EU Enlargement and Mimetic Media Policy Orientation

An Interwiev with Karol Jakubowicz by Nada Zgrabljić Rotar, Editor-in-Chief*

Karol Jakubowicz is the Director of the Strategy and Analysis Department of the National Broadcasting Council of Poland, and Chairman of the Steering Committee on the Media and New Communication Services of the Council of Europe. The interview was arranged on December 2-3, 2005 in Budapest during the meeting of the COST A30 Action 'East of West: Setting a New Central and Eastern Media Research Agenda,' coordinated by the Centre for Media and Communication Studies at Central European University in Budapest.[1]

Editor-in-Chief: Prof. Jakubowicz, as a prominent media theoretician and media counsellor in the Council of Europe, you became well-known to the Croatian public and politicians since you participated on 2000 and 2001 as a media expert for the regulation of the public radio and television broadcasting in Croatia. Now, in 2005 the theorists speak about "BBC public service blues". What does it mean? Has the concept of the public radio and television service fared better or worse in Croatia than in other transition countries? And how would the system compare with other Western European countries?

Karol Jakubovicz: I think that what people mean by "BBC public service blues" is the feeling of uncertainty and anxiety concerning the future of public service broadcasting. I don't know enough about the situation in Croatia to formulate any judgment, but I would say that in general what we have in Central and Eastern Europe is not public by "parliamentary" broadcasting. Media systems can be classified according to the "political parallelism" that they display, i.e. the degree to which media oversight and management bodies reflect the political composition of the parliament and government of the day. It is up to Croats to judge whether in your country there is a high or low degree of "political parallelism". Of

---

[1] More on COST A30 Action 'East of West: Setting a New Central and Eastern Media Research Agenda' in the section Notes, Book Reviews, Conferences.

course, the higher it is, the more the media, including especially public service media, are politicised and serve as an extension of the power elite of the given time.

Speaking in more general terms, in January 2004, the Parliamentary Assembly of the Council of Europe adopted a report and a recommendation about PSB in which it called public radio and television "one of the key socio-political and media institutions developed by Western European democracies in the 20th century", but also noted that it was under threat. "It is challenged by political and economic interests, by increasing competition from commercial media, by media concentrations and by financial difficulties". Therefore, the Assembly concluded, "The challenge today is how to preserve PSB in a form suited to the conditions of the 21st century".

Commercial media, as we all know, are on the attack. Their favourite strategy is a semantic one: public service broadcasting, they say, should remain just that – broadcasting (and forget about the Internet or other new technologies) – best in the traditional mould of generalist "one-size-fits-all" channels. Other parts of that strategy are: pressuring governments and international organizations to adopt highly restrictive definitions of the PSB remit, confining it to a role of a niche broadcaster, with a view to then using these definitions to prevent any change or modernization of PSB; blocking its access to, and use of, the new technologies; and using domestic and EU competition law to deprive PSB of advertising revenue; imposing a "monastery" model of PSB, limited to content commercial broadcasters do not want to offer.

In short, the objective is to turn the European PSB into the American PBS. Ultimately, however, this entire campaign amounts to a self-fulfilling prophecy: if PSB can be prevented from modernizing, it certainly will very soon become a relic of the past, fit only to be consigned to the rubbish heap of history.

As for governments, even where they are generally supportive of PSB, they are promoting what a Swedish regulator has called the transition from Autonomy to a Controlled Service model of PSB. This involves locking public service broadcasters into contractual, regulatory and accountability systems. Since these contracts and accountability systems are usually designed by politicians and bureaucrats and based on traditional concepts of the public service remit, they often hinder change and modernization, or the use of the new technologies.

As a result, public service broadcasters are running scared. They are forced in many countries to play safe and to stick to traditional concepts in institutional arrangements, programming and technology instead of experimenting with new ones. Forcing PSB to look backwards instead of forward can only lead to its rapid obsolescence.

As one looks at European countries, one could actually describe PSB as a pawn on a political and ideological chessboard. It seems clear that ideology, and not technology, will be the decisive factor in determining the future of PSB.

PSB was a product of what might be called collectivistic, social-democratic social arrangements (the Welfare State), assigning an important role to the State in providing for the satisfaction of the needs of the individual. An important element of this was the culture of "non-commercialism". Today we live in times of indi-

vidualism, mercerisation and commercialism. Media policy has been redefined sharply, with primacy given to the market as the driving force of media development. Policy-makers and regulators accept the de facto commoditization and commercialization of mass media in the hope that this will set the stage for the media's expected contribution to economic and technological growth. The very notion of the public interest in mass communication is in question. If Europe is to move forward in its economic and technological development, it is argued, the process must be driven by private entrepreneurs. Commercialism is the engine of change and privatisation is seen by some seen as best serving the public interest.

In these circumstances, three approaches to PSB can be distinguished.

According to the first approach, the proper mechanism for the satisfaction of individual and social needs is the market where required goods or services can be purchased. The law of supply and demand, together with the profit motive, will ensure provision of these goods and services. Public sector involvement in meeting these needs is unnecessary and unwelcome. So, PSB should be eliminated.

According to the second approach, the market should indeed predominate, but since it does not meet every need, there is room for the public sector to supplement what the market has to offer. Nonetheless, public institutions should under no circumstances compete with private enterprise, nor engage in any kind of activity that private entrepreneurs might wish to pursue. So, it is said, what we need is "pure PSB" as a niche broadcaster, offering only broadcast content and services which private broadcasters find commercially unrewarding.

And finally, the third approach proceeds from the view that whatever the market may offer, the community still has a duty to provide broadcasting services free from the effect of the profit motive, offering the individual what the Germans call a "basic supply" of what he/she needs as a member of a particular society and culture, and of a particular polity and democratic system. In this approach, the market-failure argument in favour of PSB is insufficient, precisely because that argument should turn on the vision of society we want to live in. The question here is whether we can still preserve a social sphere where values and mindsets other than those of the market can find full expression and can be cherished.

In its report on PSB, the CoE Parliamentary Assembly noted: "Commercial broadcasters also claim that with the shift to multi-channel, on-demand broadcasting offered by digitalization, the market would be able to cater for all needs and therefore would also fulfil the public service obligations currently assigned to public broadcasting institutions. However, there is no guarantee about the quality and independence of such offer, or that it would be free-to-air, universally accessible and constant over time." That, in the last instance, is what PSB is: a guarantee that we will continue to enjoy content provision for the whole of society including information, culture, education and entertainment that enhances social, political and cultural citizenship and stimulates the cohesion of society. To that end, PSB is typically universal in terms of content and access; it guarantees editorial independence and impartiality; it provides a benchmark of quality; it offers variety of programmes and services' catering for the needs of all groups in society and it is publicly accountable.

The future of PSB will depend on which of these three approaches gains the upper hand among the majority of the population.

In these circumstances, the overarching question is to what extent and in which of its aspects PSB needs, and will be allowed, to change – both to remain true to itself and to keep abreast of developments in society and on the media scene and to remain attuned to the needs of the audience. Depending on which approach is prevalent, PSB may increasingly be perceived as an exception to the "normal" rules applying to broadcasting and audiovisual industries, an anomaly, a throwback to the past, for which there is no room in the 21st century. Or it may be allowed and encouraged to adjust to the digital era, to modernize.

Editor-in-Chief: The political situation in Croatia today is focused on EU and on our future in Europe. We are starting negotiations in various fields. What do you think we should focus on in the future talks about issues in the media?

Karol Jakubovicz: Croatia will now go through Chapter 20 of the screening process focussed on adoption of the EU *acquis*, i.e. alignment of your media legislation with the "Television Without Frontiers" (TWF) Directive. The directive establishes the legal frame of reference for the free movement of television broadcasting services in the Union in order to promote the development of a European market in broadcasting and related activities, such as television advertising and the production of audiovisual programmes.

While the EU has acknowledged the cultural importance of the audiovisual industry, and of course the Copenhagen criteria require adherence to certain political and democratic standards, also in the media field, the organization's approach to the audiovisual industry has, as explained by Commissioner Viviane Reding in one of her speeches, proceeded from the fact that, "Under the Treaties, the Community has no independent mandate to shape the area of the media. Rather, the legal bases are "horizontal," in other words they are designed to achieve general objectives of the Community, especially the completion of the internal market […] Community policy in the area of the regulation of media content is thus essentially […] governed and limited by the internal market objective of freedom of movement for goods (including newspapers and magazines, for example) and services (including radio and television broadcasts). Community regulation of content is therefore particularly subject to the requirement of proportionality. It must regulate those matters that are necessary for the completion of the internal market, but may not regulate anything else".

What this means is that one should not look to the EU to provide an answer to the problems of media in Croatia. They must be resolved at home.

Editor-in-Chief: The transition in the West East countries has started in various ways, with various intensities and had a diverse development. When we now discuss media, could we say that our media has 'transformed' or not? If not, when shall that be, which transformation has finished and what is the criterion to judge of such changes?

Karol Jakubovicz: I think we can distinguish a number of principal criteria for assessing the progress of transformation:

The first criterion concerns the reversibility of change: when change (of whatever nature and proceeding in whatever direction) has reached the point of no re-

turn, partial transformation has already taken place (i.e. the old order no longer exists as a functioning system and cannot return, even though no coherent new order has yet emerged). We may call this transformation out of the old order;

The second relates to the achievement of critical mass of transformation into a new order. This is an interim stage when enough features of a new, internally consistent system have crystallized for this system to function, whatever shortcomings or legacies of the past still remain;

And the third principal criterion concerns the consolidation of the new order, coalescing into a new integrated whole.

A Lithuanian author, Marius Lukosiunas wrote in 1998 that "One may probably say that the first phase of the transition – which included the disruption of soviet media system and emergence of the new structure of the media which is capable of integrating Western journalistic practices and is ready to be integrated into the structures of Western media businesses – is over, and the next stage – which is to find its place and voice in united Europe – has just started".

Different authors have provided different criteria for assessing whether transformation is "over" or not. They are:
- Systemic, e.g. transition is over when the problems and the policy issues confronted by today's 'transition countries' resemble those faced by other countries at similar levels of development;
- Concentrating on outcomes, as in the view that transition is over for the post-Communist countries when they become members of the EU,
- And institutional, i.e. whether the old institutions have been dismantled and new ones created.

Transformation can be said to be over when the media of a post-Communist country resemble those of Western democracies rather than those of a Communist state, and when processes of continued change no longer have anything to do with overcoming the legacy of the Communist past.

Editor-in-Chief: To denote some changes in the media sphere in former socialist countries in Central and Eastern Europe, Slavko Splichal used the term "political capitalism" and "re-nationalization". You are using terms like "westernization" and "westification"? Could you explain why these terms are important?

Karol Jakubovicz: Slavko Splichal is using these terms to describe some developments in the media in post-Communist countries. My purpose in using "westernization" and "westification" was different. When democratically-minded people and dissidents sought, while still under the Communist system, to develop a vision of a future media system after the fall of the system, they were trying to design a system of direct communicative democracy, where the media would be controlled by the people and everyone would have a chance to join the public debate. They were not very clear about how this could be guaranteed, but they were clearly trying – and this is psychologically understandable – to develop a direct alternative to the command-and-control system they were living in. I call this the idealistic media policy orientation. It strove to develop a new media system, different from both that of Communist countries and from that of Western countries. However, not much was left of it after the Communist system fell. What has hap-

pened, instead, is "imitative" or "dependent" development, or transplantation of Western legal and institutional solutions, in the media and elsewhere. The EU accession process is a powerful mechanism of enforcing just this approach. I call this the mimetic media policy orientation. So, instead of developing something new and original, we are importing "Western" solutions. This is what I mean by "westernization".

"Westification" is taken from a 1995 paper by Hans Heinz Fabris who formulated four possible scenarios of how the media situation in post-Communist countries might develop:

- "Westification" of Eastern European media: Eastern Europe could become "a supplemental engine for the Western European media industry" and end up with the status of "quasi-colonial dependency;"
- "Germanification" of the Eastern European media landscape, with German media firms investing heavily in, and becoming dominant on, those markets;
- Continuation of two different media cultures, with Central and Eastern European countries regressing into authoritarian regimes;
- "Perestroika" in Western Europe, which itself would adopt the Central and Eastern European pattern of a politicized public sphere, marked by growing nationalism, regionalism and ethnicity.

There are elements of "westification", as Fabris defines it, in the media scene of post-Communist countries, but it would be an exaggeration to say that this fully and exclusively describes the situation.

Editor-in-Chief: What do you mean when you speak of "atavistic media policy"?

Karol Jakubovicz: I have already mentioned the idealistic and mimetic media policy orientations. The "atavistic" orientation refers to the tendency of political leaders in post-Communist countries to believe that they have to control the media to achieve their objectives. There is no doubt that the new power elites were unwilling to give up all control of, or ability to influence, the media. The new governments (even democratically-minded ones) were taken aback and stung by what they considered to be completely unjustified critical treatment from the highly politicized press. They felt cut off from public opinion and unable to deliver their message to the population. Many were beleaguered and insecure and their power base in society was by no means stable. Accordingly, they sought to delay transforming existing monopolistic government-controlled broadcasting systems into autonomous public service systems and even more so demonopolising radio and television which would give their political opponents a chance to start broadcasting to the population. They believed, and some still do believe, that as the new democratically elected governments they deserve the support of, and have the "right" to use radio and television to promote the process of reform, although more often than not this has taken the form of manipulation for propaganda and political purposes.

All this retains many elements of the old centralized command-and-control media system. Though Western European countries are not free from many of the same attitudes and control mechanisms, one could say that the higher the degree of "political parallelism", the more atavistic the media policy in the particular country.

14

Editor-in-Chief: What you think about the "public" and "public opinion" in the countries in transition? Is it thought that we do not have "the public"? Or is it the case of another concept of public?

Karol Jakubovicz: I think that in terms of democratic theory, we can subsume "the public" under the broader term "civil society". According to the 1996 book *Problems of Democratic Transition and Consolidation. Southern Europe, South America, and Post-Communist Europe* by Linz and Stepan's, civil society is one of the "five arenas of consolidated democracy," in addition to political society, rule of law, state apparatus and economic society. For democracy to be consolidated, all of them need to be in their proper places and in appropriate types of complementary relationships. Of key importance in democratic development is the existence of a strong civil society which, as Linz and Stepan put it "helps monitor the state apparatus and economic society," resisting the expansionist tendencies of political society and state apparatus. These always, when given a chance, seek to control more and more of social and public life. If there is a strong civil society, an independent public sphere outside the control of politicians and/or state apparatus may emerge as the social space where independent media, operating as emanations of civil society, rather than political society, may develop.

And that is the problem of post-Communist countries, and indeed of all immature democracies: civil society is weak, or non-existent, and hence it cannot serve as a countervailing force to political and economic societies. In other words, public opinion, representing civil society, can not perform its watchdog function, keeping political and economic societies under effective scrutiny at all times. The media may be full of scandals and condemnation of the wrong-doings of the powerful, but they the question is whether this can translate into political force capable of making them change their ways.

Peter Dahlgren argues that both appropriate institutional conditions and value systems are necessary for civil society to exist, and that civil society and the state constitute the conditions for the other's democratization. What emerges, says Dahlgren is the need for "double democratization" of a democratic state and civil society. In short, civil society must according to this view exist in the context of a democratic state: separate from it, but also organically linked to it.

This view is shared by Dahrendorf who points out that civil society must, in addition to a requisite legal and political framework, have a foundation in a mature democracy and a mature political culture in which civic rights will be respected. It can be built only if there is widespread determination on the part of society to demand respect for, and observance of, individual civic rights, and popular will to hold to account anyone, or any institution, which violates them. This can hardly be done without the support of the institutions of the State.

Dahrendorf sees civil society first of all as a set of civic rights, including primarily everyone's right to participation in, among other things, public life. These rights, he says, "provide the compass which helps us steer the right course between the Scylla of the state with all its competence of power, and the Charybdis of the corporate cartel of organizations and institutions which in some circumstances can be equally dangerous to freedom".

Civil society needs an independent public sphere, which we may describe as the space between government and society in which private individuals exercise formal and informal control over the State: formal control through the election of government and informal control through the pressure of public opinion. In other words, the public sphere is a forum of public debate where citizens can debate issues of common concern, voice and act on their views and seek to arrive at a consensus on matters of general interest. As with civil society in general, the public sphere should be based on the principle of inclusion, of equality of access to the public sphere for everyone.

Editor-in-Chief: I would like to ask you something about the project COST A 30. The Project is very interesting as it assembles scientists and media experts from various countries with the collective idea of creating new media agenda for this field. Is the expanding of EU connected to the fact that this project has been launched now?

Could we conclude that the current situation in media demands the creation of our own theory which would enable us to explain the specific circumstances?

Karol Jakubovicz: I am not sure that anyone is terribly excited by the launch of this project, except perhaps for the people involved. Perhaps other people will be excited when we produce something of value.

As for the need for a special theory, Claus Offe wrote in 1997 that "comparative transformation research on the social and political systems emerging from state socialist regimes is a new social science discipline. This new discipline cannot fully rely on notions and theorems that proved fruitful in analysing the breakdown of earlier authoritarian regimes and their transformation into liberal democracies and even less so on 'modernization theory'".

The problem is that no-one has proposed what this theory should be and how this "new social science discipline" should be practiced. The literature is full of contradictory ideas.

For example, although transformation of post-Communist societies does, naturally, involve their modernization; many authors oppose the application of the modernization paradigm as a theory of transformation. It is, they argue, underpinned by economic and technological determinism, and thus too narrowly focussed to encompass all the aspects of the process of transformation, especially normative and axiological ones. Another view is that it is based on a preconceived normative vision of the expected results of the process.

Others, by contrast, view the process unfolding in post-Communist countries as "accelerated modernization based on the market model" and suggest that the theory of modernization might be the most appropriate theoretical framework to apply in this case.

We might also refer to the view of a Polish political scientist, Edward Wnuk-Lipinski who claims that academic debate has long pointed to the "general inability of social theories to explain (not to mention to predict) the process of transition from authoritarian to democratic regime." His own conclusion is that the best solution is to apply or develop medium-range theory "valid for a definite and limited period and definite space." One way of developing such a syncretic framework might be to combine the theory of modernization (but without its optimistic tele-

ology of westernisation) with at least some elements of the theory of dependent development. An eclectic approach seems to be in order, which more elegantly can be labelled as the multi-disciplinary approach.

Of course, this by no means exhausts the range of theoretical approaches. One could mention the transformation by imitation approach; the path dependence approach; an institutional and cultural perspective, and many more.

Generally speaking, I would be careful about positing the need for a new theoretical approach. No-one has yet proposed one.

In any case, a number of traps are said to await students of post-Communist transformation. These include "exceptionalism" (the view that each country is so different that no comparisons can be made) and "Procrusteanism" (cramming particular, very different cases into the same models or categories). A popular method is one of "example-ism," where general models or regularities are identified and then illustrated with the use of examples drawn from various countries. It is not a very satisfactory method, but it *is* commonly used.

Editor-in-Chief: What, in your opinion, will be the biggest project contribution? And what do you think will the biggest obstacles in the realisation of the project?

Karol Jakubovicz: It is too early to imagine what the project can contribute. It is, however, already possible to say what will hinder its realization: it is the lack of money in the project for research. It has some money for travel, but none for research, and this will constrain us in providing new data and new conclusions from those data.

I think the project will be another stage in a long process of the study of post-Communist countries and their transformation. Let us hope the participants will show commitment and dedication, so we can produce some valuable work.