chapter focuses on characteristic challenges and practices in boundary crossing at three levels: organisational, group (or team) and individual. Key findings include lessons about the complexity of building and maintaining a creative media organisation in practice, especially in relation to designing structures, organisational arrangements and tools to make it happen, i.e. the move from ideation to realisation. Internal politics, organisational resistance, and managerial complications are confounding factors. The chapter demonstrates how and why nurturing collaboration across boundaries is a complex task that requires a particular and special skills set for media managers.

Keywords: content development, creative organisation, Yleisradio (Yle), innovation management, media innovation, work culture

Introduction

In the turbulent environment of media convergence public service broadcasting [PSB] organisations are expected to produce quality content and lead in the pursuit of innovation (Lund & Lowe 2013), which is considered imperative in Pulic Service core values (Fernández-Quijada et al. 2015; EBU 2012). This poses a significant challenge in the convergence of public service media [PSM] (Lowe & Bardoel 2007). Convergence is about crossing boundaries between media platforms, sectors, firms and industries. This requires learning new ways of thinking and that is not easy for organisations that are typically big and old in Western Europe.

Inability to innovate is the most common cause of organisational failure among older companies (Drucker 2007). This is pertinent because PSM is deeply rooted in PSB legacies. Creativity is a vital strategic resource for media companies, thus also for

PSM organisations, and innovation is critical to competitive advantage (Gershon 2013; Küng 2013; Küng 2008a). Given the centrality of these issues, this chapter focuses on crossing boundaries to achieve innovation within and for PSM content development. Three aspects legitimate this focus.

Firstly, to achieve innovation in output requires content development. Secondly, content development work requires creative organisation capabilities that can be constrained by the divisional structure of PSB heritage. As creativity and innovation theories suggest, what's new often originates from differences that 'collide' (Amabile et al. 2005). That encompasses ways of thinking, varied specialisations, diverse personalities, and multiple platforms. With the growth of outsourcing and commissioning, it also goes beyond internal organisations and depends on creative networks. Thirdly, sustaining innovation and the creative organisation requires systematic practices. Managing for creativity is a complex task because success depends on tools, processes and practices that are particular to the purpose.

Innovation can be achieved in various elements: product, process, position or paradigm (Dogruel 2015). We focus on product innovation in a PSM firm. Content creation is the backbone of media organisations. Thus, the need for creativity in content innovation is continuous (Küng 2007; Caves 2000). In most media firms product development is pursued as part of everyday production work and R&D investment is comparatively low – a few percentage points at best, often some fraction of 1 per cent (Bleyen et al. 2014; Küng 2013). Thus, studying the concepts, practices and experiences of a project dedicated to content development is important.

In exploring these issues our chapter works to generate insight about media innovation on the basis of an empirical case study in which an innovation initiative was developed as a distinct operational unit in a legacy PSB company: Yleisradio [Yle] in Finland (2001–2005). At this historic remove it's possible to see more clearly what worked well in achieving the objectives, and why it wasn't possible to sustain the initiative. We integrate creative organisation and innovation theories to analyse the case and focus on creativity for innovation capability as a core success factor. We begin with the theoretical framework, then analyse the case, and conclude with some important lessons learned.

Content development in media

Creativity that leads to product innovation is a primary strategic resource for media because product success or failure determines the firm's competitive position in a market and therefore its sustainability. But anything novel is by definition unfamiliar, and therefore risky. Moreover, the costs can be high because content quality affects performance (Küng 2008b). That means product development can be a high stakes 'game'. Calculated risk must be accepted because continuous product development is essential for PSM social legitimacy and competitive success. This suggests that facil-

itating product development hinges on competence in the management *of* creativity *for* innovation. Being creative isn't the goal; for organisational interests the focus must be on achieving results that matter – i.e. innovation.

Creativity in media

Today media are commonly classified as creative industries (Deuze 2011; Bilton 2007). Creativity is variously defined and has roots in diverse disciplines, especially psychology (Kaufman & Sternberg 2010; Amabile 1996a; Csikszentmihalyi 1996). Traditional views emphasise the creative individual and privilege artistic and 'mystical' aspects, suggesting creativity is innate talent (Styhre & Sundgren 2005). Creative people are presumed to possess a natural ability keyed to individual combinations of creative thinking skills and developed expertise (often tacit) – two of the three core components in the seminal model advanced by Teresa Amabile (1998). The third element in her model is intrinsic motivation. Talent can't be 'taught' and creativity as such is unmanageable. Media managers can foster environments that stimulate creative thinking (Amabile 1996b) and create systems that produce innovative results.

Individuals are creative – not organisations as such. However, novel results most often happen when individuals with different skills, talents, perspectives and experiences interact and even collide. That is when new things emerge. Groups working as teams facilitate this more often than individuals working alone (Amabile et al. 2005). That is especially relevant to PSM because production is a complex process that happens in complicated organisational and social contexts. Media production is usually a collaborative undertaking that requires diverse talents and skills of varied professionals that must work together to achieve a shared (or at least mandated) goal. Management competence is crucial for crafting and handling processes that facilitate environments to facilitate such work (Govindarajan & Trimble 2010a; Amabile 1998). Success depends on fruitfully combining specialist talents with different ways of thinking and perceiving. From an operational perspective, the concept of *organisational creativity* is therefore especially useful because it focuses on the everyday environment of creative work (e.g. Mumford 2012; Zhou & Shalley 2009; Styhre & Sundgren 2005). This has been described as an *interactionist* or *social-constructivist* approach because it assumes most people are capable of creativity in variable degrees if assigned the right tasks under the right circumstances (Küng 2008b).

For organisational creativity to happen, managers should focus on social influences that facilitate or inhibit creative work by individuals in groups. Key factors include work structures, processes and environments. All of this depends on management practice because that encourages or constrains the creative work that is instrumental for achieving innovative results. This understanding links creativity and innovation as a contextual feature of any work community and is highly pertinent to media industries where creativity is such a vital strategic resource. Creative talent must be 'harnessed' to achieve results that are useful for the organisation, which highlights the need for

managers to give direction, establish objectives, clarify concepts, and allocate scarce resources (Drucker 2007; Buckingham & Coffman 1999). Emphasising results that are 'useful' to the firm underlines the importance of success as a practical concern. Creativity is not a product; an innovation can be. Treating both as organisational phenomena is crucial for managing media operations (Küng 2008a).

Media innovations

Innovation is generally used in connection to product development. Research on innovation *management* is extensive (e.g. Hamel 2012; Govindarajan & Trimble 2010a; Govindarajan & Trimble 2010b; Hamel 2007; Christensen & Raynor 2003; Christensen 1997). Innovation in media content is less elaborated (Bleyen et al. 2014; Dogruel 2014) and useful for improved understandings about change in media industries, a point generally conceded but not yet sufficiently developed on the basis of empirical research.

A common classification schema hinges on the scope or degree of newness. This helps distinguish types of innovation: 1) incremental (or adaptive), which implies gradual improvements of existing products or services, or 2) radical, meaning "breakthrough" innovations that alter the fundamentals of a market or industry (Storsul & Krumsvik 2013; Dal Zotto & van Kranenburg 2008). With regard to innovation in media, developing something entirely new and original is rare. So breakthrough innovations are not routine and happen mainly in relation to technology advances that typically originate outside media industries (Storsul & Krumsvik 2013). There are numerous ways to connect pre-existing ideas, formats, visuals, and the like, to produce media products that are innovative. Thus, media innovation is mostly incremental.

Our perspective encompasses innovation both as a process of exploration in developing something new and as a practice of exploitation with value-creating consequences (Storsul & Krumsvik 2013; see also Dogruel 2013). Innovation in management is a third crucial aspect (Govindarajan & Trimble 2010a; Hamel 2007). Case Särmä at Yle highlights interdependencies between these three aspects and is therefore a useful case for analysis.

Managing product development in a creative media organisation

Media managers are responsible for bridging ideation and realisation in content development. That requires competence to enable good ideas and accomplish skilful work that produces successful products which, in turn, inspire new ideas (Govindarajan & Trimble 2010a). Media professionals need encouragement to seek out new connections, to pursue new experiences and to work at developing new understandings of familiar things. As Lucy Küng (2008b: 149) observes, "The successful introduction of new programmes, products and services depends on a person or team having a good idea (the creative spark) and then being able to develop that idea further." Traditional 'command and control' hierarchies are not conducive to success (Hamel 2007). On the contrary, creative workers experience this as threatening (Baumann 2013).

The goal is for creativity to be 'nothing special' in the sense that it is routine, everyday practice. To achieve that it is not enough to 'tolerate' diversity; the interaction of difference is *required*. Media managers are challenged to create structures, procedures and intersections that make interaction a routine occurrence that is necessary for getting work done. That is the surest way to facilitate new ways of thinking, but it inherently fosters critical challenges to characteristic views and practices (Drucker 2011).

Organisational creativity that produces innovation requires robust alignment. That is the managerial work of crafting organisational processes to co-ordinate everything from HR management to financial planning, strategic management, and even real estate and facilities management. Crossing boundaries is a pre-requisite for success in achieving innovation. Although typically considered bureaucratic work by content makers, these functions play crucial roles in enabling or inhibiting the potential for creative talent to emerge, to work productively, and to achieve innovative results (Govindarajan & Trimble 2010a).

Developing management structures and operational tools are crucial for persistence and consistency in moving from ideation to realisation in daily work. Here 'tools' are understood to encompass the widest range of processes, techniques, working methods, principles of development, leadership, organisational structures and evaluation measures. As Jeff Dyer (et al. 2011: 3) concluded, "one's ability to generate innovative ideas is not merely a function of the mind, but also a function of behaviours".

In media production and content development practice the work is characteristically project-based. Thus, the importance of project management is increasingly recognised in media operations today (Lundin & Norbäck 2015; Baumann 2013; Reca 2006). Project-based networks are partly internal and partly external to media organisations. They overlap and often collide with traditional, hierarchical and fixed structures. Co-ordination and boundary crossing are therefore essential managerial competences (Baumann 2013).

A further challenge lies in requirements for networked co-operation. There are inherently more ideas, knowledge and skills outside a particular organisation or team than are internal to it. Integrating external creative professionals into content development projects demands greater flexibility than traditional PSB organisations have historically accommodated, and a higher dependence on relationship networks than many have been structured to facilitate.

Creative organisation in practice: Case Yle programme development

In treating the empirical case, we analyse key challenges associated with translating theoretical knowledge about creative organisations into routine practices that can be managed and will produce innovative results. Various aspects related to crossing boundaries are discussed. Many of the practices and tools were developed expressly

for crossing boundaries with the aim of nurturing creativity to facilitate innovation as a routine result.

We focus on how one content development initiative was operationalised. Analysis benefits from ready access to all data about the project, from the planning and creation phase to the shutting down of operations. Analysis is categorised in organisational, team and individual levels for clarity, although the different levels were not separate in practice but, on the contrary, were strongly intertwined and interdependent.

The case is from the early 2000's in the Finnish Broadcasting Corporation, Yleisradio. At the time Yle was a media-centric organisation comprised of a TV Division, a Radio Division, and a Svenska Division[2]. The formal name for our case was *Yle Ohjelmakehitys*, translated Yle Programme Development, but it was more commonly referred to by a nickname – *Särmä* (or YleEdge[3] in English). Planning started with research in 2001 and was finalised in 2002. Arne Wessberg, the Director General, saw the need to create a systematic product development process for Yle, something that had never existed in any formal sense although programme development was always part of production practice. The second author led the process of developing the unit's strategy, structure and operational model, and was responsible for the operation. The Yle Board of Directors approved the proposal, with a few significant modifications as later discussed, in February 2003. Särmä launched in May 2003.

The first author was employed as Projects Portfolio Manager (2002-2005) and was involved in the planning phase. She worked as part of the unit's management team with the second author, who was the main designer and Head. The management team was unusual in itself at Yle then and was mandated to build a creative organisation and achieve innovation in Yle content.

Organisational level

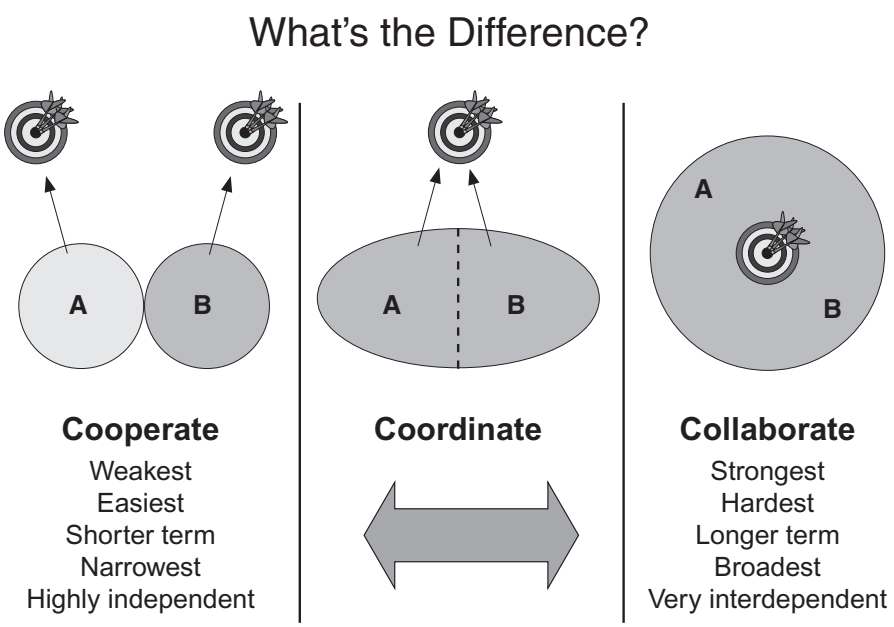
Older traditional organisations, which characterise PSB corporations in Western Europe, have historically been internally conflicted, competitive and hierarchical (Küng-Schankleman 2000). At Yle in the late 1990s, there was considerable organisational redundancy and resistance to change. This was rooted partly in traditional thinking and ways of working and partly in the diverse vested self-interests of various managers and makers to maintain the status quo. The divisions, channels and media were separate entites and each had their own management, support services like HR, and production personnel. It was a classical 'silo' or 'stovepipe' structure. The Swedish-language division added to operational overlap[4]. Boundaries were strong not only between divisions on which the power structure was based, but also between skill centres where production was done, and channels where commissioning and transmission were located.

In creating the design for Särmä, the second author began with internal research to identify development needs in Yle. The results showed that many development obstacles were associated with difficulties in working across boundaries between me-

dia (radio vs. television, and at that time emerging new media), genres (e.g. news vs. entertainment), organisation levels (strategic management vs. operational practice), profession perspectives (mass media vs. new media) and boundaries between Yle and independent production firms (external). Executive managers were keenly concerned due to complications and dysfunctions in the early period of Yle's efforts to build a matrix structure to end the silo system. Softening boundaries to enhance synergy in a matrix organisation was an essential task for the new unit. Thus, the mandate was not only to facilitate development in content, but also crucially in context.

Figure 1 from the Särmä proposal materials[5] illustrates how this was conceived. The aim was to achieve collaboration, which was assumed to be much harder and more demanding than the alternatives.

Figure 1.[6] The model illustrating the challenge of building a collaborative organizational practice



Source: Gregory Ferrell Lowe, 2003

Collaboration requires not simply crossing but in key respects collapsing boundaries. This was a persistent challenge for Särmä's managers and creative workers. Crossing boundaries between departments and functions was a continuous exercise for resolving conflicts between programme makers in different genres, channels and media, between producers and managers, or within a maker team that can't agree. Resolution required dealing with often unhelpful policies preferred by HR or the financial department, for example, which had their own systems and ways of doing things. Colleagues in these areas were often themselves tangled with legal requirements and rigid labour

structures that made flexibility difficult. Thus, a lot of what the management team had to work with and on was essentially political.

Concrete tools were developed to ensure working across boundaries. One example can illustrate. The Särmä management team had the invaluable support of a financial controller[7] who offered advice and insight that led to the creation of a financial tool to simultaneously facilitate project planning and reporting. Each development project was assigned a production code, which was always required but earlier assigned on a largely random basis. In Särmä the code had practical meaning because each number in the series (by column orientation) described a particular feature (media, channel, type of project, etc.). The production number schema was crafted to facilitate rapid and detailed analysis on-demand but was important for assessing the degrees to which the project portfolio and individual projects were working across boundaries. Using Excel, all project elements were distinguished and could be integrated in a schema that answered every financial need for reporting, enabled constant tracking of the project portfolio and calculating the comparative proportion of work for all "clients", and for the firm as a whole. This answered the managerial challenge of guaranteeing transparency in resource allocation and making sure the work followed Yle's strategic aims.

The organisational silos were lowered but remained problematic when Särmä was operational. The original idea was to welcome all proposals for product development projects and select the most promising based on their intrinsic potential value for the firm's competitive situation and fulfilment of the public service mandate. The Board of Directors approved this. But in practice the divisions were jealous to secure proportionate shares of Särmä's resources, i.e. relative equality in the allocation of time, money and effort on projects. This required a revised proposal that resulted in creating a Development Steering Group with representatives from each of the divisions, nominated and given authority to decide between themselves about which projects Särmä could accept. A 20% share was reserved for strategic projects that could benefit Yle as a whole, and another 20% for Särmä internal development.

The latter was unusually high in media firms overall and within Yle, but was accepted because it was essential for the development unit to constantly develop its self. Although this silo-based structure for selecting projects satisfied the divisions' internal interests, it created a bottleneck that hampered being able to quickly, consistently and effectively achieve the main targets for Särmä work. The structure became a burden for managers both inside Särmä and across the firm due to the need for constant and often frustrating negotiations between parts of the organisation. Unclear development targets and inappropriate projects also played debilitating roles[8].

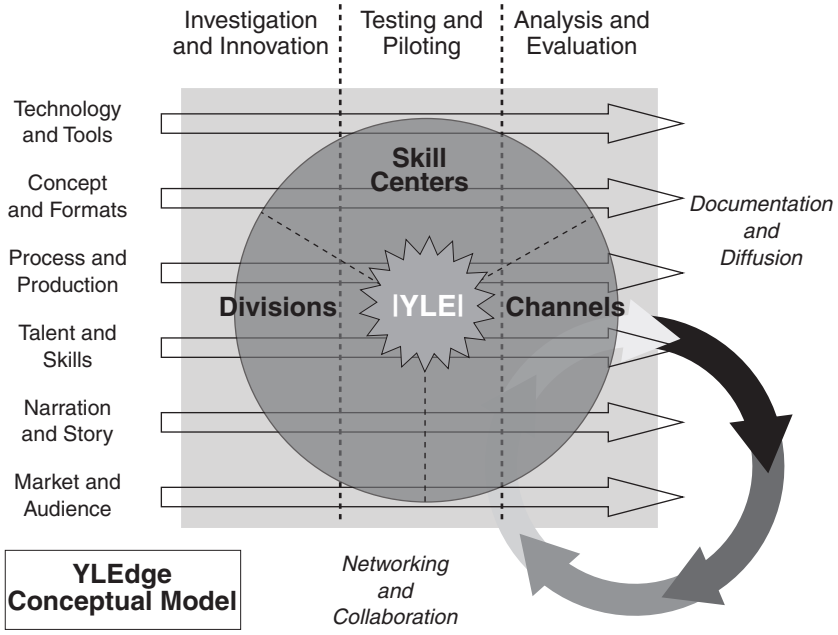
Group level

Särmä's essential resource was the personnel, a team of 14 people devoted to content development. The unit structure was designed to nurture an innovation team as mandated to support Yle programme makers in their efforts to make better, more innovative

content attuned with Yle programming strategies and public service requirements. Thus, Särmä was about facilitating the creative processes and helping makers improve programmes, not making programmes.

Figure 2 presents the conceptual model that was crafted[9] as a basis for the operation. Six central elements of content and programming were identified in the research and were the focus of proposed work. These are specified on the left side, beginning with technology and tools. Three content development functions are specified across the top beginning with investigation and innovation. The third function, analysis and evaluation, proved to be a core element and consumed the lion's share of Särmä work. As theory suggests, most media innovations are incremental and therefore adaptions. Särmä was tasked with producing insightful evaluations with practical recommendations for product development. Two value-added services are featured: Networking to secure 'fresh blood' and cumulative growth in collaboration, and Diffusion to ensure the results of development work on each project would be available for everyone's benefit at Yle. All of these functions are fundamentally about crossing boundaries.

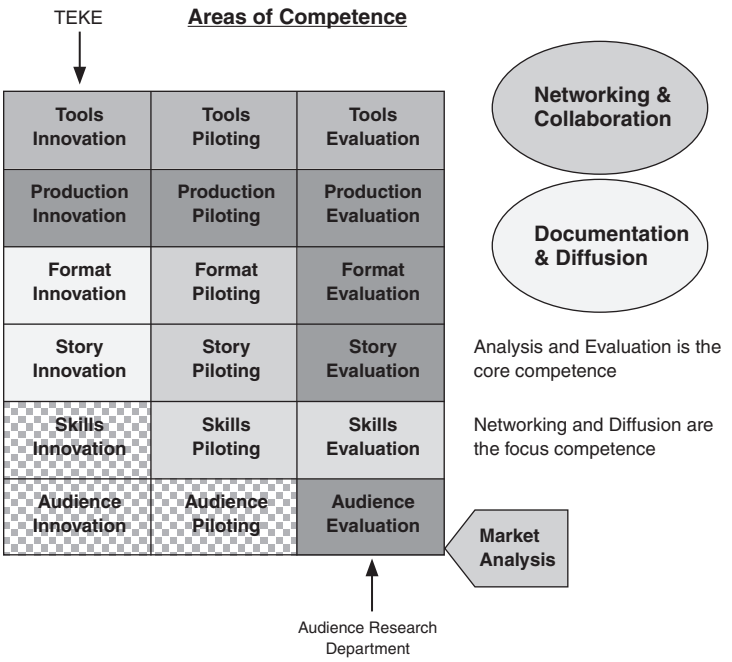
Figure 2. The operational concept for Yle Särmä, in English YLEdge



Source: Gregory Ferrell Lowe, 2003

The model was applied in defining the areas of competence and specialisations needed to handle content development practice as an operation. The areas of required competence were identified according to the elements and intersections in the model to support crossing boundaries within and across Särmä teamwork. The result is represented in Figure 3.

Figure 3. Areas of required competence for Yle Särmä content development practice



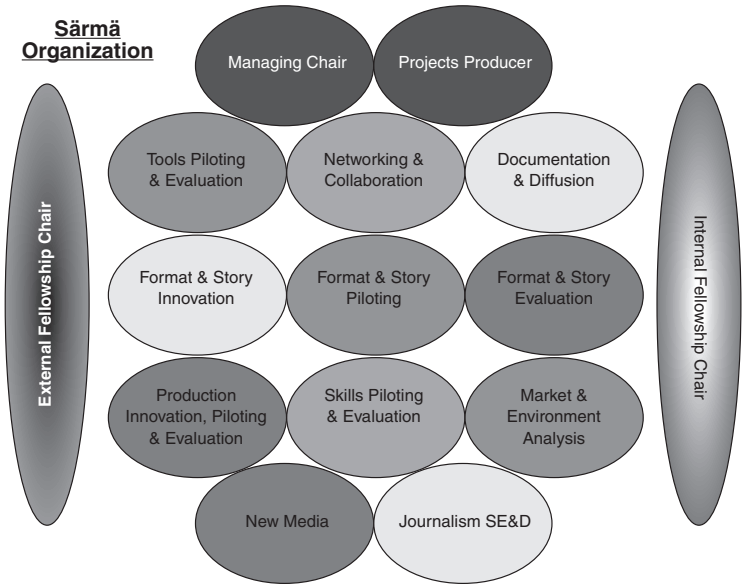
Source: Gregory Ferrell Lowe, 2003

The uppermost box on the left and lowest box on the right are areas where other internal departments or external agencies were expert. Trying to replicate them would have been redundant. The idea was to collaborate with internal and external experts for handling those functions (tools innovation and audience evaluation, especially). The chequered boxes made no sense as specific job areas or roles and were deleted.

Employment positions were crafted on this basis and are pictured in Figure 4. The resulting job definitions were keyed to the types of work required in each case, derived from the conceptual model (Figure 2). The employees hired for the various jobs were strongly involved in the role defining process. They were given group tasks to figure this out and to propose co-related work processes. This was crucial in two ways: 1) the employees' creative knowledge and professional experience were harnessed and 2) they were highly motivated in the work. The aims and mission of Särmä were translated in concrete terms by involving the employees in deciding about their work and futures.

This was a novel approach to establishing positions for personnel and developing job descriptions in the company, and was resisted by the HR department. Building the organisation required considerable negotiation with personnel there and involved the Journalist's Union. HR was challenged with creating legal (rather than conceptual) positions that were not part of agreed posts defined by the company. They were opposed to unique job titles like *Format Analyst* or *Networking Designer*[10], largely due to pre-defined structures for job titles with related benefits arranged as scales. Further,

Figure 4. The organizational design for specialist employment in 2002



Source: Gregory Ferrell Lowe, 2003

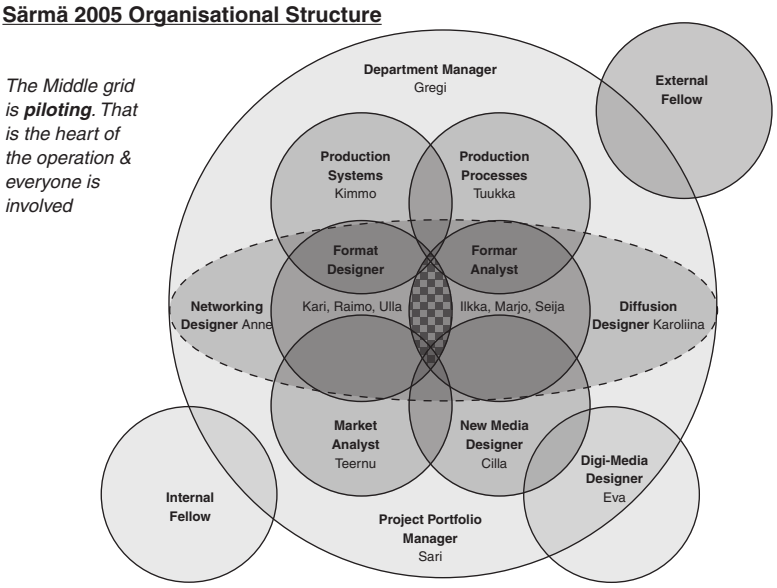
HR considered it problematic and burdensome to synchronise peculiar employee positions, titles and task-based requirements with existing wage-definition procedures.

In the end, direct support from the Board of Directors was required and some compromises were necessary. For example, the idea of a managing 'chair' for the unit head, borrowed from the academic world, was rejected. Two particular positions were prescribed that were linked especially with then current challenges facing the company, i.e. New Media expertise and the historic and continuing emphasis on Journalistic Specialisation, Evaluation and Development. Finally, the two fellowships are worth noting especially for their importance in crossing boundaries, one from within Yle to ensure rotation of talent and to build up internal networking and diffusion, and the second being an external fellow brought in for 3-6 months each year to help with particular projects and contribute to the learning and development of the personnel.

The Särmä structure and positions evolved on the basis of experience and results, i.e. learning. The structure in 2005 when Särmä was shut down is pictured in Figure 5[11]. By then it had become clear that the essential work was piloting new productions and keyed to supporting development in commissioning, of paramount practice in the matrix organisation overall.

Särmä work was organised according to project management principles, which was not typical in 2002. The governing principle was: Uniformity in procedure; Consistency in practice; Diversity in personnel. This reflected the importance of balancing collective and individual needs in the organisational context. Employees were expected to exercise individuality and leadership in creative project work (exploration), but to do

Figure 5. The organizational design of specialist employment in 2005



this work with standardised procedures (exploitation). Lessons-learned reviews were a required aspect of each completed project, as discussed below, so that procedures were continually refined.

Best practices were a priority and the emphasis was on developing concrete tools to cultivate creative capabilities and share results. These included "Oppi" sessions, monthly events to learn about new things through presentations prepared by guest experts[12], with critical discussion about the practical implications. Another learning tool was called "Siperia Akatemia"[13]. This required investment and significant preparation by the Särmä management team. Selected content development projects were analysed and compared by the community with a focus on generating insights about generalizable phenomena and how to improve handling processes and practices that produce good results. Issues for Särmä internal development projects were identified and consistently followed up by the management team.

Further, weekly content meetings concentrated only on content development projects, i.e. creative work. Administrative issues were dealt with separately in short and focused business meetings each month. Creative successes were celebrated in the community and those responsible were rewarded. Annual retreats were planned to encourage employee wellbeing and to support the social aspects of creative organisation culture. Employees were encouraged to apply for grants to participate in seminars and various events outside Yle, and outside Finland.

The governing aim was to support organisational creativity in every element of arrangements and actions to ensure as far as possible the good mental and emotional

health of employees engaged with work that was frequently difficult and stressful. Organising the events, maintaining the balance, and running the operational system was the focus of work for the management team.

Individual level

Managing development work and creative professionals are challenging tasks, especially when combined. Särmä was a collective of individuals with diverse backgrounds, personalities, skills and interests. The community was a cross-generational, cross-cultural, multidisciplinary and multi-lingual group[14]. Diversity was pursued when recruiting personnel and selecting fellows, intentionally encouraging differences that collide in practice. Managers needed to weld the individuals into a community with a shared mission that was clear, concrete and multilingual, with collaboration as a constant. Both leadership (showing the way and inspiring) and management (handling administrative tasks) were therefore essential. The community participated in defining the mission statement: "To help programme makers make better programmes". This specified their role as content development professionals – not to own, control or command, but to facilitate the success of Yle programme makers and *their* programmes.

In the beginning, employees felt overwhelmed. A common description was the phrase, "I'm walking in boots that are too big". The work was demanding and the situation was very challenging. This work was not entirely new because most personnel had worked in internal training earlier, but the role and responsibilities were unfamiliar and largely created from scratch on the basis of creative organisation theory. The unfamiliarity and uncertainty created anxiety. Learning project management skills and tools was difficult. Facing the hopes and complaints of demanding programme makers, who were often suspicious of 'development experts' who were not themselves making programmes, was also stressful and often frustrating. Everyone was not equally able to tolerate the pressures, handle conflicts and cope with uncertainties[15].

Such feelings are typical for creative work in a professional and organisational setting, and to some degree they are useful for focusing the work. Managers of such operations need ways to support creative workers so they can tolerate ambiguities and overcome emotional difficulties when these are too strong, too personal or persist for too long. Maintaining a healthy balance between positive challenge and overwhelming demands is crucial. Continually resolving this dilemma is a characteristic requirement for managers, and clarity is of central importance. Workers need to know what the work is about, what the job requires, how to do it, the procedures and rules must be defined, and they need to feel secure in knowing what to do about various kinds of problems. They also need to know that failures are tolerated and the important thing is what the team and community learns from them. These are part and parcel of the working conditions in a creative organisation and directly support a worker's intrinsic motivation to be creative and achieve innovation.

Each Särmä employee had an individual job description that he or she helped formulate. Everyone was assigned a primary responsibility, but also a secondary developmental area. This ensured higher degrees of bonding across boundaries with colleagues. Personnel participated intensively in developing ways of working and evaluation protocols. They had opportunities to exercise creativity and achieve innovation in how the professional practice was managed. All of this focused on instilling self-confidence and teamwork.

Conclusions and further research

"Särmä" was experimental in practice. The original proposal defined the unit as a fixed-term endeavour. This was seen as a good way to guarantee development as a result of 'positive pressure'. Applying for continuation from the Yle Executive Board would require routine development, thorough evaluation, and demonstrated innovation successes. In practice this idea was turned against the community due to a change in executive management in 2005, complex internal politics that were a legacy of the silo organisation, the bureaucracy of the project in-take system alluded to earlier, and due to corporate deficits that required cutting costs and personnel.

In this context it proved impossible to advance to the next developmental stage. The new Director General of Yle, Mikael Jungner, decided to end the operation due to a tight financial situation combined with what appears to have been a lack of leadership willing to take over responsibility for the unit and its functions. The executive management board had internal politics to deal with in this period and competition for resources was intense. The new administration was focused on Yle strategy development. The replacement idea for Särmä as formulated by the Director of Strategy, was to convert content development into "a distributed function". To our knowledge that wasn't defined in any detail and in practice it meant returning to the old way of doing product development work at Yle, a typical approach for media companies (Küng 2013) – i.e. makers trying to do this while doing their routine work, although with some additional support from the firm. A fruitful area for further research is exploring how content development at Yle has worked as a distributed function, and weighing the benefits and losses in comparison to the earlier dedicated unit. But there are lessons already learned that should be noted.

One obvious lesson is that it's much easier to say a media firm should be a creative organisation than to devise the structures, organisational arrangements and practical tools necessary to make that happen as a routine, cumulative operation. Content development work is stressful, complex and ridden with conflict. A lot is pre-requisite to consistently move from ideation to realisation. Innovation in media products requires innovation in processes and management, not only content, and the various types of media innovation (see Dogruel 2014; Dogruel 2013) need to be considered as complementary elements in the process.

A second lesson is apparent in the degree of challenge involved with maintaining development in the face of organisational resistance and internal politics (Govindarajan & Trimble 2010a). The managers of Yle Särmä needed to navigate between and across boundaries that were plentiful, complicated, diverse, stubborn and self-interested. This is characteristic to traditional legacy media organisations. Success and failure in this aspect had decisive impact. It is quite likely that the management team had some role in the decision to end the experiment, mostly due to stubborn effort to keep faith with previous promises and failing to properly navigate across new boundaries carefully enough and to modify plans accordingly. In short, the managers themselves were quickly invested in their 'own' organisation.

A third lesson is that creative work must be managed with tools derived from diverse fields of management expertise, especially creative organisation, learning organisation and organisational creativity (e.g. Mumford 2012, Zhou & Shalley 2009), project management (e.g. Lundin & Norbäck 2015; Reca 2006) and innovation management (e.g. Drucker 2011; Hamel 2007). Despite the traditional non-division of production and innovation in media organisations (Bleyen et al. 2014; Küng 2013), we are doubtful of the 'distributed function' approach, because it means such work must be done as yet another chore in the context of increasingly high demands on workers engaged with daily practice, and because this kind of work and its management depends on specialised skills and facilitation. Media content development work can happen without specialist support, but not as constantly, professionally or comprehensively, and the results are not as likely to be analysed or shared in the organisation and with external network partners.

Nurturing collaboration across boundaries was the core challenge at Yle, internally but also with external partners. Särmä pioneered this work in the organisation. Achieving collaboration, even to this degree, required aligning the routines, procedures, tools, processes and systems between the innovation initiative and on-going operations (Govindarajan & Trimble 2010b), in this case with the unit's mission and Yle's public service mission combined. Särmä worked in *partnership* with programme makers. This highlights the fact that content development must be facilitated but it can't be forced. Makers' will to achieve development is crucial, and they require the resources and support to take the risks and deal with the necessary stress this kind of work entails (see Amabile et al. 2005).

Judging on the basis of feedback from programme makers involved in the dozens of Särmä projects large and small during the experiment, collaboration was fruitful and the key to realising innovation in content. Many former Särmä employees have gone on to managerial positions at various levels – some outside the firm and others within Yle. This also has potential for future research. The career development of former employees could shed light on the characteristics that merit promotion to leadership among creative media workers.

There were problems, of course. The diffusion of results was never realised in a mature way. Costs involved in effective diffusion easily rise to high levels and com-

munication is challenging given the need to translate everything into terms that have meaning for diverse professionals and varied organisational levels. The bureaucratic obstacles mentioned in our analysis proved a serious hindrance for Yle programme makers in relation to Särmä. Mistakes were seized and ridiculed by some middle managers that felt threatened by Särmä successes. There were accusations of too much resource being 'wasted', which could be true but expenditures were approved because they were considered instrumental to internal development in a period when the initiative was new and there were few good models to follow. The problems, constraints, contradictions and conflicts could be analysed in detail in future research, given the rich and complete material that is available.

As stated at the beginning of the chapter, innovation is a crucial task and requirement for PSM organisations (Fernández-Quijada et al. 2015; Lowe & Bardoel 2007). However, in both accomplishment and problems, it's clear that creativity in media and media innovation are complex. Success comes from a lot of hard work and of peculiar types. Content development cannot happen efficiently or consistently without organisational development and innovative management. Crossing boundaries for enhanced value-creation in complex networks is a defining challenge for all media firms, and especially relevant for PSM organisations that are expected to perform as engines of innovation and development in the provision of media goods as services.

Notes

1. The first author (Virta) was able to do the research and analysis on the basis of funding provided by The Media Industry Research Foundation of Finland (VTS in Finnish).
   The analysis section benefits from a conference paper by the second author (Lowe) on the development, performance and end of Särmä presented after the unit was dissolved in 2005 (Lowe 2005). Further, a paper presented in Sydney, Australia at the RIPE@2012 conference by the first author (Virta 2012) was partly used for the background to the case.
2. Swedish-language programming with both radio and TV sections.
3. Särmä / YleEdge had two meanings: working across boundaries and the leading edge for developing programme development. Something that is "särmä" is cool and edgy.
4. Minority-language service, required by law, is a political issue in Finland.
5. February 2002.
6. Figures 1-4 were constructed by Lowe for an unpublished, YLE internal proposal presented to the Yle Executive Board. The figures illustrated key concepts for the proposed Department for Programme Development, and also the structure and arrangements for the unit as an organisation. Figure 5 was constructed by Lowe in late 2004 in an unpublished, Yle internal proposal for restructuring the unit. The new structure was implemented at the start of 2005, the last year of Särmä operation.
7. Ms. Sirpa Österberg.
8. For instance, projects that were supposed to be about developing programmes but were actually about trying to fix relationship problems within the makers' team or between the makers and the producer.
9. By Lowe, with the help and support of others, especially Virta.
10. Naturally, the actual titles were in Finnish.
11. Here including the first names of employees.
12. Usually an academic or entrepreneur.
13. "Siberia Academy", intentionally tongue-in-cheek, and originally called "breathing week." It was soon clear that a full week was too heavy, so the tool was concentrated in two days of intensive shared self-reflection and unit development work.

14. As examples: the age difference from youngest to oldest was about 30 years and three languages were in use as mother tongues (Finnish, Swedish and English).
15. Two colleagues involved with the development phase decided they could not do the actual work. Being older Yle employees, they decided to retire.

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Previous publications from RIPE

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NORDICOM's activities are based on broad and extensive network of contacts and collaboration with members of the research community, media companies, politicians, regulators, teachers, librarians, and so forth, around the world. The activities at Nordicom are characterized by three main working areas.

- ***Media and Communication Research Findings in the Nordic Countries***

  Nordicom publishes a Nordic journal, *Nordicom Information*, and an English language journal, *Nordicom Review* (refereed), as well as anthologies and other reports in both Nordic and English languages. Different research databases concerning, among other things, scientific literature and ongoing research are updated continuously and are available on the Internet. Nordicom has the character of a hub of Nordic cooperation in media research. Making Nordic research in the field of mass communication and media studies known to colleagues and others outside the region, and weaving and supporting networks of collaboration between the Nordic research communities and colleagues abroad are two prime facets of the Nordicom work.

  The documentation services are based on work performed in national documentation centres attached to the universities in Aarhus, Denmark; Tampere, Finland; Reykjavik, Iceland; Bergen, Norway; and Göteborg, Sweden.

- ***Trends and Developments in the Media Sectors in the Nordic Countries***

  Nordicom compiles and collates media statistics for the whole of the Nordic region. The statistics, together with qualified analyses, are published in the series, *Nordic Media Trends*, and on the homepage. Besides statistics on output and consumption, the statistics provide data on media ownership and the structure of the industries as well as national regulatory legislation. Today, the Nordic region constitutes a common market in the media sector, and there is a widespread need for impartial, comparable basic data. These services are based on a Nordic network of contributing institutions.

  Nordicom gives the Nordic countries a common voice in European and international networks and institutions that inform media and cultural policy. At the same time, Nordicom keeps Nordic users abreast of developments in the sector outside the region, particularly developments in the European Union and the Council of Europe.

- ***Research on Children, Youth and the Media Worldwide***

  At the request of UNESCO, Nordicom started the International Clearinghouse on Children, Youth and Media in 1997. The work of the Clearinghouse aims at increasing our knowledge of children, youth and media and, thereby, at providing the basis for relevant decision-making, at contributing to constructive public debate and at promoting children's and young people's media literacy. It is also hoped that the work of the Clearinghouse will stimulate additional research on children, youth and media. The Clearinghouse's activities have as their basis a global network of 1000 or so participants in more than 125 countries, representing not only the academia, but also, e.g., the media industries, politics and a broad spectrum of voluntary organizations.

  In yearbooks, newsletters and survey articles the Clearinghouse has an ambition to broaden and contextualize knowledge about children, young people and media literacy. The Clearinghouse seeks to bring together and make available insights concerning children's and young people's relations with mass media from a variety of perspectives.

The seventh RIPE Reader investigates cross-boundary influences affecting public service media. PSM institutions remain domestically grounded and orientated, but must cope with international influences and the impact of globalisation. This presents significant environmental challenges keyed to policies that support networked communications which have important implications for the future of broadcasting. Meanwhile, internal institutional boundaries pose challenges to internal collaboration and synergy, and to achieving greater openness and cultivating public participation in PSM. Traditional boundaries between professional and non-professional production are often problematic, as well, for external collaboration. And there are enormous challenges in efforts to bridge boundaries between PSM and other public institutions (public sector), social movements (civil and volunteer sector) and companies (private sector). Cross-boundary phenomena offer tremendous opportunities for ensuring public service provision in the emerging media ecology, but managers and policy-makers must grapple with a range of dualities that require critical examination: public / private, national / international, broadcast / print, linear / non-linear, audience / user, production / distribution, citizen / consumer, and market / society. The scholarly contributions in this volume address issues that are relevant for improved understandings about *Public Service Media Across Borders and Boundaries* – a contemporary topic of keen theoretical and strategic importance.

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