ACCESS TO POLICY, POLICIES OF ACCESS

MARC RABOY

"Access is everything."
-Washington lobbyist John Zorack
(*CBS Sixty Minutes*, January 17, 1993)

Marc Raboy is Professor at the Department of Communication, University of Montreal, PO Box 6128, Station A, Montreal H3C 3J7.

Access to the means of communication can be defined from the point of view of the receiver or from that of the producer, that is to say, as the capacity to receive everything that is available or as the possibility to bring one's messages to the audience.[1] To the extent that market forces alone can never guarantee access, in either of these terms, governments, regulatory authorities and media institutions must develop and implement policies designed to maximise access. Without non-market intervention, broadcasting, for example, would be accessible only to receivers in markets sufficiently large to be profitable, or would have to be organised on a basis that would virtually exclude all local or regional production. The need to ensure access thus remains an important justification for a wide range of institutions from national public service broadcasting organisations to community radio, video and television operations, in short, "the building blocks of a public cultural infrastructure" (Raboy et al. 1994). It is also a main source of legitimisation for policy itself. Regulation, too, still has a role to play in ensuring equitable access to distribution markets for producers and consumers, and in ensuring that media, particularly commercial media, continue to meet social and cultural objectives. Regulatory frameworks may vary considerably from country to country, but they are always part of a public policy process. Opening up the process of policy making, policy evaluation and regulation to broader public participation is thus an important aspect of media access, and the policy-making process as well can be seen as a forum to which public access is essential (Raboy 1993).

An impressive body of literature on access has focused on the limited success of mainstream media systems at providing access for senders and receivers of media messages, and on alternative models based on more open access. My own focus here is on the politics of the processes that structure and guide the media environment, primarily through policy and regulation. In this approach, access to these political processes is the central issue.

Rather than defining lack of access to the system as the problem and more access as the solution, I construct the overall system as the problem, and argue for opening up the process of finding and implementing solutions. The difference, I think, is fundamental, and is based on a recognition that most access channels tend to lead to marginalisation. My focus, therefore, is on the struggle at the centre, however overwhelming that struggle may appear to be. My approach proposes to consider access to the policy process itself as crucial, insofar as it speaks to the public right of participation in questions of media policy as an essential condition of the right to communicate.

Access to Media and the Right to Communicate

The right to communicate is considered a basic human right, recognised and enshrined in an increasing number of international and national human rights documents (MacBride 1980). In all modern societies, the right to communicate is tied to the question of access to the means and processes of production, distribution and reception of mass media. The characteristics of media institutions vary greatly from one situation to another. But in every context, the capacity to participate in public life is inextricably linked to the quality of public communication.

In democratic societies, this link is recognised to the extent that media law not only aims to guarantee freedom of the press, but also sets **public policy** objectives for media. That is to say, the right to communicate implies that communication is a two-way process, and that the act of public communication carries with it responsibilities as well as rights.

In other words, the right to communicate may be a basic right, and therefore absolute. But, in order for the right to communicate to be socially meaningful, ethical considerations imply a placing of moral constraints on the pure freedom of mass media institutions. Thus, legislation and regulation with respect to access to media have a normative function in the media environment, particularly broadcasting, in most western countries.

With a relative degree of success, the western state has historically tried to ensure that the industrialisation of communication and culture did not simply serve the interests of economically interested actors, but the public interest as well. In the same way that most democratic societies have progressively moved towards universal accessibility in education, the process of democratisation has also implied ever greater accessibility to the means and products of communication. However, as no less an authority than the US Office of Technology Assessment has pointed out, this type of view, emphasising "the relationship between access to communication and services, and access to power, wealth, and position in society (is) currently not very well represented in the communication policy community" (cited in Brown 1991, 1).

In the new context of globalization and its accompanying ideological meltdown, the role of the state with regard to communication can no longer be taken for granted. This means that the idea that media systems can be charged with meeting certain social and cultural objectives needs constant promotion. Without broad public access to the fora where these questions are being discussed and debated, there is no question in which direction we are headed. Access to the process alone is no guarantee that policy will be influenced; lack of access does, however, guarantee that policy will take no account of the public interest. In fact, the promoters of media industry have consistently argued that the public interest has no need for policy, a position best typified in the famous 1960 claim of CBS executive Frank Stanton that "a programme in which a large part of the audience is interested is by that very fact... in the public interest" (cited in Friendly 1967, 291).

Access and the Public Interest

One of the central quandaries of democratic theorising on communication revolves around the question of representativeness. Who gets to speak in the name of this or that social entity, in the name of "the public" or in that of "the public interest"? This is not only a problem with respect to media, but with the pragmatics of so called "representative democracy" itself.

McQuail has written at length about recent efforts to grapple with the idea of the public interest, noting that his own idea of media performance in the public interest "calls for the deployment of criteria which represent the values and needs of 'society'." He then adds: "This explanation yet again exposes the uncertainty and ambiguity of the enterprise of performance assessment, especially since "society," in whose interest assessment is conducted, is least likely to speak directly for itself with a single identifiable voice. Its "point of view" has always to be inferred and is bound to be multiple and divided" (McQuail 1992, 11). While this last point is undoubtedly true, a good deal can be learned, empirically, about the social viewpoint on the public interest with respect to media by studying the array of commentary on the subject that is made by groups and associations with no pecuniary or political interest in the system.

Melody (1990) has also forcefully argued for attention to communication policy issues from a perspective that views the public interest as that which maximises the possibilities for democratic participation in public life. These arguments highlight the urgency of the need to reinforce access to the policy making and regulatory process, if we are to retain any illusions about media as a democratic institution. Again, conceptualising the overall media environment as a single system in the public domain requires rigorous, ongoing intervention through clearly defined, democratic public controls.

The key variable in such a process is the extent to which organised sections of "the public" enjoy access to the arena where decisions are being made. In fact, the degree of public access can be seen as an important value for assessing the quality of a media system, an alternative or at least complementary measure to such established values as audience size, professional standards, or service to the high policy view of the national interest.

The idea of the public as a social entity, constituted through public communication and expressing itself in forums of public discussion, is central to the contemporary conception of the public interest. And the constitution of a public sphere, free, transparent, and accessible to all, where citizens can discuss and be informed about the social and political issues that concern them, is the fundamental element. Today, the most pressing question in this respect is whether media activity in fact promotes or restricts the functioning of a democratic public sphere. [2]

Curran (1992) presents a model of a democratic media system based on an array of specialised, complementary media, clustered around a generalist, more or less traditional, public service broadcaster in the "core." The idea of a public service **environment** is based on a similar conception of the public sphere, only at the centre, we find the entire array of actors involved in media activity. This reflects the recent changes in the actual physical media environment, as well as the increasing interdependence between various media and actors not associated exclusively with any particular media (for example, independent producers). But most important, it includes **the public**, which is neither necessarily involved in media production, nor reducible to a statistically-based audience of consumers.

Reinserting the public into the media system, by the provision of mechanisms for meaningful participation at the points of decision making, remains the greatest challenge to the process of media democratisation. The idea that the media constitute a sphere in

which public participation is legitimate, encouraged and to be facilitated through public policy is a starting point. In short, if the challenge facing media is to promote the citizen's capacity to participate in public life, access to media policy is one response to this challenge.

Access is also one of the key operative concepts of models that see media as instruments of social and cultural development (Raboy et al. 1994). In general, this requires mechanisms to ensure accessibility to channels of production and distribution for all those capable of rallying a minimal public, increasing interactivity in the relations between creators and their publics, and providing for feedback which can ultimately result in corrective measures.

For example, instead of developing "pay per view" services or expensive interactive gadgetry which will widen the gap between the culturally service-rich and service-poor, why not look towards developing public video libraries and audio-visual archives, where producers would be invited to deposit their work which would then be made accessible to the public?

Instead, the trend has been in the opposite direction. Since the 1980s, there has been a steady erosion of access-based services, and even of access provisions in mainstream communication policies. In more and more cases, "universal access to communication services are being sacrificed in the name of a more rapid development of specialised communications markets" (Dyson and Humphreys 1990, 1).

Graham Murdock describes the trend and its implications with regard to conventional broadcasting and the new services that it has spawned:

Access to the new television services depends on viewers' ability to pay for both the new hardware and the new programming. Whereas public broadcasting is a public good, equally available to all, the new services are commodities produced for sale. Those who cannot afford the prices charged are excluded. Paradoxically, many of those least able to buy into the new services are most in need of a television system that speaks for them and their aspirations.... Even if they could afford the entry price, the system would not meet their needs, since it is overwhelmingly orientated to addressing people in their personae as consumers.

The consumer marketplace offers an array of competing products, but it doesn't confer the right to participate in deciding the rules that govern either market transactions or the distribution of wealth and income that allows people to enter the market in the first place. It provides choice at a price, but without empowerment (Murdock 1992, 37-38).

In other words, as disposable income takes on increasing importance in determining access to media products, we are seeing the emergence of socially stratified classes of media consumers. In television, these can already be identified as over-the-air users, cable or satellite subscribers, pay per viewers and so forth. As services come to be increasingly vertically programmed, the key issue has become control over the cable, satellite and telephone companies — a far remove from the creators, producers and programmers of yore. Meanwhile, the cutting edge of industry is also the cutting edge of democratic communication. The phenomena of technological convergence and globalization are more than myths (Mulgan 1992). They signal the need to adapt not only our own vocabularies but also our strategies of intervention. Convergence and globalization pose new policy challenges particularly with regard to received ideas about access. Policy now has to be envisaged at the level of global decision making fora charged with placing controls on the activities of transnational media conglomerates with no fixed address, while providing access not only for national states and their corporate clients, but also for the NGOs and cultural communities which are emerging as the constituent elements of global civil society (Price 1994).

Broadcasting as Public Service: Public Participation in Broadcasting

Since the early 1980s, the structural context of broadcasting has been rapidly changing everywhere in the world, in the wake of the surge towards the globalization of markets, economic and political constraints on the capacity and legitimacy of state intervention, and socio-cultural pressures from audiences and emergent sectors of civil society (Rowland and Tracey 1990). Yet remarkably, the idea that broadcasting should meet some more or less defined objective of public service remains a predominant normative concept, and continues to provide a strong argument against abandoning broadcasting entirely to the marketplace (BRU 1985; Council of Europe 1994).

The survival of the public service basis of broadcasting will depend on the evolution of new forms and modified practices, as well as the recognition of those forms and practices which meet the criteria of public service broadcasting but are undervalued because they are less successful at meeting other criteria (set by the market, the state or professional standards) (Raboy forthcoming). There is no easy way to resolve the question of ethical standards for public service broadcasting. But in general terms, it has become necessary to frame the issue in terms of norms and objectives for the entire environment of broadcasting, regardless of the particular forms of structure and ownership, or the specific mandates that characterise particular broadcasting undertakings.

How can we operationalise this thought with respect to access? It is neither realistic nor reasonable to expect broadcasting to be any more perfect than society at large. If society has instituted a whole range of mechanisms in other areas to help it **tend towards** ideals such as justice and equality, it is precisely because of such imperfections.

In an article on new forms of media accountability, Blumler and Hoffmann-Riem (1992), propose measures to guarantee access to the decision-making process for interested parties. One can imagine mechanisms for "levelling the playing field" in this area, for example, by providing resources to non-profit, public interest organisations and constraining the lobbying activities of industrial groups. This could be linked to attempts to increase the accountability of media institutions. On the whole, such measures would contribute to the democratisation of the public sphere.

Considering the pervasiveness and obvious social importance of electronic media, it is no wonder that so many different sectors in society seek to influence the broadcasting policy-making process as a way of promoting their broader objectives. As the Euromedia Research Group concluded, following an international comparative study on the introduction of new broadcast media in western Europe, the social actors concerned perceive the media as instruments of power and seek deliberately to influence them, through policy, in order to promote their ends (McQuail and Siune 1986).

The Euromedia study confirmed what one might have assumed from even a cursory look at the policy-making process:

- Formal policy decisions are generally the result of decisions already taken in centres of power where industrial and financial interests have privileged access;
- Decision makers are more likely to be influenced by those who gravitate around them than by those who are too far away to have any influence;
- Public participation is not determining, is only consultative, and is strictly reactive, resulting in minimal influence.

But it also came to certain conclusions that indicate that policy making is by no means entirely closed or predetermined but is rather a dynamic process. For example, no single group appears to be in complete control of the situation, each one depending on the support of others in order to influence the issues in the direction of its own interests.

And, the evolution of policy is also influenced by the ideological, or discursive, positions voiced during the public part of the policy-making process as part of the struggle to exercise influence.

In many countries, including Canada, broadcasting policy making takes place partly in the public sphere, through public forums of various types, where groups and often individuals as well are invited to propose and/or react to policy issues (Raboy 1994). Parallel to this, interested groups will usually carry on a vigorous lobbying campaign with whatever means they have at their disposal, acting directly on those who are actually in control, or who have immediate access to the policy-making apparatus.

The Canadian Example

In Canada, access policy is a central aspect of electronic media legislation, and the policy-making process has historically involved a vast range of social and economic actors (Raboy 1990; 1994). For example, conventional practice and, in some circumstances, legislation, provides that all important changes in broadcasting policy be preceded by extensive public consultation. While lengthy and arduous, this tradition has been an important factor in shaping the broadcasting system and keeping it relatively responsive to social demand. During the most recent general review of broadcasting policy, culminating in a new Broadcasting Act adopted in 1991, several hundred groups from across the entire spectrum of Canadian society participated in this process, demonstrating a definite (although relative) influence of socio-cultural groups on certain issues. Industry groups, who also took part in the public consultations, were seen to be much more dependent on direct access to decision makers (Raboy 1995a; 1995b).

The policy-review process led to inclusion in legislation of several measures that can be considered important from a perspective of access. But the process itself enabled social actors with little everyday access to decision makers to register certain formal gains. While obviously far from ideal, the policy-making process as well as the resulting legislative and regulatory framework can serve as an illustrative model for media access.

The transparency and extent of public debate surrounding broadcasting policy making in Canada is truly impressive. But just how meaningful is it, particularly when pitted against the array of private industry lobbying practices and political imperatives that also characterise the process? Just how well does this process, in principle accessible, reflect the real diversity of interests that cohabit the Canadian political space? And what is the relative weight of the public part of the process to more conventional forms of lobbying and backroom manoeuvring?

The Canadian experience established the importance of transparency and provisions for public consultation, in allowing access to the policy process — and consequently, to the broadcasting system — for non-industrial social groups. Certain aspects of policy development closely followed the general tenor of public debate. In general, basic principles were the subject of broad consensus, publicly expressed before the various policy review committees. As soon as particular interests, especially economic ones, were concerned, however, the means deployed to promote these interests were radically increased, and the jockeying for influence tended to take place in the corridors. Different categories of actors enjoyed a "relative influence" with regard to Canadian broadcasting policy, in light of the resources they deploy and the strategies they use to maximise their use.

The link between the formal provisions of broadcasting policy as reflected in official texts and concrete measures is best seen in the activity of the Canadian Radio-Television and Telecommunications Commission (CRTC), an independent public agency charged by the Broadcasting Act with the supervision of all broadcasting activity in Canada. For

example, women's groups successfully obtained inclusion in the new legislation of an employment opportunity provision. Three years later, the vice-chairman of the CRTC stated at a public meeting that inciting private sector broadcasters to apply this provision was occupying the lion's share of his time (Belisle 1994). Francophone cultural lobbyists shepherded through an amendment to the mandate of the CBC to the effect that the public broadcaster's services should strive to be of "equivalent quality" in English and in French. In a subsequent round of licensing hearings, this clause was used to convince the regulator to create a French-language information channel equivalent to what English Canadians have enjoyed since 1987 (CRTC 1994a). The efforts of first nations people (Indians and Inuit) to gain inclusion in broadcasting legislation have materialised in their own broadcasting organisations as well as increased exposure on mainstream television (Roth 1994). In local communities, public mobilisation campaigns before the CRTC have resulted in specific requirements for private commercial broadcasters to serve expressed public needs (CRTC 1992).

On the other hand, there is often an important gap between what is said and argued for in public discourse on broadcasting and the concrete measures that emerge from policy decisions. The most striking example of this is in the virtually automatic credence given by regulators and policy makers to the often apocalyptic arguments of champions of industry. The Canadian cable industry, for example, has been allowed to extend its reach into the area of television programming, in spite of unanimous opinion arguing for restricting it to distribution. After decades of closely regulating telecommunication services, a most recent CRTC decision (CRTC 1994b) — justified by the requirements of getting Canada into the fast lane on the information highway — will allow telephone companies to move into the area of video service delivery. The announcement signals an era of voracious competition likely to streamline the already highly concentrated Canadian communications industry. Recently, the CRTC approved an application by Rogers Communications, the country's largest cable operator, to take over Maclean Hunter, a leading competitor and also the country's largest magazine publisher (CRTC 1994c). The corporate argument is that such new conglomerates are necessary for Canadian positioning in the global media marketplace. Aside from the substantive issue itself, the authority and credibility of the regulatory agency are also at stake.

As far as the policy-making process is concerned, then, the following is axiomatic: 1) public consultations are a critical element of the process in which any actor who wishes to influence the process must participate; 2) however, to the extent that resources and channels of communication allow, each actor will also seek direct access to decision makers.

Having said this, there are important distinctions in the perceptions of different actors. Those who feel close to the decision makers attach less real importance to their participation in public consultations, viewing these as a kind of operation of noblesse oblige. It must be done, but that's not where the real game is being played. Others, meanwhile, place all their cards in this part of the process, because they have no serious alternative recourse.

Public consultations therefore play various roles, according to the type of actor concerned. The farther one is from the centres of power and decision making, the more important is public intervention as a means of possible influence in the absence of more direct channels. This part of the process can open up space in which an otherwise disempowered actor can speak, with often surprising results. In areas such as the maintenance of a central role for national public broadcasting, educational television, community broadcasting, linguistic duality, employment equity, formal policy in Canada has been significantly strengthened by the successful efforts of non-industrial lobbying. On each of these issues, however, actual policy outcome has been slow to match the level

of the texts.

The peculiar Canadian practice of resorting to committees and study groups favours public participation, as well as creating ad hoc structures which elude the immediate influence of traditional power brokers. The influence of such bodies depends, however, on their credibility and on their ability to strike a chord in public opinion, for they are generally without actual power. In a similar sense, individual experts can be extremely influential in certain circumstances.

When the question is raised with participants and observers to the process, a constant subtext concerns the relative legitimacy of industrial versus socio-cultural groups: who, in fact, should enjoy influence over broadcasting policy? Here, again, is the question of representativeness, and the answer depends on who is speaking.

In short, social interest groups and commercial interests are generally in an adversarial relationship, while decision makers lean towards the latter but rely nonetheless on reaching a social consensus and support from all sectors to justify policy which often originates from a general agenda that has nothing to do with broadcasting. This was the case, for example, with the government's determination to promote a nominally nationalistic broadcasting policy, in spite of industry opposition, as a way of appeasing social groups angry about the Canada-US free trade agreement.

To conclude, one observes a definite historical continuity of economic and political issues — defined by industry and decision makers — as the driving force of Canadian broadcasting policy. As to social and cultural factors, these are primarily promoted by the creative sector, by organisations representing various social interests, and by watchdog associations which monitor the evolution of the system in the name of a general public interest.

The influence of all of these depends largely on access to public opinion, and through it, to the points of decision making. In a formal sense, everyone has access to the policy-making process, up to a point. It is, however, unequal access. For players at a certain remove from the centres of power, access is, at this point, guaranteed strictly through the tradition of public consultations. Without this, broadcasting policy in Canada would be determined almost exclusively according to the economic interests of industrial parties, modified to take into account the political agenda of the Canadian state.

And Coming Soon, to a Computer Screen Near You...

According to liberal press theory, the best guarantee for the free expression of ideas is unconstrained access to the marketplace. By the 1960s, however, the limitations of the market mechanism in providing freedom of information had generated a new critique, in light of which the idea that access to the means of communication needed legal and even constitutional assurances rapidly gained currency (Barron 1967).

In countries such as Canada, Australia, Japan and most of western Europe, access to **reception** was guaranteed in the charters of public broadcasting organisations, whose mandates obliged them to make their signals available throughout the territory. To a greater or lesser degree, many of these organisations were also required to provide a range of diverse opinion in their programming.

With the emergence of a global media system in the 1980s, critics concerned about the democratic function of media have re-focused their attention on the national and international policy debates surrounding these changes. In this context, the issue of access needs to be framed differently. If media are an important social institution, then discussion about the choices to be made regarding media have to be open to society.

The idea of public access to the media policy framework is situated in this context, which is also marked by political and technological change. With the fall of the Berlin

Wall and the collapse of the Soviet Union, the model of authoritarian state control of national media systems was proven to be thoroughly discredited. Paradoxical as it may seem, there has never been as much discussion of the need for better legal guarantees and provisions of access to media and media accountability.

Thus, a wide range of questions — for example, concerning the appropriate mixture of public and private enterprise inside national media systems, the international transmission of satellite signals, media portrayal of different identity groups, the impact of violence on television, and so on — have been, and still are, subject to widespread discussion in a variety of countries.

With the emerging debate about "information superhighways," the stakes have risen dramatically. In this context, as Mansell (1993) has put it, access to the new electronic communication networks will become an increasingly important factor in enabling individuals and groups (as well as corporations and governments) to participate in economic, political, social and cultural life. But access is largely being shaped and reshaped by technical, institutional and market arrangements. "If policy and regulation are to encourage more equitable access to electronic means of communication," Mansell has argued, "the social and economic issues raised by the technical design and implementation of the intelligent network must be addressed by a community far wider then the network engineers" (Mansell 1993, 13).

In the United States, an important debate, with world-wide implications, has crystallised around issues of access to the proposed new "national information infrastructure" (see for example, Hadden 1994). In Canada, questions surrounding access have been at the centre of the policy debates surrounding the development of the Canadian version of this project (see, for example, Reddick 1995). The question of access is also a common theme of international debates surrounding the development of new media services within the framework of the information highway. It has been foregrounded by US vice-president Al Gore in his five point programme for the proposed Global Information Infrastructure, and reiterated in the documents emanating from the G7 ministers summit on the same subject in Brussels in February 1995 (Gore 1994; G7 1995).

To the vast array of "user" publics, however, ranging from global non-governmental organizations and community groups based in the west to entire countries and geographic regions of the south, the issue is not only access to affordable products and open markets. The principal issue is access to the decisional processes that will determine the basis on which new and conventional media will develop in the twenty-first century.

Notes:

1. This article builds on a cumulative body of work that has been presented at various conferences including the Euricom Colloquium Rethinking Access (Conegliano, Italy, April 1994) and the International Colloquium The Right to Communicate in Transition Society (Kiev, Ukraine, September 1993), as well as on research done under the aegis of the Japan Broadcasting Corporation's project Assessment of Quality in Broadcast Programming, and on projects funded by the Social Sciences and Humanities Research Council of Canada.

2. A vigorous debate in the literature on democratic communication has followed the 1989 publication of an English version of Habermas's classic examination of this question (Habermas, 1989. See, for example: Garnham 1990; Skogerbo 1990; Aufderheide 1991; Dahlgren and Sparks 1991; Keane 1991; Hagen 1992; Calhoun 1992; Dahlgren 1995; and Keane 1995).

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