CIVIL SOCIETY AND PUBLIC SERVICE BROADCASTING IN CENTRAL AND EASTERN EUROPE

KAROL JAKUBOWICZ

Karol Jakubowicz is the President of the Board of Directors of the Polish Television in Warsaw.

When the Council of Europe convened the 4th European Ministerial Conference on Mass Media in Prague in 1994, the issue of public service broadcasting was high on the agenda, alongside that of journalistic freedoms and human rights[1]. The Council of Europe sought in this way to kill two birds with one stone. First, to deliver to the emerging democracies of Central and Eastern Europe the message of how the media should operate in a democratic society. And second — to remind Western European countries of the very same thing.

In Western European countries, public service broadcasting (which has taken on many forms dictated by the social, cultural and political circumstances of each country; Smith 1979) has long faced major challenges related to the development of commercial broadcasting and e new technologies which threaten to undermine its legitimacy (McCabe, Stewart 1986, Syvertsen 1992; Curran 1994) and even to put in question the need for it to continue in existence (ACT n.d.). The response from various quarters has been either to reassert the traditional remit of public-service broadcasting (as in the European Broadcasting Union's 1993 document "Public Service Broadcasting: Europe's Opportunity"[2]), or to seek to redefine that remit and establish ways of protecting it (see, e.g., Blumler 1992).

An important debate from this point of view has taken place in the United Kingdom during the preparations for the renewal of the BBC's Royal Charter (BBC 1992; BBC 1993; BBC 1994). While upholding the traditional concept of public-service broadcasting, it sought to revise and update it in the light of the emergence of the technologies and the need for greater economic effectiveness and accountability among public service broadcasters. It also stressed the commercial potential of the

BBC which

> *should be able to evolve into an international multi-media enterprise, building on its present commercial services for audiences in this country and overseas. These ventures should be separate from its public services ... The BBC should expand its commercial activities in the United Kingdom and overseas, and should continue to be able to join with private sector partners to achieve this. Its international services should contribute to improving the United Kingdom's competitiveness in world markets for audio-visual services* (BBC 1994, passim).

The development of new information and communication technologies, with their great profusion of highly diversified television content available to most viewers, is seen by some as eliminating the need for public service broadcasting. Others point out that these new technologies make the need for the functions it performs all the more urgent. This is because these technologies have the potential not only to promote but also to undermine the foundations of civil society by making possible the creation of individual symbolic universes — by and for each person separately (Winsbury 1994, 30). This could potentially fragment society and destroy the sense of community and shared knowledge and experience that is vital to democracy (Brown 1994, Firestone 1994-5).

> *The shared public world could diminish. Multiple, unique and potentially unshared private worlds based on various interests or idiosyncrasies could emerge and dominate ... If readers and viewers delete certain kinds of political news from their personal profiles during non-election periods, how will they remain acquainted with ongoing public political issues? And what will alert them to the need to re-acquaint themselves and re-select domestic political news at election times or at times of crisis? ... These emerging systems raise important questions about how shared social and political frameworks can be established in complex pluralistic societies. How will it be possible to conduct social and political debate in this new environment* (Firestone 1994-5, 22)?

Civil society has been traditionally mediated by professional and democratic gatekeepers — whether they were journalists and editors, political parties, teachers, etc. — who guarded the flow of information to the citizens, helped organise civic discourse and opinion, and serviced the process of decision-making. They were a force of cohesion in society. Today, the need for them can be even greater. Several authors point to the role of broadcasters in this respect: "if the public sphere cannot be maintained by the commercial media, its preservation could devolve to public service broadcasters" (White 1994, 22). The International Federation of Journalists stresses the crucial importance of public service broadcasting: "In a world where the electronic media is increasingly dominated by international channels and producers, it is vital to continue with national public service radio and television systems. The continuation of production of programmes of high quality with regard to ethics, responsibility, journalistic versatility and quality must be maintained" (IFJ 1995, 14).

John Keane proposes a different understanding of the public-service role of the media, including the new technologies — as mechanisms for keeping the state accountable and keeping open channels between the state and social institutions.

> *There is need of ... a new constitutional settlement which ensures that political power is held permanently accountable to its citizens ... It is also the reason why*

> *the undermining of both state power and market power from below requires the development of a dense network or "heterarchy" of communication media which are controlled neither by the State nor by commercial markets. Publicly funded, non-profit and legally guaranteed institutions of civil society, some of them run voluntarily and held directly accountable to their audiences through democratic procedures, are an essential ingredient of a revised public service model* (Keane 1994, 10; see also Keane 1991).

Keane believes that neither traditional public service media nor commercial media can truly serve civil society. He sees a need for a fundamental revision of the public service model into a plurality of non-state (and indeed non-market) media of communication which serve as the primary means of communication for citizens situated within a pluralistic civil society. This requires the regulation and maximum feasible reduction of private corporate power over the means of communication. The maximum feasible decommodification and "re-embedding" of communication media in the social life of civil society is a vital condition of freedom from state and market censorship.

Drawing on the original democratic media system proposed by Raymond and codified by Denis McQuail (1994) as the democratic-participant media theory, Keane proposes a system of widespread public interventionism in the media market-place which should always attempt to "level-up" rather than "level-down" citizens' non-market powers of communication. It should, in his view, seek the creation of a genuine variety of media which enable little people in big societies to send and receive a variety of opinions in a variety of ways. It should aim to break down monopolies, lift restrictions upon particular audience choices and to popularise the view that the media of communication are a public good, not a privately appropriable commodity whose primary function is to produce and circulate corporate speech for profit. It presupposes the establishment of media enterprise boards to fund alternative ownership of divested media, and to support and subsidise public access to the media, and media access to the market, by use of public funds.

This set of views on the nature of the communication system that can best serve civil society is in line with Ralph Dahrendorf's definition of the operational core of that concept:

> *This consists ... of a set of legitimate claims which can be described as civic rights. Civic rights provide the compass which helps us steer the right course between the Scylla of the state with all its competence of power, and the Charybdis of the corporate cartel of organizations and institutions which in some circumstances can be equally dangerous to freedom. As a set of legitimate claims, civic rights create a certain public situation: the protection of the people's* ***right to participation*** *against government interference on the one hand and the variable impact of the market on the other.... Without civic rights, there can be no civil society ... the creation of civil society involves also the introduction of civic rights* (Dahrendorf 1994, 236; emphasis added).

If the right to participation is at the core of civil society, then in the media field it must be understood as the right to communicate — and this is precisely what Keane insists on as a fundamental tenet of the new system of public service media serving civil society.

These views are recalled here because both the goal of building civil society and that of turning the former state sector of broadcasting into a public-service system form part, at different levels, of the general programme of transformation in Central and Eastern Europe. As Dina Iordanova's comment below suggests, the two processes are interrelated:

> *Civil society in Bulgaria is an imaginary construct barely able to counteract restoration of state monopoly or a possible take-over by commercial enterprises. The concept of public service broadcasting is more than questionable in a situation when all parliamentary forces are preoccupied with the "usage" of TV. Contrary to all democratic expectations, politicians are increasingly succumbing to the temptation to try to control state owned radio and TV* (Iordanova 1995, 21).

Turning the concept of civil society into reality has not been easy, however. Geremek notes that the concept of civil society as a blueprint for resistance against the Communist system (Ogrodziński 1991) made its appearance in Poland at the turn of the eighties in connection with the birth of Solidarity, but the project of creating it can have a chance only when the basic job of developing democratic institutions has been well advanced:

> *The overthrow of Communism and recovery of freedom is not tantamount to the rebirth of a democratic order. Democracy is created in a long process of development ... It is s a gradual process of the maturation of democracy and maturation of people to operate in a democracy ... Ten years on, civil society ... can find a foundation only in the long and difficult endeavour to create its own institutions, to put ethical values into practice, to involve the widest possible public in public life. The main problem today is to create the democratic checks and balances, political education in the spirit of respect for the law, animating the activity of the people. ... Civil society creates the chance to resolve the contradiction between the State and Society and to enable citizens to become active in public life* (Geremek 1994, passim).

Geremek's views are shared by Dahrendorf who points out that civil society must, in addition to a requisite legal and political framework, have a foundation in a mature democracy and a mature political culture in which "the legitimate claims which can be described as civic rights" will be respected. It can be built only if there is widespread determination on the part of society to demand respect for, and observance of, individual civic rights, and popular will to hold to account anyone, or any institution, which violates them. The determination and will mentioned above can arise only where there is some degree of realistic hope that this battle for civic rights and civil society can be won.

Geremek's view that the conditions needed for the emergence of civil society have not yet been created in Poland is shared by other authors. Kurczewska, Staszyńska and Bajor (1993) list a number of barriers to the emergence of civil society that are either exogenous (to do with the relationship between the state and society) or endogenous (stemming from the characteristics of society itself). They conclude that in Poland this has been prevented so far by the interrelationship between a weak state and

a weak society. Grabowska (1995) argues that an important factor in this regard has been what she calls the authoritarian rule of post-Solidarity governments (caused by the fact that the "post-Solidarity political elites underestimated society and overestimated themselves" — Grabowska 1995, 197). A review of the situation in other Central and Eastern European states (Góralczyk, Kostecki, Żukrowska, 1995) shows that elsewhere in the region, the situation is even less propitious for the birth of civil society.

As suggested by Iordanova, progress achieved in a particular country in developing democracy in general, and civil society in particular, determines the resolution of major dilemmas involved in remodelling broadcasting systems in Central and Eastern European countries today. The fundamental decisions to take concerning the shape of the public service system determine:

1. The system's placement between power centres and society (i.e., whether or not any attempt is made to ensure some degree of direct public participation in policy-making, management and oversight of public service broadcasters);
2. Its placement vis-à-vis the legislature, executive and the judiciary and relative placement between the different authorities within the branches of government (e.g., vis-à-vis the government and the president within the executive branch; vis-à-vis the lower and the upper chamber of parliament);
3. Its geographical structure, i.e. whether it continues the old centralised, capital-centred model or whether it is modified to come closer to, and become more integrated with, the rest of the country;
4. Its placement between the state and the market and its size and financial foundations in a competitive marketplace.

Particularly important here is the dilemma outlined in item No. 1. Depending on the nature of the decision taken, the system will:

- continue to be subordinated to power centres and thus fail to qualify as public service broadcasting which must by definition be autonomous;
- be situated closer to power centres than to society at large and take on the traditional form of public service broadcasting as a form of representative democracy which creates "participation [in public life] without involvement," distributes „communicative entitlements" selectively, and in which "power accrues to the representatives and not those whom they represent" (Scannell 1989);
- approximate Keane's vision of a direct, participatory communicative democracy (see also Jakubowicz 1994a);
- be commercialised.

Of the three possibilities regarding the placement of public service broadcasting between the power centres and society listed above, a system similar to the one proposed by Keane is least likely to be created. Though under the Communist system dissidents did theorise about the creation of this variety of public service media, practically no attempt was made to create it once the Communist system was overthrown (Jakubowicz 1994b). Talk of extensive public intervention into the media, or any other field of social life, sends shivers down the spine of most Central and Eastern Europeans, convinced, on the basis of long and painful experience, that such interventionism would not serve the public interest but narrow, sectoral political interests. Respective laws and regulations[3] usually do no more than pay lip service to the idea of a civic sector in broadcasting even in the form of community stations, which could come

close to Keane's proposals for the media system of civil society.

The 1991 Czechoslovak Law on the Operation of Radio and Television Broadcasts says in Art. 20 that fines imposed for offences under the law "shall be purposefully used for the support of the broadcasting of licence holders [i.e., private broadcasters, K.J.], with priority being given to the needs of local broadcasts." The 1991 Czechoslovak Law requires cable operators to reserve free of charge one channel for the needs of local communities.

The Polish Broadcasting Act says in Art. 40 that the fee charged for the granting of a broadcasting licence is to be determined "taking into account the nature of particular broadcasting establishments and their programming." On this basis, the fees can be reduced for non-commercial stations.

The Slovenian Law on Mass Media says that non-commercial local media (which are "important for the citizens of Slovenia in exercising the right to be informed and for the preservation of Slovene national and cultural identity" — Art. 3) are to be financed partly from licence fees and from the state budget, as well as from advertising.

The 1995 Hungarian Act on Radio and Television Services provides for a category of "non-profit oriented broadcasters," defined as "broadcaster[s] who undertake to promote the causes of national, ethnic or other minority interests, and the interests of groups in a disadvantaged position, or who intend to serve as a forum for a residential or local community — provided that [they] recycle any (separately disclosed and accounted) profits generated by [their] broadcasting activity into the continuation and development of this broadcasting activity." Such broadcasters are eligible for financial support from a Broadcasting Fund established by the Act.

All this shows that the idea of introducing special regulations to facilitate access to the market for more than just public and straight commercial stations has found little real support in new broadcasting legislation.

New Broadcasting Structures

Below we will review the legal and administrative structures of newly created broadcasting institutions in Central and Eastern European countries with a view to ascertaining how the other dilemmas listed above have been resolved in practice. This will provide an indication of the progress made in creating public service broadcasting systems properly so called.

Issues covered under 1 and 2 are often resolved by the creation of a broadcasting regulatory authority. Decisions concerning its composition, method of appointment, measures taken (or not) to safeguard its stability and autonomy, its actual areas of competence, accountability for its actions etc. are highly indicative of the extent to which the whole system is being democratised.

In some cases, these authorities are created to oversee only the private sector. This usually means that there is no public, but only a state sector of broadcasting, with the former party-controlled national broadcaster now subordinated to a branch of government. Where the broadcasting regulatory authority also oversees public service broadcasters, that usually reflects a desire to insulate them against direct state or government influence and interference.

Table 1: Broadcasting Regulatory Authorities

	Exists or is planned	Oversees national broadcasters (state or public)
Albania	-	-
Bulgaria	-	-
Czech Rep.	Yes	Yes
Estonia	No[4]	No
Hungary	Yes	Yes
Latvia	No	*
Lithuania	Yes	*
Poland	Yes	Yes
Russia	Yes	No
Romania	Yes	No
Slovakia	Yes	No
Slovenia	Yes	No
Ukraine	Yes	*

Note: - no broadcasting law or known draft
N/A. no information available
* does not apply (e.g. because there is no PSB in the country)
Shaded areas represent provisions as laid down in draft laws.

The placement of a broadcasting regulator vis-à-vis the authorities of the state and branches of government is a reflection of their relative importance and the nature of the political system and system of government. In some cases, the nominating organ has the power to recall a member of the regulatory authority when displeased with his/her performance (this does not include recall because of illness, incapacity, criminal offence unrelated to membership in the authority, etc.), which seriously undercuts the authority's independence and stability.

As can be seen in Table 2, governments are usually excluded from the appointment of members of broadcasting authorities or from overseeing their work. The job is often shared between parliament and the President. Lithuania is the only country to have adopted a "socially representative" model where members are not chosen (delegated) by state authorities or politicians, but by various organisations (even if in this case they are representative mostly of the artistic community).

Table 2: Nomination and Appointment of Broadcasting Regulatory Authorities

	Government	Lower Chamber of Parliment	Upper Chamber of Parliament	President	Members can be recalled by:	Chairman is appointed by:
Albania	-	-	-	-	-	-
Bulgaria	-	-	-	-	-	-
Czech Rep.		9 members			Parliament if annual report is rejected	Elected by members
Estonia	*	*	*	*	*	*
Hungary		at least 5 members[5]			No	Prime Minister and President Jointly
Latvia	*	*	*	*	*	*
Lithuania		"socially representative" membership				Elected by members
Poland		4	2	3	No[7]	Elected by members
Russia		5	5	5	No	President (when confirmed by the Lower Chamber)
Romania	3	3	3	3	The appointing authority	Elected by members
Slovak Rep.		9 members			Parliament[8]	Elected by members
Slovenia	nominates 4	appoints 9 members				Parliament
Ukraine		4		4[9]	President (by decree)	Elected by members

Of crucial importance are, of course, the actual powers and areas of competence of these authorities (see Table 3). Whatever powers they do not have are most likely to be vested in government departments or parliamentary bodies and exercised in a political manner.

Table 3: The Powers of Broadcasting Regulatory Authorities

	issue regulations	enforce law	licence stations	allocate frequencie	set licence fee	set fee for frequency use	appoint heads of PSB orgs.
Albania	-	-	-	-	-	-	-
Bulgaria	-	-	-	-	-	-	-
Czech Rep.	No	Yes	Yes	No	n.a.	n.a.	No
Estonia	*	*	*	*	*	*	*
Hungary	No	Yes	Yes	No	No	No	No
Latvia	*	*	*	*	*	*	
Lithuania	n.a.	n.a.	Yes	Yes	*	n.a.	No
Poland	Yes	Yes	Yes	No	Yes[10]	No	Yes
Russia	Yes	Yes	Yes	No	*	n.a.	No
Romania	Yes	Yes	Yes[11]	No	No	No	No
Slovak Rep.	Yes	Yes	Yes[12]	No	n.a.	n.a.	nominates Director-General[13]
Slovenia	Yes	Yes	recommends	No	No	No	No
Ukraine	No	Yes	Yes	No	No	Yes	No

It can safely be assumed that broadcasting regulatory authorities which do not themselves award broadcasting licences, do not oversee public service broadcasters and do not appoint their top governing bodies, do not play a role of major importance. Of all the countries reviewed here, only in Poland does the authority appoint the Supervisory Councils of public service broadcasters (which then in turn appoint their Presidents and other members of the Boards of Management). Everywhere else, as we will see, this is done by political bodies. This is because even in countries which have structured their main national broadcasting organisations as public service ones, the political situation may prevent them from enjoying the independence needed to be able to operate like ones. This is true of Slovakia, for example, where frequent political interference in the operation of the Slovak National Broadcasting Council and of public broadcasters and their governing bodies has meant that they are again a mouthpiece for the government.

Another special case is represented by Russian Public Television, a company created by a presidential decree in November 1994 out of the former Ostankino Broadcasting Company which broadcast on the first channel of erstwhile Soviet Television. RPT is a joint stock company in which the state holds 51% of the stock (through the

Ostankino State Television, and Radio Co., the state-owned Television Technical Centre and the ITAR-TASS news agency) and the remaining 49% is distributed among 12 private companies, including mostly banks. According to some reports in the Russian press, this change "does not mean government renunciation of control" (***Post-Soviet Media Law*** 1994, 12-13). As part of the new structure, there is also a "Trustee Council", chaired by President Yeltsin, with the Speaker of the State Duma as deputy chairman (***Post-Soviet Media Law*** 1995, 15). The company has a 15-strong Board of Directors which appoints the Director General. The company rents all its premises and equipment from the Television Technical Centre, a shareholder of RPT (***Post-Soviet Media Law*** 1995, 21). The degree of RPT's autonomy and independence is hard to establish, nor is it easy to tell to what extent it meets the programming requirements of public service broadcasting. It can at best be recognised as a borderline case, especially since the proposed Federal Radio and Television Broadcasting Committee, once it is established, will have no responsibility for public service broadcasters and so will not be able to protect them against political interference.

A major criterion for assessing the degree of independence built into the structure of public service broadcasters is the method of appointing their top governing bodies (i.e. the board or council, where it exists, which oversees the management of the organisation) of state/public broadcasters. This is summed up in Table 4.

Table 4: Appointment of Governing/Supervisory Bodies of State/Public Broadcasters

	Government	Parliament	President	Regulatory Authority	Other
Albania		Yes			
Bulgaria		Yes			
Czech Rep.		Yes			
Estonia		Yes			
Hungary		Yes[14]			Yes[15]
Latvia					Yes
Lithuania					Yes
Poland	1 member			8 members	
Russia					Yes
Romania		Yes			
Slovak Rep.		Yes			
Slovenia					Yes[19]
Ukraine					Yes

As can be seen, in most cases Parliament (i.e. the governing party or coalition of the day) has reserved for itself the right to appoint the governing/supervisory body of public (or state) broadcasters, making this an eminently political process. This is particularly underscored in the case of Hungary where the Boards of Trustees of the foundations of public service broadcasting are themselves overseen by 3-member Supervisory Boards where two members, including the Chairman, are nominated by opposition parties and one by the governing party(ies).

Table 5 illustrates the principles for appointing the top managers of public/state broadcasters.

Table 5: Appointment of Top Management of Public/State Broadcaster

	Government	Parliament	President	Supervisory Board
Albania				Yes
Bulgaria		Yes		
Czech Rep.		aappoints		nominates
Estonia				Yes
Hungary				Yes
Latvia		Yes		
Lithuania				Yes
Poland				Yes
Russia				Yes
Romania		Yes		
Slovak Rep.		appoints		nominates
Slovenia				Yes
Ukraine			Yes	

Even at the level of the top management of public/state broadcasters, politicians sometimes directly get involved in the appointment process. Where this is done by the governing or supervisory body, if that body is appointed in a political process (as is most often the case), top managers are also likely to be political appointees.

A final set of rules which will we review here concerns advertising. The more advertising state or public stations can carry, the greater potentially their independence from government funding and their power to affect the level of the licence fee (and the danger of their commercialisation).

Table 6: Advertising Limits in Private and Public Broadcasting

Poland	15 per cent of air time on public and private stations
Bulgaria	N/A.
Czech	1 per cent of air time on public television, 10% for Republic commercial stations
Estonia	5% of air time on public radio and television; 20% of air time on commercial radio; 15% of air time on commercial television; no more than 1 hour of teleshopping
Hungary	15% of air time on private stations (20% with the addition of teleshopping); 6 minutes in the hour for public service and public broadcasters
Latvia	no limits for commercial stations, 4% on state radio, 8% on state television
Lithuania	N/A.
Romania	none
Slovakia	3 per cent of air time on public stations, 10% for commercial stations
Slovenia	15% of air time (no more than 12 minutes an hour) on public radio and television; 15% of air time (20% with teleshopping on local non-commercial stations
Ukraine	10% of air time; public broadcasters to derive no more than 25% of revenue from advertising and sponsorship

In only a few cases (Hungary, Latvia, Lithuania, Slovenia) has an effort been made to involve civil society in policy-making as well as management and oversight of public service broadcasting organisations. Everywhere else, most of the main decisions are left firmly in the hands of power centres. While previously national broadcasting was controlled by the party and the government, today in most countries parliaments and/or presidents have reserved for themselves the major decision-making powers, especially as regards oversight and powers of appointment. There are practically no cases where the appointment of broadcasting regulatory authorities and governing bodies of public service broadcasters, including their top management, has been made apolitical. What this means is that even though the political system, and the legal form and remit of former state broadcasters, have changed, these broadcasters must still in most cases (with the exception of Poland, the Czech Republic and Slovenia) be seen as a direct extension of the power structure, designed to perform the old function of its „transmission belt" to the masses. With the exception primarily of Poland, where a considerable effort to decentralise the system has been made, the old centralised, capital-centred model has been continued or in fact reinforced when, (as in Hungary, for example) the number of channels operated by public service television has been reduced. The many cases when regulations reduce the advertising quotas of public service broadcasters below commercial ones (in the Czech and Slovak Republics, Estonia, Hungary, Latvia and Ukraine) point up the degree of their dependence on other, usually inadequate, sources of revenue, often meaning simply the state budget.

The Enemy Within: Unexpected Barriers to the Development of Public Service Broadcasting

Creation of a broadcasting system capable of implementing "public service requirements" as defined by the Council of Europe and of safeguarding its impartiality and independence against political interference naturally requires that its managers and staff share those values. That, in turn, requires in Central and Eastern Europe a redefinition of journalism away from advocacy, propaganda-oriented to impartial-reporter or watchdog function, and an autonomous professional group serving the public and not the authorities or the owners of the media. That has proved much more difficult than once expected because of the intense politicisation of the media and society. Many journalists regard freedom of speech as freedom to express their own views or biases, or continue to define themselves as "guardians" or "leaders" of society, called upon (by virtue of their superior access to information and understanding of the situation) to be in the forefront of political developments. The view of journalism as politics conducted by other means dies hard.

There are a number of reasons for this. One is described as a situation when:

> *Neither politicians, nor journalists fully understand how a normal society functions, what roles are played by different institutions and strata in society. Nor is there any clarity about the mission of the media and its role as the so-called "fourth estate". Whom should journalists represent? What should the media be watchdogs of? It is not enough to have acquired the abstract notion that the media should strive to introduce, represent and pursue the idea of democracy. What democracy actually means must be experienced by each journalist individually. This takes time* (Lauristin, Vihalemm 1993a, 274).

Another reason, to be found especially in less prosperous countries, is the dire financial straits the media and journalists often find themselves in:

> *The circumstances which prevail in Ukrainian media, and the general economic situation in Ukraine as a whole render the widespread commercialization of editorial space a likelihood. Journalists are not highly paid, and their editors-in-chief face enormous financial difficulties in running their media outlets; in the printed press, for instance, the shortage of paper, inflation, prohibitive newsprint prices, sharply falling circulation, and requirement of advance payment for distribution and the small advertising market are all factors which undermine the ability of the media to be properly independent* (***Post-Soviet Media Law*** 1994, 13).

The journalists' inability to separate their political views from their profession is a heritage of the past both in the "old guard" of journalists once employed by official media and in the "new guard."

As for the old guard, the mindset of many of its members is well explained by Yuri Vdovin (1995, 11) in a comment on Russian journalists:

> *Being involved for decades in propaganda and agitation, in brain-washing and "forming public opinion on orders from rulers of totalitarian state, they cannot get rid of their Messianism even when free of communist dictate ... Messianic feelings brought on by seventy years of experience of Soviet journalism have today resulted in overstating the significance of the right of a journalist to present his own judgement at the expense of accurate facts.*

In consequence, says Vdovin, what flourishes in Russia is "propagandistic journalism" instead of "informational journalism". That tendency is also evident in other countries in the region

> *As for the "new guard", i.e. those once writing for dissident, underground media, they could be described as fitting the Leninist definition of "journalists as mass propagandists, agitators and organisers" even more than the other group). One example is the situation in Romania is a country where profound political involvement of the media has led to the birth of "combative, militant journalism, concentrated on ideological issues and a discursive discussion of opinions which combine news with comment and pay scant regard to objectivity. Consequently, the younger journalists become very much like their older colleagues and dedicate their services to propaganda"* (Coman 1994, 35). *Also in Lithuania, "the mentality of an average journalist is still dominated — with some exceptions — by feelings of sympathy towards a particular political group or ideology"* (Lukoiunas and Bartaeviius 1993, 261).

The press system emerging in Central and Eastern Europe can be described as a "pluralistic system of party-oriented newspapers," with particular newspapers committed to promoting a set of political interests or views. This lends substance to Splichal's (1994) view that instead of media autonomy and differentiation, what Central and Eastern Europe has so far seen is, by and large, "Italianization of the media," i.e. development of a media system traditionally associated with Italy, in which (i) the media are under strong state control; (ii) the degree of media partisanship is strong; (iii) there is a strong degree of integration of media and political elites; and (iv) there is no consolidated and shared professional ethic among media practitioners.

These tendencies are clearly visible also in public service broadcasting in many Central and Eastern European countries. Even where, as in Poland, there are effective guarantees of independence and outside interference which might disrupt impartiality is excluded, the political orientation and ambitions of the management of some public service broadcasters lead to subordinating programming to the pursuit of political goals.

Conclusions

Leszek Balcerowicz (1995) notes that the sequence of changes taking place in Central and Eastern European countries is one of the specific features of the process of transformation they are undergoing. Institutional revolution began simultaneously in both the political and economic systems, he notes, but the fundamental transformation of political life — free elections, the introduction of a multi-party system and political pluralism — has required less time than privatisation, reconstruction of the economy and implementation of profound economic reforms. Hence, we are witnessing a new sequence in Central and Eastern Europe: "mass democracy first, capitalism later."

What Balcerowicz is describing, however, is transition to democracy, the first stage of the process which, as we have seen, has failed to create the fundamental prerequisites needed for the establishment of public service broadcasting systems properly so called. Unless the process of change is stopped or undermined for some reason, the first stage is usually followed by that of consolidation of democracy, of adaptation and reinforcement of democratic structures and norms. According to Leonardo Morlino

(cf. Gruszczak, 1995), this process encompasses such areas as structures and procedures of decision-making; structural relations within the organisation of the state; parties and party systems; structures of interests; mediation structures in relation to civil society as it gains autonomy, identity and the ability to influence the state; mediation structures in relation to the state, expressed in its legitimacy and integration, growing social order and consensus.

Two aspects of the process seem to be of particular importance as far as development of public service broadcasting is concerned. One is the development of a political culture of consensual democracy. That prevailing in Central and Eastern European countries today is still closer to that of the conflict-ridden, highly polarised and ideologised societies they were in the authoritarian era, than to that of mature democracies. Before this can change, such features of developed democracy as procedures of conflict resolution, effective representation and realisation of interests, civil society and political representation of social interests must become established. Then political culture will begin to favour respect for democratic institutions and negotiations rather than conflict. Since public service broadcasting is a major institution of democracy, respect for its autonomy and impartiality, now notoriously lacking, will become more widespread among politicians.

The other aspect of the consolidation of democracy which seems particularly important here is the process of elite settlement and elite convergence. Elite settlement involves the attenuation of conflicts, acceptance of the rules of the political game, weakening of the desire to challenge and subvert the system. Elite convergence happens when an opposition elite assumes power according to the procedures laid down by that which governed previously, and then honours, in the process of running the country, existing political institutions and norms.

These two aspects of democratic consolidation result from, and reinforce the stability of a political system based on an established system of the rule of law; an independent public sphere; an established role for public opinion in public life; a willingness to depoliticise important areas of social life; respect for public regulation and public institutions serving the public interest; indeed, respect for the notion of the public interest itself and a determination to defend it. It is only on this basis that genuine public service broadcasting can begin to flourish in the countries of the region.

If that happens, that will not be public service broadcasting as envisioned by Keane. The goal now is to create public service broadcasting in the traditional mould. Meanwhile, however, the onset of the new technologies may change the picture entirely and the goal of turning the old state broadcaster into the old form of public service broadcasting may be out of date by the time the requisite social and political conditions have emerged.

Notes:

1. In its Resolution No. 1, the Conference defined "public service requirements" as (1) providing a common reference point for all members of the public and a factor for social cohesion and integration, (2) providing a forum for public discussion, (3) broadcasting impartial and independent news, information and comment, (4) developing pluralistic, innovatory and varied programming, (5) serving the interests of a wide public while being attentive to the needs of minority groups, (6) reflecting the philosophical and religious beliefs in society, (7) contributing to greater appreciation and dissemination of the diversity of national and European cultural heritage, (8) promoting original audio-visual production, especially feature films, drama and other creative works, (9) offering programme service

not normally provided by commercial broadcasters. The resolution also puts Council of Europe member states under an obligation to establish and maintain an appropriate and secure funding framework; protect public service broadcasters against the detrimental effects of media concentrations; and guarantee the independence of public service broadcasters against political and economic interference.

2. The document says that "only public service broadcasting can offer at the same time:" programming for all; a basic general programme service backed up by thematic channels; a forum for democratic debate; unrestricted pubic access to events of significance; a reference standard for quality; a spirit of innovation; extensive original production; a showcase for culture; a contribution to reinforcement of the European identity and of its cultural and social values; a driving force in technological research and development.

3. We draw here on the following laws or bills: the Polish Broadcasting Act of Dec. 29, 1992; the Romanian Law on Radio and Television Broadcasting of May 1992; the Law on the Statute of Albanian Radio and Television of April 1991: the Czechoslovak Law on the Operation of Radio and Television Broadcasts of October 1991: the Slovak National Council Act on Slovak Radio of May 1991; the 1994 Ukrainian Law on Television and Radio Broadcasting and proposed amendments to it of 1995; General Principles of Temporary Statute of Bulgarian Television and Bulgarian Radio of December 1990: the Latvian Law on Radio and Television of May 1992 (revised in 1995); the Estonian Broadcasting Law of 1994; the Slovenian Law on Mass Media and Law on Radiotelevision Slovenia of 1994; the Hungarian Act on Radio and Television Services of December 1995; the Draft Russian Statute on Radio and Television Broadcasting of 1994; the draft Law on Public Information of the Republic of Lithuania and the draft Law on the Lithuanian National Radio and Television.

4. Estonia has a 9-member Broadcasting Council appointed by parliament, but since it is responsible for overseeing only public service broadcasters, it cannot qualify as a broadcasting regulatory authority.

5. Each parliamentary faction nominates a member. If there is only one faction on the government or opposition side, that faction is entitled to nominate two members.

6. A draft of the Lithuanian Law on Public Information provides for the Council of Radio and Television to be composed of 3 members appointed by Parliament, and 1 each by the Ministry of Culture, Union of Journalists, Lithuanian National Radio and Television, Union of Writers, Association of Publishers of Periodicals, Union of Artists, Union of Cinematographers, Union of Theatres, Association of Copyright Protection.

7. The Council presents an annual report to Parliament and the President. If both chambers of parliament and the President reject the report, new members are elected. Otherwise, it is impossible to recall members for political reasons.

8. By a simple majority, on a motion of at least 10% of deputies.

9. Only 3 of the 8 members (the Chairman and two Deputy Chairmen) are remunerated for their work, which probably means that the other 5 are not very active.

10. The National Broadcasting Council of Poland additionally determines the distribution of licence fee revenue between the 18 public radio companies (one national one and 17 regional ones) and public television, and within public television between the national channels and the regional subsidiaries of Polish Television Ltd.

11. But the technical authorisation is issued by the Ministry of Communications.

12. Licences granted by the Slovak National Broadcasting Council to nation-wide broadcasters must be approved by parliament.

13. The Director General is appointed and recalled by parliament.

14. The Boards of Trustees of the foundations of public broadcasters are composed of Presidential Bodies and other members (see note 15). The Presidential bodies are composed of 8 members elected by Parliament on the basis of nominations by governing party(ies) and opposition party(ies) (4 members from each side). The President and Vice-President are elected by Parliament on the nomination of governing and opposition party(ies) respectively. The terms of office of the Presidential Bodies are 4 years.

15. In addition to the Presidential Bodies (see note 14), the Boards of Trustees of public radio and television in Hungary include 21 members each, delegated by a wide cross-section of bodies, institutions and associations: one delegated by local governments, two - by churches, one by a national human rights organisation, four - by national professional organisations operating in the fields of the arts, two - by national professional organisations operating in the fields of science and education, one - by trades unions, one - by organisations of employers, one - by journalistic associations, one - by organisations of environmentalists, one by women's organisations, one by organisations of children and youth, one - by organisations of old age pensioners, one - by organisations of the handicapped, one - by sports organisations, one - by organisations of local municipalities, one - by organisations of Hungarian expatriates outside the country. Their terms of office are 1 year.

16. According to Article 12 of the 1992 Law on Radio and Television, the Council of Radio and Television of Latvia, is composed of the following persons "the chief of the council of radio and television of Latvia Republic, the representative of Latvia Writers Union, the member of Composers Union of Latvia Republic, the member of Cinematographer Society of Latvia Republic, the member of Theatre Society of Latvia Republic, the member of Journalists society of Latvia Republic, the member of Cultural Fund of Latvia Republic, three deputies of the Supreme Soviet of Latvia Republic, the member of Social Consultative Soviet of Nationalities of the Supreme Soviet of Latvia Republic, the member of religious of the Consultative Soviet of the Supreme Soviet of Latvia Republic, the member f the Ministry of Culture of Latvia Republic, the member of the state enterprise of Latvia Radio, the member of the state enterprise of Latvia Television, the members of two other societies of radio and television, the member of state inspection, the member of the centre of radio and television of Latvia Republic, the member of the Sociologists association of Latvia Republic, the members of three municipal societies of radio and television." This may have changed when the law was revised in 1995.

17. The Board of Lithuanian National Radio and Television is to comprise 21 members: 3 to be delegated by Parliament and 1 each by: the Union of Journalists, the Association of Journalists, the Union of Writers, the Union of Composers, the Union of Artists, the Theatrical Union, the Union of Scientists, the Association of Lithuanian Lawyers, the Lithuanian Catholic Church, the Union of Agricultural Workers, the Movement of Agricultural Workers, the Confederation of Trade Unions, the Alliance of Private Capital, the Association of Industrialists, the Chamber of Commerce and Industry, the Union of Municipal Administrations, the Association of Lithuanian Periodicals, the Association of Radio and Television.

18. The situation is not clear, but the Board of Directors is probably appointed by the shareholders.

19. According to Article 16 of the Law on Radiotelevision Slovenia, the Council of RTV Slovenia consists of 25 members, of whom 5 are appointed b Parliament, and 1 each by the Italian national community, the Hungarian national community, the University of Ljubljana and the University of Maribor, the Academy of Arts and Sciences, the Association of Film Producers, The Association of Musicians and the Association of Composers, the Association of Writers and the Association of Theatre Artists, the Association of Cultural Organisations, the Association of Journalists, the Association of Cultural Organisations, the Organisation of Disabled Persons, the Union of Sports Organisations, the Association of Employers, the Co-operative Union and Farmers' Association, the Co-ordination Committee of Organisations and Parties of Pensioners, representative trade unions, the Youth Council and Union of Friends of the Youth, religious communities.

20. Amendments to the Ukrainian Law on Radio and Television Broadcasting call for the creation of a State Committee on Radio and Television, but do not specify how it is to be structured and appointed.

References:

ACT. N.d. Position Paper on Redefinition of Missions of the Public Service in the European Television Sector. Brussels: Association of Commercial Television in Europe.

Balcerowicz, Leszek. 1995. Eastern Europe: Economic, Social and Political Dynamics. In B. Góralczyk, W. Kostecki, K. Żukrowska (eds.), *In Pursuit of Europe. Transformations of Post-Communist States 1989-1994.* Warsaw: Polish Academy of Sciences.

BBC. 1992. The Future of the BBC. *A Consultation Document.* London: HMSO.

BBC. 1993. *Responding to the Green Paper.* London: BBC.

BBC. 1994. *The Future of the BBC.* Serving the Nation. Competing World-wide. London: HMSO.

Blumler, Jay G., ed. 1992. *Television and the Public Interest. Vulnerable Values in West European Broadcasting.* London: Sage.

Brown, L. 1994. The Seven Deadly Sins of the Digital Age. *InterMedia* 22, 3.

Coman, Mihai. 1994. Dziennikarstwo rumuńskie w okresie przejściowym 1990-1992. *Zeszyty Prasoznawcze* 1-2, 33-41.

Curran, James. 1994. Regulation and Deregulation of the British Media. In K. E. Gustafsson (ed.), *Media Structure and the State. Concepts, Issues, Measures.* Gterborg: Gterborg University.

Dahrendorf, Ralf. 1994. Zagrożone społeczeństwo obywatelskie. In K. Michalski (ed.), *Europa i społeczeństwo obywatelskie. Rozmowy w Castel Gandolfo.* Warszawa: Fundacja im. Stefana Batorego; Kraków: Wydawnictwo Znak.

Firestone, C. 1994/5. Digital Culture and Civil Society: A New Role for Intermediaries? *InterMedia* 22, 6.

Geremek, Bronisław. 1994. Społeczeństwo obywatelskie i współczesność. In K. Michalski (ed.). *Europa i społeczeństwo obywatelskie. Rozmowy w Castel Gandolfo.* Warszawa: Fundacja im. Stefana Batorego; Kraków: Wydawnictwo Znak.

Góralczyk, Bogdan, Wojciech Kostecki, Katarzyna Żukrowska, eds. 1995. *In Pursuit of Europe. Transformations of Post-Communist States 1989-1994.* Warsaw: Polish Academy of Sciences.

Grabowska, Mirosława. 1995. Civil Society after 1989 — Rebirth or Decease? In E. Wnuk-Lipiński (ed.), *After Communism. A Multidisciplinary Approach to Radical Social Change.* Warsaw: PAN.

Gruszczak, Artur. 1995. Konsolidacja democracji: aspekty teoretyczne i praktyczne. *Ad Meritum* 1, 2, 12-23.

Iordanova, Dina. 1995. Bulgaria: Provisional Rules and Directorial Changes: Restructuring of National TV. *Javnost-The Public* 2, 3, 19-32.

IFJ. 1995. *Information Society: Access and Pluralism.* Brussels: International Federation of Journalists.

Jakubowicz, Karol. 1994a. Civil Society, Independent Public Sphere and Information Society: An Impossible Combination? In S. Splichal, A. Calabrese, C. Sparks (eds.), *Information Society and Civil Society.* West Lafayette, Indiana: Purdue University Press.

Jakubowicz, Karol. 1994b. Equality for the Downtrodden, Freedom for the Free: Changing Perspectives on Social Communication in Central and Eastern Europe. *Media, Culture and Society* 16, 271-292.

Kastuk, Artem. 1995. Oleg Manaev: "Not Many People Can be Engaged in Politics, but Everyone Must Participate in Civil Construction." *Zvyazda,* November 16 (in Belarussian).

Keane, John. 1991. *The Media and Democracy.* Cambridge: Polity Press.

Keane, John. 1993. Democracy and Media: Without Foundation. In O. Manaev, Y. Pryliuk (eds.), *Media in Transition: From Totalitarianism to Democracy,* 3-24. Kiev: Abris.

Kurczewska, Joanna, Katarzyna Staszyńska, Hanna Bajor. 1993. Blokady społeczeństwa obywatelskiego: czyli slabe społeczeństwo obywatelskie i słabe państwo. In A. Rychard, M. Federowicz (eds.), *Społeczeństwo w transformacji. Ekspertyzy i Studia.* Warszawa: PAN.

Lauristin, Marju, Peeter Vilhalemm. 1993. Estonia: The First Years in the Elementary School of Democracy. In: S. Hoyer, E. Lauk, P. Wihalemm (eds.), *Towards a Civic Society. The Baltic Media's Long Road to Freedom,* 263-275.Tartu: Baltic Association for Media Research. Nota Baltica Ltd.

Lukoiunas, Marius, Valdas Bartaeviius. 1993. Lithuania: Reshaping the Media and Society. In: S. Hoyer, E. Lauk, P. Wihalemm (eds.), *Towards a Civic Society. The Baltic Media's Long Road to Freedom,* 253-262.Tartu: Baltic Association for Media Research. Nota Baltica Ltd.

McCabe, Colin, Olivia Stewart, eds. 1996. *The BBC and Public Service Broadcasting.* Manchester: Manchester University Press.

McQuail, Denis. 1994. *Mass Communication Theory. An Introduction.* London: Sage.

Ogrodziński, Piotr. 1991. *Pięć tekstów o społeczeństwie obywatelskim.* Warszawa: PAN.

Post-Soviet Media Law and Policy Newsletter. 1995. Nos. 15 and 21.

Post-Soviet Media and Policy Newsletter. 1994. Nos. 7 and 12-13.

Saito, M. 1995. The Social Mission of Multimedia and Broadcasting: The Case for Coexistence. *InterMedia* 23, 1.

Scannell, Paddy. 1989. Public Service Broadcasting and Modern Public Life. *Media, Culture and Society* 11, 2, 135-166.

Smith, Anthony, ed. 1979. *Television and Political Life. Studies in Six European Countries.* London: Macmillan.

Splichal, Slavko. 1994. Civil Society and Media Democratization in East-Central Europe: Dilemmas in the Evolution of the New Model. In A. Bibič, G. Graziano (eds.), *Civil Society, Political Society, Democracy,* 305-324. Ljubljana: The Slovenian Political Science Association.

Syvertsen, Trine. 1992. *Public Television in Transition. A Comparative and Historical Analysis of the BBC and the NRK.* Oslo: The Norwegian Research Council for Science and the Humanities.

Szacki, Jerzy. 1994. *Liberalizm po komunizmie.* Warszawa: Fundacja im. Stefana Batorego; Kraków: Wydawnictwo Znak.

The Ukrainian Media Bulletin. 1995. No. 3-4.

Vdovin, Y. 1995. The Dangers of Free Journalism. *BMC Update,* November.

White, P. R. 1994. Fragmentation of News — Fragmentation of Politics? *InterMedia* 22, 3.

Winsbury, R. 1994. The Electronic Newspaper: No Longer just a Gizmo, but Fundamental to the Survival of the Newspaper Industry? *InterMedia* 22, 1.

Winsbury, R. 1995. Who Stands at the Gateway to the Information Superhighway? *InterMedia* 23, 2.