

# PLURALISM IN THE FRENCH BROADCASTING SYSTEM: BETWEEN THE LEGACY OF HISTORY AND THE CHALLENGES OF NEW TECHNOLOGIES

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## **Introduction**

Broadcasting pluralism is a notion which, at first glance, seems hardly disputable. Everybody agrees that plurality and heterogeneity of sources, channels and programmes are desirable in modern societies and are a prerequisite to a sound democracy. Most governments emphasize pluralism in media as a key objective and media diversity is a normative requirement in many countries.

However, when it comes to determining which techniques and mechanisms can best ensure pluralism, or when one has to evaluate and measure the degree of pluralism in a media system, definitions of pluralism are increasingly ubiquitous (Freedman 2008). There is no consensus on whether diversity can only be brought forth through market mechanisms, and many advocate a strong role of public authorities both as regulator and programme providers. Moreover, media pluralism is usually treated as a supply-side phenomenon (Huysmans and De Haan 2005). While governments and regulators have devised substantial legislation to promote diversity in the content as sent, they generally pay little attention to the diversity of content as received. Finally, technological developments challenge, in many ways, traditional conceptions of broadcasting pluralism.

## **Historical background**

The history of the French broadcasting system can be broken down into four distinctive periods, closely linked to the evolution of French politics (Table 1).<sup>1</sup>

The first period (state television) went from the advent of television until the beginning of the 1970s. It was characterized by a tight political control of the Office of French Radio

and Television (Office de la radio-télévision française - ORTF). Entirely funded by licence fees until 1968, the ORTF enjoyed a triple monopoly: on signal transmission, programming and production. Its employees had a status equivalent to that of civil servants and private management methods were deeply mistrusted. During this period, broadcasting was highly prescriptive. Television was viewed as an instrument to promote culture and education and was not supposed to cater to the tastes of the majority. As a consequence, there was little audience research and no accountability. The government frequently used television to justify its policies and openly interfered with news content. From the government's point of view, political control and cultural ambition went hand-in-hand. This conception was clearly expressed by President Georges Pompidou when he said in 1970 that television was 'the voice of France' at home and abroad, meaning that television had to represent both the views of the legitimate government and the cultural resources of the French nation.

The second period (commercialized state television) began in 1968, when French broadcasting was opened to advertising revenues. But it really fully developed after the decision was taken to break the ORTF up into seven public companies<sup>2</sup> in 1974, following the election of President Valéry Giscard d'Estaing. This reform was intended to bring greater variety and quality of programming, as well as political independence, by introducing competition among public broadcasters. It was also hoped that the specialization of functions would reduce costs. While the 1974 reform did open the way for competition for advertising revenues and audiences among broadcasters, it did not increase their political independence. The Government maintained its right to appoint broadcast executives and still drew the line at private broadcasting.

The third period (regulated television) started in 1982 as a consequence of the Law on Audiovisual Communication, which abolished the state monopoly on broadcasting.<sup>3</sup> In an attempt to set up a buffer between the government and public television stations, the law also established an independent regulatory agency for broadcasting, the High Authority for Broadcasting (Haute autorité de l'audiovisuel),<sup>4</sup> which was responsible for appointing the heads of public channels. In 1984, a licence for a Pay-TV channel was awarded to Canal+, the first private station in the history of French broadcasting. In 1986, a few weeks before the general elections, two more private television channels were granted licences by the government.<sup>5</sup> The change of government in March 1986 pushed the liberalization of French broadcasting a step further. The Law on Freedom of Communication 1986<sup>6</sup> set up a general regulatory framework for a dual broadcasting system, in which private and public television stations coexisted. The responsibilities of the regulatory agency for broadcasting - first renamed the National Commission for Communication and Freedoms (Commission nationale de la communication et des libertés), then in 1989 the High Council for Broadcasting (Conseil supérieur de l'audiovisuel - CSA) - were broadened. Finally, in 1987, TF1, the leading broadcaster, was privatized, which gave the private sector a growing role in French broadcasting. Yet, while commercial concerns became increasingly dominant, the French broadcasting system did not turn into a full marketplace and remained highly regulated as will be shown in the next section of this chapter.

France entered a fourth period with the launch of digital terrestrial television in April 2005 and the transition from analogue to digital technology. This fourth period is characterized by an increase of the number of available channels, a further development of pay-TV (to which twenty eight per cent French household currently subscribe), and a diversification of the delivery

**Table 1:** History of French broadcasting.

	1959-1974	1974-1982	1982-2005	2005 to present
<i>Model</i>	<i>State television</i>	<i>Commercialized State television</i>	<i>Regulated television</i>	<i>Toward market television?</i>
<i>Organization</i>	ORTF as a single body for broadcasting Second channel: 1964 Third channel: 1969	Breaking up of ORTF into 7 public companies: TF1, A2, FR3, Radio-France, SFP, TDF, INA	Authorization of private television: Canal+ (1984), M6 (1986), ARTE (1992) Privatization of: TF1 (1987), TDF (2002). Development of new channels on cable and satellite	Launch of DTT (April 2005) and authorization of new digital terrestrial channels. Development of television on the internet.
<i>Governance and politics</i>	Tight and direct political control of broadcasting by government.	Introduction of specialization and competition within the public broadcasting system.	Establishment of a regulatory agency for broadcasting: Haute autorité (1982) CNCL (1986) CSA (1989)	No change so far, but growing debate about the role, place and financing of public broadcasting.
<i>Financing and economics</i>	ORTF is mainly financed by licence fees, but modest introduction of advertising from 1968 on.	Development of advertising revenues and consequently of audience research.	Growing competition in production, programming, advertising. Emergence of pay-TV.	The broadcasting system is becoming a combination of 4 marketplaces: production programming advertising delivery Further increase of pay-TV.
<i>Conception of broadcasting and viewers</i>	Normative definition of broadcasting as a public service. Viewers are citizens who are to be informed, educated, cultivated and entertained.	Television is not just a public service but also an industry. No clear conception of viewers, but more attention is given to audience ratings.	Television is an industry providing services. Yet, this industry must be regulated and public service obligations may apply in certain circumstances.	Tendency to consider viewers as sovereign consumers who buy television services.

modes (DTT, cable, satellite, Internet, mobile communication). The latter move is especially important as it has introduced more competition in the broadcasting system, which has become a combination of four distinct marketplaces:

- The marketplace for programmes, where broadcasters buy programmes from production companies.
- The marketplace for commercials, in which advertisers buy airtime from broadcasters.

- The delivery marketplace, in which broadcasters buy transmission capacities (cable, satellite or free-to-air) from infrastructure operators.
- The marketplace for television services, where viewers buy (in the form of subscriptions or pay-per-view) programmes from broadcasters.

## **The French policy kit for pluralism in broadcasting**

### *The dimensions of broadcasting diversity*

Media diversity can take different forms which can be ordered along a continuum from production to consumption and include source (or support) diversity, channel diversity, diversity of content-as-sent, diversity of content-as-received, and audience diversity (McQuail 1992; Napoli 1999). However, in what Grant and Wood termed the 'cultural policy toolkit', that is, the set of techniques, measures and tools that public authorities can use to promote culture (Grant and Wood 2004), pluralism broadcasting encompasses two main dimensions.

The first one, which, depending on authors, is called structural, source, organizational or external pluralism, refers to the diversity of channel operators. It relates to concentration issues and is mostly associated with ownership and cross-ownership regulation aimed at preventing one single company from dominating the television system.

The second dimension, respectively called behavioural, content, editorial or internal pluralism, refers to the diversity of programmes provided on each channel. It deals with what is shown on screens and can be analysed through a great variety of indicators, either quantitative or qualitative (Hoffman-Riem 1987; McDonald and Dimmick 2003). These generally include the measure of programme functions (such as information, education, entertainment), genres (movies, news, music shows and so on) formats, social representations (who takes part or who is portrayed in programmes) or geographical coverage.

External diversity is certainly an important condition for pluralism in programming. With a single, monopolistic operator, it is obviously more difficult to offer a large variety of programmes than with many operators. In addition, the concentration of decision making within one authority might be dangerous when it comes to news or political coverage. Yet the degree of competition in the broadcasting system does not necessarily guarantee content diversity. The existence of many owners may not translate into pluralistic diversity if owners hold similar views and values. Market forces can push even diverse owners toward providing similar content, if a large part of the audience prefers the same type of programmes.<sup>7</sup> This is why it is generally considered that pluralism is best ensured through an appropriate set of regulatory measures aiming at internal pluralism and at the diversity of the content provided by each outlet. This is the dominant approach in France.

### *Regulations for external pluralism*

External pluralism is mainly reached through ownership and cross-ownership regulations which aim at ensuring a plurality of operators. The specific missions assigned to public broadcasters are also part of external pluralism, since they contribute to a diversification of the programmes provided to French viewers.

### *Ownership and cross-ownership regulations*

Ownership and cross-ownership in the media sector are governed by the Law on Freedom of Communication 1986, supplemented by subsequent laws and decrees.<sup>8</sup> On the one hand,

various provisions impose limits on concentration of ownership for each type of medium (terrestrial television, terrestrial radio, satellite platform and cable systems). For instance, one company may not hold more than one licence for national analogue service, and the number of licences that a company may hold for digital television services is limited to seven. There is no limitation on the number of cable or satellite channels that one single company may own. Foreign ownership (for example non-European) is also limited to a maximum share of 20 per cent in one broadcasting company. On the other hand, cross-ownership is limited by the so-called 'two-out-of-three situations' rule (2/3 rule) applying both at national and regional levels.<sup>9</sup>

While these provisions seek to ensure political and programming pluralism through plurality of media corporations, they have been criticized on several grounds. Their effectiveness has been questioned, since neither the CSA nor any other specialized agency has the authority to approve ownership changes in the media sector.<sup>10</sup> Thus, when Suez sold most of its share in M6 to the RTL Group, the CSA could only remind RTL of the obligations placed on the channel at the moment of its licensing. Ownership limitations are also said to be excessively rigid and do not allow for quick necessary adjustments in such a fast-developing sector as broadcasting. Finally, there is a constant tension in France's ownership regulations, as they seek to reconcile the creation of major communication groups able to compete with other multinational holdings at an international level (which requires some concentration), with pluralism and diversity of the media (which requires anti-monopoly regulation). Successive governments have coped with this challenge in different ways in the past. When the (then) public broadcaster TF1 was sold off to private interests in 1987, the Hachette group's bid failed, in part because of its strong presence in print media. Ten years later, both President Jacques Chirac and Prime Minister Lionel Jospin applauded and supported the acquisition of Seagram (Universal) by Vivendi.

To date, the main effect of cross-ownership regulations has been to keep broadcast media apart from print media. These regulations have not closed the audiovisual market to foreign companies, as is demonstrated by the rampant Americanization of cable operators and in the takeover of M6 by the RTL Group.

#### *The specific role of public broadcasters*

Regarding pluralism, the broadcasting law of 1986 assigns very broad missions to public broadcasters.<sup>11</sup> As a general principle, they must:

supply a wide range and diversity of programmes, covering the areas of news, culture, knowledge, entertainment and sports. They must contribute to the democratic debate within French society as well as to the social inclusion of citizens. They must ensure the promotion of the French language and reflect the diversity of cultural heritage in its regional and local dimensions. They must contribute to the development and diffusion of ideas and arts. They must also spread civic, economic, social and scientific knowledge and contribute to media literacy.<sup>12</sup>

In addition to the general programming obligations applying to all television broadcasters, public television and radio stations have specific obligations, which are stated in their terms of references (*cahier des charges*). These can be divided into three categories: public service

missions, the expression of political, social and religious forces, and requirements for cultural programmes.

*Public service missions:* Public broadcasters must air general interest messages, such as health and road safety information, programmes to inform consumers about their rights (ten minutes per week in primetime on France 2 and four minutes per week in primetime on France 3), and programmes aimed at integrating foreign residents. Public broadcasters are also required to take part in public welfare campaigns by providing free airtime to organizations designated by the government to be in charge of defending an issue of national interest.<sup>13</sup> Public broadcasters may also be required by the government to broadcast at any time any official declarations or messages of the government to the French people.

*Expression of political, social and religious forces:* Public broadcasters must provide free airtime to political parties represented in Parliament and to those unions and professional associations considered to be representative at a national level. The amount of time allocated to these broadcasts and their format are determined by the CSA. For political parties, the time allocated is proportional to the number of their MPs.<sup>14</sup>

These provisions have raised two sorts of criticism. Political parties and unions have complained that their broadcasts are not scheduled at convenient times. More importantly, no airtime is provided for political parties not represented in Parliament or to unions that are not considered as representative under French law. This illustrates how, in France, the notion of political or social representativeness follows an institutional approach, rather than taking into account the actual influence of organizations.

France 3 is also obliged to cover the activity of Parliament through a weekly live broadcast of Parliamentary sessions devoted to MPs' questions to the government. France 2 has to broadcast religious programmes. These are mainly broadcast on Sunday mornings, but also in late-night shows, and amounted to a total of 193 hours in 2002, including Catholic (78 hours), Protestant (31 hours), Jewish (26 hours), Muslim (25 hours), Orthodox (18 hours) and Buddhist (13 hours) rites.

*Requirements for cultural programmes:* Finally, public broadcasters must broadcast a minimum of fifteen public musical, dance or drama performances per year. They also have to broadcast music programmes – two hours per month on France 2 and three hours per month on France 3 – with at least 16 hours per year devoted to concerts. Finally, France 2, France 3 and, above all, France 5 must regularly broadcast programmes on science and technology and the social sciences, although there is no quantitative requirement for this kind of programming.

The cultural programming of France 2 and France 3 represent between 9 and 12 per cent of their total schedule. For France 5, which has a special focus on knowledge and education programmes, it is almost 50 per cent of total programming. Public broadcasters are doing better in this area than private broadcasters. Yet, it should be noted that only a small part of this offering is scheduled at peak hours (from 18.00 until 23.00 o'clock). In this respect, the cultural programming of commercial broadcasters at peak hours is higher than that of France 2.

Overall, as a combination of their programming obligations and of their editorial strategies, the output of public broadcasters is somewhat distinctive from that of commercial broadcasters.

Public channels air regular political shows which are nonexistent on commercial broadcasters. Unlike commercial broadcasters, public broadcasters have so far refrained from going into reality television. Some of the programmes of France 3, including *Des Racines et des Ailes* ['Roots and Wings'], a magazine exploring the artistic heritage of landmark cities throughout the world, and *Thalassa*, a discovery magazine covering a wide array of stories related to oceans and seas, are widely acclaimed for their quality. However, public broadcasters' programmes do not gain high ratings<sup>15</sup> and their differentiation from commercial broadcasters is not necessarily perceived by viewers. According to a poll taken in September 2006, 26 per cent of French viewers considered there to be major differences between public and private broadcasters, 30 per cent some differences, 33 per cent little difference and 7 per cent no difference. In addition, 30 per cent of viewers thought that the ideal of public service broadcasting was best embodied by private broadcasters (TNS-Sofres 2006).

#### *Regulations for internal pluralism*

Internal pluralism relates to the diversity of programmes, which is also one of the CSA's remits. It is intended to promote information fairness in the coverage of politics, to protect the French culture and, more recently, to ensure the representation of minorities within the French society.

#### *Political pluralism*

Regarding political pluralism, the CSA has set up several guidelines, basically all revolving around the idea of equal time provision. Until 2000, all television stations had to comply with the so-called 'three-thirds rule' when covering political activities. This meant that stations had to devote one third of their airtime to government officials, one third to the political parties represented in Parliament which supported the government, and another third to the political parties that represented the opposition in Parliament.

In January 2000, the CSA amended its policy on political pluralism on television and established new standards, known as the 'reference principle'. On the one hand, the CSA adjusted the three-thirds rule, by requiring an 'equitable' access to television for those political parties not represented in Parliament. On the other hand, the CSA stated that, besides quantitative indicators focused on politicians' public statements, a more qualitative evaluation of the coverage of politics by the media was needed. This meant that television channels had to take other parameters into consideration, such as the duration, format and audience of programmes devoted to politics.

Practically, it seems that the new reference principle inaugurated in January 2000 has only changed the 'three-thirds rule' into an 'about 30 per cent-30 per cent-30 per cent and roughly ten per cent' rule. Judging by the official statements of the CSA, it is not clear how the qualitative assessment of political coverage has been implemented.

During electoral campaigns a special regime applies, the details of which are set up by the CSA depending on the nature of the election. For instance, for the presidential election (the major election in France), three periods are distinguished. In the first period, which covers the so-called pre-campaign or non-official campaign, broadcasters must ensure that all candidates for public offices have 'equitable' access to the screen. The term equitable has not been precisely defined by the CSA, but from the observations and comments made by the CSA, it can be inferred that it means proportional to the public support gained by candidates as

registered in opinion polls. The second period starts when the list of candidates has been officially established by the Conseil Constitutionnel (the High court in charge of supervising the election), about one month before the first round. During this period broadcasters must give equal time to the public statements of candidates and cover, in an equitable fashion, the rest of the candidate's activities. The third period concerns the official electoral campaign which starts two weeks before the first round of voting. From this point on, an equal time provision applies and broadcasters have to devote equal airtime to each candidate.

Formerly a major issue in French broadcasting, the coverage of politics is now much less debated. The major parties are generally content with the current situation. However, opposition parties criticize the fact that the airtime devoted to the President is not regulated and claim that it should be counted with the time allocated to the government.<sup>16</sup> This makes sense if one considers that the President often behaves as the head of the majority in the Parliament. However, the CSA as well as the current government argue that there is no reason to limit the President's airtime since, under the French constitution, he represents the whole nation and not a specific political current.

*Cultural diversity:* The defence and promotion of French culture is a cornerstone of French broadcasting regulation. Successive governments, of the right and left alike, have constantly held the view that cultural and media products are different from other forms of merchandise because they encapsulate part of the country's identity. As a result, France – backed by some other countries such as Canada – has become the leading exponent of a 'cultural exception' to free-trade principles and championed the right to support and protect the development of a local, creative and pluralistic cultural life (Cocq and Messerlin 2005). It should be noted that in an interesting tactical move initiated in 2000, the notion of cultural exception has been rephrased more positively as 'cultural diversity'.

This concern is reflected in various programming obligations and restrictions as well as in provisions to encourage French-language productions or to support the production of French movies.

*Diversity in the offering of movies and TV series:* French broadcasters are subject to various programming and production obligations and to a complex system of quotas, which have been primarily designed to benefit French cinema. Some 60 per cent of the movies and series broadcast by television channels have to originate from European countries and 40 per cent from French speaking countries, which include non-European countries, notably Canada.<sup>17</sup> Moreover, free-to-air broadcasters must allocate a minimum share of their total revenue from the previous year (3.2 per cent since 2002) to the production of European movies.<sup>18</sup>

In addition, since 1986, France has established a subsidy scheme to support the production of French movies and audiovisual works. All television channels, whether terrestrial or distributed on cable and satellite, must contribute around five per cent of their net revenue from the previous year to the Fund for Support of Programmes Industry (Compte de soutien aux industries de programmes – COSIP), which also draws cash from taxes on movie theatre tickets, video rentals and text messaging by telephone. The COSIP then allocates grants and subsidies to French movies and producers of audiovisual works. The COSIP therefore operates as a cross-subsidy mechanism between advertisers and producers, and



also between foreign and French producers. For instance, the more successful an American movie is at the box-office (and hence, the greater the collected tax), the more significant the subsidies to French producers will be. The COSIP can be ironically described as a system through which American cultural imperialism nourishes French cultural diversity. Some suggest that the COSIP, by making cinema the privileged branch of the French culture industry, has contributed to a comparative weakness of French TV fictional programmes (Dagnaud 2006). It has nevertheless helped to protect and nurture the French movie industry, 'making France one of the few international points of comparatively successful resistance to Hollywood' (Gibbons and Humphreys 2008).

*Representation of multiculturalism in contemporary France:* The representation of multiculturalism in contemporary France only became an issue – although not a prominent one – in the late 1990s as part of the general political agenda on the social inclusion of people coming from foreign countries (about ten per cent of the total population (see Haut Conseil à l'Intégration 2005)). Media observers and analysts have often underlined that the multicultural diversity of France is very poorly reflected on French television. The conference 'Colourless screens' organized by the High Council for the Integration and the CSA on 26 April 2004 noted that, despite positive changes in the depiction of French society's diversity in youth programmes and fictional programmes, people with foreign origins were under-represented among journalists and show hosts.

While there is a consensus on this issue, it is not clear how regulation in this field can be implemented, given the traditional opposition of France to any form of communitarianism. Under the French Constitution, all citizens are considered equal whatever their origin. Ethnic groups must not be identified as such and cannot be counted in any way.<sup>19</sup> Consequently, policies on positive discrimination cannot be implemented and are opposed by many political parties, as they are considered a first move toward a 'communitarian' society at odds with the French republican ideal. From a legal perspective, only negative discrimination – for instance, denying a person a job on the grounds of their origin – can be combated, which is often difficult since evidence can rarely be gathered.

Within this peculiar context, a new obligation was nevertheless added in 2001 to the terms of reference of France 2 and France 3, whereby the two public service broadcasters had to promote 'the different cultures constitutive of the French society without any kind of discrimination'.<sup>20</sup> Similarly, the licensing contracts of the private broadcasters were changed to ensure that their programming reflects 'the diversity of origins and cultures within the national community'. Besides its general and somewhat abstract obligations, as of January 2004, France Télévisions implemented an action plan (see France Télévisions 2004) that includes measures to increase the representation of foreign people who live in France in programmes and debates. Since 2001, France 3 has had a special week to promote integration and fight discrimination, during which the programming schedule of the public broadcaster is focused on foreign people living in France and French people with an immigrant background. The station has also established a training scheme for young journalists with an immigrant background, in cooperation with two schools of journalism. Similarly, private broadcasters have committed themselves to the promotion of diversity. Thus, TF1's Annual Report for 2007 states that

TF1 sustained the efforts of previous years towards the diversity of cultures and racial origins in the audiences and the candidates in television game shows. Reality TV programmes systematically include candidates who reflect the diversity of the French population. For TV drama, in-depth work has been carried out with producers and casting agencies to enhance the visibility of actors from minorities in roles of identifiable professions (doctors, judges, lawyers...) The editorial teams now include a number of incumbent journalists and presenters who are visibly from minorities. (TF1 2007: 27)

### **New technologies: Opportunity for, or challenge to, pluralism?**

Over the last 20 years, the French broadcasting system has come to know an increasing commercialization. However, its structures have changed little and have been only marginally affected by the development of new communication technologies. The implementation of new communication technologies has been a difficult process in France. In contrast with some other European countries, and despite an ambitious plan launched in 1982 (Vedel and Dutton 1990), only 2.1 million of French households subscribed to cable television at the end of 2006 (CSA 2007). Similarly, satellite reception has slowly developed in the last decade and is doing just a little better than cable with about 3.8 million households subscribing to Canalsatellite, the French satellite operator, and an estimated 2 million accessing channels available through Eutelsat or Intelsat satellites. In other words, this means that in 2006 around 70 per cent of the 25.1 million French households would only watch the five free-to-air channels available in France.

This situation is nevertheless changing. This is, first, due to the introduction of Digital terrestrial television (DTT), which began in April 2005 and allowed the introduction of twelve additional free channels. As of March 2008, it is estimated that 37 per cent of French households are equipped to receive digital TV. According to government plans, the full deployment of DTT will take place by the end of 2011. In effect, the transition from analogue to digital has been used by the French government and the CSA as a way to smoothly introduce more competition and new players in the broadcasting system. Because it is gradual, DTT does not appear as a big bang in the system and its development over several years should allow old players to adjust to a more open environment by offering additional channels themselves.

Second, the Internet is becoming a new medium to carry TV services. After a slow beginning, the penetration of the Internet has dramatically increased since 1998 and by the end of 2007 about half of French households had an Internet connection. This growth is linked to the fierce competition among French access providers that pushed down the connection rates and also led to a steady development of broadband connections. As a result, watching TV or video excerpts on the Internet has become quite popular. Surveys by the consulting firm Médiamétrie have shown that over twenty per cent of French Internet users do so regularly.

By allowing access to an increasing number of channels, DTT and the Internet contribute to a greater diversity of choice for viewers. More generally, the development of a digital environment offering a multiplicity of sources seems to support pluralism in broadcasting. However, new technologies also undermine media pluralism in several respects. First, as already stated above, the quantity of available channels does not necessarily result in an increased variety of content. When, as in broadcasting, media are dependent on advertising, there is a tendency towards product homogeneity and to under-serve minorities (Doyle 2007). Moreover, the growth in

television channels will mean more outlets chasing programmes and, in many countries, this will result in more imports from the US. Because of their limited resources, many new channels will schedule cheap programmes or they will adapt already-popular formats in order to minimize their investments and financial risks. Second, the digitalization of communications logically leads to convergence strategies, the same content being carried over different networks. This will inevitably push towards consolidation and concentration of ownership in the media industry. To remain competitive in a multimedia world and recoup huge investments in infrastructure and programmes, media companies will have to make alliances or to merge (Sanchez-Taberero and Carvajal 2002). Third, the expansion in the supply of programming as a result of DTT and other technologies will inevitably lead to a reduction in the audience-share of public broadcasters. This will make more acute the traditional dilemma that public broadcasters face: if they try to emulate the output of their commercial rivals, they are criticized for not fulfilling their public service mission; conversely, if they schedule more demanding and highbrow programmes to highlight their educational spirit or to foster the quality of public debate, they are criticized for being elitist, boring and spending too much money on very few viewers. In any case, the place and role of public broadcasters will be questioned. Finally, the multiplication of channels and conduits for TV services weaken the capacity of governments or regulatory agencies to regulate the contents provided on new channels. DTT will bring about a more complex and heterogeneous system in which quotas or scheduling regulations will be difficult to design and implement. Nobody knows how the hundreds of video services available on the Internet, and originating from individuals or from outside France, can be regulated or even monitored. More essentially, new technologies put to question the intervention of public authorities in broadcasting. Traditionally, the role of public authorities in broadcasting has been justified by two main reasons (Pool 1983): spectrum scarcity<sup>21</sup> and public interest linked to the political and cultural effects of television and radio services on society. With the development of digital technologies and the Internet, there is no longer spectrum scarcity and no longer a bottleneck that would justify the action of public authorities. If television regulation is needed in a digital world, it may only be for reasons of public interest. But, then, it remains to be determined how public interest in broadcasting can be best identified.

### **Conclusion: Broadcasting pluralism from a viewer perspective**

As noted by Denis McQuail (McQuail 1992), the notion of public interest is quite elastic and may be given different meanings. However, all approaches to public interest recognize that the notion is closely linked to values and norms which are considered as central by a society. Consequently, regulating broadcasting pluralism in the name of public interest implies a set of normative preferences in terms of media content: which kinds of programmes are considered essential for the society?

In France, these preferences have long been established by political authorities. It was the time of the ORTF when television was defined in a prescriptive fashion (see first section of this chapter). There are now growing pressures to determine the preferences through market mechanisms. As private broadcasters assert, the market is in itself a democratic medium: viewers vote with their remote control and programmes that cannot secure an audience are replaced. This concept may be appealing to a new generation of French audiences which has always known broadcasting as a competitive and commercial system. However, this approach

is not fully satisfying. Audience ratings do not measure viewer preferences, but only which programmes viewers chose within a limited offering. In addition, audience ratings give more weight to heavy viewers.

Between the market and a hierarchical imposition of programming priorities by public authorities, another approach is possible. It would consist of involving citizens in broadcasting regulation. So far, in France, citizens' participation in broadcasting regulation has been very low. Citizens are rarely involved in the CSA's decision-making process. Hearings are often closed to the public and the CSA's action mainly involves experts and professionals. Viewers are not represented in the governance structures of the public broadcasters. Some simple steps could change this situation. For instance, citizens' consultation could be made mandatory when broadcasters' licenses are to be renewed; the CSA could request public comments when reviewing the programming activities of broadcasters; the development of viewer associations could be encouraged through public subsidies and free-airtime allowing them to promote their action. In any case, as Des Freeman suggested, 'we need to win back a notion of diversity that is based on citizens' engagement with and interrogation of the world rather than the idea that diversity can be measured simply through the number of organizations and channels' (Freedman 2008).

## Notes

1. For additional data on the history of French broadcasting and another perspective, see Bourdon 1994.
2. Three television companies - TF1, Antenne 2 and FR3; one radio company - Radio-France; Télédiffusion de France - a company in charge of managing the technical process of broadcasting; Société française de production - a production company in charge of providing high cost programmes to broadcasters; Institut national de l'audiovisuel - entrusted with maintaining public broadcasters' archives of programmes, professional training of public broadcasters' employees and research in the field of new broadcasting technologies.
3. Law No. 82-652 of 29 July 1982 on Audiovisual Communication.
4. For a history of the High Authority, see Chauveau 1997.
5. The two stations were La5 and TV6. La5 was run by the Italian media mogul Silvio Berlusconi, and then bought by the French Lagardère media group. La5 went out of business in 1992. It should not be confused with La cinquième, the public channel set up in 1994. TV6 was replaced by M6.
6. Law no. 86-1067 of 30 September 1986 on Freedom of Communication. This law remains the basis for the regulation of French broadcasting although it has been modified and supplemented by 38 other laws. This can be confusing for outsiders since specialists may either refer to the initial law of 1986, as modified by subsequent laws, or to a specific law passed subsequently, modifying the 1986 law.
7. For example, assume that two thirds of the audience like a programming of type A, twenty per cent like type B, and fourteen per cent like type C. In such a situation, three competitors tend to offer the same type of programming A in hopes of getting a twenty two per cent share of the audience, which is more than they could get by offering either programming B or C. See: Owen and Wildman 1992, Baker 2002.
8. For a detailed presentation, see Vedel 2005; Derieux 2008.
9. A company may not meet more than two of the following criteria: holding a licence for one or several terrestrial television services reaching more than four million viewers; holding a licence for one or more radio services reaching more than 30 million viewers; publishing or controlling one or several

daily newspapers with a national market share over twenty per cent. (An equivalent rule applies at the regional level.)

10. The CSA must be just notified of significant changes (over ten per cent of capital) in ownership. Law on Freedom of Communication 1986, Art. 38.
11. The public TV broadcasting sector currently comprises five channels: two general interest channels (France 2 and France 3), and three specialized channels (France 5: education and culture; France 4, live shows, music and special events; France Ô: devoted to French regions outside metropolitan France).
12. Excerpt from the Article 43-11 of the Law on Freedom of Communication of 1986.
13. Each year, a national cause is chosen by the government: action against the Alzheimer disease in 2007, equal opportunity in 2006, action against AIDS in 2005, promotion of fraternity in 2004, integration of disabled persons in 2003.
14. For instance, in 2006, the Communist Party was awarded the right to use five broadcasts (overall, 18 minutes) while the Socialist Party was given twenty five broadcasts (90 minutes overall) and the Union for a Popular Movement (*Union pour un mouvement populaire*, UMP), which had the majority in Parliament, 45 broadcasts (162 minutes overall). For unions and professional associations, a similar regime applies. In 2006, each of the twelve selected organizations of national importance was allocated ten broadcasts (36 minutes overall).
15. On average, out of the top 100 most popular television programmes, only four to five originate from public broadcasters (see Médiamétrie 2007).
16. In January 2008, the three major TV channels devoted more than three hours to the President's public statements in their news edition. Altogether, the President, the government and the majority party in the parliament received some 7h30 as opposed to about 3h for the opposition parties at the Parliament.
17. This requirement applies to the entire schedule and also specifically to primetime hours, from 20.30 to 22.30, in order to avoid the programming of European or French-language programmes only during late night hours.
18. With the exception of Canal+ which must devote twenty per cent of its annual revenues to movie production. France 5 is exempted from this obligation because it does not broadcast movies.
19. Any mention of ethnic origin, colour or religion in official documents and reports of private or public companies is illegal according to the French Penal Code. For example, a company is not allowed to keep records of its employees' national or ethnic origin, even for private purposes. The notion of 'visible' minorities, that some people use, has been sharply criticized because it would legitimate discriminations based on the color of skin or physical traits.
20. Article 2 of the terms of reference of France 2 and of France 3 (same text for both).
21. The argument goes as follows: given the limited number of frequencies, uncontrolled use of the spectrum would result in chaos or in the domination of the most powerful actors. Regulation by public authorities is therefore necessary and takes the form of licences to operate stations. In exchange for licences, TV operators agree to comply with programming requirements.

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