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Gisela Losseff-Tillmanns / Manfred Kops (Eds.):

Public Communication
and the New Media

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Introduction

In the conference hotel VIA Stenden near Kerken an International Workshop on "Reporting in the Media in the 21st Century – Diagnosis and Prognosis" took place from March 31th to April 1th 2000. There eighteen experts from different disciplines and continents took a closer look at the question of which conditions will shape the future of public communication in the course of digitalisation and technical conversation the media: from *Australia*, the criminologist Dr. David Indermaur and the media research expert Prof. Brian Shoesmith (from two universities in Perth); from *Belgium*, the information society advisor of the EU Commission, Michael Niebel; from the *United Kingdom*, the media researcher and political scientist Dr. Peter Humphreys (University of Manchester); from the *Netherlands*, the journalism researcher Mark Deuze (University of Amsterdam); from *Germany*, the journalists Friedhelm Brebeck (ARD), Jürgen Hoppe and Thomas Kamp (WDR), the representative of the Federal Association of German Newspaper Publishers, Dr. Holger Paesler, the lawyer and media law expert Antje K. Pieper, the media researcher Horst Röper (FORMATT Institute), the engineer Dr. Rainer Wenzel (who works for the Friedrich Ebert Foundation in *Malaysia*), and the scholars Prof. Dr. Helga Cremer-Schäfer (University of Frankfurt, Educational Sciences), Dr. Manfred Kops (Institute for Broadcasting Economics at the University of Cologne), Prof. Dr. Rainer Rotermundt (Fachhochschule Düsseldorf, Political Sciences), Prof. Dr. Hartmut Schweitzer (University of Bonn, Sociology), and Dr. Paul Barnett (historian and translator). The conference was hosted by Professor Dr. Losseff-Tillmanns, a sociologist at the Fachhochschule Düsseldorf, who was also responsible for the entire organisation of the conference.

The interdisciplinarity and internationality of the round of experts was considered as highly advantageous for discussing the future of public communication and the various (theoretical and empirical, scientific and practical) aspects associated with this issue. Here only some of the results that were shared by the constituted working groups and that are explained more detailed in the following articles of this reader should be mentioned:

1. Broadcasting, in particular public service broadcasting, still takes a leading role for public communication (in the reader at hand this is emphasized by the contributions of Peter Humphreys, Gisela Losseff-Tillmanns and Rainer Welzel).

2. Public service broadcasting must justify its right to exist, which is guaranteed by mandatory fees, through a high standard of quality that is not ensured and, for systemic reasons, cannot be ensured by market-dominated broadcasting (in the reader this is emphasized by the contributions of Peter Humphreys, Gisela Losseff-Tillmanns and Rainer Welzel).

3. Media not only inform about political agendas, but also set the agendas themselves; this raises problems of convergence between media and politics (in this reader some of these problems are discussed by Peter Humphreys, Hartmut Schweitzer, David Indermaur, and Brian Shoesmith).

4. In the multimedia age the term public service broadcasting needs to be extended in the direction of public service communication (especially Peter Humphreys and Gisela Losseff-Tillmanns deal with this issue of "*Reinventing the Public Communication Umbrella*").

5. Strategic goals for maintaining the standard of quality of reporting in the media have to be defined and achieved. For instance the public control of quality chould be complemented by a benchmarking of good television programmes by journalists (model: "Media Watch" in Australia), the external exertion of influence on public service broadcasting could be reduced by means of appropriate financing structures and political institutions (BBC and ABC models), the training/upgrading of journalists could be improved, and the autonomy of journalists could be strengthened by appropriate institutional arrangements (suggestions of this kind are made by Mark Deuze, Gisela Losseff-Tillmanns and Rainer Welzel).

Other issues were discussed more controversially between the experts, e. g. the extend and pace by which public service broadcasters should provide content for the new internet services to the debit of "classical" broadcasting programs, possibilities and strategies to ensure quality standards for the media (like truth, fairness, plurality and respecting of personal rights) by means of internal controls ("self regulation") or external supervision, and the possibilities and risks of institutions that are involved into these controls as intermediary agents between the media suppliers and the media recipients. The diverging attitudes in these and other questions confirmed our opinion, that the dynamic changes in technology and user behaviour in combination with the challenges of globalisation of the media raise a number of new questions about the quality of the media and its functions for public communication. Here again, for the deeper discussion of these questions the internationality and interdisciplinarity of the involved experts is considered advantageous and there was the general feeling that further meetings should be organized. For the next year at least two more workshops are planned to continue the discussion, probably in Bonn and Paris. There one focus will be on "information society and populism", i. e. on the interdependences of politics and media, of democracy and populism, and of media and populism.

For the first workshop in Stenden we want to thank several persons and institutions: the Fachhochschule Düsseldorf for the financial support that allowed us to organize the conference, the Ministry of Research and Science of Northrhine Westfalia for financing the refinishing of the conference, Friedhelm Brebeck for talking about his experience as a foreign correspondent and discussing with us in the working groups, and last not least all experts that participated in the conference and contributed to its friendly and productive atmosphere.

Gisela Losseff-Tillmanns   Manfred Kops

Düsseldorf, Köln, in June 2000

Peter Humphreys[1]

The Institutional Frame for a Media Democracy

A critical public is the precondition for a healthy democracy. Broadcasting is crucial for informing such a public and for both forming and expressing public opinion. However, broadcasting is experiencing tremendous structural changes under the impact of digitalisation and the Internet. The key question is what kind of laws and regulations can be developed to assure that broadcasting's traditional democratic goals can be met in the digital future – or is everything pointing inevitably to deregulation?

The Key Theses

'Der Rundfunk hat eine Integrationsfunktion, die die Forderung nach einer Bestands- und Entwicklungsgarantie des öffentlich-rechtlichen Rundfunks rechtfertigt' (Hoffmann-Riem, 1995).

'Die Entwicklung des digitalen Fernsehens sowie der neuen Mediendienste zwingen die international agierenden Medienkonzerne zu strategischen Allianzen, die die Existenz des öffentlich-rechtlichen Rundfunks bedrohen' (Grünbuch 1996).

The Transformation of Broadcasting in the Late Twentieth Century

European broadcasting in the last decade and a half of the twentieth century has undergone a tremendous transformation. This transformation has been characterised by rapid and far-reaching technical change, deregulation, liberalisation, commercialization, internationalization, the rise of an oligopoly of powerful private television companies with cross-media links, in some cases owned by multinational companies with global ambitions, and a fragmentation of TV audiences and increased competition for viewers.[2]

The traditional west European public-service broadcasting companies have found themselves coexisting with an extensively deregulated private commer-

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[2] See inter alia P. Humphreys, Mass Media and Media Policy in Western Europe, Manchester: Manchester University Press, 1996; H. J. Kleinsteuber & T. Rossmann (Hsrg.), Europa als Kommunikationsraum: Akteure, Strukturen und Konfliktpotentiale, Opladen: Leske + Budrich, 1994; K. Siune and W. Truetzschler (eds.), Dynamics of Media Politics: Broadcast and Electronic Media in Western Europe, London: Sage, 1992; D. McQuail & K. Siune, Media Policy: Convergence, Concentration and Commerce, London: Sage, 1998.

cial sector in an increasingly 'marketized' environment. Public-service broad-casting's future scope and role is being questioned. This paper argues the case for the continued central role for public-service broadcasting in the digital age. The argument is essentially that public-service broadcasting will be more impor-tant than ever in the digital age in order:

♦ to counterbalance the declining scope for broadcasting law and regulation in the digital age to ensure that all society's communication needs are met;

♦ to act as a counterweight to media concentration and the rise of an oligopoly of powerful private media companies; and,

♦ to counteract the 'dumbing down' of broadcasting content that accompanies commercialization.

The Declining Scope for Broadcasting Regulation

The multiplication of distribution outlets for media products introduced by new media technologies - cable and satellite, digital TV and the Internet - makes it increasingly difficult to argue for the continuation into the digital age of the tradi-tional far-reaching kind of regulation of electronic media. Ever since the 'new media' debate of the early 1980s, surrounding cable and satellite television, economic liberals have argued that broadcasting-specific rules will become in-creasingly redundant now that the 'scarcity of frequencies' has been over-come.[3] Now, the arrival of the 'information superhighway' with its vast capacity for delivering an unprecedented range of new services and programmes, re-sponding to a wide spectrum of consumer preferences, has further strength-ened the economic liberals' claim. In the 1980s they asked why should not broadcasting in this age of abundance be treated simply as 'electronic publish-ing'?[4] Now the question is: Why should a broadcast television service be sub-ject to more regulation than the same audiovisual material provided over the Internet?[5] In the future, they argue, the market – left largely to itself – will suffice to meet our requirements in the field of communication, including broadcasting. Pluralism in the electronic media, it is suggested, will be adequately safe-guarded by competition policy and policies to ensure fair access.

The argument that self-regulation by the communications market, not interven-tion by the state, will be the best way in the future to serve the public interest was the central theme of the 1994 Bangemann Report Europe and the Global Information Society. It also comes across from the European Commission's 1998 Green Paper on 'convergence' which arguably contains a marked bias to-wards a 'telecommunications model' of regulation for the converging communi-

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[3] See, for instance, C. Veljanovski, Freedom in Broadcasting, London: Institute of Economic Affairs, 1989.

[4] Peacock Committee, Report of the Committee on Financing the BBC, London: HMSO, Cmnd. 9824, para. 477

[5] The latter question was posed in the September draft of the EC's Green Paper on the Regu-latory Implications of the Convergence of the Telecommunications, Audiovisual and IT Sec-tors, p. 7.

cations sector (reflecting DG XIII and Commissioner Bangemann's in-put).[6] This was after all an industry-driven agenda. Murdock and Golding have pointed to the 'attempted corporate capture' of the debate about 'convergence': The first draft of the Green Paper, produced by DG XIII (telecommunications, IT) without consulting DG X (broadcasting, culture), showed a 'blatant disregard for the cultural and political dimensions of public broadcasting'. However, the second draft, produced after Commission President Jacques Santer had insisted on consultation of DG X, still tended to present 'public interest objectives …as barriers to the free play of [market] forces rather than as essential guarantors of access to the communicative and cultural resources required to underwrite citizenship rights'.[7] Arguably, the final draft of the Green Paper slanted the arguments over the various options for future communications regulation in a manner that favoured a move away from separate regulatory structures for broadcasting, telecoms and IT towards a new 'medium neutral', multimedia model which would concentrate principally on competition and access.[8] In other words, the Green Paper contained a free market, pro-industry bias.[9] It certainly met with media mogul Rupert Murdoch's approval. At the 1998 European Audiovisual Conference in Birmingham, UK, Murdoch welcomed the Green Paper as a 'positive first step in policy development, with its emphasis on market-based solutions and competition law'.[10]

Most academic accounts are keen to reject any hint of technological and economic determinism of the kind that arguably pervades the Commission's Green Paper, dismissing the idea that technological convergence will necessarily result in regulatory convergence, in a new 'uniformity through convergence', stressing instead that 'national and cultural differences remain of enormous importance in shaping both the changing media and their regulation'.[11] Thus, Goldberg, Prosser and Verhulst observe that convergence is manifestly occurring at very different rates in different countries, that it is not breaking down distinctions between different markets as rapidly as is claimed, and that legal and

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6   See P. Humphreys, 'Regulation Pour La Pluralisme dans le Domaine de la Convergence Numérique', in Pierre-Jean Benghozi (ed), Quelle Convergence Pour Quels Médias (Paris: L'Harmattan, forthcoming 2000). 'Regulating for Pluralism in the Era of Digital Convergence', Paper presented at the EU-funded seminar Quelle Convergence Pour Quelles Médias, Turin, 5. – 8. December, 1998.

7   Graham Murdock and Peter Golding, 'Common markets: corporate ambitions and communication trends in the UK and Europe', The Journal of Media Economics, 12, 2, 1999, pp. 117 - 132, pp. 126 - 127

8   Wolf Sauter, 'EU regulation for the convergence of media, telecommunications, and IT: arguments for a constitutioal approach', ZERP-Diskussionspapier 1/98, Zentrum für Europäische Rechtspolitik an der Universität Bremen

9   P. Humphreys, 'Regulation Pour La Pluralisme dans le Domaine de la Convergence Numérique'….

10   Rupert Murdoch, Address, Proceedings of the European Audiovisual Conference, Birmingham, UK, 6-8 April 1998, Brussels: EC, pp. 57 - 61, p. 57

11   David Goldberg, Tony Prosser & Stefaan Verhulst, 'Conclusions', in Goldberg, Prosser & Verhulst (eds.), Regulating the Changing Media: A Comparative Study, Oxford: Clarendon Press, 1998

regulatory cultures vary considerably with very different implications for the future adaptation of regulation. Similarly, David Levy has suggested that assertions about technologically-determined regulatory convergence are 'highly questionable'. According to Levy, 'convergence does not render all existing regulatory distinctions, or indeed regulation itself, either redundant or ineffective'. Rather, 'it creates a need to review some regulatory categories, raises some new regulatory issues, and creates new problems of implementation'. Moreover, for Levy the internationalising technological and market trends in the media field do not mean that 'the existing territorial basis of regulation is outdated and must immediately be replaced with EU or international level regulation.[12] Levy reminds us that spectrum scarcity was never the principal reason for broadcasting regulation; its 'true rationale' resides in the medium's 'uniquely influential role' in public opinion formation, as a forum for public debate, and as a source of potential commercial and political power. For this reason, regulation can be expected to survive the end of spectrum scarcity. Indeed, Levy sees rather little evidence yet of policy convergence.[13]

Most would accept that broadcasting policy continues to be characterised by different national 'policy profiles'.[14] At the same time, however, some would place the stress on the striking degree of policy convergence that has actually occurred: towards deregulation or liberalising re-regulation.[15] While detecting a significant degree of variation in regulatory policy for broadcasting in six countries (USA, Britain, Germany, France, Canada and Australia) Wolfgang Hoffmann nonetheless concludes that the broad trend is towards a major, complex, and multifaceted 'paradigm shift' in the law and regulation of broadcasting in response to the new technological realities. According to Hoffmann-Riem,[16] this paradigm shift involves:

♦ a shift from the trustee model, where 'broadcasting is legally organised in trusteeship for the whole of society', to the market model, where 'there is no obligation to foster the wider communication interests of all citizens';

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[12] David Levy, Europe's Digital Revolution: Broadcasting, the EU and the Nation State, London & New York: Routledge, 1999, p. 143 - 144

[13] Ibid., pp. 144 - 145; see also David Levy, Regulating Digital Broadcasting in Europe: The Limits of Policy Convergence', West European Politics, Vol. 20, No. 4, pp. 22 - 42

[14] For a comparison of Britain, France, and Germany see Kenneth Dyson and Peter Humphreys, Broadcasting and New Media Policies in Western Europe, London & New York: Routledge, 1988; for a comparison of Britain and Germany see Winand Gellner, Ordnungspolitik im Fernsehwesen: Bundesrepublik Deutschland und Großbritannien, Frankfurt am Main: Peter Lang, 1990; for a recent cross-national study of a number of West European countries see Peter Humphreys, Mass Media and Media Policy in Western Europe, Manchester: MUP, 1996. All these accounts pay attention to the different policy profiles of the different countries.

[15] This was certainly the conclusion we drew from our comparative study of recent broadcasting ownership policy in Britain and Germany. See note 1.

[16] Wolfgang Hoffmann-Riem, Regulating Media: The Licensing and Supervision of Broadcasting in Six Countries, New York: The Guilford Press, 1996

- a shift from cultural to economic legitimization of the broadcasting system, to 'the widespread social and political acceptance of the subordination of mass communication to inherent economic laws';

- a shift 'from freedom of communication to freedom of broadcasting entrepreneurship';

- a shift 'from primacy of the communicator and recipient of information to primacy of the entrepreneur';

- a shift 'from special cultural based regulation to general economic regulation';

- a shift 'from comprehensive to limited regulatory responsibility' (i. e. a much narrower field of broadcasting regulation); and,

- a shift from regulation to appeals for media ethics and 'media pedagogy' for consumers.[17]

Hoffmann-Riem points out that the new technologies and globalisation significantly weaken the scope for government regulation, noting that 'the structures of the international media markets and the conduct of media companies will probably become increasingly inaccessible to statutory intervention'.[18] Hoffmann-Riem himself believes that in the future broadcasting regulation will require a 'new quality': it will be much less able to influence the behaviour of broadcasters, although some scope for action remains. 'In particular, [regulation] must ensure that structures are established that avoid concentration of power and the creation of new forms of inequality'. Hoffmann-Riem concludes that 'some of the traditional ideas of public-service broadcasting can be upheld provided the focus is on traditional goals rather than traditional tools'.[19]

Writing specifically about the digital, multimedia future, Hoffmann-Riem views regulation as 'indispensable'. Regulation will need to promote 'structures which help improve the effectiveness of access at different levels and to different uses' and media policy will have to seek to counterbalance 'the in-built mechanisms [in the communications sector] which disproportionately increase the power of those that are already powerful'.[20] In this connection, he has specified five fields of regulation that he argues need to be addressed:

- fairness on network access, distribution and reception, with 'regulative safeguards' and preferential treatment for services that are 'socially important';

- fairness of consumer access to services, with rules governing navigational systems (electronic programme guides, EPGs);

- transparency rules, i.e. informing the public about who owns exercises media power;

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[17] Ibid., pp. 340 - 352

[18] Ibid, p. 361

[19] Ibid, p. 362 -363.

[20] Wolfgang Hoffmann-Riem, 'New Challenges to European Multimedia Policy', European Journal of Communication, 11, no. 3 (1996), p. 327 and p. 337

♦ compensatory responsibility, i.e. redistributing some of the profits of commercial activity to finance the provision of otherwise non-viable services; and,

♦ maintenance of the 'dual system' where public broadcasters compensate for the shortcomings of the commercial sector. This might be expanded to include a third pillar of non-professional communication (e. g. community radios, open channels, etc.).[21]

These are very useful pointers to the future shape of regulatory structures. In particular, there is widespread recognition of the importance of ensuring 'access' to networks and the importance of regulation of the digital 'gate-way' (set-top boxes, encryption systems, electronic programme guides, etc.).[22]

In general, though, it is difficult seriously to envisage anything other than a continuation of the 'paradigm shift' so clearly explained by Hoffmann-Riem, away from the 'extensive' social/cultural regulation of broadcasting towards 'minimalist' economic regulation. In the digital future, the main scope for 'rule-based intervention' can be expected to focus on matters like fair competition, equal access, and intellectual property protection. In addition, there will remain some regulation of standards of taste and decency. However, as Andrew Graham has pointed out:

> *'rules are at best negative especially when regulating against strong commercial forces. While regulation may, therefore, be able to protect standards for example by preventing the display of excessive violence or sexual material considered offensive, it is much less suited to promoting quality'.*[23]

In the digital age, as many media services converge with telecommunications, there will inevitably be a decrease in the amount and scope of content regulation. Indeed, as Levy readily concedes, 'huge increases in the numbers of channels that are available, and a greater degree of individual control over what is watched, make it unreasonable to suggest that all channels should be regulated equally vigorously'.[24] Levy foresees a 'graduated approach to content regulation' whereby those media that continue to be 'public' should continue to be subject to careful regulation and those programmes that are offered 'on demand' (i.e. pay-TV) would be regulated more lightly. In Levy's view, 'programmes offered over "telecoms" or Internet-type delivery systems would not be exempt from broadcast regulation, as many in the IT sector desire', but as pay-TV services they 'would be subject to the lightest form of broadcast regulation'. Indeed, cable and satellite channels are already subject to comparatively little content regulation other than the minimal negative kind just mentioned. Levy

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[21] Ibid., pp. 340 - 342

[22] Not least in the EC's 1997 Convergence Green Paper

[23] A. Graham, 'Broadcasting policy in the multimedia age', in A. Graham et al. (eds.), Public Purposes in Broadcasting: Funding the BBC, University of Luton Press: 1999, pp. 17 - 46, p. 38

[24] Ibid., p. 147

contends (and this paper agrees) that alongside this decline in regulation for the bulk of commercial channels there would be an increased role for public service broadcasting, reflecting the 'general need for intervention in the communications market to rely increasingly on the positive promotion of public goods'. Moreover, there should be 'must carry' provisions on digital networks 'to ensure that viewers have ready access to these publicly funded channels, and that network operators are not tempted to use all their capacity for pay TV and other transactional services'.[25] For the private, commercial sector the emphasis in the multichannel, digital future can be expected to be on self-regulation. Self-regulation – backed up by the sanction of the law regarding serious offences such as extreme pornography and incitement to racial hatred is already the only viable form of content regulation for Internet Service Providers, and as traditional broadcasting 'converges' with telecommunications and even the Internet, it is likely to increasingly become the case for private broadcasters as well. Levy suggests that 'viewers will also play a greater role in enforcement procedures', that 'in the absence of constant monitoring, regulators will be increasingly dependent on viewer complaints'.

In sum, there will be some need and scope for regulation in the digital future, not least to ensure media access, but there will be declining justification and scope for all but minimal content regulation. This, however, makes it all the more important that public broadcasters, with their special remit regarding content quality and diversity, maintain a strong presence in the new digital forms of communication, whether digital broadcasting or the Internet, to ensure that a universal service continues to respond to all of society's communication needs and to perform a socially integrative function in an age when audiences are fragmenting.

The Increase in Media Concentration

As Graham and Davies have explained, audiences may be fragmenting as viewers are offered a multitude of new channels, but the economics of the new media nonetheless make for new monopolies. High quality multimedia content is characterised by high fixed costs and low marginal costs – the 'natural creators of monopolies'. High quality multimedia content can be produced at low unit cost provided that companies can benefit from economies of scale and scope, 'but these economies …imply concentration of ownership.' Thus, 'even though the new technology has removed one source of monopoly, spectrum scarcity, it has replaced it with another, the natural monopoly of economies of scale'.[26]

There has indeed occurred in recent years a marked increase in media concentration. Digital convergence, and the drive to exploit the commercial potential of the Internet, are stimulating a wave of mergers, acquisitions and alliances as firms seek to benefit from economies of scale and scope. As Herman and

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[25] Ibid., pp. 148 - 149

[26] A. Graham and G. Davies, Broadcasting, Society and Policy in the Multimedia Age, Luton: University of Luton Press, 1997, pp. 16 - 17

McChesney observe, recent government laws and regulation for the digital era have prioritised the market and the profit motive and limited the role of regulation to competition policy: the state as "market policeman".[27] However, they note that, on the basis of the long US experience of this approach, 'the record indicates that it has limited effect in enforcing competition, not to mention serving any broader public interest'.[28] In fact, both in the USA and in Western Europe recent media laws and regulatory policies have helped the leading media companies in their quest for expansion.

The 1996 Telecommunications Act in the USA blazed the trail to the regulatory future by abolishing the remaining regulatory barriers to the convergence of IT, telecoms and media in that country. It helped unleash a wave of mega-mergers, acquisitions and alliances between communications companies from various sectors, of which the Time Warner/AOL alliance is merely the latest and largest. Similarly, recent changes in broadcasting law in the UK and Germany have opened the way to increasing industry consolidation in these countries.[29] Germany's pre-1996 anti-concentration rules failed to prevent two 'broadcasting families' - associated with Bertelsmann and CLT, and the Kirch family respectively - each characterised by significant cross-media ownership, from gaining control of the private television sector that had been progressively introduced in Germany from the mid 1980s onwards. The 1996 reform appeared to be tailored to this already-high level of concentration, and it even accommodated further expansion: notably, a merger of Bertelsmann's TV subsidiary Ufa and the Luxembourg multinational broadcasting company CLT. In Germany, the Länder where these large media groups were headquartered played an influential role in the deregulation.[30] In the UK, three Channel 3 (ITV) companies - Carlton, Granada and United News and Media - have come to control most of the sixteen ITV franchises. Recently, Carlton and United News and Media announced their intention to merge.[31]

Our research at Manchester revealed the high intensity of the industry lobbying to liberalise the restrictions on media concentration.[32] The industry lobbies have defined 'pluralism' in self-serving terms; thus, more media outlets is simply assumed to translate into increased 'pluralism'. In arguing for liberalisation, the

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[27] Edward S. Herman & Robert W. McChesney, The Global Media: The New Missionaries of Corporate Capitalism, London: Cassell, 1997, p. 109

[28] Ibid

[29] This was the subject of our ESRC-finance research project 'Regulating for Pluralism' conducted at Manchester University between 1996 - 99. The report was lodged with the ESRC in March 1999. See footnote 1.

[30] P. Humphreys and M. Lang, 'Regulating for media pluralism and the pitfalls of Standort-politik: The re-regulation of German broadcasting ownership rules', German Politics, Vol. 7 No. 2 , August 1998, pp. 176 - 201

[31] For an account of the incremental deregulation during the 1990s see T. Gibbons, Regulating the Media, Sweet and Maxwell: 1998, chapter 5, 'Finance and Concentration of Power', pp. 179 - 242.

[32] See note 1.

media industry has played upon the usual 'tacit understandings' between policy makers and business leaders about the centrality of achieving key economic goals, such as employment, growth, and technological innovation.[33] The lobbies have argued that unduly restrictive media ownership rules place domestic media companies at a disadvantage in international competition and expose domestic markets to foreign take-over. They have argued too that liberalisation is necessary to encourage companies to invest in the new technologies, notably digital broadcasting (and now the Internet). Moreover, it has been argued that the convergence between the media, telecoms, and information technology makes it increasingly difficult – and indeed pointless – to retain anti-concentration rules specific to the broadcasting sector. It is clear from the liberalisation of the restrictions on the expansion of already dominant media companies that policy makers have listened sympathically to such arguments. Industrial policy concerns, it would appear, are increasingly guiding media policy. Regulatory policy, it would appear, is being shaped increasingly by regulatory competition and arbitrage. From an economic perspective, this can make for more efficient regulation, but from the perspective of the wider public interest it can also lead to a 'race to the bottom'.[34]

Media concentration is, of course, not merely of economic significance. In the 1983 first edition of his groundbreaking critique of corporate media control, "The Media Monopoly", Ben Bagdikian noted that by the 1980s an interlocking web of fifty giant corporations controlled all American mass media – press, broadcasting, books, the film industry. This prompted him famously to observe that: '[t]he fifty men and women who head these corporations would fit in a large room.' Bagdikian described them as a 'new Private Ministry of Information and Culture'. By the time of writing the book's 1992 fourth edition, the number of corporations controlling America's mass media had dropped to fewer than 20. Asking why corporations struggled for so much dominance, Bagdikian came up with an 'ancient answer'. It was: 'money and influence'. Bagdikian noted that: '"market dominant" corporations have dominant influence over the public's news, information, public ideas, popular culture, and political attitudes'. They also 'exert considerable influence within government'. There can be no better account of precisely how they do so, than Bagdikian's book on the power of media corporations in the United States.[35] Granville Williams has produced a similarly critical account of the commercial and political influence of the leading media companies in the United Kingdom.[36] Herman and McChesney have described how 'the global

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[33] C. Lindblom, Politics and Markets, New York: Basic Books, 1977

[34] J. McCahery et al (1996), (eds.), International Regulatory Competition and Coordination, Oxford: Clarendon Press

[35] Ben H. Bagdikian, The Media Monopoly, Boston: Beacon Press, 1992, p. 5

[36] Granville Williams, Britain's Media: How They Are Related, London: Campaign for Press and Broadcasting Freedom, 1996, Chapter Four 'The Media and Democracy'

media market is dominated by ten or so vertically integrated media conglomerates, most of which are based in the United States'.[37]

For Herman and McChesney these international conglomerates are 'the new missionaries of corporate capitalism', undermining the public sphere and creating a culture of entertainment in which 'media outputs are commodified and… designed to serve market ends, not citizenship needs'.[38] Lorimer suggests that 'conglomerate journalism' discourages investigative journalism and encourages commercialism and business values.

> *'Media conglomerates have joined other global corporations, and as a group these are portrayed by their owners and managers as harbingers of all things bright and beautiful. Investigative reporting into the unseemly behaviour or power trading of members of the global club or even into the business community as a whole is inconvenient at best and undermining at worst'.*

Company loyalty, Lorimer suggests, is encouraged rather than journalistic integrity.[39] In similar vein, American political scientist Charles Lindblom has famously suggested that the commercial media are likely to carry a 'heavy freight of business ideology'.[40]

These are, of course, critical accounts. It cannot reasonably be gainsaid, however, that journalists are *potentially* negatively affected by media concentration: Their reporting is susceptible to constraint by the editorial line. Editorial independence may suffer from close proprietor supervision. Editorial and commercial interests may become confused. Television channels and newspapers can become instruments for the business strategies – and political goals – of their owners.[41] In recognition of the importance for a healthy democracy of having pluralistic and diverse media, laws and regulations have traditionally been developed to restrict media concentration, both within and across different media. However, these rules are now being liberalised under the pressures just described. It is precisely for this reason that the existence of a public service counterweight to the power of these ascendant private media behemoths is more necessary than ever. The public service broadcasters are regulated to provide an 'internal pluralism'. They can therefore help ensure that media pluralism is protected in the digital future. Indeed, they are an *indispensable* guarantee of pluralism.

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[37] Edward S. Herman & Robert W. McChesney, The Global Media …, p. 104

[38] Ibid., p. 9

[39] Rowland Lorimer, Mass Communications: A Comparative Introduction, Manchester: Manchester University Press, 1994, pp. 94 - 95

[40] Lindblom, Politics and Markets, p. 202

[41] For a discussion of the pros and cons of media concentration, see P. Humphreys, Mass Media and Media Policy in Western Europe, Manchester: Manchester University Press, 1996, pp. 71 -75. Also see W. A. Meier and J. Trappel, 'Media concentration and the public interest', Chapter 4 in McQuail & Siune, Media Policy….

The Impact of Commercialization on Content

The impact of commercialisation on broadcasting content has been the subject of considerable debate. While commercial broadcasting has undoubtedly led to a general increase in the supply of entertainment programmes, some have pointed too to a serious 'dumbing down' of television's news and public information function, with news becoming part of the entertainment industry. Thus, in Britain, Bob Franklin refers to the appearance of a new journalism with new priorities which he terms 'Newszak'. 'Infotainment', Franklin suggests, is increasingly substituting for serious news journalism.[42] In Franklin's view this decline in journalistic standards is associated with the pressures on news media to win viewers in an increasingly competitive media environment, and also with deregulation and associated changes in the professional circumstances of journalists, with an increase in freelance journalism and precarious employment conditions in the media.

Such developments mean that public service media become all the more important, not less important, as guarantors of serious political coverage and as a means to combat the crisis. However, the impact of commercialisation on the public service media has been a matter of considerable disagreement. In Germany, Udo Krüger's studies have analysed in detail the programme structures of German television since the early days of the 'dual' public/private system. These studies have consistently pointed to the heavy reliance of the private broadcasters for their information programmes on 'infotainment', 'reality TV', and 'Boulevardthemen'. By contrast, the public broadcasters, though not unaffected, have generally maintained a much stronger commitment to the provision of serious news and information.[43] However, Krüger's conclusions are contested by those who argue that a convergence has occurred between the public and private broadcasters. In fact, the evidence from across Europe about programme trends is mixed. In a recent book by the Euromedia research group Denis McQuail discusses a range of recent research into content changes and notes that it produces a rather unclear picture. In some countries public service broadcasters are still keeping to their remit, in others they would appear to have acquired a marked reliance on the entertainment function. The fact remains, McQuail concludes, that public broadcasting is increasingly operating within 'an extended, expanding, commercial and highly competitive media environment, with inevitable consequences for the character of the public-service'.[44] In the same book, Kees Brants and Karen Siune discuss the evidence that commercialisation has resulted in the dilution of political content and an increase in 'infotainment', and a programming convergence of public service and private broadcasters. Echoing McQuail, they found that content research paints an

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[42] Bob Franklin, Newszak and News Media, London: Edward Arnold, 1997

[43] U. Krüger, 'Tendenzen in den Programmen der grossen Fernsehsender 1985 bis 1995', Media Perspektiven 8 (1996): 418 - 440. Also, U. Krüger, Boulevardisierung der Information im Privatfernsehen', Media Perspektiven 7 (1996): 362 - 372

[44] Ibid.

'ambiguous and sometimes contradictory' picture. The evidence, they conclude, varies according to different studies and the different countries studied.[45]

One thing is certain: The broadcasters' public information and opinion-forming function will remain crucial for the health of our democracies in the digital age. As Graham and Davies have put it:

> *'The creation and sustenance of 'common knowledge' (what everyone knows that everyone knows) is a vital element in the functioning of democracy. In order to be agreed, solutions have to be based on a common understanding of the situation. …. Such 'common knowledge is not well guarded by commercial markets.[46]*

Public Service Broadcasting in the Twenty First Century

To summarise the argument, in the digital' 'converged' future, it is argued here that public service broadcasting will still be required:

♦ to compensate for the declining scope of content regulation to ensure that all society's communication needs are met;

♦ to counter-act the danger of media concentration in the private sector;

♦ and to counteract any shortfalls of commercial television in respect of providing quality news and public information (i.e. the trend towards 'Newszak' and 'infotainment').

How, though, will public service broadcasters respond to the challenge? How will they be allowed to respond?

Clearly, there is no common response to the challenge for public service broadcasters. Some have responded by imitating the private sector. Others have tried to remain 'pure'. Some have embraced a mixed approach whereby the mainstream channels have been allowed to become more and more popular, with the more cultural and esoteric programming increasingly being provided by new niche channels. The BBC approach has even allowed for a measure of commercial activity in the form of joint ventures offering advertising and pay-TV channels. In other countries, Germany for instance, this option has so far not been considered permissible. The extent to which public broadcasters should be allowed to engage in supplementary commercial activity as a means to expand into the new media markets and secure extra funding for their public-service objectives is highly controversial.

Despite the uncertainty, several things can be said with confidence:

♦ If public broadcasters are to be able to survive as the important force in broadcasting that they have traditionally been in Europe, it will be important

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[45] K. Brants and K. Siune, Politicization in decline?', Chapter 9 in McQuail & Siune, Media Policy….

[46] Graham and Davies, Broadcasting, Society and Policy in the Multimedia Age…, p. 2. Also, Graham, 'Broadcasting policy in the multimedia age', pp. 34 - 35

that they are able to successfully move from the analogue to the digital age. This means developing a successful strategy for expanding their range of offerings so that they are able to maintain a distinct presence in competition with a vast range of new commercial services. This presupposes that the funding structure of public-service broadcasting is equal to the task. This in turn depends on the politicians both understanding the need for, and being willing to provide, a significant increase in the public broadcasters' core funding – namely the television license levied on TV households - to appropriate levels. In Germany, this principle has been established in the Constitutional Court's Bestands- und Entwicklungsgarantie. However, even in Germany, what range of provision precisely is to be guaranteed remains a hotly contested issue. Powerful forces are demanding a redefinition of public service broadcasting that would limit it to what the market does not provide.

♦ In this connection, it is crucial that the public-service remit continues to be defined comprehensively and extensively; in other words, regulatory change should not relegate them to becoming a public-service 'ghetto', providing only that which the market is deemed unable to provide. It is crucial therefore that the public broadcasters launch – and are allowed to provide – new niche channels: 24-hour news channels, life-style channels, children's channels, etc. They should also be allowed to invest in Internet services, like 'BBC Online' for example which is one of Europe's most popular web-sites. Some will argue that such services – funded by the license fee – represent unfair competition for the private sector. Indeed, private broadcasters have already complained to the European competition authorities about the public broadcasters' provision of 24-hour news and children's channels. So far, however, the regulators appear to recognize that the public service mission includes the right of public broadcasters to invest in new niche channels of this kind.

♦ As the evidence about programme trends shows, the digital era presents a serious challenge to the public-service style of TV journalism. There is considerable evidence to suggest that patterns of TV usage alter in the digital, multi-channel household. 'Zapping' between channels increases as viewers seek instant gratification. With scores, in the future hundreds, of channels competing, it is more important than ever to hook and hold viewers' attention with attention-grabbing images and sound-bites. With regard to news and current affairs reporting the trend is unsurprisingly towards more and more 'infotainment' and sensationalism. The problem for the public-service broadcasters is: How, under these conditions, to attract viewers without compromising their public-service values? It is crucial that the public service broadcasters' answer to this question is not to diminish their public service identity. To do so, would only give grist to the mill for those arguing that they are anachronistic beneficiaries of an unfair public subsidy, providing a service indistinguishable from their private competitors. Somehow, public service broadcasters will have to continue to provide a comprehensive range of programmes, mixing 'thoughtful and involvement-worthy mass appeal programmes with programmes targeted at the more defined tastes of smaller but more

committed audiences'.[47] Above all, though, their news and public information provision, and their role as a forum of pluralistic debate and democratic opinion exchange, must not be debased.

♦ Finally, in the digital future, the electronic programme guide becomes a vital 'gate-way' to media access: Therefore, control of the EPG becomes a strategic asset. Public service broadcasters, therefore, might even be strongly advised to develop their own EPGs (as the ARD has done in Germany).

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[47] Jay Blumler and Wolfgang Hoffmann-Riem, 'New roles for public-service television', in J. Blumler (ed.), Television and the Public Interest: Vulnerable Values in West European Broadcasting, London: Sage, in association with the Broadcasting Standards Council, 1992, pp. 202 - 217, p. 207

Hartmut Schweitzer

Media in Democracies: The Fourth Power?

Some Casual Reflections Encouraged by the Occupation
with Media-reports on Corruption[1]

Starting from Montequieu's model of the separation of the powers it is asked if the media can be looked at as the Fourth Power. Due to the fact that the media are increasingly acting as suppliers of economic commodities with specific interests this claim is doubted and the argument is underpinned by the discussion of the often inappropriate handling of cases of corruption and crimes. Some remarks are aimed at the media's response to the case of ex-chancellor Kohl. Some remarks have been included concerning the relation of populism and the quality of media reports. Because the legal regulations in the field of the media are almost completely aimed at individuals but are taken up by corporate actors one has to reflect the chances of changing the regulations under which the media are entitled to operate.

0. Introduction

In his seminal work "The Spirit of the Laws" Montesquieu "invented" the fundamental institutional principle of modern democracy: the separation of the powers. He wrote: "In each state there are three sorts of powers: legislative power, executive power over things depending on the rights of nations, and executive power over the things depending on civil right ... The last will be called the power of judging, and the former the executive power of the state".[2] In modern terms these powers are the parliament (legislative power), the government (the executive power) and the judicial authority (the jurisdiction).

The basis of this separation lies in a concept of balancing these powers: each of the three should be independent and not interfere with the business of the others and although they have to cooperate and influence each other, they must stay independent.[3] Montesquieu's motive for this construction can be found in his deeply rooted fear for the freedom of the individual from the state authorities whose power he had experienced in his lifetime by the French absolutism. As the main obstacles for that freedom he identified the concentration of these three powers combined with the lack of intermediary institutions able to limit the demands of the state's bureaucracy against the individual.

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[1] This article is a revised and slightly augmented version of my contribution to the Stenden-colloquium. Added have been the remarks on reports on corruption as a consequence of media-populism thanks to the discussion in Stenden.

[2] MONTESQUIEU (1989): pp.156/157

[3] Although this conception of independence seems to constitute a very clear and simple construction it immediately raises the question of what independence really means in real life politics.

The look over the channel passed on to Montesquieu the idea of a political system guaranteeing personal freedom by fragmenting it with an institutionalized separation of the powers and an according allocation of duties.

Although this construction is commonly regarded as one of the fundamental conditions of modern representative democracies this separation has never been realized completely in any real political system and the chances for realization have even been further eroded by the increase of state activities - mainly in the fields of social security - since World War II. This still proceeding extension of the state-activities caused a historically unprecedented expansion of state (re-) distribution and control mechanisms. This is the result of assigning more and more tasks on the state, most of which have been run privately in former times or did not exist at all.

Another considerable threat to the separation of powers comes from the growing social and political importance of the information sector, a development based on several social and technological conditions. Some of the social causes are:

- growing literacy in the Western countries,
- growing demands on the technological as well as the social knowledge by the labour conditions,
- increasing complexity of the social and political systems we are living in,
- a considerable increase of leisure time,
- more or less continuously rising mass-incomes.

All that gave rise to a growing need for information and entertainment and this need has generated as well as been met by a continuous revolution of the relevant technologies since the end of the 19th century, e.g.

- the rotary press for cheap print media,
- radio,
- film,
- TV and video,
- cheap computers and all these wonderful gimmicks still to come, making possible the general access to all kind of news, thus forming a historically unprecedented situation in terms of availability of all kind of information at any time and place - given there are no political or economic restraints.

Digression (1)

These technologies not only changed our potential in terms of the huge amount of available information but they also created new problems, e.g.: how to deal with this unconceivable quantity of information, how to select what is relevant or not, whom to believe, whom to mistrust etc. Mankind has to learn to manage the consequences of the new technologies in the same way as it had to learn to handle the use of fire or the proper use of a car.

Generally speaking: the implementation of these new technologies created more social than technical problems and these problems are more complicated. One of these consequences in democracies is that the very increase of the media also led to an increase of the number of media suppliers aggravating the competition between them. Simultaneously the whole media-industry gained greater social, economic, and political importance and influence.

Due to the increasing complexity of the social and political life and the lack of any alternative easy access to gain information the media very quickly occupied the position of an overall informing and controlling institution, first – historically – the print media, and later, since about eighty years, radio and TV. These media nowadays are in the position of a gate-keeper, deciding which information will reach us, which will be excluded. This development caused the widely accepted assessment that the media gained the role of the complementing Fourth Power ascribing them the task of controlling the other three. But the media not only have taken over the control of the legislative, executive and judicial powers on behalf of the population (or so to say: the national constituency) but the control of the whole society, generally building this claim on the right of the freedom of speech and information. From a social scientific viewpoint this is a very doubtful claim because nobody had entitled the media to take this position and different from the other powers they are not subject to any constitutional regulation. Moreover they are lacking special legal stipulations defining any constitutional limits. The only legal limits are drawn when the rights of others are in jeopardy or even violated and by these situations very accidental court-decisions are caused. The other case is given by a violation of the laws against fraudulent competition. But both cases have nothing to do with freedom of speech or something like this and nothing with any idea of balancing the powers. But I do not want to become absorbed by reflecting these legal and constitutional questions because I want to stress a different topic and now turn to it:

The relation between government/parliament on the one side and the voters/the constituency on the other can be read in terms of the model of the institutional economics: the principal-agent-relation. The voters constitute the (corporate) principal while the government is the agent entitled to act in the name and on behalf of the principal (the voters). The agent is and will be made responsible for his actions and after a certain, usually legally fixed period of time the agent has to ask for the renewal of his commission, that is what we usually call election. If the principal is disappointed by the agent's performance he will ask someone else to do this job: the government will change.

In European democracies this procedure is true for two of three of Montesquieu's powers: the legislative and the executive powers. For historical reasons that cannot be analyzed here the whole judicial complex is not subject to this procedure, a distinct difference to the US situation.

But in all western democracies the Fourth Power is not subject to any legal limitation to interfere with the business of the other three powers. The whole complex of the freedom of the media is left to the market system and economic competition. If a medium survives it has the right to exist, if not that's also o.k., no matter what content the media company had transmitted.

De facto the media exercise a right to act in the name of a constituency that has never transferred this right to them; and therefore the principal-agent-model cannot be extended to a principal-agent-client-triangle that is very common in economics. The position of the media is based on a right which originally is a right granted to individuals not to corporate actors. The German constitution (Grundgesetz) stipulates in article 5 the freedom of expression, including the right to collect and disseminate information wherever one wants. The freedom of the media is seen as a consequence of this individual right, but for several reasons it is highly problematic to transfer individual rights to corporate actors like publishing houses or media companies like Bertelsmann or AOL-Time-Warner including CNN.[4]

Thus the situation of the modern media constitutes a complex situation that I think is by no means satisfying. We have a principal, the voters, and we have agents, the elected politicians in the parliaments or the government, whose positions are clearly legally defined. But the de facto most important and most powerful controlling institutions – the media – are working on the basis of rights originally entitled to individuals, thus not constituting clear limitations for the media-companies. Therefore critics say that the freedom of the media is the freedom of few rich men to let their opinion be published. It is a right for people with sufficient economic power.

This implies that this specific kind of freedom of information is limited to specific conditions and connected with specific interests of which there are mainly two: to earn money by selling information to the principal and to influence the actions of the agents (the politicians) on behalf of ones own advantage. I will not argue against earning money, but what always puzzles me with the situation of the media is the fact that they see - or at least pretend to see - themselves as neutral observers of the world, especially the political and economic world, as a kind of Adam Smith's impartial spectator,[5] who is valuing the actions of the

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4   This transfer becomes even more problematic when the media companies convey the impression that the comments given by the journalists / reporters express their very own opinion while in fact the comments have been controlled (censored) before the broadcasting by the company's management, a procedure tantamount to deception.

5   See SMITH'S *Theory of Moral Sentiments.*

other "players" in the social game without any own interest, only comparing them with their accordance to the norms. Moreover I am increasingly astonished at the observation that the public in its majority obviously is still believing that claim and accepting the occupied role of the media as the protector of the ”real interests“ of the people.

Digression (2)

Here we find a situation similar to that of many NGO‘s, especially those working in the fields of environmental questions or/and developing countries. Many of these NGO‘s claim to have a better founded right to advocate the cases of environment or developing countries than the elected governments or their mandataries because they are supposed to speak without any egoist interests but only on behalf of and in favor of the environment or the underprivileged of the Third World. Of course this is nonsense because nobody has transferred this right to them, they have usurped this right, and the same is true more or less for the situation of the media in respect of the government, the politics, the economy or other topics, e.g. like crime and corruption.

As long as it was the business of the media really and exclusively to provide the public with information this situation would cause no relevant harm for the society or any individual. But at that moment when information is turned into a commodity the whole situation changes because information is no longer provided for reasons of its intrinsic importance but for reasons of demand and supply; i.e. only for economical reasons and for them the character of the target persons changes. The target person is no longer looked at as the member of the civic public who needs information for realizing his claim of being a ”zoon politikon“ and participate in politics, but the target person becomes a customer who is looked at the same way as customers in the retail trade having the right to select what they think is the best for their money. The ideal of the informed citizen becomes substituted by the information-consumer whose requirements are no longer aimed at being able to politically participate but at social integration into a peer group. In the figures of the new information-consumers without any real interest in political participation we meet the realization of Riesman's other directed people.[6] This development renders the explanation for the emergence of the so-called individualization in media demand: If anyone thinks he has the right to get the more or less exact piece of information he feels fits best for his need the demand will be scattered.

On the other hand the media-suppliers are not really able to serve all the different individual needs. Thus because of the inevitable competition between the media-suppliers resulting in economic constraints they are forced into a process of agenda setting, meaning that they push certain topics because they assume that this will improve their market position. And this is the point where the gate is wide open not only for systematically exaggerating or minimizing the impor-

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6   See RIESMAN u. a. (1959).

tance of specific topics but also for misinformation, distortion, lies and what I call "media-corruption", i.e. concealing the own intentions and interests while pretending only to work for the benefit of the public. This pretension will cause misinformation of the public and a distortion of the presentation of the social and political situation. One could give many examples but I will refer only to the reports on corruption in the German press.[7] Analyzing descriptions of and reports on corruption I had to learn that there is no such unambiguous fact called corruption. Everybody seems to know what corruption is but looking into the details makes one realize that corruption is a word used to design a wide range of very different facts. It is a word without any clear meaning, but with very high emotional connotations and therefore very useful for the media for raising attention.

For the common use of the term it is also interesting that in no legal code of any Western democracy there is such fact called corruption, and thus in none of these countries exists a clear legal definition.[8] But why is this word on everyone's lips in the media even in reports on lawsuits when for sure nobody stands trial for corruption?

Usually a number of legal offences is implied in this term, the most common are bribery and even embezzlement, the use of the latter I regard as inappropriate. The German authors Vahlenkamp & Knauß have enumerated some offences which they think constitute corruption and they are presented below (the §§ refer to the German penal code of the "Strafgesetzbuch", StGB):

- § 331 StGB -   accepting illegal advantages
- § 332 StGB -   venality
- § 333 StGB -   offering illegal advantages
- § 334 StGB -   bribery
- § 108e StGB -   bribery of parliamentarians in connection with buying votes
  Law against unfair competition (UWG):
- § 12 UWG -   bribery of clerks in private enterprises.[9]

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[7]   Since some years I am occupied with developing a model (theory) for explaining the emergence, development (increase/decrease) and dissimination of corruption. The results will be published this or next year.

[8]   This is not strictly correct because in the USA there are the Corrupt Practises Acts enacted in several US states since the 1890s *"aimed at eliminating campaign and election abuses"* (RHE; p. 2092). These regulations have been expanded in the 1980s to the Foreign Corrupt Practises Act to prevent companies from giving bribes to members of the administrations in foreign, mainly so-called Third World Countries. But apart from this I had to learn that in such an ideal state in terms of observing human rights and handling correctly the judicial procedures as Saudi-Arabia there is a punishable offence called "religious corruption", whatever this may be (punishment: death). Also in the PR China corruption appears in the penal code.

[9]   See VAHLENKAMP & KNAUSS, p. 20.

Obviously a whole bunch of activities is seen as constituting the term corruption and what makes a clear definition even more difficult is the fact that the term is also applied to individuals to describe a bad character.

But in the media all the more neutral and technical terms are less often or not all used because they do not convey this aura of individual vileness and morale depravity that marks the term corruption. The use of this word stimulates a vague feeling of unease and insecurity by a broad comprehensive threat of crime thus generating a completely exaggerated image of the extent and distribution of crime and the personal chance to fall victim to it. We know that people watching TV more than the average overestimate ridiculously the extent of crime in our society, but even the general public tend to overestimate regularly the extent of crime up to four times as much, mainly because in the media bad news are good news: if the scout helps an old lady this is worth no note, but if he is knocking her down it will be reported.

But back to corruption. Most of the media - and in consequence the political and public opinion - have made corruption a passepartout for all the evils of the world, in some respect outweighed only by drug-trafficking and drug-consumption. The inconsiderate use of this term leads to a widespread misconception of corruption and the social conditions under which it is blossoming. In general the media have turned to look at corruption the same way the "corruption-fighters" do, i.e. to look at it without any greater differentiation. Thus they join this group in valuing corruption as the "modern incarnation of the evil" as Killias has termed this attitude,[10] a viewpoint obviously making it unnecessary to dig deeper for a better social understanding. Combined with this attitude is the individualistic approach attributing a bad moral quality to specific individuals. Primarily this approach is undoubtedly due to the need of the media to make complex facts seemingly simple but it is also a problem of lacking terminological clarity. If a term is used for designating the quality of an individual character its meaning must be different from the designation of a social relation.

But this individualistic use has some advantages for the writers: If they use the term corruption for defining the moral quality of a person they are free from the obligation to give an analysis of perhaps complicated or even dangerous social relations and hence they can put the blame on the respective individual who is automatically characterized as mean and vile. The journalists are released from the obligation to ask for the specific (social, organizational, bureaucratic, legal and/or judicial etc.) conditions which favor or hinder the emergence and spread of corruption. This became very obvious in the reports on the lawsuits in connection with the mani pulite[11] in Italy, the topics usually being enormous sums

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10 See KILLIAS (1998).

11 It litterally means "clean hands" and designates the actions of some public prosecutors, mainly in the Italian north (e.g.Milano), against the tight connection between politicians and economic leaders and the widespread use of paying bribes for considerable reductions. This campaign lead – among other things - to the breakdown of the Democrazia Christiana and the conviction of some well-known politicians and

of bribes. There have been many reports on these trials in German newspapers and magazines but there was hardly any real analysis of the structure and performance of the Italian state bureaucracy and the political system which, not only in my opinion, are really to blame for most of the offences. One remarkable exception was an extensive report in the British newspaper "The European" in September 1992. In Germany the reports usually dealt with the greed of the offenders, but not really with the administrative structure and political climate in which all that happened.

If we identify defects of individual characters as the cause of corruption we are not obliged to search further for social-structural conditions and, what is even more important, the journalists must not see themselves right next to corruption in their own business. This strategy may be called "populistic representation of politics" because complex social and political relations are disproportionally simplified thus making an adequate understanding almost impossible. The reduction of social complexity to the defective moral and greed of a specific individual only demonstrates the public that those in high positions are also only sinners like all of us, explaining nothing. Thus prejudices against politicians and politics in general are fed creating weariness of politics (Politikverdrossenheit) pushing politics from the public sector into the corner of individual morality, thus opening the door for undifferentiated indignation instead of reflection. By this tactics the complex social and political interconnections disappear from the public stage that might be very difficult and sometimes uncomfortable to analyze and assess appropriately. Thus journalists and the media do not work for a better, i.e. a more adequate, public understanding of the social reality but reduce its complexity to a level which seemingly makes an understanding possible even by people who are unthinking in terms of political interest and therefore on the lowest information level. The claim that they are entitled to be informed on the level of information-garbage can only be taken seriously if these people are not looked at as citizens but only as customers. By turning information completely into a commodity a downward spiral in terms of quality has been triggered off and that development has been foreseeable and has been forecasted. This recognition leaves the question of who is interested in the deterioration of the quality of the public information.

Höffling, a young German scholar doing research on corruption in the state bureaucracy, made an interesting comment on the media-reports on corruption noticing a style in the reports that he termed "combat-metaphor" (Kampfmetaphorik).[12] The terminology used is the same used by war-correspondents so as if the society is waging war on corruption (or the corrupt individuals on society) and implying the imminent danger that our societies may have to surrender very soon if they are not arming the police in terms of hardware and stricter laws for better tightening up and extending the repression. I think that Höffling made a

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entrepreneurs, but it vanished at last due to several internal flaws and left the reconstruction of the political system of Italy unfinished.

[12] See HÖFFLING, 1998.

very important observation which refers to two strategies: To start a war has always been a proved way to reduce complex and unclear situations by drawing a clear line between them and us, the bad guys and the good guys. For several reasons the US government has chosen to follow this strategy for dealing with the drug problem, until now not very convincing and not very successful. The same strategy will be applied obviously to the problem of corruption. One may doubt that this is a very intelligent political strategy but without any doubt it is not very intelligent for the media to adopt this strategy for their reports.

To reduce complex situations to a warlike confrontation means also a remarkable reduction of social and political complexity and prevents from really analyzing the social and political background. Besides it has the effect of preventing people to ask too many questions because a war kills the zest for differentiation: Only two parties are left and nobody wants to be suspected to be a friend of the enemy.

The majority of the articles on corruption convey the impression that there is an irresistible increase of it in terms of number and sincerety. But if we only take a closer look at the number of reports we are faced with the astonishing fact that over the last years one will not find any increase. The magazine "Der Spiegel" had 24 articles on corruption in 1994, it shows a sharp increase to 49 in 1995, mainly due to the Italian mani pulite, in 1996 the number dropped to again 24, in 1997 there were only 12, and in 1998 only 6. This does not render the impression that corruption is a very urgent problem in our society (the numbers of articles on bribery are even lower).

The weekly "Die Zeit" mentioned corruption in 1995: 118 times; in 1996: 121 times; in 1997: 127 times, in 1998: 87 times, and in 1999 106 times. The numbers are higher than those of "Der Spiegel", because they include reviews and travelogues. But here also we cannot find a dramatic increase. When analyzing newspapers (FAZ, NZZ and FR), the numbers are much higher, but this is due to the fact that in one copy there are often two or three articles and comments on the same affair. If we look at it over the years there was a highlight in the first years of the nineties because of the mani pulite and at the beginning of the Andreotti-trial. But this has not very much to do with the German society.

According to the German media not only corruption but all relevant criminality seem to rise continuously, although it is very clear that this is not covered by the facts and an analysis of the criminal statistics, which cannot be rendered here, would verify this statement. More important is that the media in this field do not hold the usurped demand to control the government(s) or the politicians but that they - at least most of them - give them the cue for demanding stricter laws, so neglecting or denying their role as a watchdog.

In the last twenty years or so there has been a series of public discussions (in the media) on crime in Germany, a phenomenon being in accordance with

Fishman's statement, that the media are able to initiate a "crime wave", defined by him as "a sharp increase in media coverage on certain 'themes' of crime."[13]

In the late seventies and early eightees when unemployment rose and became a real social problem many politicians felt that arguing against immigrant workers seemed to be a good strategy to gain support and collect votes, - some of them, mainly on the political right, thus veiling their xenophobia. This was the time when the allegedly high rate of criminality of immigrant workers became a hot issue in German internal politics and in the media. Regrettfully only very few journalists and newspapers did not follow this trend: they tried to cool down the debate instead of stoking it.

Later the topic of sexual misuse of children was introduced into the public debate and it took a long time until reason could be brought back into this discussion not only in the media but also in the public.

At present youth criminality, youth vandalism and youth violence are hot issues. Although the statistics indicate only a small overall increase in these offences the impression is conveyed as if our country is inundated with criminal youths always eager to commit acts of utterly brutality. Although the recorded number of some offences has undoubtedly risen it must be very clear that an increase of the numbers is by no means a proof of an increase of criminality.

At least it is a mixture of many phenomena:

- a greater individual readiness to report,
- a change of the relevant categories, i.e. a change in the bureaucratic procedure,
- a decrease in tolerance of the social environment to accept certain phenomena as result of juvenile exuberance etc.,
- perhaps really an increase of the number of the offences.

To accept the official version of increasing numbers and report this without analyzing the reason for and the extent of the change is negligent and irresponsible. Such a dealing by journalists with the priviliged access to informations is professionally incorrect and nurtures the suspicion that the publishers and/or the journalists are making politics in their own name. Both procedures cannot be accepted as being in accordance with the media privilege to control the administration and provide the public with correct informations. It is a distortion of information which is deeply connected with the change from rendering information to the citizen to supplying the commodity information to the customer.

The reports on the problem of organized crime, partly connected with that of corruption, also leave much scope for guessing both with reference to the extent and to the specific nature of the offence. In part it is obviously the same offence countries have known to since hundreds of years: criminality committed in

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13   OHLEMACHER; P. 47

gangs, in part it is connected with crimes like drug-trafficking,[14] smuggling cars and guns or man-trade. Except for man-trade and the extent of drug smuggling all these offences are not new and the police in all countries is used to keep an eye on these activities trying to prevent them. But here the suspected figures come into the discussion. They are used as a politically motivated means in internal politics because one can publish what one wants and with it one can invent a problem, blow it up or minimize it. I think for very good reasons it should become a binding rule for media not to cooperate in this game – but I also know that this argument will be in vain.

Digression (3)

The obsession of abministrative bodies with corruption and related offences will have similar disastrous consequences on the societies as the US-american obsession with drugs. One strong hint is given by the US-government which frankly admitted that it feels justified to spy on German politicians and enterprises by the incredible argument that German enterprises are suspected to pay bribes thus constituting disadvantages for US-companies. This kind of information production by the NSA and other US intelligence services against European companies and politicians is amoral "Machtpolitik" in its purest form, fulfills the fact of spying and therefore must be judged as a criminal act. However, this fact is generously overseen by the same members of the US-administration who always plead for purity and non-zero-tolerance for drug-trafficking. It is real interest-guided double-speak:[15] Right or wrong: my country.

The last arguments are aimed at the attempt to give the word corruption a more precise meaning which can be used to analyze some facts behind the word and also facts which usually are not called corruption. Thus follows a tentative definition: The term Corruption will be used to design the violation of universalistic norms which are binding for an actor (e.g. a state-official, a priest or an employer) in favor of personal or group specific advantages, i.e. in favor of particularistic advantages. Therefore corruption can be defined as an offence against obligatory universalistic norms in favor of particularistic norms creating thus particularistic advantages.

The favored must not necessarily be the offender himself but can also be a group, a club, the family, or the political party. This reflects the normative structure behind all cases of corruption I have analyzed and this makes it clear that corruption cannot be limited to bribery or the other few offences mentioned above. Furthermore it cannot be restricted to criminal offences because many of these constellations do not imply criminal acts and in addition the term corruption cannot be restricted to the overlapping of bureaucracy and economy.

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14 E.g. money-laundering is a typical crime in connection with drug-trafficking.

15 A description and analysis of the morally really incredible US-American drug-policy is given by SCOTT and MARSHALL (1998).

If this definition encircles the social phenomenon "corruption" why does nobody in the media speak of corruption in respect of ex-chancellor Helmut Kohl's concealed going round with the hat? If Boris Yeltzin or even any entrepreneur had done the same all the media would pounce on them vulture-like. Ivan Krastev noticed in the FAZ that in the whole debate on Kohl's collecting donations there is a mysterious absentee: the word CORRUPTION.[16] But in this case: comprehensive silence. I have to admit that I cannot understand the handling of this affair by the media where instead things can be read or heard like: He made a mistake, It is an affair made by the media. Or, as a completely absurd statement: Kohl's policy was not for sale.

May be, may be not, crucial in that affair is that he offended the law when he collected money and promised the donor(s) not to name them, an accepted understanding which forms the typical constellation of corruption: an illegal understanding by which both parties gain mutual advantages.[17] The personal advantage of the ex-chancellor was that he could use that concealed money for gaining massive political advantages over his inner-party opponents and competitors as well as over the political opposition, the SPD. If this is not a personal illegitimate advantage I have no idea of what else it is.

The reaction of the media to Kohl's offences is typical for partisanship when the followers try to find excuses, list the merits, and put them in "the proper relation" to the "mistakes" etc. But this must not be the reaction of an institution claiming to be the Fourth Power and having the right to control the political powers that are legitimated by the constitution. It rather represents populist reports. A close analysis of Kohl's actions would mean to give an in depth-analysis of the manifold interconnections between the many political and economic groups of which the media are part of. Furthermore, the political influence on the public broadcasting system (mainly ARD and ZDF) and the fact that many of the leading administrators and even many journalists in prominent positions owe their jobs to political partisanship prevent – for structural as well as personal reasons – this system from the necessary in depth analysis. The easy exit from this dilemma is to give a populist description of the situation tracing back all faults to individual incompetence and lack of morality thus leaving the system itself untouched and undisputed. By this proceeding politics are reduced to single actors and the complexity is simplified without explaining anything.

But I dare a prognosis: If and when the so-called "System Kohl" - I guess this term has been coined by "Der Spiegel" - will finally collapse[1] and the CDU has to suffer from the consequences like the Democratia Christiana and the Socialists in Italy suffered from the breakdown of the system Andreotti-Craxi, then also in Germany the word corruption will be used to describe it.

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[16] See KRASTEV (2000).

[17] As KOHL has not named yet the donor(s) one can only speculate on their specific advantages.

In the "case Kohl" all the media have failed and this is for me the proof that they must not be allowed to claim to be the Fourth Power and the legitimate controller of politics. They do not really fulfill this task but only occasionally because they are either partisans or economic supplier and this is not sufficient for legitimately claiming a special role. Moreover nobody has legally transferred this right to control to the media and this cannot be deduced from the number of copies sold or the quota of a TV station. To accept economic success as a legitimation would mean to transfer completely this right to economic interests and political opportunism and to finally transform information into a commodity which may be changed and manipulated for better fitting the taste of the public – a tendency which already became effective in that new media-homunculus "infotainment".

An important problem with the media in the future seems to me that they have gained a considerable power within our political system, but that there is no counterpart balancing their power. This power lacks democratic legitimation, and I would earnestly challenge the claim that this legitimation comes from the economic power or the copies sold. Information cannot be judged as a commodity but it is - like other cultural goods (e.g. books) - at least a mixed commodity which - at least for reasons of the survival of the democracy - cannot simply be left to the forces of the market but needs a very careful handling for which the state is obliged to construct a framework - a task which in my opinion almost under no circumstances is realized by most of the media today.

If the power of the media, here especially TV, is continuously growing and more and more determining the life of the average men, one day we may be forced to think about special legal regulations to gain a new balance of power under the new circumstances which are far away from what Montesquieu even could imagine in his most prophetic dreams.

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David Indermaur

Voodoo Politics in the Era of the TV Game Show: Public Opinion, the Media and Political Decision Making

Influence is ascribed to the mass media because they convey to the public impressions of what is true or false. They therefore not only influence public opinions and attitudes directly, but indirectly also mould the course of political decision-making.

(Kepplinger, 1992)

There are three main aspects to this proposition. The first is that the public read off from the media what is or is not the case. I will illustrate this below with the case of crime in the US – decreasing in reality, increasing coverage on the media and increasing in public opinion. The second aspect of this is the question for politics – should they attempt to lead the public who may me misinformed or should they simply follow the flow no matter how badly misinformed or counterproductive a popular strategy is? The third aspect concerns the nature of government. Here a comparison of the US and the FRG will be used to point to how different outcomes are produced dependent on the nature of the politics and the media in a certain state.

1. Introduction

The media mould the course of political decision making (PDM) in a number of ways. The degree and type of influence principally depends on the nature of the media organization and the nature of politics, as shown by Savelsberg (1994, 1999). The model employed here will firstly agree with Mannheim that opinion, belief and what is taken as true are all subjective and conditioned according to dominant social constructs. The nature of both the media and the political arrangement will play a role in the conditioning of PDM which also then feeds back into "public knowledge". In English speaking countries there is an expectation that PDM should be highly responsive to, and indeed even be led by, public wishes that are largely the outcome of public knowledge. This 'light" form of politics sees little role for a general weighing of options, consideration of outcomes or formulation of policy for presentation to the public. On the other hand political systems that are less personalized are able to do this. Furthermore if the media is not dominated by commercial interests there is also the possibility of a more considered and complex view on social matters to be put. The particular form of PDM in the ESW that is of most concern is populism. The media are inextricably linked to the growth of populism as it is central not only to "public opinion" – its construction, its direction and its dissemination – but also to political initiative.

Rather than following trends in the actual crime rate public concerns are much more in line with the amount of crime depicted in the media. As shown regularly – the number of crime stories shown in the media in the US has increased de-

spite declining crime rates through the 1990s. It is the reaction of the middle class to their perception of crime – driven by the amount of crime on the media which promotes the issue of punishment as an area requiring attention.[1]

It is important to note that the media is not driving this direction in a conscious or conspiratorial way, rather it is the convergence of populist politics with media domination that creates the evil. Shichor (1997) also talks about the convergences of interests in society. Using the cultural model of "McDonaldization" Shichor draws the parallels between the principles demonstrated in the fast food industry (efficiency, predictability and control) to those underlying mandatory sentencing. To the principles outlined by Shichor media treatments also engender simplicity (the penal policy should be able to be expressed in a sentence, a phrase or a word and should be dead simple), commodification (the penal policy should be prescriptive and be excited as a package in an automatic and mechanistic way and dramatism (the penal policy should be presented as new, clean, powerful and effective). Consumer expectations, shaped by industrial exigencies are thus also applied to areas of social policy. Most importantly it needs to be established that it is the responsibility of the government to work with extant forces to provide for a more meaningful public policy. As Surette (1994, p. 144) notes:

> *The effect is not a conspiracy but the convergence of goals of politicians seeking an issue, punitive predispositions of the public (due to our heritage of individualism), the content focus of the news and entertainment media, and the professional proclivities of the crime control establishment, especially the police (Scheingold, 1984). The media are encouraged by our cultural history to project the predator icon, risk little social criticism by emphasizing it, and are rewarded by continuing popularity.*

It is arguable that the news media, broadly conceived, have always had a central role in public affairs. The construction of the vox populi and the way in which government intentions have been communicated has always depended on the means of communication between the public and their government. Changes in the late twentieth century such as social fragmentation, increased mobility and globalization have worked to further establish the media as a critical, and now transnational, influence on crime policy. The rapid growth of media sophistication - media forms, technologies and market research have also accelerated the position of the media to the center of public life.

Populism is particularly well suited to the modern domination of the media and vice versa. The subtext of news media reporting, particularly on television, is

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1   See, for example, Baer and Chambliss (1997) citing the work of Gans (1995) who points out that the consequences of the new punitiveness, based on distorted media treatments, far exceeds just penal policy and creates an intractable form of classism. "The perpetuation of the image of crime out of control justifies as well the elimination of support systems such as welfare and job creation programs as [Black] residents increasingly come to be defined as "the inherently criminal dangerous classes" and therefore "undeserving. (p. 104).

that the salient aspects of public policy are being dutifully reported for the viewers. In line with the commercial nature of the media, governed by the imperative to sell, the viewer is "always right". Thus the ultimate, and largely the only, test of success is popularity. The media, like the populist politician are supplicants at "the court of public opinion". However, both are also more than supplicants and regularly invoke the name of the king for their own ends. The media have become a sacred institution in the populist world.

The amorphous construct "public opinion" is divined for the masses by politicians and media speculators. It seems more accurate to conceptualize it as it is practically used: not as a solid and scientifically measured reality but a set of sensibilities, beliefs and predictable reactions that are mutually drawn and invoked by politicians and the media. This "virtual" reality - a set of responses and inputs is dynamic and primarily defined as a result of political and media initiatives. Because of this the lead still lies largely with politicians and the media. In this environment entertainment, information and commercial interests converge and draw public policy in. Thus unless governments can directly control the media (becoming almost impossible with globalization) they will feel the centrepital force of media-based popularity.

There are many parallels between politics and the media and it is very easy for politicians to be seduced by media attentions and vice versa. Television ratings and election polls serve as key performance indicators used to gauge success of the two institutions courting public opinion. The speed with which these are now measured and disseminated quickens the pace in the race for "glamour". The fast pace and the continuous fascination with popularity leaves any attempt to engage rational, complex or difficult discourse floundering in the dust. Media contingencies determine what is depicted, how it will be depicted and importantly what the attitude of the "public" is towards it. In an era where "public opinion" is seen as the ultimate judge it is the understanding of how majority opinion falls that is the key piece of information – more than rational argument and often more than humanity or efficacy.

The key issue with regard to media influence on the current politics of penal policy is firstly, understanding the "quicksand" effect of media/political arrangements for responsible penal policy. It matters less how effective a penal policy is than how popular it will be. This is a consequence of the slide of democracy into populism. Politicians thus abdicate responsibility for penal policy development and allow it to be used more and more as a sop to public sentiments about crime and punishment. For example it becomes harder to wrest crime policy away from its status as a new form of TV game show. As each political party accepts the inevitable – that punishment makes "good" television it becomes harder to suggest anything other than simply more punishment. In an era when other institutions have lost their influence or power, politics and entertainment become one major institution and the "Roman Games" return as a major characteristic of government. This scenario was also foreshadowed by Orwell in "1984" with visions of a populace sedated, controlled and made complacent by

an ever-present media conveying images of struggle and power over various enemies of the state. Van Swaaningen (1997, p. 189) notes that class control is now largely achieved not by the exercise of authoritarian state apparatuses but by the all pervading mechanisms of the consumer society and commercial media working in tandem to create docile middle classes numbed with "entertainment, game shows, soft porn and fashionable cloths and gadgets", what Shearing and Stenning (1987) call the kind of social control through infantilisation.

In the same way that Roman Emperors sought favor with the masses at the Coliseum we now observe a similar kind of "Voodoo" politics in an era best represented by the TV game show (The TV game show succinctly incorporates superficial glamour, interactive undemanding entertainment and mild suspense together with a reinforcement of consumer values). In this environment penal policy is not pursued with the aim of making society fairer or safer but primarily for the cheers of the in-house audience. Popular social enemies (the poor, Blacks, the young and drug addicts) serve as effigies into which populist politicians stick the pins of punishment under the magical spells such as mandatory sentencing and boot camps.

The media, in their depiction of crime news, encourage simplistic analyses and the endorsement of harsh punishments. The media can be seen to have two distinct influences on PDM. First, the media reduces socio-political issues quickly to popularity contests. Second, the media exploits social issues for entertainment/social needs.

2. Media Influences on Political Decision Making

2.1. The Literature on Media Influences

A great deal of research has explored the way crime news is constructed and there is general agreement that media coverage of crime serves a number of distinct interests. These interests stem from the central purpose of gaining the attention of the viewer/listener/reader. The actual conceptualization of the interest, the priorities and the effects articulated by different scholars vary, however, it is more accurate to see these studies as complementary rather than competing or mutually exclusive. There is a large literature on the way crime news is constructed and the depiction of public policy on crime more generally which has expanded exponentially over the last decade. Although there have been a number of distinct analyses all seem to agree on the important social functions and processes that are involved. Table 1 provides an overview of some of the main contributions. All perspectives would agree that the accurate portrayal of crime is "way down" the list of priorities, if important at all. Whether the primary function is "representing order" (Ericson et al, 1991) or allowing "moral exercise" (Katz, 1987) the focus is on what crime and punishment can do for the viewer/reader/listener not what they can do for crime. Most analyses go beyond the naive assumption that the public is responsible and seeks accurate information. Rather most focus on the functions served by the media, such as is the enter-

tainment of an alienated public with too much information and not enough direction.

Public attitudes are not the result of a cold determination of the facts. This fallacy of a "rational" and "concerned" public lies at the heart of many criminologists' frustration with the media. Instead, public opinion is primarily, and perhaps exclusively, the product of concerns with social power and related symbolism evoked by crime and punishment. In reality, apart from public broadcasters, media organizations are purely commercial enterprises and it is unrealistic to expect that they will not seek to be popular at any cost. Media treatments reflect the co-option of crime and punishment to serve various social and cultural expressive functions.

Table 1:
Main Analyses in the Study of Media Treatments of Crime and Punishment

Perspective	Focus	Examples of proponents
Institutional	Order	Ericson et al Orwell, Snow (1994)
Phenomenological	morals/emotions	Katz (1987) Claster (1992)
Social orientation	representation of world	Surette (1992) Best (1990, 1999) Sparks (1992) Cavender (1993)
Newsmaking	demands of media industry	Fishman (1978) Orcutt/Turner (1993) Barak (1994)
Policy effects	media processing and effects	Elias (1993)
Dynamic	agencies, conflict, process	Schlesinger et al (1991)
Economic	commercial interests	Herman/Chomsky (1988)
Critical	class interests	Hall et al (1978)

2.2. The Influences of the Media on Public Perceptions

The media influence public perceptions on penal policy through a systematic process of distortion of facts about crime.[2] As O'Connell and Whelan (1996) note, reliance on the media tends to facilitate a hardening of views to crime and punishment that may provide the popular support for punitive penal policy. Another effect identified by Baer and Chambliss (1997) is that the media focus on crime (facilitated by government agencies) has the effect of generating fear and in particular a fear of the groups considered "criminogenic" - the poor, Blacks and mentally disturbed. The image of "crime out of control" thus precipitates and justifies a range of actions resulting in social exclusion that would not be possible if they were simply made explicit as part of a conservative agenda.

The goal of popularity is, in itself, not a problem, however the mechanisms that are used in order to achieve that goal do considerable damage as far as public knowledge, understanding and belief of crime and public policy are concerned. These mechanisms can be summarised under four media tactics for gaining popularity and attention as outlined in Table 2.

These focal concerns of the media have certain implications regarding how crime, offenders and punishment can be depicted. In many ways the story becomes bigger than the facts. The facts of crime and justice are, therefore, the base material for the construction of stories according to the focal concerns.

As Katz (1987) notes, the public use the media to achieve certain ends. These ends are moral, emotional and symbolic, they are not factual or strategic, such as searching for a solution to crime. Most media consumers are searching for a solution to their own predicament and a reflection of their own position in the world. This can be contrasted with the responsible aims of government of protecting rights and providing for safety. Thus the abdication of responsibility for crime policy to popular opinion inevitably sets crime and justice policy adrift and suggests that there is no meaningful direction other than that expressed in mass opinion.

The needs and interests of the media and the public are different from those concerned with the real time problems of crime and punishment. The convenient fictions of crime and punishment would not matter as much if they did not then inform and limit policy makers. It is the difficult task of political leaders to work with the given demands of media regarding crime and punishment to depict a more meaningful appraisal of the problem. However the problem of the gap between media constructed crime and real crime can not be considered uncritically. The division to a certain degree suits politicians, or is at least provides an opportunity for symbolic posturing not provided in less newsworthy areas of government. As Surette (1994, p. 147 - 148) notes, the effect of these free ranging raids on crime policy by politicians seeking to exploit public misconceptions have far reaching effects on the nature of social policy:

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[2] There is now a considerable literature establishing this. See Roberts (1992), O'Connell and Whelan (1996) for summaries.

Table 2:
Ways of Gaining Audience Attention and Their Effect on Public Opinion

Mechanism to gain popularity	Effect on knowledge and crime policy
1. Sensationalism	No interest in deeper analysis Most sensational crime selected Most sensational aspects of the crime selected Contextualizing information deleted Fear used routinely to attract interest
2. Moral outrage	The most morally "exciting" crimes chosen The most morally "exciting" issues chosen Actions of politicians and judges scrutinized out of context Moral entrepreneurs use crime and punishment details to excite outrage
3. Focus on conflict	Simple depiction of conflict favored Simple depiction of cases Simplification of social issues Search for social enemies, threats and fears
4. Social power palliative	Reconstruct "just" world Depict reassuring social power arrangements Threats to current social order overcome Reinforce the value of mainstream pursuits

The most basic effects of the predator icon are to generate fear, degrade social networks, increase reliance on the media, and foster social isolation and polarization. We abandon society and its real problems to the media (Kappeler et al., 1993). When all external causes of crime are rejected, individual punishment emerges as the only logical social response to crime while criminology is demoted from a quest for understanding to the pragmatic task of crime detection. Offenders are stereotyped as monolithic, pathological, and violent; crime is analysed from a simplistic prey-predator paradigm; and crime policy is fixated in a punitive defensive posture (Kappeler et al., 1993).

The continuing disparity between the media-constructed reality of crime and justice and the non-media reality of crime and justice results in the public receiving an unnecessarily distorted image that supports only one anti-crime policy approach, an expanded and enhanced punitive criminal justice system - an approach lacking evidence of success.

Penal policy is first and foremost used by the media and politicians an important symbol of power over threats to safety and security. These symbols are important because while ostensibly we are talking about crime, the real underlying anxiety that is being dealt with is the concern for moral cohesion. Strong expressive laws are a palliative to these anxieties.

2.3 Influence of the Media on Punishment Policy

Kennamer (1992) proposed that the media play a central role for the interaction of the three forces involved in the generation of public policy: policymakers, special interest groups and public(s) as shown in Figure 1. For each of these parties their input and their output only becomes real – in terms of communication with the other parties - through its depiction on the media. The media, then, become a central pivot in this dynamic process of policy formulation, reaction and adjustment. As long as there is a tacit understanding that the media are not pursuing their own policy agenda, the media reaction to policy is often read by all three groups as being akin to, or at least somewhat in sympathy with, public opinion or reactions.
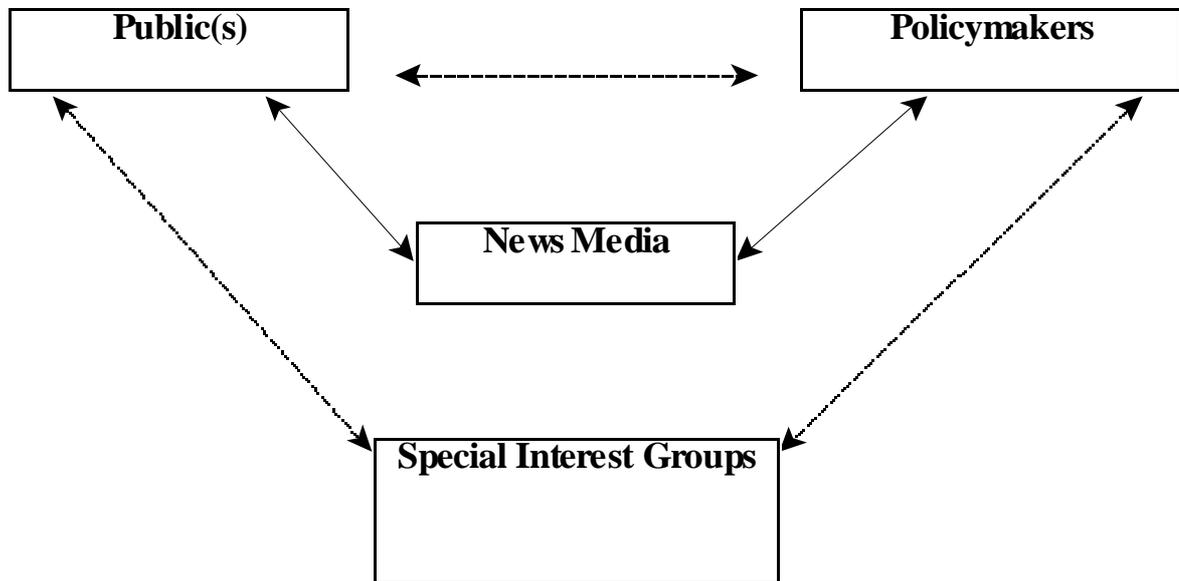
Herbst (1998) argues that policy makers actually use and conceptualize "public opinion" loosely, creatively and especially rhetorically to support policies that serve certain interests. In this context (actual) public opinion is sometimes not of critical importance. An accurate view of public opinion does not seem to matter as much as the perception that the promoted policy has wide public support. As Kennamer (1992) notes: "We define effective public opinion as opinion that reaches decision-makers as they try both to discern public opinion and decide how to react to it. Another way of putting the idea of effective public opinion is that it is those expressions of opposition or support, that reach and influence policymakers' ideas about what "public opinion" is (Lemert, 1981). Given this basic definition, we need to differentiate between effective opinion and (1) mass opinion and (2) majority opinion." There now seems to be a consensus of view that government policy is not the direct result of public opinion. Rather it reflects the actions and views of policy makers, who may use what they perceive to be public opinion in formulating policy. However in selling the policy they will often refer to public opinion to legitimate and support the policy.[3]

For much of the population and also for politicians the media is important as a source of information about what others are thinking. There is a large power in media representations and a particular source of this power lies in the media's capacity to portray what public opinion indeed is. As Chomsky and others argue, the media have the power (used wittingly or unwittingly) to shape public opinion simply by describing or suggesting what it is that the majority of well regarded citizens believe or would support. The media can therefore "amplify" certain positions associated with pro-punishment groups, in particular victims' advocates. There has now been a considerable literature looking at how victim advocates groups have both used, and been used by, the media to further certain political objectives.[4]

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[3] E. g see Herbst (1998), Kennamer (1992). In a series of studies, Brooks (1985, 1987, 1990) has presented evidence indicating that there is little if any direct relationship between "mass public opinion" and governmental policy in Western democracies.

[4] See Rubin (1999) and Elias (1993). Rubin notes that despite an over representation of minority groups victims of violence, victim advocates groups are typically white

Figure 1:
A Model for Unterstanding the Role of Public Opinion
in Political Decision Making

Herbst (1998) from her study of US policy makers argues that many policy makers gain their views of what public opinion is from the media. Doppelt (1992) conducted a survey in Cook county which revealed that 30% of the 152 government officials surveyed said that news coverage had led to recent changes in their agencies operations (p. 125). Doppelt found that about a third of judges, court administrators, corrections officials and others in law enforcement said that news coverage led to substantive changes.

Chan (1995) reports perhaps the most dramatic example of this effect. A Minister in the government of New South Wales participated in a radio talk show to defend and promote the government's policy of cautioning juvenile car thieves. However, adverse reaction from callers led to the cancellation of the policy later the same morning! Notwithstanding the speed of the compliance to judged public/media reaction the reversal of policy or the endorsement of policy based on what is popular is not unusual but indeed the norm.

Cobb and Elder (1981) point to the role of the media in providing a filtering and focusing of policy from one department or area to another. Decision makers themselves are media consumers and to find out what is happening or at least the important things that are happening they rely on the media. This may be partly that they believe that the media are reliable or alternatively it simply represents a way of coping with the overwhelming amount of information that

and middle/upper middle class men pursuing political agendas designed to protect the wealthy. A number of studies (eg Connor, 1972: Broadhurst and Indermaur, 1982: Taylor, 1981) examine processes by which the seriousness of certain crimes can be exacerbated by media campaigns.

must be processed. Whatever the reason it further supports the likelihood that public policy has been captured by the media hyper-reality. What appears in the media becomes the primary or "effective" reality - to be both responded to and sought as an outcome.

2.4. Media Influences on the Process of Government and Policy Formulation

> This way of government, which empties democratic and social
> principles of their meaning, marks "the unbearable lightness of politics".
> It is crucial to reveal the gut reaction populism
> on which this politics is actually based, and to place
> criminal justice politics in a socioeconomic framework.
>
> van Swaaningen (1997, p.190)

Populism is a form of government based on the notion that each individual should vote purely out of self interest and that it is the role of government to serve up to the people exactly what they want (Clemens, 1983). Populism thus accepts (apparent) public opinion uncritically and conceives the role of government as the anticipation and articulation of effective public opinion: popularity being the ultimate and guiding virtue. The assumptions of populism are thus the same as those guiding media news programmers. These assumptions are that everyone should be informed about everything, everyone should have an opinion about everything, and it is the role of the politician to represent those opinions in the actions of government.[5] Populism is also predicated on the belief that the moral basis for government is a kind of passive democracy – it is moral if the majority of the public favors it or immediately responds positively to a political initiative.

What is missing here is any concern about how well informed the public is or even whether the particular policy is effective or in the public's "best" interests. Populism thus fundamentally works on an emotional rather than rational basis. Ideas, their information base and their logic matter less than feelings, value judgments and opinions. Not everyone can have enough information to develop a crime policy designed to reduce crime but everyone can have an opinion about what feels right to him. In this "game show" the media is the host that provides the window to government and we are invited to give our views in the kind of way that the public opinion "worm" is used during televised presidential debates. This passive and emotional "democracy" can be contrasted with a true "participatory democracy" that involves active and responsible citizen involvement. This kind of participation would demand more information and the adoption of a "decision making role" – two key features of responsible involvement. The participation expected by modern media is much more passive – basically

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5   An example of this can be found in the statements of Australian politicians in the furore that followed the suicide of an Aboriginal boy incarcerated under mandatory sentencing laws. Rather than defending the laws on their merits, the Premier of Western Australia defended them by claiming that his government simply enacted the "will" of the people. Similarly, Thatcher argued that it was not her but "the people of Britain who are going to make crime and issue" (van Swaaningnen 1997, p. 178).

watch what is depicted and give the "thumbs up" or "thumbs down". Obviously this kind of participation puts much of the power directly into the hands of the media who are able to decide how to depict certain policies and other government actions.

It is partly because of its central role as "morality monitor" that the media will continue to be a focus in the evolution of crime policy. Media current affairs journalists are able to operate in this environment as public moral entrepreneurs, projecting what they think will resonate with the public. Populist politicians adopt a similar position to the current affairs journalist in anticipating what will be strike a chord with the imagined audience. Public relations consultants are being seen as increasingly more relevant and influential to Government ministers than their policy directorates. Crime policy then is largely a product of political considerations which in turn are influenced (and often designed for) the media which provide the conduit to "public opinion" and thus a potential political effect. By providing a broad window of what can be taken to be public opinion or rather public interest and sentiment the media is assured a high degree of importance. In the increasingly pluralistic, highly mobile, global, fast moving and information rich future the media will gain even more power in being able to depict "how it is".

The degree to which the media have been increasingly used by commercial and political interests has been the source of much comment.[6] The intertwining of political and commercial interest and the influence over the media has led to the co-option of media into the "public relations" for these interests. The amount of money and the degree of sophistication of these public relations endeavors is now becoming clearer. Attitudes on social issues are thus being shaped as a by-product of some greater commercial agenda. Attitudinal contagion may be the best way to understand the symbolic support rendered to populist authoritarianism. Whilst the punishment of offenders may be of little direct interest to commercial/political interests, the symbolism of protecting the rich and well established supports beliefs regarding the acceptability of concentrations of wealth and erodes beliefs in the needs of the poor and the acceptability of welfarism.[7] It is the symbolic messages that are important and the media serving large corporate interests have an investment in seeing crime as a function of bad people.

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6   For example see O'Connell and Whelan (1997) who, in analyzing Irish newspapers, found that the newspaper stable identified as having the most focused drive on crime news for commercial reasons also had readers with the highest estimates of crime prevalence.

7   Van Swaaningnen (1997) discusses this development from a European perspective and notes that the emergence of acturial justice coincides with the decline of the welfare state. In his analysis the key shift is that the majority now have their interests aligned with decreasing taxes and reduced welfare for the "underclass" who are now considered less than deserving. "As mechanisms of social exclusion (by penal means or otherwise) also follow economic lines, a new "dangerous class" consists of people who are unable to consume." (p. 185). Other authors pointing to the divisions in society exacerbatted by crime scares include: Baer and Chambliss (1997) - see note 4 and Schwendinger (1993).

Bad people may also be poor, because poverty is associated with moral bankruptcy. This suggests by contrast that wealthy people are successful and moral. These two concepts - material success linked with moral ascendancy serve to legitimise commercial and conservative interests.

The slide of democracy into populism has been largely facilitated by the growing reliance on the media. The central role of the media for comment, news and entertainment and in particular investigative reporting has established it as the central morality "broker". There appear to be a limited number of set scripts with predictable cast of characters and plot. The details vary, as do the degree and form and speed of the compliance of public officials to their allotted role. Outlined here are some of the main scripts. The main dimensions are established by the growing culture of fear and fragmentation. Surette notes this environment is illustrated by the myth of the predator icon. Similarly Vaughan (2000) notes that Elias had linked greater violence (punitiveness) when circles of trust contract. Essentially what is lost is the belief in the power of society to reform. Instead punishments are based on anxiety and fear, a belief in the inevitability of evil and that the only way to control the dangerous ones is by external and explicit controls.[8]

Van Swaaningen (1997) notes that these characteristics signal a return to an earlier point in the Eliasian civilisation process. The principal dimensions then of the new punitiveness oscillate between two contemporary fears in the new world order.[9] First there is the fear of the underclass, dangerous offenders and opportunists of all sorts, especially the 'new" crimes and "new" types of offenders. This fear evokes calls for protection and provides the emotional basis for the fascination with harm minimization and the "risk society". The second fear is a fundamental mistrust of government and especially elites. This fear evokes calls for demonstrably harsh and arbitrary punishment.

Savelsberg (1999, 1994) in seeking to understand the wide divergence between imprisonment rates in the Federal Republic of Germany (FDR) and the US developed a theory based on the different ways that knowledge (broadly conceived as information, perceptions, attitudes, and beliefs) are institutionalized in the US compared to the FDR. Savelsberg sees such knowledge as the product of social institutions such as interest organisations, news media, public opinion polls and political offices. Such knowledge is therefore a function of a nation

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[8] What is referred to in the Eliasian literature as "control by others" (Fremdzwänge) rather than the belief that the individual can with the right guidance or treatments adopt a position in society where he can control himself (Selbstzwänge).

[9] Surette (1995) notes a similar distinction when he argues (p. 143) that within the media construction of social reality the two principal myths are: "simpler times" - the ideal of prompt solutions achieved through direct, disciplined action; and "technology to the rescue" - optimism for technology to create a better future through exotic, technological solutions. The first myth, Surette notes, is linked to a fundamental belief in individualism and thus rejects the liberal project. The second is linked to a belief in the power of experts and complexity. Both in their own way feed support to the 'predator icon" and both are supported by increasing fear of crime.

and a particular historical period. Savelsberg argues that in the US, unlike the FDR lobby groups are often single issue, the media is driven by market forces and public opinion polls are seen as important and a constant focus of both politicians and the media. Finally the politics in the US is highly personalised and individual rather than party based. The situation in the FDR is just the opposite leading to a more solid and "bureaucratized" processing of information and policy, less influenced by polls and sensationalist reporting and single issue lobby groups. Savelsberg argues that the nature of the institutions of "knowledge" production and dissemination in the US leads to "knowledge" being more dynamic and polarized. For our purposes here the five countries under consideration can be seen as closer to the US model rather than the FDR model. The difference regarding information and politics can perhaps be thought of in terms of weight. The German manner of considering information input is considered, delayed, mediated and bureaucratized and considered within the framework of a range of social issues. Against this is the much lighter political process of sudden and emotional law making by populist politicians in the English speaking world. Penal policy tends to be promoted quickly, on the basis of flimsy information for sudden effects and un-integrated into other social policies.

However populist penal policy then feeds into an ever shallowing pool of information. Based on the fear engendered by promoting "crime is bad and getting worse" messages many in the public truly believe that things have never been this bad and are getting worse. It is this belief that provides the ground for punitive crime policies. The facts of increased health, longevity, and increased safety paint a different picture. People have never lived longer or in better health and arguably in more real safety than they did in the 1990s.[10] There was likely a much greater chance of being assaulted in previous generations than there is today, as domestic violence and the corporal punishment of children were much more common and physical assaults between adults would be much less likely to be considered a crime or reported to the police. There emerges then a real question of the direction of government in a time where overall affluence is growing but social divisions deepening and where health education and technology are expanding to ever new heights but social problems such as suicide, crime and drug use are at best being held steady. Is it simply a case of misinformation and miscommunication or are punitive penal policies a strategy of distraction from the failure of social policies? Punitive penal policies imply not only individual responsibility rather than social policy as the cause of crime they express a confidence of will - getting tough is doing something - it is responding and suggests a certain confidence - a confidence mainly for the benefit of the affluent or at least the majority of the population that is now fully engaged in mainstream and thus are committed to current social arrangements (van Swaaningen, 1997).

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[10] Statistics on longevity, health, quality of life, chances of injury etc. In Australia life expectancy for both men and women has increased by almost half (50 %) over the last 100 years.

The ineffectiveness of punitive penal policy may eventually be viewed as an expensive and ineffective response to crime and those who promote such policies within government will be subject to deserved criticism. In this regard it should be noted that those with responsibility for enacting policy, like a judge in a courtroom, are in a different position from "the man on the street" asked for his opinion. First there is the notion of responsibility - a decision is different from an opinion. Second the choice made by the government will actually result in changes to peoples lives - the loosely held and easily expressed opinion is not of the same order. Which ever way it is viewed the problem of populist penal policy presents a particular challenge to the integrity of democratic political systems in the English speaking world. In the face of strong individualistic, commercial and media forces if government is to become more than a sort of subsidiary game show then more weight - more information and direction will be needed to balance what passes as 'knowledge' in the general public.

Savelsberg (1999) has noted "knowledge" in countries such as the US characterized by market driven media, frequent opinion polling, and weak political parties tends to be "polarized and dynamic". Public opinion polling itself plays a role as it captures, reproduces and intensifies public sentiments. One of the reasons for this is that the questions used in the polls reduce and simplify complex issues to a one-line proposition and demand a yes or no reply. Public opinion polls can therefore shape the way we think about issues of crime and punishment and the range of possible responses. Thus politics is often navigated through the equivalent of the Saragosso Sea of social issues with only the crudest of sextants as a guide.

The work by Savelsberg is useful in placing the type of policy formation process in the US in an international perspective. There have also been a number of models of the policy formulation process just focussing on the processes within one country - usually the US. Economic conditions and growing inequality may be less relevant than the way they are mediated by cultural institutions because as Savelsberg (1995, 1999) and Zedner (1994) point out there has been a different outcome in Germany despite sharing many of the same social changes. Penal policy is that in all the countries of the English speaking world are subject to the same process because of their similar reliance on light personality based politics combined with a plurality of inputs. Savelsberg (1999) refers to this as decentralized domination and personalization and contrasts this with the bureaucratized but also decentralized form of politics in the FDR. The implication of this is that the problems of populism are a result of the loss of "weight" in government itself a feature of lean government under the economic rationalist model.

The politics of penal policy formulation are thus highly relevant to any understanding of the growth of populist penal policies. For one thing it points to the political perspective that calculates few costs and many gains associated with ineffective but popular ideas like mandatory sentencing. But it also points to the weak points in the populist strategy. Ultimately politicians will need to be more

than simply "game show" hosts. They are, and will be held, responsible for the consequences of the policies in a way that the public will not. They are vulnerable also in so far as they are responsible for the expenditure of public funds. If it can be shown that those funds could be expended in another way which much greater returns in terms of community safety politicians will (and should) be judged to have failed. The difference between being a talk back radio commentator and a government Minister may appear increasingly hazy to many but the difference should be increasingly clarified with meaningful and comprehensive audits of the effectiveness of penal policy. Such audits thus may achieve what was earlier achieved in Rome: the cutting off the irresponsible exploitation of public funds.

What we have seen – what is taken as public opinion – by the politicians and the public is what is depicted via the media. But the media have their own interests, albeit hidden and implicit rather than explicit or particular. The media derives its income by selling advertising. The media is, therefore, primarily geared to appealing to those with the disposable income to buy products it promotes. This capture of politics by the media and the media by commercial interest means that political battles are drawn ever more closely around the new "angry" middle class. Ultimately penal policy is therefore increasingly defined by the concerns of the sector with the highest disposable income. The influence of the media providing the framework within which populist penal policy is forged can not be overstated.

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Brian Shoesmith

Material Communication and Human Consciousness

This brief article examines the influence of the new communications technologies on the manner in which the public sphere is perceived. It takes its central argument from the ideas first developed by Harold Innis, the Canadian political economist and communication historian. According to Innis communication technologies play a significant role in shaping the way in which the world is viewed. Communications technologies are broadly defined and include language, the alphabet as well as the press and television. That is, not only do they define what we think of as real but they also influence the way in which we think. New communications technologies provide us with new things to think about as new things to think with, within new social structures and institutions. In addition, the advent of the new technologies gives rise to new classes who invariably create new monopolies of knowledge. When we apply these concepts to the idea of public broadcasting we find that the terrain has shifted. The term public broadcasting is no longer adequate and we should refer to public communication that includes the Internet, web, fax and other peripherals. These ideas are explored with reference to the Great Firewall of China, the creation of Singapore as the 'intelligent island' and the Seattle protests against globalisation.

0. Introduction

Why should convergence be resisted? I have to confess that I am not sure why this should be the case. Convergence is a term that means different things to different people and to me it describes an historical process of some importance. It seems that in Europe, however, the term suggests a threat; to public broadcasting, to the practice of journalism, to the quality of communication. The problem may be that popular journalists have discovered the term and use it indiscriminately to describe a range of different processes from the technological to the cultural. It is clear from whatever perspective you adopt: We do live in a period of massive change in the manner in which communication occurs. The promise of the 'annihilation of space and time' (Schivelbusch, 1977), first noted in the Nineteenth Century, seems to have come to fruition. The compression of time and space leads to great uncertainty about a range of things from employment to family life. Little seems to escape the new socio-economic environment. Because of the uncertainty I want to explore contemporary communications from a particular perspective: the material construction of the communicative process. That is, I am interested in the relationship between the technology and the discourses of the media rather than in resistance to the alleged effects media. In short I want to look at the potential of technology in effecting change and also at the relationship of those potential changes to the way in which we think about things that we consider important. Hopefully I can do this by looking at three geographically disparate but technologically connected events:

1. the creation of Singapore as the 'intelligent island';

2. the Chinese 'Great Red Firewall', constructed by the Chinese authorities in an attempt to control the flows of information into China via the Internet, and

3. the protests in Seattle at the 1998 WTO meeting.

In looking at these three examples I want to stress that convergence is not a new process. On the contrary what we are witness to is the last in a number of convergent moments that have revolutionised communication and thus drastically reshaped cultures and societies. I also want to suggest that because of the current convergence of technologies that we move away from the notion of public broadcasting to one of public communication because the range technologies greatly expands the repertoire of communication tools available to us. It also follows that journalism, which I see as basically a discursive practise, will also change.

What I wish to say here is highly speculative and hopefully suggestive of ways of coming to terms with the media in the Twenty-first Century. What I suggest is based on the assumption that we are witness to a series of changes in the communication environment that rivals or even surpasses what happened in the Twentieth Century. At a recent symposium I attended in Australia a scholar pointed out that if he had been asked to sketch out the future Twentieth Century mediascape in 1899 his imagination would have failed him (Walton, 1999). I suspect the same is true for the coming century but I also think there are a number of key factors that we can explore that may provide the basis for understanding the future of the media. These are time and space and their relationship to technology and discourse.

I do not wish to claim this is an original or revolutionary proposition. Far from it. Like all concepts it has a genealogy, which includes the work of McLuhan, Ong, and Havelock and other medium theorists. Indeed the work of the German scholar Friedrich Kittler is exemplary here. However, the major impetus to my thinking on this topic is the Canadian political economist, historian, geographer and communication theorist Harold Innis (1894 – 1952). Given this range of scholarly attributes it is not difficult to conceive of Innis as a prescient thinker. We hear echoes of his ideas in many of the postmodern theorists who claim capture the intellectual high ground in much contemporary communication theory (Berland, 1997).

The best gloss on Innis is James Carey's "Space, Time and Communication: A Tribute to Harold Innis" (1989: 142 - 172). Carey points out a number of crucial things in respect to Innis' work that are relevant to our deliberations here.

● Innis provides a model of scholarly investigation that is historical, empirical, interpretive and critical,

● that all communication regimes are biased towards either space or time,

- that changes in communication technology affect culture by
  - altering the structure of interest (the things we think about),
  - changing the character of symbols (the things thought with),
  - changing the nature of community (the arena in which thought occurs).

- knowledge may be monopolised by structured elites. Monopolies of knowledge are easily identified historically; the trick is to identify the contemporary forms.

Innis was also greatly interested in the oral tradition and remained unconvinced about the need for the freedom of the press to be institutionalised. He saw this as constituting a form of protection for the owners of the media rather than creating the conditions for cultural dialogue.

At one level it is easy to raise the spectre of technological determinism when considering Innis. However, as Drache (1995: xlvii) points out: Innis was well aware of the possibility of technological determinism and consequently stressed the contradictory potential all technologies possess. The classic example is of course film, which was initially promoted in terms of science but became almost exclusively associated with entertainment. It is probable that the new technologies we are confronted by have a contradictory potential but we have yet to identify it. One possibility is the dichotomy between centralisation and fragmentation that seems to characterise much of the work associated with the web. Furthermore, Innis recognised that all technologies have limitations. Again we can identify the limitations of the press, film, radio and even television (the old media) but we have yet to begin to think of the possible limits of the web. While its limits are hidden the web remains a remarkably potent medium; hence the concerns we hear expressed at several levels in today's world, not least among concerned intellectuals.

Another way of approaching the problems confronting our grasp of the potential of the web and net is to view it as an example of convergence. There is a tendency among the techno-boosters who have seemingly captured the current debate about technology, to present convergence as a new phenomenon. The merging of telecommunications, media and computing is a particularly powerful example but it's certainly not the first. Communications historians have identified at least four other moments of convergence when social, technological and economic conditions have converged with significant cultural consequences. Very briefly these are

- the introduction of the phonetic alphabet and the introduction of literacy;

- the introduction of printing leading to mass literacy;

- the invention of the telegraph (now recognised as the forerunner of the new communications technologies);

- the invention of film as a form of mass entertainment.

Note that each of these developments has an inherent tendency towards space. Indeed Innis observes that all modern institutions are thoroughly infected with space. Note also the trend to accelerated development. The time span between the invention of printing (in the West) and the development of mass literacy is of long duration whereas the span between the invention of film as a form of mass entertainment and the development of television as a ubiquitous domestic medium is relatively brief. Time, then, becomes the key issue.

When we communicate via the net we may be spatially separate but temporally linked in real time (but this is not always the case of course) which brings us back to Innis and his *A Plea for Time* (1952). For Innis the temporally bound culture (or civilisation to use his term) was more democratic than the spatially bound culture that requires institutions and bureaucracies (monopolies of knowledge) to maintain it over time and through space. Innis had a romantic attachment to the oral culture of ancient Greece that wished to see recreated although recognised the impossibility of this. However, what I want to suggest here is that the web is probably more like oral culture in its characteristics than print culture. On the surface it is linear but its deeper structures are more circuitous and difficult to define, hence the claims for anarchy.

The problem as I see it is that the web has become increasingly a space in which a massive multilevel struggle is occurring. At one level it has become a site of surrogate war e. g. Taiwan and PRC and the denial of services activities and hacking of respective official sytes by both countries. There is also the attempt to create new monopolies of knowledge (Microsoft, Amazon) countered by the proliferation of new counter sytes and systems (Linux). Further, there is the continuous hacking going on and the attempts to control this space through punitive regulations. The outcome of the struggle is difficult to predict because we have still to understand the limitations of the medium or its contradictory potential. In the meantime I'm not sure that resistance to the medium as a means of communication is a sensible strategy. Rather I want us to identify

- the new structures of interest that are emerging – what is being thought about, and why;
- the new symbolic system attached to the technologies – what we are thinking with;
- and the ways in which these are being codified and controlled – the new emerging monopolies of knowledge.

Then we will be part of the way to understanding the new media and their influences and making them work on behalf of the public sphere rather than leaving them exclusively within the private realm – which is another issue.

1. Singapore: The Intelligent Island

Singapore seeks to position itself in the virtual world in a manner that reproduces its geographic strategic location. It has instituted a number of policies designed to make Singapore the communication hub of Southeast Asia. It has

competition from Malaysia that has created its cyber corridor outside Kuala Lumpur, and Hong Kong, where Richard Li has created Pacific Century Cyber World. Singapore, however, has some distinct advantages over its competitors, not least of which is its tradition of social engineering.

Singapore politics can probably be best described as benign authoritarianism. The People's Action Party (PAP) rules in the manner of Plato's philosopher kings, or rather in a Platonic Confucian manner insofar as it identifies trends, decides upon policy and oversees their implementation. Very effective social campaigns are mounted in a compliant media to ensure that policy is clearly understood by the populace and eventually accepted. In order to achieve the desired degree of social and political harmony Singapore politicians invented a philosophy of rule loosely entitled Asian values. These emphasize the family, respect for authority and collective action over individual desire. Asian values are posited as having two distinct advantages: They act as a solvent, drawing upon Asian traditions that bind the multiethnic Singaporean population together. They also distinguish Singapore sharply from the west that is positioned as driven by family breakdown, disrespect, and unlawfulness. This social construction has a distinct bearing upon the Singaporean media-sphere.

The Singapore government places great value of technology. It encourages the deployment of new technologies. The Mass Rapid Transport system exemplifies this tendency. However, the introduction of trans-border satellite broadcasting to Asia has presented the Singaporean government with a number of problems. The Singapore authorities reserve the right to control the dissemination of information, messages, and meanings within its jurisdiction. Trans-border broadcasting is viewed as transgressing this right and access has be strictly controlled with the right to possess a parabolic dish denied to citizens of Singapore. As a counter to satellite broadcasting Singapore has developed a sophisticated cable network on the island, which has led to a radical re-organization of broadcasting. Further they have relaxed censorship and embarked upon programs to encourage creativity. However, the introduction of the Internet, parallel to the development of the cable network has proved more problematic.

Again, there is a desire on the part of the Singapore authorities to embrace the technology of the net, but on their terms. They recognized the subversive potential of the web and sought to control it from the beginning with the introduction of rules and regulations designed to govern access. In many respects Singapore remains one of the most regulated new communication environments but the fact remains that the regulatory system is by-passed consistently. Chat rooms and news sites highly critical of the Singapore government exist and are well patronized. Issues not found in the print media or broadcast media are widely canvassed and discussed. The rhetoric of control on the part of the authorities remains in place but the new technologies have opened up space for the emergence of a new form of public communication. In Europe, with its culture of political criticism, this may seem no big deal but in a culture where political criti-

cism is highly formalized, following prescribed channels, the opening up of critical public spaces is of some importance.

2. Great Red Firewall

In April 1999 an estimated ten thousand members of the Falun Gong surrounded the Communist Party's headquarters, the ruling elite's enclave in Beijing, in mute protest at the treatment the sect received in China. The sect members had organised themselves via the net, with help from the sect's headquarters, located in the USA. These actions surprised the Chinese authorities and conformed the worst fears of a number of the elite about the potential of the Internet to subvert the political regime and eventually challenge the rule of the Communist party of China. The developments also presented a dilemma for the proponents of the net among the ruling elite as it highlighted the fact that the net by-passed with ease the officially sanctioned channels of communication, effectively creating a separate channel of public communication beyond the control of the Party apparatus set in place to prevent such an event. Indeed the success of the Falun Gong brought into sharp relief a number of contradictions at the core of the 'new' China.

The success of the Cultural Revolution and other Maoist excesses rested on the central command of the means of communication. Until the mid-1970s the Chinese mediascape was based on 'maximum effect with minimum technology'. In the post-Mao era dominated by Deng Xiao Ping the mediasphere changed with television becoming freely available to virtually all Chinese. Despite insisting that the industry finance itself from advertising, the Chinese authorities kept a tight reign on communication with an elaborate system of control based on the four levels of government. There were provincial, metropolitan, county, and central bureaux responsible for the implementation of communication policy. Overseeing all of this was the Ministry of Propaganda and Ministry of Radio, Film and Television, both with the remit to ensure that Party policy prevailed. Nevertheless, what appeared to be a command/submission model of communication policy was actually subject to a number of tensions.

Historically China has been subject to centrifugal forces especially when the center seemed to be weakening. As China became more prosperous and television became ubiquitous, the various levels of administration sought a degree of autonomy in the operation of their television stations. Thus, when the 'one region, one network' for cable television was announced in 1995 it was resisted by municipalities that had invested heavily in creating local stations that they were reluctant to hand over to provincial authorities. In addition there is the problem of quarantining China from the global media.

The narrative of Murdoch's problems with Star Television and China and his subsequent attempts to recapture lost ground is now well documented (Atkins, 1995). Murdoch has sought to mollify Beijing, forge alliances with local broadcasters attempting to capture the Chinese market and customize programming strategies but without success. Satellite television remains deeply problematic

for the Chinese authorities despite the fact that they have attempted to create a Chinese satellite network combining central television and local broadcasting. It remains problematic because of spillover in programming and the advances in technology. The satellites become more powerful and the receiving technology smaller and more sophisticated. Chinese audiences may watch transborder broadcasts with a degree of impunity hitherto unknown. However, the major problem confronting the Chinese authorities is a contradiction of their own making. In creating 'capitalism with Chinese characteristics' where 'to be rich is glorious' they have generated a contradiction where the market economy rubs up against the command culture with interesting results.

This is compounded by the introduction of the net, which promises to revolutionize the Chinese mediascape. Interestingly the authorities recognize the problem the Internet presents to their particular form of command culture, hence the attempts to create the 'great firewall'. Clearly the Chinese have bought the rhetoric of the Internet as a wealth machine. The administration of the mediasphere has been reorganized with the Ministry of Telecommunications and the Ministry of Radio, Film and Television collapsed into the new Ministry of Information Industry. Other incentives have been devised to encourage Chinese entry into the virtual world. At the same time the fear remains. Some of the steps taken to control the Internet include

- the registration of modems,
- the registration of websites,
- the demand that Chinese users access only through Chinese approved proxies,
- penalties for transgressions that are truly punitive,
- attempts to formulate programs that allow selective blocking of sites deemed offensive to Chinese interests.[1]

In many senses the Chinese looked to Singapore as a model for controlling the Internet. However, the fact remains that the Chinese, like the Singaporeans, have failed at this stage to control the Internet, hence the presence of the Falun Gong in Tianenmen Square in 1999.

The Falun Gong is in fact just one of a number of groups actually operating but with links to China who use the Internet as a new form of public communication. The significance of these groups lies in the way in which they by-pass the established lines of communication and control.

3. Seattle

Clearly I am not pessimistic about the new media and their influences even when the battle lines seem to be so heavily weighted in favor of one aspect of culture; the control of space by capital. Recent events in Seattle, Davos and Melbourne and the opposition to the WTO program confirm my optimism.

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[1] This section is based on the research conducted by Kay Hearn, a Master of Communication student I supervise whose work is opening up new ways of thinking about the Chinese mediasphere.

While there is still a great deal of work to be done on this topic I see Seattle, in particular, as representing a massive failure of the old order who thought they had the mediasphere under control. All of the lines of communication seemed to be in place. The formation of a global communication network under private control, bordering on an oligopoly, the withdrawal of funding from old style public broadcasting and the ascendancy of American style broadcasting suggested that events like Seattle would be reported sympathetically. However, like the Shah's forces in pre-Khomeni Iran, they forgot the 'little media' (the term is Tehranian's [1990]). They ignored, or better still misused, the new communications technologies whereas the coalition of interests opposed to the WTO in Seattle recognised the potential of the new media and exploited them to the full. The use of the web to mobilize opposition to globalization has been confirmed at Davos (1999) and Melbourne. (2000) By typing 's11' into the search section of one of the main search engines brought up a wealth of material covering all aspects of the World Economic Forum, signifying the manner in which this technology has been appropriated by anti-globalization groups. In many respects this virtual struggle is as important, if not more important, than the struggle that takes place on the streets.

Mainstream journalism also failed to grasp the significance of the events. In short Seattle, Davos and Melbourne exemplify the current confusion surrounding the emerging new mediascape by suggesting the contradictory potential of the medium and hint at its limitations. The contradiction lies in the fact that the web is expected to be the engine of the new economic regime but at the same time it provides the means whereby this regime may be resisted vigorously . Its limitations, from the point-of-view of the established order is precisely their inability to effectively control the medium. This contradiction is now widely recognized and one can anticipate that the calls for control of the net will increase. It will be the success in mobilizing opposition to globalization that spurs governments to find means to control the Internet rather than moral issues such as pornography.

These brief moments of success show that the Internet is the future of public communication. It is for this reason that its independence should be maintained.

4. Conclusion

The concerns of this symposium are important and legitimate but from the perspective outlined above they are misplaced. What we are witnessing in respect to the old order, especially in regard to public broadcasting, is a transition from one mediascape to another. The new media provide us with new ways to think about things: we should now begin to think about public communication that embraces the web and the net as well as the old media such as radio and television. Rather than resist the new convergence we should welcome it and make it work for all rather than just commercial interests by redefining and expanding our notion of the public sphere.

In mapping out a possible future for the media in the Twenty-first Century we are confronted by a number of problems which I think we have begun to identify in these proceedings. My point here is that resisting the changes to the media that concern us is not a good strategy. Rather than resist we should understand what is happening to our perceptions of space, time and technology through convergence and make them work in favour of the democratic and pluralistic society that (implicitly) this enterprise seeks to establish and maintain. In this way it is the old order that has to resist change – not impose it – because its monopolies of knowledge are challenged by a new order of consciousness. We have new things to think about.

Finally, if we accept this analysis: that there is little need to resist convergence; what then is to be done? There is little doubt that the certainties we have come to expect will no longer be there. If we accept that the present convergence between computers, telecommunications and media is just the most recent example in a series of convergences then I think we can safely assume that the institutions we value are bound to change. Nowhere is this clearer than in the field of public broadcasting. We cannot anticipate governments suddenly changing direction and investing heavily in classic forms of public broadcasting. Nor can we anticipate commercial interests surrendering their financial interests in privatised broadcasting. However, we can expect the new spaces the present convergence is opening up to be contested. To capture these spaces is the priority and it will not be achieved through reactive policies but through proactive strategies. Education is of course the key and it is here that the conditions for the new public communication environment will be forged.

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Gisela Losseff-Tillmanns

The Importance of the Concept of Broadcasting in a Dual Information Order in Germany

In Germany the concept of broadcasting is not defined in the Basic Law. Therefore the judgements of the Federal Constitutional Court were very important for the development of a new media order. The court based these judgements on a very broadly defined and dynamic concept of broadcasting that also encompassed broadcasting-type communication services. In the Fourth Interstate Broadcasting Agreement (RfStV) the legally anchored possibility for public broadcasters to offer media services with mainly programme-related content within the framework of the fulfilment of their tasks is new. So it is clear that the new communication technologies will redefine the boundaries between mass and individual communication and that the system of mass media that was based on press and broadcasting activities would increasingly break up. For this new media system some experts use the term „dual information order", in reference to legislation and practice in the USA.

1. Development of Online Services and a New Media Order

The need for a more precise definition of the concept of broadcasting in view of new information and communication technologies was already realised in Germany at the end of the seventies. There was general agreement among media researchers and media law specialists that the new communication technologies (particularly the development of online services) would redefine the boundaries between mass and individual communication and that the system of mass media that was based on press and broadcasting activities would increasingly break up.

This also meant that new criteria for the differentiation of mass communication and individual communication had to be found in order to continue to guarantee the freedom of expression and the freedom of information in a democratic state laid down in Article 5 of Germany's Basic Law (*Grundgesetz*). This found its legal expression in the new Information and Communication Services Act (*IuKD-Gesetz*, 13 June 1997) and in the Interstate Media Services Act (*Medienstaatsvertrag*, 1997). Subsequently, online services failed to develop as strongly on the market as often forecast.[1]

The need for greater precision when defining the concept of broadcasting returned to the agenda in the year 1999 when the leaders of the governments of the German states (*Land*, plural: *Länder*) carried out their negotiations on the Fourth German Interstate Broadcasting Agreement (*Rundfunkänderungsstaatsvertrag* – RfStV). These negotiations had become necessary in order to adjust

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1 Cf. the various forecasts in: Erster Zwischenbericht der Enquetekommission des Deutschen Bundestages: Zukunft der Medien [First Interim Report of the Enquete Commission of the Bundestag: Future of the Media], 1996.

the situation to the European Union's amended "Television without frontiers" directive (with respect to the points relating to advertising/list with major events for free TV). The RfStV finally came into force on 1 April 2000.

A transparent and differentiated description of the concept of broadcasting, which is identifiable as such for the general public, and a clear dividing line between individual online services have yet to materialise. Admittedly, public broadcasters are allowed for the first time by law to offer programme-related online services (Section 19 RfStV). Their control results from broadcasting supervision. For the media/online services of other service providers, on the other hand, there is fundamental freedom in this field. They only require a corresponding licence under state law if they fall into the category of broadcasting (Section 20 RfStV). The respective providers, therefore, can apply to the respective *Land* media supervision authority to seek confirmation that they are acceptable under broadcasting law. This is not obligatory. This freedom for the new media services has applied since 1997 – at Federal as well as at *Länder* level. At that time, the responsibilities were assigned as follows: The Federal Government is responsible for media services in the field of individual communication (pursuant to the IuKD Act) and the individual *Länder* are responsible for media services in the field of mass communication (Interstate Media Services Act). An experience report is not yet available at *Länder* level on the content-related problems of defining online services (according to information from the *Land* Broadcasting Authority in North-Rhine Westphalia on 15 August 2000).

1.1. Demarcation Problems

These problems of demarcation initially relate to the classification of those services to be described as broadcasting and, on the other hand, to those offerings that only exert a minor influence on the formation of public opinion and are thus far from the idea of conventional broadcasting. This classification focused on the question whether a media service can be classified as individual communication (on the basis of the so-called narrow concept of broadcasting).[2]

In the mid-nineties there was an intensive controversial discussion, in which initially irreconcilable antagonisms clashed: At the federal level (government and parliament) a majority took the opinion that all online services should be attributable to individual communication and, consequently, should on no account be subject to broadcasting law regulations or fall under the responsibility of Federal authorities (narrow concept of broadcasting). Accordingly, video-on-demand, interactive pay-TV, tele-shopping, tele-learning, etc. were not viewed as broadcasting, since they did not aim to establish a general opinion market, but merely influenced the services and goods market alone. Consequently, no broadcasting-specific safeguards at all were regarded as necessary for these services.

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[2] Online services are services in which a user can receive information on demand from a provider via a data network, irrespective of which kind of information is involved, how data transmission takes place – e.g. broadband or narrowband – or how access is effected and which equipment is used. See SCHULZ 1996, p. 2.

Rather, the legal boundaries were to be defined by the general legal order and by the limits of Article 5, paragraph 2 of the Basic Law, i.e. by the provisions of general law, the laws on the protection of young persons and the laws on the right to personal honour. At most, safeguards for consumer protection were regarded as necessary. Broadcasting should be limited to its classic function. This should be laid down accordingly in the interstate broadcasting agreements. The responsibility of the *Länder* for the supervision of broadcasting (broadcasting as a cultural asset) should remain unaffected. At the same time, this also meant that public broadcasters should not be allowed to offer the new media services.

The individual *Länder*, including the government of the *Land* of Bavaria, objected to this view, with reference, among other things, to Germany's Federal Constitutional Court (Bundesverfassungsgericht), which had previously based its judgements on a very broadly-defined and dynamic concept of broadcasting that also encompassed broadcasting-type communication services (cf. Section 2.1).

This controversy over whether to apply a broadly or narrowly defined concept of broadcasting was accompanied by massive interventions on the part of the big private media enterprises from Europe and overseas. This applied to Bertelsmann as well as the providers of commercial online services or the European newspaper publishers. They are all striving for a complete deregulation of the broadcasting sector with the goal of ensuring that all on-demand services can be offered without any licensing requirements whatsoever. And they are trying to achieve this goal, inter alia, by classifying all online services as individual communication. It is decisive, therefore, to have a definition of when the online services involved rank as individual communication and when they rank as mass communication.

Wolfgang Schulz from the Hans Bredow Institute in Hamburg suggests a - in my opinion sustainable - approach to resolving the definition problem: it should be initially confirmed whether a dual role change can take place between the communicator and the recipient. The service in question can only be classified as individual communication if this role change is possible (e. g. tele-banking). Correspondingly, Schulz argues, all social events in which, on account of the nature of the technical transmission, no individualisable response arrives, in other words no dual role change occurs between the communicator and recipient, are not classifiable as individual communication. A further major criterion is the publicity of communication. The decisive aspect here is whether the medium addresses a circle of recipients that is not present in person. If this is not the case the correct classification is mass communication – for example, video-on-demand (see SCHULZ 1996).

1.2. New Media Order and Globalisation

The ability to make this distinction between individual and mass communication with respect to the new media services, the online services, therefore, is extremely relevant for the development of a new media order and for the decision

whether such an online service is to be subsumed under the concept of broadcasting and, consequently, is subject to specific statutory regulations.

These regulations relate, on the one hand, to the relevance of content to opinion formation. On the other hand, however, the intention is to limit the risk of dominance by one communicator (for example, by one online provider or the selective choice of services by network carriers). A new media order must thus be shaped in such a way as to enable it to effectively counter the afore-mentioned risks and to ensure the equity of communicative opportunities.

The problems involved in regulation are obvious, but they are no longer transparent for the general public. The majority of people merely perceive that the development of the media is being driven by an inherent objective logic of technological and commercial interests. The focus is merely on the economic aspects of the development and any media law discussion is pushed into the realm of the die-hard opponents of modernisation. It is also permanently emphasised that statutory regulations can easily be circumvented at home in the age of the digital revolution and of the Internet by switching to alternatives abroad. In the age of satellite communication and transcontinental data networks the frontiers of national legal regimes no longer constitute major barriers, particularly since they are largely relativised anyway by the guarantees of freedom of movement in European law. This takes place in the interest of the "free movement of goods" and this also includes media services. For this development there is a broadly-based consensus in politics, business and the media.

This is only questioned if populistic campaigns, driven by the media and politicians, call for tighter controls on the Internet. Regulations, controls and index registrations that were previously viewed as absolutely inadmissible suddenly become possible. In 1997, this mood affected the protection of the public, in particular young persons, against pornographic and violent contents; today, in the year 2000, it affects the protection of the public against right-wing extremist views in the face of clear indications of hostility towards foreigners in Germany.

The actionistic superficiality of the discussion with its orientation to the mood of the times illustrates that the fundamental problems of media prohibitions are not discussed on a broad basis in the face of the constitutionally guaranteed freedom of expression and freedom of information. Such a discussion could be viewed by the public as politically fainthearted. This, however, fails to take into account the fact that such a broadly-based discussion could also have an impact on a new understanding of the informative diversity of opinion in a democratic state with general public backing. It could enhance public awareness that it is viewed by the majority of media providers as users and consumers of media products, not as mature citizens, who have a need for comprehensive and versatile information.[3]

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[3] See for the fundamental problems of the interrelationship between regulations for the protection of young persons, with particular consideration of current German criminal law, of the necessary yet missing coordination of such sets of legal regulations

2. The Concept of Broadcasting and the Classification of the New Media Services

2.1. The Concept of Broadcasting Used by the Federal Constitutional Court

For a further concretisation of the concept of broadcasting in view of the new technological possibilities it is necessary to refer once again in greater detail to the already mentioned understanding of the Federal Constitutional Court.

The concept of broadcasting is not defined in the Basic Law. In its so-called Fifth Broadcasting Judgement from 1987 (BverfGE, 74, 297 ff.) however the Federal Constitutional Court made important statements on the concept of broadcasting, its contents, and on the relationship to related, media-relevant communication services.

In the opinion of the Federal Constitutional Court, the Basic Law does not define the concept of broadcasting used in Art. 5, para. 1, sentence 2 Basic Law, but deliberately words it openly to cater for future technological developments. This retains the constitutional goal, therefore, even in the face of far-reaching technological changes and a transforming society (buzzword: information society) to sustain the normative effect of the freedom of broadcasting. For this reason the Federal Constitutional Court did not deem it appropriate to relate its statements to older technologies and thus limit the protection of the basic right to the facts to which these technologies refer. Rather, the court also declared that the protective effects of the basic right to the freedom of broadcasting were also necessary for "broadcasting-type communication services" ("*rundfunkähnliche Kommunikationsdienste*"; BverfGE, 74, 297/351).

When defining exactly what constitutes broadcasting, terms such as "general public", "simultaneity", "access at all times" and "provision of basic services" play a special role. Accordingly, it should NOT be decisive

- that broadcasting is defined as "intended for the general public",
- that online services are accessible for all persons at all times,
- that broadcasting programmes are – up to now – intended for "simultaneous reception" (whereas the time of reception in the case of online services is determined by the users).

In the year in which the Fifth Broadcasting Judgement was issued, 1987, the concept of the provision of basic services did not yet have major significance for

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at an international level, the considerable international differences in applicable moral norms that require coordination, and the applicability of the constitutionally guaranteed freedom of information and freedom of expression the expertise compiled by the director of the Max-Planck-Institut für Ausländisches Strafrecht in Freiburg, Prof. Hans-Jörg Albrecht, Dritter Zwischenbericht, 1998, der Enquetekommission des Deutschen Bundestages: Zukunft der Medien, Jugendschutz, Strafrecht, Neue Medien und Internet (Third Interim Report, 1998, of the Enquete Commission of the Bundestag: Future of the Media, Protection of Young Persons, Criminal Law, New Media and the Internet, pp. 131).

the description of broadcasting-type media services. However, the Court always made it clear that a need to fulfil the function of a provision of basic services through new services could arise at some stage for broadcasting law. This situation could come about if the future development were to move in such a direction that broadcasting-type communication (media) services replace conventional broadcasting to a substantial extent (BverfGE 74, 297/353). In the meantime, it is clear that this was a definitely realistic vision of the future, which led to considerations regarding the transition from a dual broadcasting order to a dual information order.

In its decision at that time the Court also regarded a participation of public broadcasters in broadcasting-type communication services as admissible. The line of reasoning here was that their participation would contribute to the breadth and diversity of offerings in these services and would enable the development of journalistic competition. In this respect, participation would take into account the requirements of the freedom of broadcasting, and it would do so all the better, the greater the extent to which public broadcasting carries out the classic broadcasting mandate (to ensure information, education and entertainment) in this field (BverfGE 74, 297, 354).

2.2. The Interstate Broadcasting Agreement
and the Broadly-Defined Concept of Broadcasting

This view of the Federal Constitutional Court has now found its belated expression in the Fourth Interstate Broadcasting Agreement (RfStV). Section 2, paragraph 1 of the RfStV retains the tried and tested definition of broadcasting in its unchanged form, worded as follows: "Broadcasting is the provision and transmission for the general public of presentations of all kinds of speech, sound and picture, using electromagnetic oscillations without junction lines or along or by means of a conductor. The definition includes presentations which are transmitted in encoded form or can be received for a special payment, as well as broadcast videotext."

The legally anchored possibility in Section 19 RfStV, however, for public broadcasters to offer media service with mainly programme-related content within the framework of the fulfilment of their tasks is new (tele-shopping is expressly excluded here – pursuant to Section 18 RfStV). Furthermore, the ARD and ZDF are empowered to

- disseminate previously analogue-broadcast programmes and future programmes via digital technology,
- combine the programmes to a pooled offering with one electronic programme guide (digital programme bundle) and
- include foreign broadcasters in the programme bundle.

This guarantees a participation of public broadcasters in the new media services as the concretisation of an understanding of media policy that is based on a broadly defined concept of broadcasting.

Section 52 RfStV also ensures the digital dissemination of legally specified public broadcasting television programmes and its programme bundles (must-carry rule).

According to the *Frankfurter Allgemeine Zeitung,* however, the most controversially discussed points – namely, the nature and extent of public offerings and its financing – were left aside in the Fourth Interstate Broadcasting Agreement. They are to be regulated in the next interstate agreement.[4] Furthermore, this article continues, the development guarantee for public broadcasting laid down in Section 19 RfStV was still very much a disputed point among experts. The director of the Bavarian *Land* Media Supervisory Authority, Mr. Ring, is cited, who expresses his doubts that the digital multiplication of programmes for public broadcasting is the right way of safeguarding its future.

Media law specialist Martin Stock expresses similar doubts, albeit from a different angle. In his paper presented at a specialist congress of the *Land* Broadcasting Authority in North-Rhine Westphalia in Marl this year on the subject of media legislation, he took a critical look at the attempts by the legislator to gradually reduce the density of legal regulation and to opt to an increasing extent for regulated self-regulation. This would assign "the constitutional task of broadcasting" to the public sector alone, which was also to enjoy a development guarantee for this purpose. This way it "should grow into a multimedial dual system". On the one hand, therefore, it is "required to a certain extent as a reserve of diversity, but at the same time it is to be statutorily restricted."[5]

The problems involved here are familiar from the early days of the dual broadcasting order. At that time, following the launch of commercial broadcasting and the break-up of the monopoly of public broadcasting, the constitutional demand for diversity of opinion and balanced programme offerings in public broadcasting was viewed, on the one hand, as a guarantee for its future existence and, on the other hand, as a licence for commercial broadcasters to do as they please in terms of programme content. A similar development may now emerge for the offerings of online services. A comparative study by NEUBERGER 2000 recently revealed just how "narrow" the offerings in the field of information in particular could become. According to this study, for example, daily newspapers will reduce the percentage share of their own productions to an increasing extent, since journalists will have to take on a growing number of tasks in the field on online activities and will thus have less time for their own investigation work. In view of this development therefore the safeguarding of information offerings by public broadcasters alongside the commercial offerings based on the new communication technologies seems all the more important.

Martin Stock calls the new system that is emerging from this development the "multimedial dual system". In a programmatic speech on the online future of his broadcasting station, the director of the WDR, Fritz Pleitgen (PLEITGEN 2000),

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4   See Frankfurter Allgemeine Zeitung of 22 December 1999, p. 28.
5   See STOCK 1999, p. 9.

describes this as the path "from the broadcasting mandate to the comprehensive communication mandate". Others, such as informatics expert Herbert Kubicek, use the term "dual information order", in reference to legislation and practice in the USA, which, in my opinion, will be the more apt characterisation.

3. Dual Information Order and Broadcasting

In the afore-mentioned speech, Fritz Pleitgen sets the minds of those at ease who fear the total demise of broadcasting in future by referring to the familiar experience that a new medium does not necessarily displace an old one. Rather, a shift in ranking takes place in the media hierarchy.

Some media observers however perceive the risk that the technological development will move away, or even completely eliminate full-format programmes. Public as well as commercial broadcasters will replace them by specialised offerings, which are solely orientated to the interests of certain target groups (e. g. specialised channels for theatre, action, football, medicine, etc.; in addition, video-on-demand, pay-TV, databases, and the like) to ensure mass viewing. The focus of the programme mandate would then also be entertainment rather than information and education for the public broadcasters too. This vision is supported by forecasts which, in addition, assume a technological development that will lead to the convergence of television, radio and personal computers with Internet access and which will change all forms of communication known to date.[6]

What, however, has to be done to

a) ensure that the unrestricted freedom of expression and freedom of information are safeguarded in a democratic state by the corresponding media offerings, and

b) guarantee a generally applicable statutory frame of regulation for this purpose?

A first major step would be to create a Round Table of the specialist representatives and politicians responsible for a new communication order at a European, national and regional level. One topic on the agenda should be the linking of the broadcasting law concept of the provision of basic services with the telecommunications law concept of the universal service. This needs to be supplemented by the question whether a general provision, above and beyond broadcasting, of information and basic services, for example, through the inclusion of libraries, should be guaranteed in public data networks by public broadcasting, the municipalities, higher education institutions.

Reference to the example of libraries gives a brief idea of what is meant here. The libraries with their extensive stock of literature form the main basis for any

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6   Cf. in particular on this aspect: Erster Zwischenbericht der Enquetekommission des Deutsches Bundestages zur "Zukunft der Medien" [First Interim Report of the Enquete Commission of the German Bundestag on the "Future of the Media"], 1996, pp. 57 ff.

thorough scientific research. In many cases, the literature stocked – to an increasing extent in the fields of the arts and social sciences too – is made available there via electronic databases. Up to now, the libraries, the Internet, and the university's own networks and computers could be used free of charge. The number of users is growing: "The doubling time for the scientifically and academically qualified share of the world's population is currently estimated at under 15 years and is thus moving close to half a generation time. Along with the growing number of scientists and academics the increase in specialist publications is also pre-programmed." – "The extent to which in future the mass market (consumer market), represented by the companies CompuServe, America Online, Bertelsmann Online, Europe Online, and Microsoft Network, will also access specialist information of the highly qualified kind is not currently foreseeable." (SCHULTHEISS 1996, p. 745). This access may – if not concretised by the corresponding statutory regulations – mean that such services can only be used by those "market participants" with the corresponding financial resources at their disposal.

In order to prevent such a development, experts such as Herbert Kubicek and Hans Kleinsteuber (both of whom were members of the "Enquete Commission of the German Bundestag: Future of the Media") recommend a look at the USA. Regulatory questions relating to a dual information order were already discussed there at the end of the sixties and in the early seventies, a discussion which was resumed under the buzzphrase "universal service".

The new US Telecommunications Act, in which universal service in anchored, has been in force since 3 January 1996. The first concept for an extension of universal service was launched in 1990. A short while later a community of interests and lobby of the public interest groups was launched by the Center for Media Education in Washington. The result was "the Telecommunication Policy Roundtable".

The most important principles of the American concept of universal service are:
- all people must have affordable access to the national information structure,
- information that is essential for an extensive participation in a democratic society must be made available free of charge,
- information on current affairs, information on public matters, education, health and administrative knowledge must be made available for everyone in a user-friendly format.

The online services should be classified according to the value of their services.[7] To achieve such an information order a regulatory authority would also have to be created, which, like the FCC (Federal Communication Commission) in the USA, should elaborate proposals on the implementation of a new universal service and examine these proposals every two years. In the already cited US Telecommunications Act of 1996 it is planned that a Federal-State commit-

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7   KUBICEK 1995, pp. 370 ff.

tee should draw up proposals, which have to comply with certain principles of universal service: for example, no higher charges for users in rural areas in comparison with urban areas and particularly favourable rates for connecting schools, libraries and health institutions.

The Clinton/Gore Administration tried at an early stage to include a variety of groups in society in the procedure of implementing the National Information Infrastructure (NII). This took place in particular through hearings.

"Between 1993 and 1994, five hearings on questions of the provision of basic services (universal service) and on open and equal access were carried out all across the USA." (RIEHM/WINGERT 1995, p. 112). The results found their expression in American legislation on regulation of the new media.

The development in the USA could and should stimulate the Federal Republic of Germany to

- at long last, move out of the technology- and economics-focused discussion and promotion policies and

- create scope instead of individual initiatives and support a variety of application experiments (not limited to individual large-scale projects), in combination with social, political and administration-related reform projects.

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Rainer Welzel

Asian Media in the Change and the Global Media Market

The market concentration, incorporating TV, radio, print media and Internet, in North America and Europe led to a reduction from 700 to 80 media companies between 1960 and 1980, and from 80 to 10 between 1980 and 1996. In addition, in the extremely competitive television market of Europe the private broadcasters are lobbying in Brussels at the European Commission against the Public Service Broadcasters. -- Also in Asia the deregulation and privatization seems to favor media concentration processes. But there are also positive tendencies like the changing from a status of government broadcasters to the status of a true public service broadcasters in India, Malaysia and Indonesia. In general the media organizations in Asia have to enforce their rights on an international level and have to embed them in agreements and contracts with GATS and WIPO.

Public Service Broadcasting was, up to now, a vital institution in the majority of the developed nations and political democracies. Scientists, such as Wright Mills or Jürgen Habermas, regarded public service broadcasting as indispensable for the functioning of meaningful participatory democracy. Given the background of strong social-democratic movements and considerable popularity of public service broadcasting, these systems have not been questioned over a long period of time. However, this strength was based on a fragile balance between politics, economy and development of technology.[1] This balance has been considerably disturbed since the beginning of the nineties, mainly by the development of new technologies, which initiated the convergence from analog to digital production and distribution methods and which provided an enormous amount of additional channels. Neo-liberal forces used this development to vigorously construct a global media market. This market initially concentrated on television only but in the meantime incorporates radio, print-media and the Internet. In the first edition of his 1983 book "The Media Monopoly", Ben Bagdikian describes an alarming development. Between 1960 and 1980, the concentration of dominant media firms in North America and Europe led to a shrinking process from about 700 to just 80. The 1997 edition of "The Media Monopoly" shows a further concentration from 80 to just 10 media giants. This process seems to continue, as the takeover of Time Warner by AOL this January indicates.

In the extremely competitive television market of Europe and North America, the growth rates have shrunk to just 2 % and 0.5 %, respectively. In Europe the market for the private stations could experience another boost if it would be possible to marginalize the public service broadcasters, to reduce them so to say to the North American level. The private media industry argues that the public service broadcasters follow aims that are alien to profitability. In addition

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[1] McChesney 1999

they are subsidized and thus should by no means compete with the private ones on the market. In Europe the private broadcasters are lobbying in Brussels at the European Commission against the public service broadcasters and seem to have a first success. In 1999, Brussels branded amongst others the German ARD and ZDF with an annual budget each of about 3 billion US $ as "monopolists". Paradoxically as it may seem, it did not intervene when Bertelsmann in February 2000 took up with AOL and Time Warner to build up a global media giant with a projected turnover of more than 400 billion US $.

In the meantime, the "big boys" learned to generate profit even when catering for small target groups. This was achieved by the use of economic, digital TV-channels and with the restructuring of distribution channels to multimedia networks. This strategy brings about a multiple usage of programmes. According to the American stakeholder model, a profit maximization for the invested capital has to be reached. Consequently, AOL announced in January 2000, that it will restructure the video cable networks of Time Warner to multimedia Internet services in order to achieve a merger of "publishing, entertainment, infotainment, telecommunication and computers". Such a fusion has also been pushed forward by Bertelsmann since 1995 and it makes sense that the two media giants are trying to cooperate closely. In the meantime a tiny little Internet company seemed to pose a serious threat to the giants, Napster provided free download possibilities of audio files through the Internet infringing the international copyright. This opportunity was immediately used by millions of youngsters. The phono-industry promptly initiated a court case against Napster in the United States.

The global development also shows distinct traces in Asia. Amongst others, the previously public service broadcaster TVNZ of New Zealand, has been fully privatized and has more or less been taken over by the American media market. Subsequently, TVNZ has cancelled its membership with the Asia-Pacific Broadcasting Union. Another example is the "Asian Business Channel" with its headquarter in Singapore. It is with heavy American investment, by no means, "Asian" anymore. Not to mention Murdock's STAR-TV (Satellite Television Asia Region) with its daughter "Zee TV". "Zee TV" is servicing the Indian subcontinent successfully in the local languages and has grabbed about 50% of the local market from Doordarshan. The deregulation and privatization now speeding up in Asia seem to favor such developments.

On the other hand, there are also positive developments. Doordarshan e. g. has been released from its status of government broadcaster to the status of a true public service broadcaster on the 10th of September 1998. It was a bold decision by the Indian Parliament but there were also financial considerations in the background. Doordarshan is no longer fully subsidized, it has to earn a fair share of its budget. That is why it has been particularly hit by the competition of Zee TV. Government funding is still available when it comes to really big investments, such as the Indian "Domsat", the domestic Indian satellite. This seems to be the policy in a number of other Asian countries, e. g. Malaysia with Measat and Indonesia with Palapa. Another positive development seems to be on the

way in Indonesia, there are initiatives to convert TVRI into a public service broadcaster. AIBD and FES are assisting TVRI and the Indonesian Parliament in this process.

But there is also an accelerated trend to reduce Public Service Broadcasting in favor of the establishment of private content providers and service providers. In Asia, lots of examples can be found. Some of these companies are listed below:

- Satelindo in Indonesia which operates the Palapa satellites.

- Astro with its home base in Malaysia which is the operator of the first digital direct-to-home satellite.

- Warf Cable in Hong Kong, the owner of the first Video-on-demand network in Asia. Warf cable is already an example for content and service provider under one roof.

- Also Leo Kirch as one of the big European content providers is active in Asia since quite a time. The last ASIAN Games in Bangkok have been fully marketed by him. The official Thai broadcaster was just granted the terrestrial transmission rights in Thailand.

Some questions must be raised in view of the speedy development of technology and the establishment of service and content providers, as well as the subsequent hyper commercialization of media and communication:

- Will the general regional and global media development permit the media to continue to play their decisive role as stimulant of democratic political culture?

- How far can journalism in future fulfill its fundamentally important role for democracy?[2]

- Will WTO and GATS agreements permit an independent development of the media in Asia?

- Will the media in Asia be able to defend the rights on their own programmes and events in future?

The importance the media and communication development will have on socio-economic developments has been stressed in the Japanese 15-year economic forecast. According to this analysis, the portion of the national gross product which will be generated in these areas will grow above 70 %. There is an indication that the development will move in the same direction in Europe. Frequencies for broadband wireless communication are being auctioned to the private industry by the German government. Last June six of the big boys paid 97 billion DM into the coffer of the Minister of Finance for a 20 year license.

In order to answer these questions in the affirmative, it is important to assist the current "Government Broadcasters" in transforming into true "Public Service Broadcasters". In Asia, we still have to create an awareness at a political level and with opinion leaders. Media and communication development, as well as

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2 McChesney 1999, p. 48

the economic implications of media and communication, including the solution of the related questions, cannot be a national matter only. These issues are, to a high degree, regional affairs, which require intensive dialogue. Media laws and deregulation play a decisive role in this process. The media organizations in Asia have to enforce their rights on an international level and have to embed them in agreements and contracts with GATS and WIPO. The education and training of journalists has to be improved and journalists organizations have to be strengthened. Journalist have to be put into a position that they can cope with the convergence of media and communication and actively shape related developments, such as web-publishing, web-broadcasting and cyber journalism. The Internet will play an important role in the development of media and communication, particularly since we can expect vast portions of the poorer urban and rural population to have access to it e.g. via so-called "Powerline Communication".

With the ABU (Asia-Pacific Broadcasting Union) and the AIBD (Asia-Pacific Institute for Broadcasting Development), the governments, opinion leaders and broadcasters hav two competent partners with which to look for solutions to the above mentioned problems. With the introduction of the strategic plan, the AIBD in particular, has experienced a remarkable positive development during the last three years. The AIBD is financially consolidated. It is presently in the process of building up a professional team and is has the mandate to be a platform for all media questions for the ESCAP states.

According to my view all parties concerned should step up and increase their engagement in the media and communication development. This is especially important since, in the next three to five years, the future course of these areas will have been set in Asia (but not only here). In his book "Media giants", Kunczik, as well as McChesney in "Rich Media, Poor Democracy", emphasizes that a rigid privatization/commercialization of the media and communication industries will lead to a depoliticizing of programme content and subsequently, of the "consumer".

Finally I would like to quote McChesney: "In the end the goal should be not merely to have a series of national media systems with dominant public service components but to have a global public sphere as well, where people can communicate with each other without having the communication filtered and censored by corporate and commercial interests."[3]

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[3]   McChesney 1999, p. 318

Mark Deuze

Journalism Education:
Considering Theory, Goal and Changes*

Developments in a changing social and professional economical environment, media-technological advancements and declining prestige in the eyes of the publics are cause of concern and unrest within journalism. These developments call for new approaches towards educating new media professionals. This paper addresses various considerations of journalism education internationally in terms of: [1] Theory; focuses on the theoretical foundations for journalism besides the classic 'Four Theories of the Press' and their relevance for journalism education, [2] Goal; aims to synthesize the equally classic Academic versus Professional debate in journalism education by emphasizing the notion of the 'reflective practitioner' and [3] Changes; deal with new standards to be considered for journalists (and hence journalism education) in media saturated, information-driven, fast-paced and well-educated economies and societies.

1. Introduction[1]

To be a journalist means to belong to a select company of professionals which alternately enjoy admiration and contempt throughout the history of journalism (Evans, 1999). The profession in the 19th century and the beginning of the 20th century was not highly regarded by its contemporaries – saturating 'news' with opinion, ideology and hearsay. With the advancement of education and the establishment of media in society the profession rose up to its promise and was right up there with professionals in health care, teaching and the police. It's fair to say that this situation has changed tremendously again over the last decades, especially since the end of the 80s. The world has become more complex but people do not feel those who provide it with meaning are doing a good job. Not only the media critics voice their concern - the general public does so as well, turning away from their traditional news sources or expressing outright anger with the way reporters go about their work - culminating in the public outcry against the worldwide standards of reporting regarding for example the Lewinsky case in the US or the Diana case in Western Europe. Recent surveys even signal the public's call for more (political) control over the press (Freedom Forum, 1999). Apparently, according to some today's journalists are not living up to expectations.

The profession of journalism itself is at the same time under stress because of fast-paced developments in terms of (cross-)media ownership, the application and implication of new technologies and the ongoing integration of the managerial, marketing and editorial sides within media organizations. On top of that full-time job perspectives are scarce, the once so well-defined and loyal public is fragmenting and the complex cultural composition of society calls for new perspectives on news and news values in general. Apparently, today's journalists and journalists-to-be have a hard time – notwithstanding the (growing) popularity of journalism programs in Europe, North America and Australasia.

Finally, journalism education comes into focus. As a growing number of recruits are coming from the various journalism schools, departments, polytechnics and so on across the globe (on average one third of all new journalists - see Weaver, 1998: 455 - 458 for example), formal journalism education gets to play an essential or even the most crucial role in equipping tomorrow's media professionals with the tools to grapple the social, cultural, professional and economical developments that threaten, challenge but most definitely change the profession of journalism. Without formal barriers of entry or rule of registration, journalism does not seem to be a profession in the classical sense – but it is a profession in terms of its purpose, role and function in democracy and its perceived degree of professional autonomy by its practitioners.

This conclusion may seem like stating the obvious, but a close read of various publications on journalism education in the 1990s reveals that few scholars and professionals realize that engaging a debate on journalism education in terms of perceived dichotomies like theory Yes or No, Academic versus Professional, Print versus Broadcast or Skills versus Standards is highly irrelevant regarding the contemporary situation of journalism.

This paper aims to rephrase these 'classical' debates in terms of theory, goal and changes to be considered in journalism education. A proposal for formal journalism education, applicable to all levels of programs - both undergraduate, graduate and polytechnic or college level - will be made based on the main argument that journalism education should aim to train journalists-to-be in basic skills without a medium-type specialization with an emphasis on critical-reflective awareness of their changing social, cultural and professional context and role in society. First, a brief sketch is offered of existing journalism education program classifications; new ideas and approaches are signaled with specific reference to Europe and the US. Secondly the notion of journalism theory and specifically its origins, meaning and relevance for journalism programs and research is considered. The third part of this paper will focus on basic goals in journalism education - implementation of the ideas informed by journalism programs and theory - in particular with respect to the Academic versus Professional debate. Finally, the main developments and changes in journalism with respect to culture, society and technology are discussed in order to assess their impact on standards of professionalism in journalism and the way journalism programs have to take such developments into consideration.

Although this paper is mainly informed by the 'Western' experience of the author and the literature at hand, the aim is to argue along the lines of a general consensus on the nature, characteristics and trends of journalism across the globe (see also for example Merrill, 1995, Randall, 1996; Van Ginneken, 1997). This is not to say that journalism is the same all over the world or can be categorized as such; its just to say that the characteristics - both social-demographical as well as in terms of role perceptions and ethics - of journalists and students of journalism in many Western-style democracies show a high level of correspondence worldwide (see Sparks and Splichal, 1994, and Weaver, 1998, for details). The main conclusion of such studies is that the variance occurs within countries, rather than between countries or regions in the world (see also Weischenberg and Scholl, 1999: 217-232). This suggests that a general approach towards journalism education and chosen in this particular paper is valid, as long as it equally addresses the complexities per region and locality.

2. Journalism Programs

Journalism education in most countries around the world covers the ground of practical skills and standards training on the one hand and general contextual education on the other hand (see Gaunt, 1992: 12). Another typology can be made by dividing the choices underlying programs between professional knowledge, topical knowledge and communication knowledge – my translation from the German terminology *Fachwissen*, *Sachwissen* and *Vermittlungswissen* (Weischenberg, 1990).

Although the specific needs and demands of the media system differ from region to region and are largely determined by (and a reflection of) the particular culture and foundation in law and history, the delicate balance between practical and contextual knowledge is always the main area of attention within journalism programs worldwide (Morgan, 1998: 15). One cannot underestimate the noted 'delicacy' of this balance, something which led some to state that:

> *"Journalism education […] has ended up as neither fish nor fowl; it feels itself unloved by the industry and tolerated, barely, by the academy"* (Raudsepp, 1989: 3).

It is precisely this perceived dichotomy which is the leading factor in determining a journalism program, or so it seems (Reese, 1999). Although systems of journalism education may vary from region to region, as noted before, the contents of such programs are informed by the (perceived) needs of practitioners and the ideals of producing critical and reflexive thinkers (Ramsey, 1990; Medsger, 1998). Philip Gaunt has identified and conveniently summarized six levels of journalism and communication training to be satisfied, by analyzing the journalism training systems throughout the world:

1. *orientation*: understanding the media system in which journalists work;

2. *basic skills*: writing, editing and other 'language-handling' capabilities;

3. *technical skills*: the use of technical equipment;

4. *upgrading of skills*: mainly intended for established journalists (technical skills especially);

5. *liberal background*: understanding social, cultural and economic issues in society;

6. *specialized applications*: various fields of mass communication require specialized training (taken from Gaunt, 1992: 18-19).

The globalization of the media and news industry has led to some kind of informal global consensus on which features dominate programs - see the levels identified by Gaunt. In Europe this has lead to three more or less distinct combinations of features (see summary in Bierhoff, 1999). First there is a strong concentration - mainly in Western Europe - on the first three skills-based levels. In central Europe more attention is given to reflection and analysis, whilst the third model, favored among in southern European media, seems to be a deeper appreciation of the practical skills, with much more attention to expression skills and the role of a journalist as an author. Journalism as a university discipline in research and training has generally a much lesser place in Europe than in the US or Australasia for example. But even in this context, the traditional dichotomies and the construction of comprehensive programs are *"[…] currently in discussion, if not in crisis"* (Bierhoff, 1999: 1). Within Europe, the suggestion towards new forms of journalism training programs was formulated in June 1999 by European Journalism Center Director Jan Bierhoff as:

1. *Opportunistic training*: short programs, focused on specific skill requirements;

2. *Traditional reporting*: emphasis on information acquisition and presentation skills;

3. *Information management*: where the journalist facilitates information access routes, courses in connecting and identifying information;

4. *Conducting social debate*: teaching journalists to provide context, background and (critical) reflection (Bierhoff, 1999).

As shown earlier, besides a general approach towards journalism programs one should take the complexities and socio-historical traditions of particular cultures and countries into account. A problem herein lies in the 'nation-state' paradigm within such particularities are formulated. A program consisting of nationspecific social courses to complement the needs for training and thinking misses the point on account of two 'realities' of contemporary journalism: increased globalization and a growing regional/provincial or local market for journalism; both trends undermine the idea of teaching courses from a particularly national perspective.

Concluding from this brief normative sketch of considerations forming journalism programs, one can state that there seems to be a consensus on the one

hand – the typologies are more or less centered around the balance between skills and context – whilst there is also no agreement whatsoever on which side of this coin is more important or needed for the training of media professionals today or tomorrow. Again, the main discussion more often returns to dichotomies between practice and profession (Reese, 1999), between producing and thinking (Medsger, 1998) or for example between product and process (Masse and Popovich, 1998).

3. Theory

To educate people about (the intricacies of) journalism, one should at least have some understanding of what journalism is, and even what it should be(come). Hence the notion of theory in itself seems to be a 'no-no' in the professional environment, as explicitly formulated by an American executive editor in a recent Columbia Journalism Review poll:

> *"Get rid of the theoretical PhDs in journalism schools and get some folks who know how this kind of work is done" (quoted in Hickey, 1999: 39).*

Theory is nothing more or less than a collection of statements or propositions, which together describe and explain something as it is. A theory therefore can be causal – explaining why things are as they are – or functional – explaining how things should be in order to work ('properly' in the case of normative theories). The concept of journalism theory (J-theory) – theories that explain how and why journalists do what they do - has been empirically well-established since the earliest journalism survey studies in the seventies in for example the United States, the United Kingdom, The Netherlands and Germany (Tunstall 1972; Johnstone et al, 1976; Kempers and Wieten, 1976; Kepplinger, 1979). In recent years journalism surveys have become more 'popular' among scholars (Weaver, 1998). In the past, several attempts have been made to group and summarize the various theoretical approaches of such studies; one could think of the work by Michael Schudson (1997), Pamela Shoemaker and Stephen Reese (1996), Siegfried Weischenberg (1998) or Peter Dahlgren (1997; specifically on the cultural and critical approaches). The field can generally be divided into three theoretically more or less consistent categories: 1. (critical) political economy/theoretical perspectives, 2. social-organizational and socialization theories, and 3. critical/cultural approaches.

Such summarizing is not without its problems; on the one hand the available publications are so widely differing, that any attempt leads to issues of whether or not the various concepts and definitions are still comparable. On the other hand its all to easy to pick a certain broad area within the available frameworks and claim it as 'right' (i.e. empirically most widely tested). A J-theory which should guide journalism education must therefore be both inclusive as well as allow for adaptation on national but rather regional, local or even cultural level. This can be seen as a combination of a wider definition of what journalism is (a so-called 'Catholic' definition as Colin Sparks calls it) with a more particularistic

J-theory to allow for explanations of journalists' actions and attitudes on the workplace (Van Zoonen, 1998).

In such a particularistic framework journalists are seen as media actors with some degree of autonomy and not explicitly and solely 'governed' by either the state, their organization, cultural heritage or the market, while at the same time they are considered to be working under the influence of a number of factors which are located in the personal context of the media professional and which can then be translated into a tentative model for analysis to be used as a framework for describing, analyzing and possibly also teaching journalism. The journalist as an individual – in a continious negotiation between the personal and professional – becomes the micro explanatory variable as such. In this respect, journalism is seen as a self-referential system in society, with the specific function of preparing and making available of themes for public communication (see Weischenberg and Scholl, 1998). From this notion - where the personal and organizational identity of the journalist is placed central (see Beam, 1990 and especially Van Zoonen, 1998) - a model can be drawn up, where several layers of influence on what journalism is and what journalists do - arguably the key to journalism education in general - are placed in terms of micro, meso and macro levels of influence. Influence is seen here as either normative (between hierarchical levels) or informative (within levels), following Dimmick and Coit (1982).

Macro	* international context and legislation
	* national legislation and media policy
	* national foundation in law, history and ideology
	* conditions of society, culture and community
Meso	* conditions of the media market (ownership, horizontal and vertical competition, concentration, cooperation and convergence)
	* internal imperatives of the media organizations (type, genre, technology, time, space, formal hierarchy and guidelines)
Micro	* relationships with sources (audience, spokespersons, PR people) and colleagues (informal hierarchy)
	* occupational (reporting, presentation) routines
	* the individual journalist (basic, occupational and professional characteristics)[2]

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[2] The model is taken and adapted from: Dimmick and Coit, 1982; Beam, 1990; Bloebaum, 1994; McQuail, 1994; Shoemaker and Reese, 1996; Scholl, 1996 and Van Zoonen, 1998.

Central to the micro-meso-macro construct is the consideration that these levels of the journalistic system are intertwined, dynamic and therefore their respective importance or predominance can vary accordingly (Blöbaum, 1994: 62 - 63). The system components are interrelated and interdependent as such – not a single one is the 'right' or 'most powerful' one, which is not to say that given a certain context and a specific method, one could prove otherwise.

The experience of applying this model as the starting point for any reflective discussion with students – the author has used the model for example with 2nd year students at the Utrecht School for Journalism – learns that it greatly facilitates understanding of the complex and even non-linear nature of the various influence factors on the work, actions and attitude of journalists. It stresses the need for thinking of one factor in terms of its context which in itself is nothing new. I would like to argue here that one needs to explore and explicitize a theoretical framework within journalism education in order to successfully locate any program or elements of a program in its proper context. By immediately dismissing 'theory' from the curriculum or even the discussion, one buries the reflective potential of the educators and students involved.

Concluding one could state that journalism and journalism education as such can be approached contextual when it is seen as a dynamic, self-maintaining system in society interacting with society on all levels of society. Such a theoretical consideration could guide journalism education instead of hinder it with the constraints as sometimes perceived by the professionals themselves. To have an explicit idea about where the journalist as an individual and a professional stands in the structure of the media and society landscape helps interpreting, analyzing and evaluating one's role and place as a media professional (and as a scholar) - and therefore as a journalism educator.

4. Goal

Journalism training or journalism education as it is called these days in an attempt to professionalize and maintain status within the profession of journalism enjoys a rich and problematic history (Sparks and Splichal, 1989: 21). It is both enriched by a long, almost century-old tradition of training, education and research as well as troubled by the typical clash between the university and the industry (Raudsepp, 1989: 3). This Academic vs. Professional debate has always been at the forefront of discussions about (the role and place of) journalism education worldwide, and even the most recent publications were centered around this debate (see Medsger, 1996 and 1998 versus Reese, 1999). Because of its long tradition and obvious roots in the various societies and media systems around the world, one needs to both simplify this discussion as well as reconsider it with respect to the demands contemporary society places on the shoulders of the journalists to be.

First, the Theory vs. Practice (Academic vs. Professional) debate evolves around the notion that journalism is something you practice, whereas scholarly journalism is something you theorize about. It is a clash between the concepts

'concrete' and 'abstract'; indeed between grassroots streetwork and Ivory Tower academia. In fact, it is a battle of clichés. As argued before, there is no distinction between theory and practice other than the extent to which one aims to make one's view on the world explicit. The main argument in favor of more theory - or even theory at all - in journalism education is the ideal of educating journalism students to be 'reflective practitioners' (Reese, 1999: 13). Theory is seen as a tool to be able to reflect upon one's work and the profession of journalism as a whole. The main argument supporting a more practice-based journalism education, which has been powerfully put forward by the Freedom Forum's "*Winds of Change*"-report, are the needs of the labor market which favor skills over reflection coupled with a perceived 'threat' of journalism programs becoming part of generic communications departments (Medsger, 1996). The two arguments do not necessarily bite each other; in fact, the importance of reflection and journalists to be critical thinkers is stated over and over again in the arguments of both sides of the journalism education coin (see for example Medsger, 1998). It is interesting to note the timeline in this debate; whereas practical and technical skills teaching dominated the 1970s and the 1980s, the ever-increasing complexity of the world and the 'Information Age' attention shifted towards (media and communication) theory. Now, the argument seems to be turning back upon itself - which is hardly inspiring.

If one would accept the proposition that both the ability to understand and explain one's environment (theory) as well as successfully coping with that environment (practice) can be helped, improved and inspired through (critical) reflection, one needs to examine how to educate students to be reflective. This is not an easy task, especially because our Western culture is geared towards products and action - and not so much towards process and reflection. This has lead some authors to reconsider the crucial importance and definition of reflection in our way of knowing about our experience:

> "*Reflection is a process of knowing how we know. It is an act of turning back upon ourselves […] We are keyed to action and not reflection, so that our personal life is generally blind to itself*" (Maturana and Varela, 1987: 24).

Theory is the basis for reflection, just as practice - our 'world of experience' - is. The point here is, that this debate, whether it is fueled by the decline of the profession's prestige - as Stephen Reese claims - or by the integration of journalism in several kinds of larger university departments (the arts, business & marketing, social science or media and communication studies) should be problematized in terms of didactics, of educational tools to achieve synergy between journalisms' place within Academics and its function and role in democracy as a Profession. The literature often asks questions related to this concern: will experienced journalists as journalism educators facilitate better teaching, or will more PhDs achieve this goal? Neither one of course. Better teachers produce better teachers. Teaching reflection is difficult, especially for it is perceived as being difficult. It is also perceived to be time consuming - which is a deadly ar-

gument in a world where speed is the new battlefield. The discussion on journalism education goals should therefore not be informed by a dichotomy between theory and practice, but by the need for self-critical reflection and excellent didactics and teaching methodology. Although a 'to do'-list here is beyond the scope of this paper, in general one could argue that a project- and student-based type of educational program is more effective than a top-down product-based education. The ideal could be formulated as teaching 'learners' to be self-directive, where the educator shifts in role from authority figure – telling it how it is – to a facilitator or consultant; which kind of more service-oriented perception seems to fit within a general shift in journalism towards a more equal relationship with the audience and the news sources (see Grow, 1991; Bardoel, 1996; Bardoel and Deuze, 1999).

5. Changes and Challenges

Beyond the discussion of teaching method, theory and practice lies a world of changes and challenges which affect the profession of journalism. Journalism education has to be very flexible and responsive towards such changes, since one cannot expect young students to learn to cope with the world of information without the benefits of timely and up-to-date preparation. Here some brief considerations of such changes and their potential impacts on journalism education are sketched in terms of culture, society and technology.

5.1. Culture

In terms of culture, journalism is confronted by two main although not relatively new concepts: (rise and establishment of) popular culture and multiculturalism. Popular culture is mainly reflected in journalism as infotainment. Although it is beyond the scope of this paper to define and elaborate the concept of infotainment, it is generally assumed in the literature that infotainment in terms of journalism is the combination of two aspects: entertainment elements used by 'hard' news programs and publications - 'hard' news according to the classic definition of Gaye Tuchman - and the inclusion of 'hard' news elements in entertainment genres such as breakfast television and talk shows (Brants, 1998). One may argue that the concept of 'entertaining' in itself means 'getting and keeping the attention of the audience' – which is the fundamental reality for all journalism, not just a particular (ie. infotainment) journalism.

The literature suggests that 'infotainment' is (or at least has been) a definite 'no-no' among journalists and journalism educators alike. A quick survey of news professionals and educators on emailing lists learns that infotainment is a reality in today's media, so steps could or even should be taken to 'teach' it (JOUR-NET-L, 1999; Newsviews, 1999; all quotes hereafter can be found in the Newsviews archive online). As Armin Scholl (University of Muenster, Germany) remarked: *"Infotainment journalism is not a priori bad journalism. And I do not think that mainstream journalism will go infotainment. I expect a specification into different journalistic patterns. I do not expect the need for new core competences but for new secondary competences."* Some comments were made on

the fact that perhaps journalism indeed has an entertaining function as well as a more traditional watchdog function as Anne Dunn (Charles Stuart University, Australia) wrote: *"So perhaps we should be attempting to teach journalism that is entertaining, irreverent, subversive - and accurate and ethical?"*. Regarding the question how to teach journalists to cope with infotainment, Frank Morgan (University of Newcastle, Australia; President, Professional Education Section, IAMCR) notes: *"With difficulty. It would take a book or a course or study to answer the question, but it is achievable."* Pieter Wessels (Commonwealth Journalists Association) added to this: *"Similar skills are being taught in the other professions - nip-an'-tuck in medicine, caps-and-colour in dentistry, media-profile in law, sculptures-in-space for architecture. If all of them are doing it, why aren't we?"*

Infotainment is definitely a reality in contemporary journalism; to deny its impacts and characteristics to j-students is to deny them valuable instruction to cope with the day-to-day realities on the job. As to 'how' to teach infotainment, one at least has to consider it on three levels: skills, styles and genres.[3] Infotainment skills can be characterized as for example faster editing (TV), open instead of confronting interviews and an understanding of the journalist's role as a person instead of a professional. Style concepts are a focus on human interest, on the personal vs. the political, a notion of 'intimacy' in reporting and emphasizing process instead of timeliness. Finally, genres have to do with an appreciation of the intricacies of various (established) specific infotainment journalism products like talk shows, certain glossy magazines, breakfast television, life-style sections of newspapers but also for example travel and tourism sections.

The second cultural concept, that of multiculturalism in the media, can be summarized as follows: With the globalization of communication, politics and news the focus of journalism turns away from nation-states or national issues to either localized issues (communities, civil society and public journalism as in Black, 1997) or a frame of reference that focuses on social life instead of political concepts and national borders:

> *"Orientation points for journalists are now the multicultural society, in which the position of minorities will have to be redefined. Race, language, ethnic background, religion, all these factors are present and potential battlegrounds and generate a constant stream of events"* (Bierhoff, 1999).

The issue of minorities - be it racial, gender, economical or whatever - and their role and perspective in the news is crucial herein. This argument is especially powerful when one considers the still mainly white, male and financially affluent social-demographic characteristics of journalists in Western democracies worldwide (see Weaver, 1998).

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3   Examples of the literature used for this paper on implications of infotainment for journalism studies and education: Brants, 1998; Dahlgren and Sparks, 1994; Graber, 1994.

5.2. Society

Modern society (or post-modern - who knows) has forced us to reflect differently on what journalism is, where its boundaries can or should be drawn and where it stands within the national, regional, local and cultural community it services. Traditionally, the basic assumptions for journalism in general always have been: [1] a practical and rather narrow definition of journalism and [2] the functional role of journalism in reinforcing citizenship in a nation-state democracy. The second point has been touched upon in the sketch of the importance of multiculturalism in today's media, but our definition of journalism - as elaborated upon above as well - should change as well under the signaled considerations and developments in the profession as a whole. This argument coincides with calls in the literature for a broader and wider notion of journalism - in other words: a call for a more 'catholic' definition of journalism (Sparks, 1991: 67). Such a definition would adopt hierarchical elements of journalism varying from the micro level of the communicator and the meso level of his or her professional environment (i. e. the workplace) to the macro level of (inter-)national economics, politics and culture influencing the individual media professional (referring to the theoretical model as mentioned earlier). At the same time a wider definition would include a horizontal view on journalism, looking at the range of different genres, niches and specialization's contemporary journalists - including and integrating therefore entertainment and information, 'hard' and 'soft' news, social life vis-à-vis the multicultural society and national issues in reporting focus and so on.

5.3. Technology

Finally, some thoughts on the impacts of new technologies; although few studies are available at this time, professional experience and the literature clearly suggest that new media technologies for the profession - explicitly the Internet (online journalism) - challenge the most fundamental 'truth' in journalism, namely: the professional journalist is the one who determines what we - the public - see, hear and read about the world around us (Fulton, 1996; for scholarly work see Singer, 1997 and 1998). Although some fear that new media and new journalistic forms and formats signal a convergence in specialized teaching of skills as well (see Medsger, 1998), others strongly believe that new j-education should move away from format-specifics towards some form of 'multi-journalism: *"Multi media journalism is certainly the in-thing at the moment - and many universities here in the UK as well as in Australia and elsewhere are now fully aware of that and teach it in an integrated way"* (comment by John Herbert of Staffordshire University, UK on Newsviews, 1999). Conferences and seminars of professionals and educators in the field certainly suggest that the combination of mastering storytelling techniques in all media formats (so-called 'multi-skilling') coupled with critical thinking is the most valuable way of teaching 'new media' journalism or even journalism in general (see for example Meyer, 1997, Bierhoff, 1999).

6. Discussion

This paper advocates a number of considerations which should guide a up-to-date, challenging and student-centered journalism education program: [1] intelligent use of journalism theory with a historical perspective, [2] abandonment of the theory versus practice discussion in favor of a general program towards teaching (critical) self-reflection and [3] an awareness of the most crucial changes in culture, society and technology which influence, challenge and (structurally) change contemporary journalism. It is quite clear that the next author may advocate three (ore more) completely different considerations. The argument here is made to make journalism educators more consciously aware that a gradual adaptation of new ideas and changes in journalism or a step-by-step approach towards integrating 'new' journalism like infotainment and Internet reporting is not servicing the needs of the profession. To return to age-old discussions on theory and practice – and especially which one is more or less needed – is also strongly criticized; its like arguing whether an apple or an orange is more or less 'fruit'. The argument in this paper is informed by an overview of contemporary ideas and debates in journalism, coupled with a general framework for considering and implementing current developments in culture, society and technology structurally affecting journalism. That such an overview is incomplete, may be obvious – but it is an example of what a little reflection offers to the 'reflective practitioner', both as an educator as well as a scholar and a journalist. Research into further developments and considerations for journalism education should integrate the existing typologies of programs worldwide, focus on the combination of (new) journalism's core competencies, contextual knowledge, new didactics and the need for reflection as a way to step beyond the perceived impediments of time, space and money of today's workplace. Journalism is changing indeed – as it always has been – and to successfully cope and adapt, journalism education needs to reinvent itself accordingly.

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