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Working Paper Series

State into Public: The Failed Reform of State TV in East Central Europe

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The Joan Shorenstein Center

PRESS • POLITICS



•PUBLIC POLICY•

Harvard University
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1. A decade of freedom and disillusionment

The exceptional history of Eastern Europe in the past ten years lead to the concentration in a small period of time of a history that would have normally taken many years. The fate of public television is illustrative in this respect. In only a decade public television in former Communist countries evolved from at first the most powerful propaganda instrument (traces of this can still be found at the Serbian Television) to chairs of liberation (the public may still remember the 'Live Romanian Revolution') and finally to a position of increasingly minor media and political actors. This evolution was not only more concentrated than the similar Western European experience, but also substantially different. Freedom of the press and deregulation of broadcasting in ECE¹ emerged in an unstable political and social environment, in societies yet searching for an identity and a normative system to replace the old Communist one. The legacy of the Communist times, consisting both in legislation and legal culture, the transition with its mixture of inflation and fiscal austerity policies, and the desperate power struggles between the old and the emerging political elites also shaped the fate of public television, the once all-powerful media actors. The final result was an aggravation instead of an amelioration in the condition of these institutions. Ten years after, although Parliaments passed legislation that at least formally transformed state into public television, commercial stations became leaders of the market while public stations face growing deficits and a crisis of legitimacy.

Few studies focused on the role of the media and especially broadcasting, in newly-formed democracies, on the relationship between media and the emerging political and social order (O'Neill:1998:3). The most notable contribution is Colin Sparks' (1995, 1998). Although some degree of political subordination of public television by governments can be found in Western European countries as well (France and Italy are the best known examples), Spain, Greece and Portugal only are models closer to the East European situation. These second-wave democracies were, however, authoritarian and not totalitarian regimes: some degree of escapism is usually not only permitted, but even encouraged in such regimes, while in totalitarian countries it is not the formal acceptance of the regime, but the internalization of its official ideology which is the main concern of the rulers. Totalitarianism, as religion, is indeed intent on conquering souls: its use of television for this purpose could be the object of many studies. There are therefore almost no useful

¹ Abbreviations used are: PT- public television ; ECE- East Central Europe; EBU- European Broadcasting Union; EU- European Union; EC- European Commission; CE- Council of Europe; TVR- Romanian Television; CT- Czech Television; BC- Broadcasting Council; MTV –Hungarian(Magyar) Television; PTV- Polish Television; BTV- Bulgarian Television

theories to retort to when studying the transition of East European media from totalitarianism to the free market society, and I could not agree more with Sparks when saying that *Four Theories of the Press* is 'completely useless as reference point' (Sparks: 1998: 179) in order to understand the developments of post-communist media.

To understand the situation of Eastern European media after communism it is also worth noting that freedom was not granted, but taken as the first consequence of liberalization. Only later it became institutionalized to some extent; in some countries journalists opposed any media regulations from fear they will be used to hinder their freedom. Even when regulations were eventually passed, pirate radio stations continued to broadcast without a licence (Poland, Romania). Some countries were slower than other in privatizing state media, but this helped little in controlling the media, since new private newspapers and radio stations appeared overnight. The governments, either post-communists or anti-communists, inherited the control of the monopolistic television, some of the Communist press also survived, but -at least initially- hundreds of new newspapers started, and this furious outburst of expression is perhaps, as Gaspar Miklos Tamas noticed, the most important phenomenon of the transition (GMT: 1999). New regimes proved however as intent in keeping control over state media as the Communist regime had been and state television remained in many instances only a mouthpiece of the governments (O'Neill: 1998: 2). However, since all countries of the region became first members of the Council of Europe, then associate members of the European Union they became subjects to the latest European policy on broadcasting, mainly the 'Television without borders' directive. This led in only a few years to the deregulation and liberalization of the television markets. *Private television was therefore established before the governments had resigned to free public stations, thus prompting democratization, and showing politicians that more subtle ways of using the media must be found in the context of the new pluralism.* The Romanian state television, for instance, presented the defeat of the post-communist government in the 1996 local elections as a victory, but since other three private channels had already been broadcasting this only damaged its credibility. Discussions on the 'public interest' were also fast left behind by the reality, as the new commercial broadcasters broke all the engagements they had made when receiving the authorization to broadcast, so the laws had to be revised in order to suit their needs- and the publics' need to have commercial stations.

It is a common feature of transition that shows here: the new world is not the one people have dreamed of during communism, looking at Western Europe. That model of Western Europe has either by now changed so radically that it practically vanished, or is inaccessible to East European countries. The transition

towards 'Europe' is like a ship heading to an ever-changing shore you know how it looked like when you embarked, but you have no idea what it will be by the time you land.

2. Aims of this paper; a model of public television

The focus of this paper is the crisis of East European state television, its difficult or sometimes failed transition from the state to the public, in the new environment made up by European regulations, political pluralism and free market. The countries I am looking at are the Czech Republic, Poland, Hungary, Romania and Bulgaria. The period of time I look at is from the onset of democratic regimes in 1989 or 1990 till today, which means before and after broadcasting legislation was adopted in all these countries. The analysis I made is based on the study of new broadcasting legislation, and the interviews I made with executives of public television, private television, politicians and media analysts in the fall of 1999 in Poland, the Czech Republic, Hungary and Romania. Last but not least my two-years experience as director in charge of reform of the Romanian Television, and their invaluable advice I received from Western colleagues during that time made this paper possible.

Deregulation of the television markets provoked a wide debate in Europe over the role of the television, and it was rightly stressed that you cannot have a conception of broadcasting which is out of step with a larger conception of society (Tracey: 1993: 19). The two main philosophies concerning public television, economic and democratic, are usually presented as being mutually exclusive (Atkinson: 1997). However in this paper I will try to use both in the same time as I think in a society transiting in the same time from totalitarianism to democracy and from command economy to market the two approaches are not exclusive, but in fact complementary. Therefore, I shall look at the independence of state television, that meaning the freedom of both managers and journalists to run PT and its programs as they see fit, as in any media outlet, and to the performance of state television to transform itself into an institution able to adjust to market competition and survive. I admit there is an essential difference between public and private television: the challenge of legitimacy is more important in the case of PT. In order to justify its public funding PT cannot afford to be partisan: it has to be objective and act in the public interest. The difference between state and public television lies in the editorial independence; state television complies to the interest of the state (namely the government) while public television is a 'trustee' of the society, performing a role which requires its absolute independence from the government. This means that I accept in part that public television must have a 'mission' as adepts of the democratic philosophy think. I am however more modest

than to say that this mission is to educate citizens and provide them with a cultural and national identity. I think other institutions are called to pursue this more in-depth approach and that television is simply not fit to high culture. Its mission as I see it is to provide all the necessary information for a citizen to facilitate his or her enlightened participation to the democratic process, that is, objective, in-depth and prompt information. This might seem as a minimal role but in fact it is not. In the European practice it is quite difficult to attain, although the enlightening model of the BBC is there to show this goal is possible. Any further addition to this basic mission is only hindering the freedom of a media institution to search and define its own identity, and this freedom is vital for the survival of any institution, not only a media one. As former Secretary General of the Council of Europe, Catherine Lalumiere put it:

'The independence of public broadcasting is vital for a democracy(...). Some say independence from the political power is only a dream. I'd say it is a necessity' (Lalumiere:1993:18).

I am however close to the approach of the market philosophy in a few important points that I think complement this model of public television I propose. One has to understand that state broadcasting during communism was very different in its essence from state broadcasting in democratic societies, even with some governmental interference. Journalists of public broadcasting enjoyed the trust of the communist parties: schools of journalism were either infiltrated by the Communist ideology or simply, as in Romania, only sections of the special school for apparatchiks of the party. Funding came from the state budget. Employees had tenure regardless of their performance. Therefore we can consider state television as a part of the public administration, as it is funded by the state, providing a public service and performing an administrative function. It is not by chance these organizations tend to be over-staffed. Indeed as we shall see in more detail later their staffs develop a self-interest seeking behaviour very similar to bureaucracies in oversized states. The passage from state funding to licence fees was not welcomed by these institutions since licence fees are not reliable revenues. Indeed as late as 1999 an executive of the Hungarian television explained me that the only solution for the financial crisis of MTV is return to complete state funding.

I tend to look upon the reform of these public organisations in the context of the general reform of the administration in EE countries. Some advisors and politicians tried to include public broadcasting companies in this general approach to reform, but collectivism of either the staff or the members of the Parliament were overall effective in preventing this approach to reach its ends, thus leaving public broadcasting companies in a sort of institutional vacuum. In the model I propose PT has little choice but to look upon itself as a public organisation which needs to become a consumer-oriented service and improve its performance in terms of audience ratings, financial revenues and cost-benefit evaluation. Here, as for the rest, EE institutions have little choice but step into the contemporary approach in the West instead of

remaking the history of the West. For one thing, they are too poor to allow themselves to search very much to arrive late to an economic rationale they could decide for early. For another, as applicant countries to the European Union they seem to have little choice but to become capitalist even in the harder way. The main institutional logic- in fact the only one- requires to devise institutions less and less dependent of the state resources and a management able to make the institution survive through economic ordeals and keep consumers satisfied. The alternative to managerialism or new public administration approach in this post-Communist decade was not a different vision, but the absence of any. If in the case of pure administration models are needed to show they also can be considered in the market and facing competition (Doel: 1979) in the case of public television the emergence of private stations should be enough. In practice it is not: both Socialists, because they are old-fashioned socialists (successors of Communist parties) and some liberals who defend fair competition claim public television should not consider itself endangered by competition in any way and pursue its old programme policies regardless of audience ratings. They do not say, however, how public television is supposed to survive if giving up its share of audience and its legitimacy as collector of a licence fee and reducing itself to a minimalist role such as the PBS in United States.

Good television is therefore competitive television, and the main indicator of performance is a quantitative indicator, the market share. A second indicator is 'identity', which is more of a quality indicator. The more a channel is identified with specific, good quality programs that cannot be found elsewhere, the more this channel produces 'good television'. Criteria for the evaluation are more elitist this time: more than the evaluation of the public it is the opinion of professional elites, such as journalists and critics, which matter here. However the two tend to coincide in many cases. Saying for example that Euronews is better than it used to be before being managed by ITN I make a statement that is common among European journalists: since ratings for Euronews kept getting better it seems this is also the judgement of the public.

Some issues of independence have a strong effect on performance as well. There is however a clear separation between areas which are controlled by the broadcaster (internal organisation, human resources and programme policy) and areas which are decided politically.

3. The West European experience

Until now I mentioned only what makes the exceptional character of EE television. However, many of the problems state television faces in these countries are common to the problems their Western equivalents met a few years ago and were not entirely successful in putting behind them. These problems are said to be brought about by deregulation imposed either by technological developments or the European directives

liberalizing the market, but in fact they only surfaced on this opportunity and in many cases had a previous existence.

Achille Yves classified these problems in an 'identity crisis', a 'financement crisis' and a 'organisational crisis'.

'Identity crisis: to what purpose does a public broadcaster exist today and how can it be justified in a competition environment?

Financement crisis: on what basis does the financement of what television be secured? Budget grants become quite hard to assume by states that display tight budget policies and, in general, take an increasing liberal stand.(...) It rests only on the increase in advertising or sponsoring, but this implies a less ambitious programming, close to the commercial television.

Organisation crisis: the organisations of the public sector grew in situations of relative abundance when the problem of costs was not as imperative as it became nowadays. This is why the structures of the public service are not adapted to the present financial and programming challenges. The heavy organisational structures and the overpowerful unions close to corporatism hinder the motivation and creativity of the staff. (Achille: 1994)

The crisis of the European public television is mainly a crisis in the conception of such institutions. Initially conceived as state monopolies in an era when television (comprising education, information and entertainment) was seen as a public good the states must provide, these channels are what the French call 'generalistes', that is, comprehensive channels. Their initial mission was to cover everything from entertainment to national theatre and news. Programming a high culture show after a popular drama, then a children's show, then news and then opera can work only if the channel is the only one in the market: any scheduler knows otherwise this type of scheduling is a disaster. Most of these programmes were also in-house produced programmes, due to the monopoly of these institutions. This means that the organisation is nowadays left with a drama department, children's, fiction, music, game shows and so on. Due to the European labour legislation at least in continental Europe most of these people do not work under a temporary contract but under permanent contracts, so the organisation must continue to produce everything in order to support them for the entire duration of a life-time. In some countries of continental Europe unions are also very powerful and have a say on management of PT.

These are the general problems of PT in Europe. Domestic legislation and adaptability of the management created quite different situations from country to country, so more than one pattern can be distinguished in the adjustment response to the same crisis. The crisis, to be certain, was brought by the deregulation and re-regulation of the broadcast industry, prompted by technologic and economic change and the political will

to create new opportunities for these (Hoffman-Riem: 1992). The states gave up their monopolies as owners of the only programme providers (in some cases, like Britain, this was renounced long ago, but a private monopoly was granted to balance the public one) but they did not give up their roles as providers of a broadcasting order. As private television was increasingly accepted, the state kept the power of granting licences in exchange for a commitment of the private broadcaster, what the French call 'cahiers de charge'. The amount of intervention of the state in the requirement and enforcement of the respect of public interest by private broadcasters is extremely variable, from high involvement of the state to almost no involvement at all. Even in the case of high involvement it became soon obvious it is almost impossible to make the private companies reach high thresholds of quality, since they could always claim it is a practical impossibility, endangering their survival. So even in the over-regulated France regulations were changed after private broadcasters failed to meet them. Overall, the broadcast legislation passed in the last two decades showed only that the states were always behind the reality. Hoffman-Riem was right to stress that 'in the event of a gap between norm and reality [supervisory authorities] they often felt compelled to adjust the norm to match reality' (Hoffman-Riem: 1992: 147).

The main piece of European legislation concerning broadcasting is the 89/552/CEE, as amended in 1997. However, the policy of the EU was shaped, on one part, by a decision by the European Supreme Court of Justice, which defined broadcasting as a 'service' and the 1986 treaty requiring member-states to suppress all barriers in front of the free circulation of services, goods, persons and capitals starting from December 31 1992. The 'Television without frontiers' directive only pursued this logic further, requiring broadcasters to apply for licenses in only one member state, and member states not to oppose in any way reception of a broadcast from any licensed broadcaster. (Trapel and Mahon: 1997). The directive, however, required that a majority of European programmes should be broadcast, and it was completed by the creation of the MEDIA program, meant to increase the competitiveness of the European audio-visual industry.

Once it became a matter of common European policy broadcasting could no longer be regulated by member states so to protect their national public broadcaster. As I mentioned earlier, some of the member states had in fact stepped forward in the direction of deregulation, partly because of political will, such as Netherlands, partly forced by reality (Italy, Greece). This led to an explosion of the market and public broadcasters soon faced an extremely difficult situation. The governments and Parliament of national states did not make the situation easier. They covered the important deficit of broadcasters (Italy, France) but were reluctant to grant them the autonomy needed in order to survive competition. A media committee of the Italian Parliament once took 16 months to approve the quantum of advertising allowed on the public channels. Except for the BBC, protected by its Charter and in fact by the distinct British culture, in

continental Europe some degree of political dependence is accepted. The RAI has each of its channels dominated by one of the three strongest parties, the TVE is controlled by whoever is in government (Escobar: 1997). Tenure of management in Italy, Spain and Greece is ridiculous, being a little over a year. Even in France and Germany supervisory boards are politicized along the left-right cleavage and some bargaining among political parties and 'sharing' of the main positions is usual. The German law seems the best of what continental Europe has, granting important powers to the General Manager. The federal government of Germany also makes the connection between government and public broadcasters less direct, allowing therefore more freedom to the PT. This interplay of political influences is part of the institutional culture surrounding PT in Europe and the removal of top management when the government is changed is seen as a sort of political alternance, when not actually embodied in the legal texts, such as in Spain. This explains why these actions are not reported as incidents (except if not provoking a media scandal) so countries such as Italy, Greece and Spain are rated as having a 'free' television in the Freedom House ratings, even if this freedom is sometimes all but relative for public broadcasters. Looking upon countries surveyed it is also worth saying that even if we speak of consolidated democracies and members of the European Union the degree of freedom is extremely low for journalists in public broadcasting compared to the rest of the media and compared to, say, the American media. The situation of the BBC looks in this respect like the exception rather than the rule. Although many public televisions started with the model of BBC - such as the German PT- it is actually quite clear this model is not reproducible, The closer in style tot the BBC is probably ITN, a commercial television, due to the long competition between the two. We can also notice that the situation of the public media is largely dependent on the political culture of every country. In countries where autonomy and pluralism have been long-lasting values, like Britain and Netherlands, the government respects public media and public media strives to be an independent actor. In countries where pluralism is a version of dividing a pie among political elites, the 'lotizzazione'² is the rule of the game; such is the case of Italy and to some extent Greece and Spain.

(TABLE 1 about here)

As one cannot fail to notice, the situation is quite different from one country to another. Germany, Britain and to some extent France managed to survive keeping the identity of the public television despite important program adjustments. RAI and TVE, on the other hand, adopted a more commercial strategy, and set out to fight private competitors on their own grounds. ERT could not decide which strategy to adopt and remained somewhere between the two. The crisis only increased public's television dependency

² term coined at RAI to suggest the division of channels and positions within public television between political parties; the term matches the 'partitocrazia' concept introduced by Giovanni Sartori in the democratic theory to designate this particular type of pluralism

on the state and/or government: as an enterprise with problems, public television is vulnerable and can be caught in a crossfire between those who audit its management and ask for performance and those who think the main task of PT is 'cultural' and that it should somehow refuse competition.

Anyway, it is important to say that the autonomy of the public media is an unfinished business in Western Europe. The following resolution of the EBU, the European Union of Public Broadcasters, is expressing merely a necessity than an already existing reality when outlining conditions for public broadcasters to be able to be 'trustees of the nation', the famous expression of the British 1925 Crawford committee.

'To perform this role, public broadcasters must:

- be politically and financially independent
- give themselves legal structures allowing for dynamic management in a context of growing and aggressive competition
- adapt their strategies to the rapid evolution of their environment, streamline their operation, reduce operating costs, and increase creative productivity
- be able to draw on reliable, diversified, adequate and evolutionary funding, both public and commercial, irrespective of their form.'

(Address of the EBU President, Albert Scharf, Bruxelles, 1993).

The important point here is that, due to this situation, that European supranational organizations do not have either the political will or the coherent model of public media to export to ECE. They do not have a model of successful reform of the public media as they have, say, a model of judicial or administrative reform. This left public media in a sort of vacuum, and possible allies for its reform were not there when needed. Indeed the approach of both the EC and the Council of Europe in the area was to push states to allow private television as an alternative to the public one, than to achieve the difficult ideal of freeing public media.

Journalists and executives who set to reform public ECE media were therefore resorting to their own model. In most cases this model was a very liberal one, as they were either trained abroad or have worked for international public companies such as BBC. Of course this provoked counter-reactions, as these people were seen by groups endangered by the reform as 'aliens', if not traitors to the national culture. In 1997 I had to defend in the Romanian Parliament the requirement I introduced for the vacant position of news editor-in-chief, to have been either trained or employed by some prestigious international media company, a

condition all to the more necessary since Romania did not have any form of education for television journalism.

It is clear to what conclusion I'm heading here. The only models available-BBC and the American press-are a bit too far from ECE Europe, and they do not have any leverage there, unlike Bruxelles, which has the means but no clear model agreed upon, despite the existence of EBU.

4. On independence : the new public media legislation in ECE countries

Despite the explosion of the new media, state television, due to its monopoly and to the absence of an adequate system of press distribution was by far the outstanding actor in the media after 1989. Television could make a president, like in Romania, where people who rushed at TVR instead of other strategic locations in town after Ceausescu's flee became members of the first government. A coup inside the Bulgarian television in 1991 lead to the decision of giving fair coverage to the political crisis, which lead to the resignation of the Prime Minister shortly. No wonder then the pattern of the first years was struggle for the control of state television. Its reform was a secondary issue or did not exist at all. Both the institutional-formal and the day-to-day approach to public media were shaped less by an abstract, imported idea of public broadcasting or freedom of the press as by the contextual political and cultural environment of each of those post-Communist countries involved. I think O'Neill grasped the essential when writing:

'The media in Eastern Europe are a clear exempla of how past institutional configurations influenced the process of media transition, shaping the contours of the present struggle in this area' (O'Neill:1998:5)

In the Vishegrad countries, where anti-Communists came to power in the first free elections, 'democratization' of the television was an issue, and some attempts for a lustratia of the public media were tried, but they did not go very far (Sparks: 1994 Molnar: 1999).

(table 2 about here)

Either anti-Communists or post-Communists, politicians showed little or no interest in securing the independence of state television. All the countries surveyed had passed by 1999 their own broadcasting legislation, even if some already had either revised or proposed to revise it. The Czechs were the first in 1991, and Bulgarians the last in 1998. Although the BBC was the self-declared model indicated by most of the Tv executives I interviewed, the legal framework enacted in post-communist times could not be further from the BBC. The new legislation established public television, therefore replacing 'state' or 'government' control, however not with 'public' control, but with 'public' seen solely in terms of political representation.

The broadcasting laws established a firm 'partitocrazia' in Eastern Europe: whoever has the majority in the Parliament controls the public television, even if occasionally mandates of TV Boards and mandates of the Parliament overlap. Even with the political control firmly established over public TV the practice shows only a continuous struggle to subordinate and control public stations. Public media bills were therefore merely catching up realities, and the delay in passing them had a clear political motivation. Sparks is right to note that 'the laws were implemented not against the blank background of a new epoch but in a set of circumstances where new habits and new patterns were already established' (Sparks: 1998: 136) The only important difference broadcast legislation made was for the establishment of private stations. There were some illusions adoption of PT laws will end the fight for control of the television (Molnar:1999) Nothing could have been proved further from the reality.

- Appointing management

The most important issue for the independence of PT is how the management is appointed (and dismissed) and its authority defined. Scandals plagued all countries surveyed, as sacking either General Managers or entire supervisory of management boards is common practice. Before the laws were passed it was the job of governments (like in Hungary or Bulgaria) or presidents (Poland). After the laws were passed it became the job of parliamentary committees. The difference matters little, on one hand because the majority in the Parliament is also reflecting the same political interest the government used to express directly and, on the other, because politicians are united when it comes to protect their class from media criticism. As analysts pointed out (Kleinwachter; Goban-Clas (in O'Neill: 1998: 37) these political groups, regardless of their position in the right-left spectrum share a common conception of the media as an instrument of political power only, notably 'the' instrument in the case of public television. The concern for either the public who pays the license fees or the company itself does not exist. This is seen as a consequence of communism by most of the analysts. I see it rather as a rational strategy of political actors in times of total anomie, when they know there are no real accountability mechanisms. Had it been only a consequence of communism it would have vanished already. But this behaviour, as the patterns of Spain and Greece show, will outlast 'transition'. And the Italian model of 'lotizzazione' is strong, too: East European politicians tend to view press freedom as a field where opposed view points may occasionally unfold, but from where the choice of the journalist is excluded. It is true journalists abuse their right to have an opinion in these countries, but regardless of that one must agree there is no good journalism without some choices being made. Journalism is a skill, and journalists are not only hosts or intermediates of opinions, but they have the right and must

acquire the skill to exercise their profession. Truth is not reached if each political party has its share: it may occur that political party has a clue to what the truth is in many matters and the journalists need to express also the views of civil society, and finally to reach a conclusion based on facts. During my career as an executive in a public television I heard from politicians scores of opinions such as a host must also have an anti-Semite in a talk about anti-Semitism, or a newscast must present all party briefings, leaving the public to decide if they're interesting or not, and so on. One must however trust a journalist he or she can tell the difference between a dull party or government briefing and an event with some news-value.

Despite this common problem, legislators did a better or a poorer job regarding this issue from country to country. In Hungary, the first appointed board served for only a short part of its term and resigned when the political majority was changed. MTV remained without a board from the summer of 1998 till 1999, when the government appointed its representatives without the opposition parties appointing theirs. In Bulgaria, the last country to adopt a media law, the Socialist opposition refused to participate in the vote for the Board saying the law only makes control of government over PT legal. The Romanian Parliament was unable to appoint a board from 1994 till 1998, and a President of the Board since June till October 1998. In the case of Czech Broadcasting, the entire newly appointed Broadcasting Board was sacked in 1994. In Poland it was first the President of the Board who was sacked by Lech Walesa (1994), then the President of PTV and his entire management Board (1996). On paper, the Polish and Bulgarian systems look better since they seem to increase the distance between politically appointed boards (Broadcasting Boards) and the management of public television. In practice the situation could not be more different: in Poland the Broadcasting Board appoints a equally political TV Board, who then divides the five positions of the Management Board also by party, although there is no legal provision to this effect. In the fall of 1999 when I visited the Polish Public TV only one member of the management Board, also an unofficial representative of a Party was the only one to serve in the management with previous media management experience: the rest were neither managers, nor journalists. And they had to decide over micro-management issues, starting with the schedule. As one executive from the Hungarian television pointed out to me in the spring of 1999 party interests are not even limited to politics and serious competition between various cronies of political parties is constantly going on in the process of scheduling, commissioning programs to outside producers, and so on. Not only the political pie is divided among political parties, but the rest of the pie as well.

The Romanian Parliament even appoints the President of PT directly. In the October 1998 crisis due to this situation one candidate was preferred by the Board, another one by the parliamentary committee and the third by the majority of MPs who managed to impose their choice. The majority of the Board complained

they have to work and take responsibility for their work with the one candidate whose program ran counter to their vision of PT. In the Czech case it is disputed if the Board decided to turn away from political influence when appointing 28-years-old Jakub Puchalsky, formerly the manager of the BBC office in Prague, or wanted a person without political support so easier to control. Puchalsky had important powers in reforming the CT, however. He neither sought nor was offered some protection by the board when the parliamentary committee was out to get his News Director (see extensive reports on this crisis in *The New Presence*, October 1998). The Hungarian system tried to take after the German model -that is, to dilute the political representation in some larger bowl of civil society. However the same confusion between a management board and a supervisory or trustees board reigns also in the Hungarian law, which proclaims in section 55, article 1; 'The management bodies of the Public Foundations are the Board of Trustees'.

The supervisory board, or board of trustees cannot and should not act as a management board. As the two situations from Hungary and Bulgaria show these boards not only perform with difficulty these managerial tasks (trustees are not managers) but sometimes can't even be appointed. In Hungary the law grants four seats for the opposition -the same as for government- but since the opposition now has both left-wing and right-wing parties they cannot decide on the one seat they all have to agree upon. In Bulgaria former Communists not only refused to participate in the vote, but they complained political cleansing was under way at BTV, popular anchors being replaced from political reasons and declared the philosophy of the media law is 'cynical' (BTA, 21/12/98). Such deadlocks can be catastrophic for a company such as MTV bordering bankruptcy and left without anybody in charge. Nothing is less effective than provisional management. But the Parliaments are not interested in the managerial reform of these institutions. The accent during the transition was on programs and persons, and not on structures and mechanisms, which shows a broad understanding of what institutional reform is supposed to be is missing. The lack of understanding of institutional mechanisms is such that the mass-media committee of the Romanian Parliament, when conferring a mandate to the new general director January 1997 demanded in writing that programs should be radically changed without the structures being touched.

Table 3 about here

As one can notice, except for the Romanian Board of Trustees the rest of the Boards are clearly supervisory boards. They are in their turn supervised by parliamentary committees for mass-media and/or public television. This chain of supervisory organisms only show how intense the obsession with the power of public broadcasting was at the time when the laws were passed. The MPs are inclined to exercise their supervisory rights to the limit of exceeding them. In the Czech Republic, Jan Kytka, CT's News Director had to resign because one of his employees, a talk-show host, went to one of his cronies from the

parliamentary committee to denounce the reforms undertaken. After Kytka's resignation the man was even appointed in his place. In Poland the parliamentary committee, more than the Broadcasting Council, is pushing the General Manager to proceed with the reform of PTV. In Hungary the Parliament appoints also a remunerated, three-member team of a supervisory committee, a sort of permanent audit commission entrusted with the supervision of the supervisory board.

- Legal definition

The legal definition of public television is vital for its independence and its survival. Since on the model of continental Europe, ECE PT carries advertising, its legal categorization is of practical, not only theoretical importance. In the case of Hungary and Poland PT is now legally a 'corporation', although in Hungary the unique shareholder is a foundation, "Hungaria" and in Poland is the state, represented by the Minister of Finance. The Hungarian law transferred the assets from the budgetary institutions of radio and television to the 'Hungaria' foundation and not to the Radio or Television corporations. The Bulgarian law laconically says only that BTV is a 'legal entity', while the Romanian law defines it only as a 'public service'. In practice these definitions help little, since these companies have to act in some occasions as public companies, in other as commercial ones, have to pay taxes and cut jobs, and different rules apply for the public and the commercial sector. Legal confusion only increases costs. TVR often faced this problem, since the unions claimed a raise each time the government announced an indexation of wages in the state sector, and huge severance payoffs, although TVR not being either a commercial society or a 'regie autonome' on the French model was not entitled to compensations from the state budget as other state. In short, it was taking the worse of both sectors, having the costs of a state company but paying taxes as a private one.

The legal status of public television is often an ideological dispute with practical consequences. 'Public' is something new: 'national' is often understood as subordination of the truth to the national interest represented by the government or some official office-holder. The 1994 Romanian law opened with the fair statement that the companies of radio and television would be from there on 'editorially independent, autonomous public services of national interest'. However, since their property remained the state's and not the company's, since the government decided value of the license fee and the MPs looked upon them as 'national' rather 'public', little could be done to turn these companies really 'public'. The Bulgarian 1998 law, the most recent of all, call the public broadcasting 'national' throughout the law. Even in the otherwise liberal Polish law some wording is dangerously ambiguous. Article 22/2 of the Polish law calls for the broadcaster to 'in a direct manner enable the state organs to present and explain the policy of the

State'. The Hungarian law, despite its complicated system places the companies further from the state reach than the Bulgarian and Romanian ones. Employees even ceased to be 'public servants', after the new law had been passed, in order to mark the total separation of PT from government.

- Financement

If the difference between 'state' and 'public' is reduced to the financing then things become a bit clearer. PT companies used to be financed through both license fees and state subsidies. After the media laws were passed the state subsidies practically disappeared, although they still exist as a legal possibility both in Hungary and Poland. The license fee in the case of Bulgaria was established only very recently by the 1998 law. Some state subventions still persisted in the financing of the Romanian television after the 1998 revision of the law, but the government is trying to find a legal way to give them up, admitting it can not afford to subsidize PT in any way. Depending on government for any kind of funds is more a burden than a relief anyway since the governments pay late and may come up with conditions for their money.

It is interesting to mention some history of these 1998 amendments to the Romanian law. It took one year and a half to the Romanian Parliament to correct the 1994 law. However the corrections were minor, and all suggestions of the experts from the BBC or the Freedom House were overruled. TVR's lobby was successful only in a few minor points, although these points were vital for the short-term financial recovery of TVR. The MP approved finally only articles helping TVR with its urgent financial needs, but refused to grant any autonomy that would have helped prevent such financial problems in the future. As in some European Union countries the governments seem more eager to cover the deficits of the public television than to let it free to become a self-supporting company.

The step from direct subventions to the license fee is an essential step in freeing public television from the state. However it cannot remain the only step. License fees, a flat tax, are not enough even in Western Europe, where practically all the citizens are owners of audio-visual equipment and rich enough to pay around 10 USD/monthly (values vary from country to country). In Eastern Europe the license fee is small (after being increased three times in one year the Romanian one rose to 1 USD/month, and inflation soon caught up). Even as small as it is, evasion is high so about half of the budget has to come from other sources. PT complain the license fee is not adjusted by governments to the inflation rate, still high in ECE. In the March 1999 crisis only, the ROL, the Romanian currency, dropped from 10 000 to a dollar to 15 000 in one week. The value of the license thus dropped sharply by a third.

In such unstable economic environments, companies cannot survive on state subsidies or taxes. The value of the license fee in Bulgaria is equivalent to the price of a newspaper. One dollar may not seem a lot, but

since the monthly average wage is about 100 it is difficult for the Romanian PT to increase the license fee without losing popularity. Commercial earnings remain therefore the safest source of revenue, but they depend on the performance of the company, mainly its audience ratings, depending in their turn to the freedom the managers have to compete with private television. The lobby of private media companies is strong enough to hinder PT's efforts to compete. Despite its financial problems, the Bulgarian PT was forbidden by the new law to run advertising in prime time until the setting of a national private competitor. The law was sharply criticized in this regard by the Director of the Legal Affairs Department of the EBU, dr. Werner Rumphorst.³

- Mission

We've seen so far how the companies are defined and financed. The next important issue is how their mission is circumscribed and its fulfilment enforced. All laws specify the production of national programs is an obligation of PT, although the emphasis on this and the quotas may vary from country to country. Article 15 of the Polish law is the less restrictive, asking for only 30 % national productions, compared to 40 % in Romania, and 50 % in Hungary, who also asks for 15 % of the total air time to be consecrated to national films and 70 % to European productions. The Czech and Slovak Federal law, ratified after the dissolution of the federation by both Parliaments sets no quota, but specifies broadcasters are obliged to produce a 'significant share of the broadcast programs in such a way that the cultural identities of nations, nationalities and ethnic groups (...)be preserved and that the development of domestic and European audio-visual creation be supported'. All the states either ratified the European directives or are in the process of doing so. This means quotas for European productions for both the public and the private sector, although the latter received some form of postponement and American complaints based on the GATT.

All the laws have some general provisions regarding the cultural and national identity, the programs for national minorities or children. These are however general provisions that should not hinder schedulers in their effort to give a coherent style. More arguable are provisions in the Polish law regarding the obligation to enforce Christian values (Article 21/6 call for 'respect for the Christian system of values, accepting the grounds of the universal principle of ethics'), and in the Romanian law the banning of 'country and nation defamation'(Article 5). Despite complaints from journalists, it is however the practice and not the laws which create problems, although the existence of minor ambiguities in the laws offer the opportunity for abuse. The only law that goes too far in this respect is the Bulgarian one. BTV is compelled to broadcast live the plenary sessions of the parliament, and to grant public addresses to the President, the Chairman of

³ quoted by Capital/Agency for Investment Information LTD-December 15, 1998.

the National Assembly, the Prime Minister, the Chief Prosecutor, the Chairman of the Constitutional Court and the Supreme Court of Casation.

The Hungarian, Romanian and Polish PT have also the obligation to provide and broadcast programs for Diaspora. This is a heavy burden on the budgets of PT. In the case of Polish and Romanian televisions it is a separate channel, funded by the budget, which is dedicated to this task. In the case of Hungary it is a different television, DUNA, a second PT, with financial problems as serious as MTV and no chance of a recovery, since advertising companies are not interested in Diaspora. Nationalism is costly.

- Conclusion

So democracy won less than expected by these new broadcasting acts. Their main merit was to establish private television, and this decision will have more lasting impact on the democratization of these societies than the adoption of public media laws. The institutionalist perspective that procedures end up creating substance is out of place here. This procedural framework is not even on paper an ideal one: it is a compromise from a time when democracy emerged as a consequence of a revolution (Sparks: 1998) more than an evolution. These pre-civil society democracies are not yet fully-blown democracies. Defining democracy or public interest as dividing the public sphere among existing political parties is merely depicting the *partitocrazia* described by Giovanni Sartori, the incomplete pluralism encountered in countries with weak civil society.

The new management structures designed by ECE Parliaments for public television only show an outdated conception of the public sector, seen as having unlimited funding. No importance is attributed to the need of having a management empowered to take rapid decisions in order to survive competition. The emphasis is instead put on 'control'. This is a very familiar picture to ECE students. The whole conception of administration inherited first from the French-inspired Constitutions after 1st WW, than from the Communist regimes, is of an administration that is designed to control, and not to perform effective services. The obsession is not with what PT should do, but with what it should not do. The public is entirely disregarded, political parties being the only 'clients' PT should satisfy, even if this runs counter to the interests of the company and of the public. different departments, often with antagonistic interests. Or, the more areas are subjected to the political decision (amount of advertising, schedule, market strategy) the higher the risk is performance will be crippled, since political rationale and management rationale have little if anything in common. The shortcomings of this vision show mainly in the Hungarian, Romanian and Bulgarian laws, although the practice seems to be quite similar, regardless the difference between the legal texts, in all ECE countries. Once again, it is a matter of institutional culture, of the capacity of the political class to move from centralism and control to subsidiarity and modern accountability.

Public TV is only partly run by its managers. Instead, an ‘occult manager’⁴ is present in the decision-making process at all times. It is a mixture of parliament intervention, government action or lack of it (like in the issue of transmitters or license fees) and union behaviour. Unions are quite strong, since they are based on labour legislation inherited from Communist times, favouring permanent contracts and making any severance difficult. There are also many of them (the numbers are fluctuating, but figures around 10-15 are common), making negotiations extremely difficult, as each union protects. This leaves little room for managers.

However, they are seldom able to make the best use even of these limited possibilities.

5. Issues of performance

Both the public opinion and the politicians in ECE show constant concern with the reform of public broadcasting. Many of the concerns showed by intellectual elites, politicians and the press are contradictory and extremely superficial.. For instance, PT is often criticized for squandering, although occasional management audits show it is under-financing and poor organisation rather than exaggerated expenditure that makes the problem.⁵ Misunderstandings about PT’s role lead to other contradictions, some accusing PT for losing audience, others for competing for audience with commercial television and losing its identity. This assessment of performance is based upon clear indicators such as market share and overall financial situation, and more interpretable ones such as quality of programs. The audience market share is the best indicator of performance, since the financial situation is subjected to various other possible intervening factors, like the size of the country or the state subventions.. The model set up by the BBC for the purpose of cost-benefit reform is known as the ‘producer’s choice’. It was promoted by the EBU in a 1991 seminar which gave endorsement from the part of the European organization to this British model. The model offers managerial freedom to the producer seen as a manager and encourages competition between external and internal production and personnel in the framework of a continuous cost-benefit analysis which becomes the main rationale. The ‘producer’s choice’ was not applied by all West European PT, and only in various degrees from one to another.

The performance of the ECE PT is furthermore affected by specific factors, which can be described as ‘transition effects’ and ‘development effects’.

⁴ The concept comes from Italy, as does the ‘lotizzazione’ one. Pasquarelli, general director of the RAI, the Italian public television, was the first to state publicly that the most important decisions are not even taken by the management of RAI, whose choices are drastically limited by decisions of Parliament committees, government and unions, leaving a very limited space for manoeuvre.

- Transition effects

PT, as all the other state enterprises, was deeply hurt by market reforms. This meant high inflation rates affecting the value of the license fee and governments reacting typically slowly in adjusting it. It also meant liberalization of monopolistic services, such as transmitters, usually belonging to another state company which liberalized prices overnight. (Poland, Romania, Bulgaria), making the cost of the terrestrial transmission the major expenditure in the budget.

- Development effects

Despite the reforms, it took years for the market economy to start to work- when and where it did. There are two specific features of underdevelopment which show in the PT performance of some ECE countries. Of these the dimension of the advertising market is a factor of most importance, being directly dependent of the overall economic performance, good in Poland, the Czech Republic and Hungary and poor in Romania and Bulgaria. The difference between the population of the countries is also important: a large country as Poland, with more than 40 million inhabitants, provides in the same time the largest market and the largest amount of license fee revenue. Romania is a medium-sized country (22 million inhabitants), while Hungary and the Czech Republic are relatively small countries. The economic performance cannot therefore be studied isolated from these factors which are beyond the reach of influence of managers..

Development indicators, such as GDP, are telling in some respects, but not in others. Data point, however, to the fact that the number of TV owners is not proportional with other development indicators. Television is the mean of entertainment and news of all, and the poorest households cut other expenses in order to purchase a colour TV. Cable is a widespread phenomenon compared to some Western countries or the US. In a survey on the urban unemployed population of Romania in October 1999 I found 62 % owning colour Tv-sets, mostly acquired after 1989 and over 40% paying for cable.

(Table 4,5 about here)

According to this data it is obvious PT is in serious trouble. The loss of audience market share has occurred in only a couple of years and it is limited by the reach of commercial television, not some other balancing factor. Advertising revenues shrank accordingly, leaving PT at the mercy of the licence fee, that is, again, at the mercy of the government.

Is this poor situation stable or unstable? The answers vary. Politicians are obviously happy with the status quo and appointing their cronies or yes-men in various supervising board. I was particularly impressed by a broadcasting board member who explained to me the need to have not only public television, but also

⁵ Coopers& Lybrand Audit Report of TVR, March 1997

commercial television carry 'high culture'. Fearing some confusion I enquired what did he understand by 'high culture' and what did he do before reaching this distinguished position. He had been the chief-of staff of the President and by 'high culture' he understood 'opera'.

Public stations, on the contrary, are highly unstable. Managers cannot cope with the tremendous challenges facing them and in many situations they decide they can survive only at the expense of the companies they run. Even relatively successful moderate reformers, such as Jakub Puchalsky, face chronic threat from the Parliament. The strong lobby of private stations, which become more and more involved in the mechanisms of funding electoral campaigns is a major contributor to this threat. Public stations need and want a change of the legislation to free them from the vicious circle. But the unanimous opinion from the almost bankrupt MTV to the still well off Polish TV is that politicians are not going to revise the law in its essential point, the political subordination of public stations.

6. Solutions for problems

Since the governments, from various reasons, seem more indifferent than really committed to let public stations die we can still find grounds for a more constructive approach, from revising the legislation to better management.

- Revising of the legislation

The best system that can emerge of the present formula is a system with a unique supervisory board, the Broadcasting Board⁶. This Board should have the task to appoint a General Manager of the PT (the German model), selected on professional grounds, then only enforce general regulations, as in Britain or the US (advertising limits, complaints), leaving both private TV and private Radio being run by the General Managers with the help of a management team he or she selects. Political appointments and participation of the PT employers or union leaders in the Board should be formally forbidden. In the Romanian case, both were allowed: the result is that scheduling became mostly an exercise in accommodating shows of board members as hosts or producers, with minimal audience but firmly installed in prime-time. Revision of the legislation in order to favour professional management is certain to come: all countries surveyed were invited to join the EU. Romania and Bulgaria later than the Visegrad countries. This means tight deficit budgets and less freedom for governments to cover losses in the state sector.

- Reinventing management

Revising the legislation is one hand not enough, on the other it can take time. Managers will have in many cases at least to start radical reforms before hoping for changes in the legislation. These reforms should be

⁶ this suggestion was actually made by a BBC World Service team, including Liz Forgan and Christian Mititelu to the Romanian Parliament in 1997 at its request, but it was subsequently disregarded with no explanation.

directed at creating modern corporations which work on a cost-effective basis. This implies first an awareness of the costs, an operation sometimes difficult in enterprise used to in-house production, where the widespread pre-judgement is that everything which is not ordered outside the TV station is free. An affective tool among many others when clearing the schedule from shows making most of the loss is to divide the cost by the audience share. Expensive shows with no public should be cut regardless of whoever produces them. Basing the scheduling on research is the next step: the public is the no 1 client and what the public wants is important on all accounts.

Other important managerial steps relate to the adjustment of the size to the needs. Public stations can not go on doing everything in-house as in good old Communist times, from clothes to ironmongery. This means basically to pay continuously for low-quality services one uses only occasionally. The most important example is advertising sales. All the countries surveyed have an inferior advertising market share to the audience market share. One reason is that the public not reached by commercial channels is the least interesting for advertisers, being less well off and residing in rural areas. The second more important reason is that state owned advertising departments, with the limitations of the state sector (like the inability of paying a commission per sale) simply cannot achieve performance. People paid as clerks cannot become good and honest salesmen, becoming easy targets for corruption. The only solution is to contract ad sales outside the enterprise, as the rest of services that can be better provided by the market at inferior costs.

This means severing, however, and this is usually a difficult job. But severing only on the basis of a managerial logic at least works: severing per se, as the cutting by MTV and TVR of more than 1000 jobs does not help: it preserves the managerial problems and saves little money, as wages are not such a major part of the budget in these countries, compared to the West. (they tend however to be at least double the average wage, and even more than double compared to wages in the public sector). Unfortunately, severing cannot be done without some support from the unions, and the unions fear restructuring and the imposition of a managerial logic more than giving up jobs. Restructuring programs leads immediately to restructuring jobs as well. Promoting competence also saves jobs. The most striking feature of some TV stations on spot is the survival of the departments of foreign affairs which enjoyed during Communist times the right to screen contacts with the West, or serve a protocol function. Nowadays their staff makes itself useful replacing assistants who cannot spell English and translating for communication directors who speak uniquely their maternal language. They're not handsomely paid- but while more people are still used to do the job of one it is a clear sign no thorough reform was carried out. In the TVR staff in 1998 there were more than one hundred drivers and no one else was allowed to drive by the unions from the fear drivers will lose jobs.

So many micromanagement issues are obviously at stake as well. ECE PT has still to fight the inheritance of Communist times. Television is about teamwork, and Communism was about grouping people by categories, not teams. The logical suit is an organization in which in many cases technical assistants, cameramen, journalists and editors belong to different departments and sometimes unions unable to communicate, not to speak of co-ordinating properly. One example is the work in shifts: TVR had to negotiate with the unions to allow cameramen to stay after hours in order to be there when their piece came to editing. Team spirit has to be forged anew to attain performance.

- Forging new identities

These are simple prescriptions, as management consultants, so unpopular with TV producers, even at the BBC, usually give. Even more challenging is the task of forging an identity of public television. Massive losses of audience and the effort to catch up are perceived negatively by the public. Focus groups participants in Bucharest in the fall of 1989, when asked to answer to projective questions compared public TV with an ageing lady using too much make-up competing with young rich bachelors. When seen as 'cars' the images were also telling: public TV was compared with a Renault 5 from the sixties, while its main private competitor was labeled as 'last-type Mercedes'.

When PT was alone in the market identity seemed not a problem. Now, however, it has become an obvious one. What can make the problem soluble, however, is the shift of focus from the difference between commercial and public television -as commercial channels are very different one from another themselves- to the effort of shaping some channel identity, meaning logos, sets, costumes, tempo and profile of the programs daily and weekly. Western PT succeeded in this: one can recognize BBC, Euronews, RAI and ARD, they have acquired identity. ECE PT still does not have a style, because structures are not there to work for it. Creation departments still work with the designers they hired in seventies who have tenure, real research compartments do not exist and the notion of copywriter is still fighting to make itself accepted.

7. Conclusions

Can public television survive post-Communist transition? The answer depends on its competitiveness. PT has no option than become competitive.. It can do so and still retain its role and identity, unless these are so broadly defined they become an unbearable burden. Furthermore I doubt any good television can be made today in total disregard of competition. One should only remember the competition between BBC and the ITN in the 1997 British elections day. The European all-news channel, Euronews, had poor news programs despite resources invested in it when it was a pure public channel heavily protected by member states who were also its only shareholders: once ITN took up its management and 49 % of its shares competition with

CNN became a target, and Euronews started to do live coverage and improve its programs. Good television is competitive television, and European states who are partners in the Euronews implicitly admitted public companies must be run as private ones when entrusting the channel's management to ITN.

One can argue such a model is not possible. I look upon the BBC as a sort of ideal public television, but the BBC carries no advertising so it has no connection to the market. Nothing can be falser: BBC has perhaps the oldest experience with competing in a market due to the early existence of private television in Britain. In fact BBC was the first public channel to discover that ratings are important not in terms of advertising revenues, but in terms of influence, legitimacy, and finally as the main feedback from the consumers. When a distinguished sociologist such as Pierre Bourdieu, who otherwise makes such a refined critique of commercial television says that 'the audience ratings system can and should be contested in the name of democracy' (Bourdieu: 1998: 66) one cannot but hear echoes of the fears of mass democracy, evoked both by Tocqueville or Ortega y Gasset. The ratings and the polls belong to the same family as the Churchill definition of democracy; they are indicators of the least bad kind possible. If it is not the public who chooses one cannot guess who might have this right. The government ? The elites? The journalists? But we have so many proofs that they will act immediately in their own interest, not in the public's. Since accountability mechanisms- other than financial- to connect the public with its television- are difficult to design, the audience ratings, the polls and the qualitative research remain essential.

The main intellectual delusion with the television is the assumption that if television is so powerful as a communication medium television must use this power to be anything else than television, that is, a medium for popular culture: notably it should be school, university, library, church, and any other Enlightenment device possible. We should let however the schools, universities, churches to pursue their role without competition from television. The television which tries to compete with them in this age of competition will cease to be a television and it will lose its market to other channels without ever being able to match the depth of these institutions and inevitably failing to force this message on the public. We have videotapes, CD-Roms, the Internet, we live in a digital era: the school and the university can nowadays use multiple media to target their pupils according to their interests and talents, while terrestrial television by definition has to target the largest number possible.

Is such an institution worth surviving? Looking not so much at the Western models but at ECE realities public television seems still necessary. Democratization of the press does not always bring free promotion of democracy in cultures which are not yet democratic. Instead it often brings free hate-speech and vested interests. It is important to see whom the new owners of private television are before making them the only

trustees of broadcast message. Local political culture dictates here as well. Journalists are completely unprotected in the private sector where political interests of the publishers are sovereign (Tomasz Goban-Glasz: 1998: 32) and there is no widespread consensus among publishers independent journalism is a norm of quality indispensable for their products. Instead, the widespread understanding is that as public media is biased in favour of the government, private media should be biased in favour of its sponsors, political parties or interest groups. If politicians and its own staff manage to destroy PT entirely or reduce it to a chronically weak, devoid of any influence actor, it will not be the public who wins. The emerging winners will be these handful of businessmen who own commercial televisions, and probably nourish also, like Mr. Berlusconi and Mr. Zelezny, important political ambitions.

Avoiding this negative development depends on civil society in each country. Czech intellectuals showed their discontent with NOVA. Other civil society groups in the other countries have missed taking a coherent attitude towards public media. They often accuse it to side with governments without ever discussing the institutional mechanisms that could protect it from doing so or embarking in a campaign to remove it at least partly from political parties' control. If they will not be able to invent or recover the missing link between public media and its public, nobody else will.

Figure 1. Freedom, identity and performance of EU Public TV selected countries compared

WEST EUROPEAN PUBLIC TELEVISION	EDITORIAL FREEDOM ¹	MANAGERIAL FREEDOM ²	IDENTITY	PERFORMANCE IN MARKET SHARES
FRANCE (FR2, FR3)	Some ideological bias on the left-right cleavage) [FH rating 12-free]	partly free	GENERALIST LOCAL	45%
ITALY	Plurality of views rather than objectivity [FH rating 15-free]	freedom limited	GENERALIST; ENTERTAINMENT	48,9%
GREAT BRITAIN	Balanced [FH rating 8- free]	free	NEWS GENERALIST	40%
SPAIN	Some influence by the government [FH ratings 13-free]	Partly free	GENERALIST-ENTERTAINMENT	51.9%
GREECE	Government influence [FH rating 15-free]	freedom severely limited	GENERALIST	8.2%
GERMANY	(Some ideological bias on the left-right cleavage) [FH ratings 6-free]	free	GENERALIST	41%

¹ FREEDOM House ratings 1999, cf Broadcasting Freedom, Leonard R. Sussman, e(d) Press freedom 1997. Freedom House; ratings concern broadcasting in general, not only public media, and cover legislation, editorial and economic independence, and incidents; for broadcasting the maximum (least freedom) is 45 the minimum (max. freedom) is 0.

² My evaluation

Figure 2

Broadcasting and Public Media Laws in East Central Europe

<i>Country</i>	<i>Date when passed</i>	<i>Title</i>
Czech Republic	1991/then amended 1992	Federal Law on the Operation of Radio and Television Broadcasts
Poland	1992	Broadcasting Act
Hungary	1995	Law for Radio and Television
Romania	1992 1994, amended 1998	Audio-visual Act Law for the Organization of Public Radio and Television
Bulgaria	1998	Broadcasting Act

Figure 3 Appointing management in ECE public media laws

	PTV	MTV	CT	TVR	BTv
Who appoints the TV Board	Broadcasting Board	Parliament and Civil Society	Parliament	Parliament ((nine seats), govt (1 seat) President(1), employees (2)	Broadcasting Board
Who appoints Chairman	Broadcasting Board	Parliament	TV Board	Parliament	Broadcasting Board
Who appoints General Manager	Same person chairs the Board and is GM	TV Board	TV Board	Parliament	Broadcasting Board
Who can sack Board/GM	Broadcasting Board	TV Board Parliament	Parliament/ TV Board	Parliament	Broadcasting Board
Influence in the board	Political majority	Political majority	Parliament in general	Political majority and Parliament in general	Parliament and President

Figure 4. TV Supervisory Board attributions and powers

Operation	PTV	MTV	CT	TVR	BTV
License fee	NO	NO	NO	NO	NO
Budget	YES	YES	YES	YES	YES
Schedule	YES	NO	NO	YES	NO
Management appointment	YES	YES	YES	YES	YES

Figure 5. Some context indicators of the audio-visual environment

CONTEXT INDICATORS	POLAND	HUNGARY	CZECH REPUBLIC	ROMANIA	BULGARIA
ADVERTISING EXPENDITURE (mil USD/1997)	580	190	140	93	17
NUMBER OF HOUSEHOLDS (millions)	12,505	3,869	4,185	7,782	2,264
COLOUR Tvsets %	92	85	92	67	81
CABLE SUBSCRIBERS %	31	41	17	44	28

Figure 6.

TWO INDICATORS OF NDEPENDENCE AND PERFORMANCE OF PUBLIC TELEVISION

INDICATOR	PTV	MTV	CT	TVR	BT
FREEDOM (ratings of Freedom House) ¹	15/25F	11/28F	9/20F	20/44F	19/39PF
AUDIENCE MARKET SHARE (cumulated for all public channels) ^{2*}	40	24	24	43	50

¹ The lowest the figure, the highest the freedom. First figure is the rating for broadcasting from a total of 45 possible maximum freedom; the second the general rating for press freedom; the rankings F is for Free and PF for Partially free

²

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Audiences change monthly in countries where private channels have a reach close to public channels. The massive loss of audience of the Czech TV is older; Hungary, Poland, Bulgaria and Romania are losing audience daily, although the reach of public channels is still greater than the private ones'.

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