

IS THE CLASH OF RATIONALITIES LEADING NOWHERE? MEDIA PLURALISM IN EUROPEAN REGULATORY POLICIES

Beata Klimkiewicz

Only where things can be seen by many in a variety of aspects without changing their identity, so that those who are gathered around them know they see sameness in utter diversity, can worldly reality truly and reliably appear.

Hannah Arendt (Arendt 1958: 57)

Introduction

Media pluralism is one of those terms in European media policy that generates broad respect for its undisputed merits, and its importance for the process of democracy and identity formation at the European level is generally agreed upon. These processes are closely related to the media exposure of distinctive opinions on European matters, as well as values and cultural representations that influence them. Media pluralism contributes to the richness of European public opinion and identity formation, yet its complexity is liable to ambiguity. A variety of interpretations, the manifold character and ever-changing circumstances provide for a wide range of how the concept itself is being used in the formulation of policy objectives and rationales, as well as in policy implementation.

The proposed contribution aims at the conceptual analysis of media pluralism as it has been used and operationalized in European media policy. Three aspects will be observed in this respect: vocabulary used, ways of reasoning and development of a policy process itself. The chapter argues that problematization of media pluralism stems from two different standards of rationality (cutting across geopolitical divisions), and that carries with it the implication of ambivalence of policy-making and ambiguity of the language in which policy process is

negotiated.¹ An important question to be addressed points to the potential of this tension for identity formation at the European level.

Media pluralism: Definitions and approaches in media policy

Conceptual interpretations

The context and scale of media pluralism, as well as its relations and interdependencies with the political system and larger society, define the way and discourse through which the term itself is conceptualized and operationalized as a policy rationale. Media pluralism is approached at a number of layers: a macro level of media systems (media ownership and service structures, entry costs and conditions), a meso level of media institutions (media performance, professional practices, user access and the way the user interacts with the content and services), and a micro level of media contents. Media pluralism is also interpreted through conceptual dichotomies or alternatives such as external/internal, proportional/open, organized/spontaneous, polarized/moderate, evaluative/descriptive or reactive/interactive/proactive. The table below illustrates this conceptual framework:

In the context of media policy, the operational definition of media pluralism has most notoriously developed around the axis of the external/internal dimension. Wijayananda Yayaweera described it as ‘the end of monopolies of any kind and the existence of the greatest possible number of newspapers, periodicals and broadcasting stations reflecting the widest possible range of opinion within the community’ (Yayaweera 2005). Using different wording but the same distinction, the UK White Paper ‘A New Future for Communications’ referred to diversity as the range of different programmes and services available to viewers and listeners. Plurality, on the other hand, was viewed as referring to the choices viewers and listeners are offered between different providers of such services (Department of Trade and Industry 2000). Most comprehensively, the notion of media pluralism has been elaborated by the Council of Europe and its advisory committees (later successively used and modified by other European institutions). The Activity Report of the Committee of Experts on Media Concentration and Pluralism (MM-CM 1994) conceives of pluralism as ‘internal in nature, with a wide range of social, political and cultural values, opinions, information and interests finding expression within one media organization, or external in nature, through a number of such organizations, each expressing a particular point of view’ (see also Jakubowicz 2006a).

The frequently drawn distinction between *external* ‘plurality of autonomous and independent media’ and *internal* ‘diversity of media contents available to the public’ seen from the media supply point of view revealed a problematic relationship between the two dimensions. Namely, the research has not, to date, unanimously proved that this relationship is causal and direct. A strong link between plurality of ownership and diversity of content cannot, in practice, be easily demonstrated. Although some researchers sustain that extensive media concentration leads to promotion of corporate values and political preferences of media owners and advertisers in media contents (Bagdikian 2000), others convincingly argue that a direct link between media concentration and content diversity cannot be identified in quantitative terms (Ward 2006). Most commentators also agree that media pluralism is a multidimensional issue and should not be confined to mere plurality of ownership and diversity of content.

Table 1: Definitions of media pluralism.

External	<ul style="list-style-type: none"> ■ plurality of independent and autonomous media outlets and providers. ■ multiple centres of ownership, production, performance and distribution control.
Organized	<ul style="list-style-type: none"> ■ media pluralism is organized in a segmented structure of media outlets and providers representing different social groups, cultural communities and political orientations. ■ a strong link to institutions representing these groups and interests.
Internal	<ul style="list-style-type: none"> ■ diversity of media contents, services and sources reflecting and generating a broad variety of opinions, views, representations and values of social, ethical, political and cultural nature.
Spontaneous	<ul style="list-style-type: none"> ■ media system is structured more spontaneously. ■ media representation of a multiplicity of competing interests and values is individualized.
Proportional (Representative)	<ul style="list-style-type: none"> ■ media pluralism proportionally reflects existing population's preferences; political and cultural division in a society; ethnic, linguistic and religious population's structure.
Polarized	<ul style="list-style-type: none"> ■ media are identified with ideologically opposed tendencies; distinct cultural, ethnic, religious traditions (ethnic, cultural, religious cleavages are deep). ■ advocacy and commentary-oriented journalism.
Open	<ul style="list-style-type: none"> ■ media pluralism equally or openly reflects population's preferences; political and cultural division in a society; population's ethnic, linguistic and religious structure.
Moderate	<ul style="list-style-type: none"> ■ ideological distance represented by the various media is narrow, tendencies toward the centre are stronger. ■ cultural, ethnic, linguistic differences are not projected into the media structure.
Descriptive	<ul style="list-style-type: none"> ■ describes media pluralism conceptual and factual features, indicators, aspects.
Reactive	<ul style="list-style-type: none"> ■ media pluralism reflects diversity of opinions, political views, identity choices, cultural representations among users through media performance, services, content, structural aspects,
Evaluative	<ul style="list-style-type: none"> ■ evaluates descriptively identified features.
Interactive	<ul style="list-style-type: none"> ■ media pluralism results from a variety of interactions between media users and providers.
Proactive	<ul style="list-style-type: none"> ■ media pluralism generates and actively shapes diversity of opinions, political views, identity choices, cultural representations among users through media performance, services, content, structural aspects.

Source: MM-CM 1994; McQuail 1992; Van Cuilenburg and Van der Wurff 2000; Kekes 1996; Hallin and Mancini 2004.

The potential of media pluralism

The traditional concept of media pluralism is being challenged by the changing media ecology and societal transformation resulting from the impact of the digital revolution, convergence and multiplicity of media platforms, services and providers. In this new context media pluralism presents the *potential* of full usage and exploitation, which depends on individual users, their ability to read the 'media script' (also critically and alternatively to the production routines), and to generate their own messages, ways of distribution and interaction with the media services. The potential of media pluralism can be conceived through its 'building blocks' and the capacities these blocks are able to mobilize. Thus it is considered a *condition conducive* to the balance between multiple centres of media control, compensation of multiple sources of information, competition between multiple opinions and views, socialization through multiple forms of media access and participation, as well as recognition and representation of multiple values and choice between multiple forms of interaction.

Table 2: Potential of media pluralism: Key aspects and capacities.

<i>'Building blocks'</i>	<i>Capacities</i>
Multiple centres of media control	Balance
Multiple sources	Shared control
	Complementarity
Multiple opinions and views	Compensation
	Competition (Discursive, not instrumental)
Multiple access and participation	Socialization
Multiple values	Recognition and representation (not fragmentation)
Multiple forms of interaction	Choice

An important capacity of the media pluralism potential is a balance between multiple centres of media control. These are not necessarily identical with the ownership structures, although the latter definitely play a most influential role when it comes to the development of media networks (usually very centralized due to complex technological conditions and investment needed). The centres of control vary in the extent to which they balance ownership and provider control with journalistic and content producer autonomy and independence, and more generally, with regulatory constraints. Subscription systems handled by digital providers are often criticized for the exclusive use of proprietary technical solutions and the lack of service interoperability, resulting in the increased control exercised both over subscribers and producers (Nissen 2006). It is therefore relevant in this context to what degree multiple competing centres of media production, performance and delivery 'mutually control themselves' and whether there is a broad respect for this limited or shared media control.

The compensation of multiple sources is linked to a 'communicating vessels effect', which a media user is able to activate. Media pluralism potential may be used more effectively if a media user at a disadvantage with respect to one source of information is able to compensate

for this lack by exploiting his access to a different source. In an era of source-recycling, when the same sources are re-packaged and used across the full range of media platforms and distributed by different divisions of the same conglomerate, clear identification and recognition of the sources has crucial significance. The competition between multiple opinions and views is another key capacity of the media pluralism potential. Proliferation of the content on new platforms does not in itself guarantee pluralism. Freedom of choice is an essential possibility, which can be exercised if the choice is made between different options. It is also important how this choice is made. Jadwiga Staniszkis (2006) warns that competition between different opinions and views should be discursive in its nature to raise the quality of a public discussion. The competition, which resembles a stock exchange where diversity becomes instrumental and rational arguments can not be developed due to technocratic procedures or journalistic routines, leads to meaningless diversity (Staniszkis 2006: 8–9).

Multiple access to and participation in an exchange of media images, words, and representations defines a process of socialization and shapes models of behaviour. Media use is woven into the fabric of everyday life; the media substitute social activities and change the character of social institutions (Schulz 2004). In such highly media-pervaded societies, the potential of media pluralism depends on the quality of socialization accompanied and strengthened by media literacy skills, such as the competence to distribute ideas in different media formats, an ability to critically read media contents and to oppose, when necessary, biased and harmful media representations. Media pluralism is also often described through the capacity of recognition and representation of multiple, often conflicting, values. Yet this polarized media projection of values can reinforce existing prejudices, or widen the gap between different communities. Furthermore, it may contribute to a fragmented society, in which individuals interact primarily with those in the same identity community, and are exposed mostly to those opinions with which they already agree (Hoynes 2002). Thus, the potential of media pluralism may be effectively used if the representation and recognition of multiple values does not lead to fragmentation and ghettoization.

Finally, full exploitation of media pluralism potential depends on choices made among multiple forms of interactions with the media. The fact that media users may increasingly control how and when they interact with media services stimulates diversity. The users are free to decide on the proportion of attention they choose to pay to passive (push) or interactive (pull) media use, which issues they want to scrutinize and contribute to interactively, and which contents they prefer to receive passively. Yet, an interactive future is certain to produce new types of monopoly (bottlenecks controlled by private suppliers) and new forms of exclusion (low level of media literacy) that can only be tackled with purposeful and positive intervention, to remedy information and media access asymmetry (see for example Graham and Davies 1997; Freedman 2005; Collins and Murrone 1996). Moreover, interactive services are still not universal. Gaps in Digital literacy, in particular, internet and computer skills, are still important especially for groups at risk, those with low education, economically inactive and the older population (EC, DG Information Society and the Media 2007: 5).

Media pluralism comes into being through relations and context in which it is involved. It is also conditionally linked to the public sphere and articulation of issues of common concern. In media policy, the relevance of the concept itself is marked by its potential. In other words, it is

important how the potential of media pluralism is seen to be activated and how connections between its 'building blocks' and capacities are to be stimulated in policy language, way of reasoning and development of a policy process itself.

Inclusive and autonomous approach

In media policy thinking, media pluralism is regarded in the broader social and political context as a contribution to deliberative democracy or as a fundamental condition for a democratic public sphere (see Habermas 1995, 1996; McQuail 1992; Cavallin 2000: 105–70). Primarily concerning a variety of views, opinions, and attitudes of a political, religious, and ethical nature, such diversity serves as a founding rationale for defenders of public service broadcasting, and other structural measures promoting a more interventionist articulation of pluralism. Yet pluralism is also seen in economic, technocratic or professional terms – as increasing freedom of choice for the consumer, freedom of operation for the industry, and the right to self-regulation and institutional autonomy; in other words, in opposition to interventionist public regulation.

The two perspectives on conceptualization of media pluralism for the purpose of media policy can be examined through the role of functional differentiation (Luhmann 2000; Alexander 1981: 17–51). In the first *inclusive* approach, the media (whose role it is to contribute to appropriate functioning of a democratic system) are not seen as functionally differentiated from other spheres of social life (politics, culture, civil society) or social bodies (political groups, the state, interest groups). The media, as with central institutions of the public sphere, are expected to identify and politically expose problems (a warning function), but also to thematize them and offer possible solutions (a problematizing function). Although their capacity to solve these problems seems limited, it is to be utilized to oversee the further treatment of problematic areas by the actors of a political system (Habermas 1996: 359). Thus, the inclusive option asserts that the media are institutionally connected to social and political organizations, such as political parties, interest groups, churches, and cultural organizations. Media pluralism is to be best structured and achieved at the level of a media system as a whole, through the existence of a range of media outlets or organizations reflecting the points of view of different groups or cultural representations, rooted in different traditions of a society. Such a system, characterized by a dominant presence of external (and organized) pluralism, will obviously be considered to have a high level of political and cultural parallelism (the extent to which a media system reflects the major political and cultural division in society) (Hallin and Mancini 2004: 28). The advocacy status of civic, cultural, religious, alternative or politically-oriented media can also presuppose that alternative portrayals will be used which may differ from the canons of professional journalism (Dahlgren 1995: 156–9).

The *autonomous* approach assumes that the media are in a process of becoming autonomous systems and networks due to functional differentiation. Thus, the media are functionally differentiated from other systems within a society and their institutional relations with the state, political groups, cultural and social organizations are significantly dispersed. Differentiation does not mean that the media system is detached from the sphere of politics and other arenas of social life. Media networks and their applications increasingly organize and shape relations between the different actors of political and social systems. As a result, these relations can be interpreted both as political and as relations between information and

communication (Van Dijk 2006). The autonomous approach can also be characterized by the growth of professional norms, self-regulation and the degree of universalism in national civil cultures (Hallin and Mancini 2004: 79). The trend towards differentiation is, to a large extent, driven by economic factors and commercialization. Media pluralism could be best manifested through the dominance of internal pluralism, achieved within each individual media outlet or organization. A system characterized by a dominant role of internal pluralism will have a low level of political and cultural parallelism, and particular media outlets will aim at maintaining universal provision and neutrality, as well as focusing on the experience and perspective of the 'common' citizen (Hallin and Mancini 2004: 79). Another question related to growing media autonomy (autonomy from a political system but not economic forces), is whether other cultural and social fields will lose their own autonomy as they are increasingly influenced and 'colonized' by the mass media (see Habermas 1996; Bourdieu 1998; Meyer 2002).

The normative frameworks and grounds for policy options described above are rooted in different standards of rationality rather than interests. Jadwiga Staniszkis (2004) points out that 'rationality' refers to the way of reasoning which is logical and correct in light of given rationales and method of reality problematization. Hence, different or even conflicting choices of two parties using different rationales may be perfectly rational, given the different logic and way of reality conceptualization. Conflict of interest, on the other hand, refers to a situation in which different parties function within a framework of the same rationale but propose different choices or solutions (Staniszkis 2004: 19). Inclusive and autonomous approaches to media pluralism conceptualization draw, to a certain extent, main and conflicting lines between European institutions and pressure groups incapable of establishing a common *modus operandi* concerning the regulatory framework for securing media pluralism in Europe.

Competitive globalization: European Commission

Cultural diversity and competitiveness

The European Commission's approach towards media diversity has been governed by the logic of *competitive globalization* – 'media diversity' is important as it contributes to competitiveness of European ideas, cultures, languages – and most crucially – media and communication industries as a whole, on the global scene. This strategy shares many common characteristics with the belief in autonomy of 'differentiated' media systems and in the lack of reasons for instruments stimulating external pluralism. One of the symptomatic features is also the acceptance of internal pluralism measures, in cases where they can strengthen competitiveness.

Some aspects of media diversity have been defined and used to protect a common European media space against US imports and to support European dominant media players. The concept of 'cultural diversity' has served as an argument for state aid to the film and audiovisual industries as well as support for measures concerning European works and requirement of independent production during the drafting of the new Audiovisual Media Services (AVMS) Directive (European Commission 2005a). In its issue paper on cultural diversity, the Commission called for creation of incentives increasing the distribution of European co-productions: 'Positive likely impacts in cultural terms might be a deeper understanding of Europe's cultural diversity and richness and a wider acceptance of the European integration process' (European Commission 2005b: 4). In this sense, the promotion of European works, co-productions and works made by independent producers has been increasingly perceived and interpreted as an essential contribution to the nurturing of

cultural diversity, both within and outside Europe, and as a pertinent way of correcting proportions between media representations of cultures on a global scale.

The relational perspective strengthens the view on cultural diversity as a key value shared by all Europeans, which needs to be constantly reaffirmed in subsequent media regulatory designs. In this process, cultural diversity contributes to fostering a European awareness and a feeling of collective belonging, intrinsically and conditionally linked to the progress of the Union.² It is interesting to observe how the once highly contentious European quota issue has transformed in the alchemy of media policy making and implementation into a widely accepted media policy instrument. Despite different approaches to cultural diversity and some criticism of implementation and monitoring functions, a gradual consensus that the rules on the promotion of European and independent production have provided a stable and flexible framework for the protection of cultural diversity (seen of course from the perspective of European culture) has not been harmed. Herein, 'cultural diversity' has conceptually functioned as a European cultural projection: it has been the conscious effort of media policy makers and industry to place recognizable images and representations of European culture (through diverse cultural expressions) in the global public sphere.³

Yet the widening of the new AVMS Directive's scope to non-linear audiovisual media services brings far less agreement, although it can be perfectly justified from the position of European *cultural competitiveness* in the global context. The potential of non-linear audiovisual services to replace linear services upholds, in view of the Commission, regulatory commitment to promotion and distribution of European works – and thus promotion of cultural diversity – on non-linear services. In its Audiovisual Media Services Directive, the Commission proposes that media service providers *promote* production of, and access to, European works (European Parliament and the Council 2007: 27–45). The new directive suggests that such a promotion might, for example, take the form of financial contribution for the production and rights acquisition of European works, or of the share and/or prominence of European works in the catalogue of programmes offered by the on-demand audiovisual media service (Article 3i). In a process of reporting to the European Parliament and the Council on the application of Paragraph 1, the Commission is expected to take into account the objective of cultural diversity (European Parliament and the Council 2007: 42). Due to the risk of bypassing these regulatory requirements by companies set up outside the European Union, the weight of cultural diversity promotion carries a more symbolic than pragmatic significance and might be, in the future, more closely related to public media services than non-linear services in general.

Pluralism as an 'added' value

During the 1990s, 'media pluralism' was conceptualized by the Commission merely through anti-concentration and media ownership policies (in fact, stimulating external pluralism). Attempts to introduce such media pluralism regulation have been discreetly passed down by the Commission to the competence of the Member States, equally reluctant to limit mergers of dominant national players. Thus, (external and structural) media pluralism was not seen as a value to be generated through European Union media policy instruments, but rather as an 'added value' to be addressed by other European (Council of Europe) or national institutions (European Commission 2005c).

In 1992, at the request of the European Parliament, the European Commission published a Green Paper: 'Pluralism and Media Concentration in the Internal Market'. Its main purpose

was to assess the need for Community action on the question of concentration in the media (television, radio, press) and to evaluate different approaches of involved parties (Commission of the European Communities 1992). The results of the consultation process reaffirmed divergent standpoints of the involved bodies. The European Parliament, the Economic and Social Committee, the journalists' federations and the trade unions emphasized that the need to safeguard media pluralism as such justified action at the EU level. In the opinion of these bodies, there was a risk that pluralism of media may be affected, in particular, by media concentration and cross-ownership (Commission of the European Communities 1994). Media industry representatives also supported the need for action, but with different argumentation, pointing to global competitiveness and the impact of new technologies. Weighing the divergent positions, the Commission concluded that an initiative on media ownership might prove necessary (Commission of the European Communities 1994: 6).

A second round of consultations resulted in circulation of a discussion paper prepared by DG Internal Market, proposing a possible draft directive on media pluralism in 1996. In the course of the discussions, the document's focus was modified from 'Concentrations and Pluralism' to 'Media Ownership' in the Internal Market. Gillian Doyle (2002: 164) points out that this signalled a move to deflect the focus from pluralism (where the Commission's competence would be uncertain) towards removing obstacles to the Internal Market. Even with such significant modifications and flexibility, the initiative was rejected. Underscoring the difficulty to propose any kind of rules of harmonization between the EU Member States on media pluralism, the Commission has withdrawn from this policy area, emphasizing the importance of the added value of additional European actions.

The failure in this case did not only stem from profound tensions between contradictory policy agendas of the involved parties. In the regulatory debate, the separate concepts of media pluralism and media ownership elided, although they are obviously not identical. 'Media pluralism' served as a conceptual shell used most often in reference to anti-concentration measures and media ownership. This limitation goes even further than confining media pluralism to external media pluralism, as it excludes a number of important structural aspects. One of them is, for instance, the form of financing. Diversity of media owners will not result in much difference in terms of content if these media are all financed by advertising. There is historical evidence that advertising is, in fact, a limited source, growing at about the same rate as the over-all economy. Thus, if policy looks towards media to serve as an engine for creating new economic opportunities and jobs, it should focus on the development of media that is not supported by advertising (Galbi 2001). Other important aspects are mutual relations and interdependencies between media structures and a larger society. This also implies diverse ways of interacting with media, as the direction of interaction ultimately changes the vectors of media pluralism (pull, not push) and the modes through which the media operate in a larger system.

Publication of the EP report on media pluralism following the EP's 'Resolution on the risks of violation, in the EU and especially in Italy, of freedom of expression and information' (European Parliament 2004),⁴ and drafting of AVMS Directive, provided a new opportunity for redressing the issue. 'The issue of media concentration is back on the political agenda', wrote Aidan White, Secretary General of the European Federation of Journalists in the EFJ report 'Media Power in Europe: The Big Picture of Ownership' (European Federation of Journalists 2006). The report once again links media concentration to media pluralism, concluding that pluralism is not an

issue to be left to local politicians, but is a European issue that requires a European response. 'The European response' according to repeated claims of the European Parliament and interest groups, however, took a slightly different direction. This was a certain result of coping with heterogeneous interests represented by a diversity of organizations, but more importantly following the logic of an autonomous approach, in which all policies affecting the media are to be tested against the editorial freedom and the economy of the media industry (DG Information Society and the Media 2006; see also Commission of European Communities 2005a).

In a series of meetings with the publishing industry,⁵ it became apparent that the industry representatives clearly aimed to prevent any new legislation to regulate media concentration and pluralism at the European level (see European Publishers Council 2005), and demanded the recognition of the publisher's competitive position in a process of drafting policies aimed at other media market players (such as AVMS Directive) (European Publisher's Forum 2005). The publishing industry has also unitedly reminded the Commission that there has not been a competence for the European Union to intervene on matters of media pluralism beyond its current rules on competition and merger regulation, and this should remain so (ENPA 2005). The Commission's approach concerning competitiveness of the EU Publishing Sector plainly demonstrates that this is the key perspective which media policy is being 'filtered through'. The Staff Working Paper on 'Strengthening Competitiveness of the EU Publishing Sector' recognizes that the productivity of the publishing and printing industries in the European Union is higher than in the United States. However, this sector is seen to be under strong economic pressure, due to the increasing digitization of content, changing consumer patterns and modes of distribution. Publishers have not yet been able to build the business models necessary to exploit online distribution; their online publications are frequently cross-subsidized by print revenues (Commission of European Communities 2005a). Thus, media policy should support sustainable competitiveness, bringing together the economic, environmental and social (high rates of employment) objectives of the European Union, in order 'to enhance pluralism and culture at the European level' (Commission of European Communities 2005a: 30).

The audiovisual industry has raised equally strong arguments. Regulatory priorities were exposed straightforwardly by James Murdoch (2005), CEO of British Sky Broadcasting during the Liverpool Audiovisual conference:

Nobody can seriously say that there is a problem with plurality when there are hundreds of TV news channels, millions of news websites and weblogs, and – perhaps – more importantly the ability for citizens to access information in an unmediated way direct from its original source...I fully accept that big companies in any industry will come under intense scrutiny and have to show that they are competing fairly, but I do hope that the old argument of equating bigness with a lack of plurality is consigned to the old world.

Nicolas de Tavernost, President of the Association of Commercial Television in Europe, backed his deregulatory stand during the ACT conference 'TV 2010 – Digital & Beyond'⁶ by putting emphasis on new competition from telecom and broadband industries: Broadcasters do not want favourable treatment, we just want an end to discriminatory regulation against our businesses' (ACT 2006).

This reasoning – rooted in the *competitive globalization approach* – presented one of the main lines developed in the Issues Paper ‘Media Pluralism – What should be the European Union’s Role’, prepared for the discussion on the new AVMS Directive during the European Audiovisual Conference in Liverpool:

A balance between the safeguard of media pluralism in Europe and the possibilities for European companies to compete globally is crucial if we want a European presence at the global ‘top table’ in the communications and media sector, especially in view of trade deficit of around \$8bn p.a. with the U.S. (European Commission 2005c: 5)

Karol Jakubowicz (2006b: 5) emphasizes that the only explanation for issuing the document, which shows, in fact, no intention to deal with media pluralism, could be that the European Commission was trying to demonstrate to the European Parliament that it had made a strong commitment to take up the issue.

Yet ‘added’ value approach to media pluralism has not only reactive, but also proactive potential in the multi-level EU media policy-making. Following the logic of *competitive globalization*, Commission policy activities and discourses benefit from adding the ‘value of media pluralism’ to strengthen the Commission’s bargaining position vis-à-vis external actors (both industry representatives and various interest groups). A good example can be adding the ‘value of media pluralism’ to the project of the new AVMS Directive, promoted through the three major measures which contribute to media pluralism: an obligation for Member States to guarantee the independence of national regulatory authorities; the right of broadcasters to receive ‘short reporting’; and promotion of European works and content from independent European producers (European Commission, DG Information Society and the Media 2005).

On 16 January 2007 the Commission published a staff working document ‘Media Pluralism in the Member States of the European Union’, indicating further steps in a policy process regarding this matter (Commission of the European Communities 2007). The document sustains a familiar argument against submitting a Community initiative on pluralism at present, but it emphasizes a necessity to closely monitor the situation. The monitoring process is to involve an independent study on media pluralism indicators (2008) and communication from the Commission concerning these indicators (2009). Thus, ‘concrete’ indicators of assessing media pluralism present a crucial methodological category used for developing a more sophisticated risk-based monitoring mechanism, including such areas as:

- Policies and legal instruments that support pluralism in MS
- The range of media available to citizens in different MS
- Supply side indicators on the economics of the media. (Commission of the European Communities 2007: 17–18)

The idea to monitor conditions of media pluralism in the EU Member States integrates the Commission’s decision-making with European Parliament’s and Council of Europe’s priorities, concerning policy on media pluralism. At the same time, this integration is compensated by gains in autonomy vis-à-vis media industry and interest groups. The monitoring is not likely to bring a significant qualitative change in current EU media policy-making guided by the

rationality of competitive globalization, but will present a potential base for more substantial policy change (which the Commission may or may not use), depending on a critical mass of information needed for the initiation of new solutions.

Internal pluralism: A domain of public service broadcasting?

Internal pluralism regulation usually refers to the legal obligation of media providers to render pluralism within their contents and services. This kind of regulation has been historically central, although not exclusive, to the model of public service broadcasting. The protocol on the system of public broadcasting appended to the EC Treaty by the Treaty of Amsterdam links PSB to the democratic, social and cultural needs of each society and to the requirement to protect media pluralism (European Commission 1997). Werner Rumphorst (2006) points out that this relation to media pluralism is very specific and 'internal' in its nature. It may be plausibly argued that any media outlet, even the most polemical one, contributes to media pluralism. But the PSB is singled out from the external plurality of other media outlets in its normative task to ensure impartial, comprehensive and quality information contributing to the formation of well informed citizenship (Rumphorst 2006). Thus, the public status of PSB justifies intervention in the broadcaster's programming autonomy in the interest of media pluralism and cultural diversity. This is well transposed to the programming obligations of PSB in most European countries, which frequently require the transmission of a specific proportion of culture-related programmes, promotion of local culture and works, and often the broadcasting of programmes representing all the regions in a given country (Ader 2006: 7). Moreover, internal pluralism is reflected in the PSB's normative attempt, as Karol Jakubowicz (2006c) puts it, to meet audience's needs as 'complete human beings', offering a full range of services generating from different collective identities (citizens; members of different social groups, communities, minorities and cultures; consumers and users of information, education, advice and entertainment).

The Protocol allows the Member States to finance PSB on the grounds of these democratic, social and cultural needs, but the ways they are interpreted and understood are marked by a profound ambiguity. Complaints brought up since the beginning of the 1990s by private broadcasters, regarding an unfair competitive regime giving privileges to PSB, provide compelling evidence of growing tension between the wish to permit PSB to fully realize their mission (and thus provide for internal pluralism within their services) and the general rules of European competition and state aid policy. Media industry consortia have repeatedly emphasized a growing discrepancy between the mission statements and the actual activities of Europe's PSB (ACT, AER and EPC 2004), and the distortion of markets (due to collecting advertising revenues in addition to state aid) in excess of what is acceptable to private operators to be able to effectively compete with PSB (European Publisher's Forum 2005). The fact that PSB is the third most subsidized 'industry' in Europe adversely affects, in view of the private stakeholders, the whole media market in Europe, including the press and Internet publishing, not only private TV and radio broadcasters (see European Publishers Council 2005).

In its assessment of public financing for PSB in the past, the Commission examined whether public financing applies to measures that are essential for fulfilment and continuation of the public service mission on the basis of Article 86 (2) EC. The Commission approved such financing in the case of public broadcasting channels 'Kinderkanal' and 'Phoenix' in Germany (State Aid – Germany 1999: 3), a 24-hour news television channel with licence fee in the United Kingdom (State Aid –

United Kingdom 2000: 6), the public financing of the nine BBC's digital television channels (BBC's digital curriculum) (State Aid – United Kingdom 2003: 6) and the financing of the creation of an international news channel in French (State Aid – United France 2005). The Commission, however, raised objections in the case of public financing of the Danish public broadcaster TV2. On the one hand, the Commission accepted the broadly defined public service broadcasting task under which TV2 ensured internal pluralism of its services providing a mix of programmes on culture, sport, entertainment and news on several television channels. On the other hand, the Commission found that TV2 had been overcompensated by State funding and that the State compensation was not proportionate to the net cost TV2 had to bear in fulfilling its public service mission (European Commission 2004). Similarly, in 2006 the Commission found that the Dutch public broadcaster NOS had been overcompensated by State funding and ordered them to pay back 76.3 million Euro to the Dutch government (European Commission 2006). Thus, within the framework of the EU competition policy, and having a crucial impact on the EU media policy in general, internal pluralism remit is being tested and discussed through the logic of economic competition, one of the crucial components of the *competitive globalization* approach.

The tension between PSB and private operators is becoming intense, not only because PSB institutions fail to distinguish sharply enough between internal pluralism remit and the commercial activities, but also because of discussion on the role of PSB in a new digital environment. The central point here revolves around the legitimacy of new non-linear services to be offered by PSB organizations and the controversial idea to confine PSB remit to traditional linear broadcasting. In its communication on the application of state aid rules to public service broadcasting, the Commission states that:

the public service remit might include *certain* services that are not 'programmes' in the traditional sense, such as online information services, to the extent that...they are addressing the same democratic, social and cultural needs of the society in question. (European Commission 2001: 8, emphasis added.)

Commissioner Reding reaffirmed this position, stating that PSB are free to develop activities other than traditional broadcasting and make available socially valuable content on other platforms, however the scope and financing of such activities should be clearly defined by the Member States (Reding 2006). Public service broadcasters see their involvement in new media platforms and services, such as online content services, necessary to safeguard media pluralism and fulfil fundamental European policy objectives in the digital environment, for example social cohesion, cultural diversity and public information services (EBU 2006). Moreover, the legacy of PSB commitment to internal pluralism is linked to the paradoxes of new digital environment and operations: mere quantity of platforms, channels, thematically fragmented services does not automatically bring more media pluralism and diversity. New private platform providers increasingly control the revenue stream of programme makers and the COPE paradigm (Create Once – Publish Everywhere) economically privileges programming schemes that can be traded in many countries and localized more easily in multiple versions, thus reducing cultural specificity and profound diversity.

Yet some of the recent interpretational attempts of the Commission support the assumption that in a multichannel media environment (catering both to specialist and universal interests

and tastes), PSB does not necessarily have to provide internal pluralism through a whole range of non-linear services, but should rather focus predominantly on traditional linear or related services in fulfilling their mission. Verena Wiedemann points out that, in its letter to the German Government, DG Competition has assumed online services of the public service broadcasters permissible only if 'closely linked' to the traditional broadcasting services. Moreover, contents made available by PSB on mobile platforms should be inadmissible *per se* in the view of DG Competition (Wiedemann 2005). In other words, mobile platform services are apparently regarded by the Commission as being outside an area that can be considered as 'services of general interest' (Nissen 2006: 27).

It might be too early to assess this regulatory direction, but some Commission declarations demonstrate the necessity to limit public financing of PSB to the *strict minimum* and call for a comprehensive reform of state aid rules in light of the Lisbon strategy. In closing the existing procedures under EC Treaty state aid rules (Article 88 (1)) and following changes made to the financing of public broadcasters in France, Italy and Spain, the Commission concluded: 'Financing of public broadcasters should not exceed the strict minimum necessary to ensure the proper execution of the public service mission, should not unduly benefit commercial activities (cross-subsidies) and should be transparent' (European Commission 2005d). A key concept emerging from the debate on state aid rules reform in the context of the Lisbon Strategy is a 'market failure', seen as a situation where the market does not lead to an economically efficient outcome. One of the areas where markets do not achieve economic efficiency is public goods. These are beneficial to a society but are not normally provided by the market, given that it is difficult or impossible to exclude anyone from using the goods. The Commission recognizes some types of public broadcasting to fall into this category (Commission of the European Communities 2005b: 7, emphasis added).

The Commission has certainly not questioned media pluralism as a rationale justifying the special status (and thus also financing from state aid) which PSB enjoys within the national context of Member States. It seems that some online services can be accepted by the Commission to meet democratic, social and cultural needs and to protect media pluralism in MS societies. Yet this 'national dimension' of EU media policy making is being increasingly tested through the logic of economic competition and counterbalanced with the globally oriented competitive approach. The economic and pro-competitive course of action with regard to state aid policy not only aims at reducing the general level of state aid, but requires the justification of any support, including that of providing internal pluralism within the services of PSB, by market failure. The rationality of *competitive globalization* confines internal pluralism measures to the question of competition, state aid rules and delimitation of PSB remit unless PSB is not redefined in a transnational democratic constellation (as institutions fostering well-informed pan-European citizenship) and new digital environment (as Public Service Media or Public Media Services, not Public Service Broadcasting).

A catalyzer of democratic participation: European Parliament and the Council of Europe

European Parliament

Unlike the Commission, other European institutions (mainly the European Parliament and Council of Europe), interest groups and professional institutions (International Federation of

Journalists) have repeatedly highlighted the importance of media pluralism for the democratic nature of the European media landscape and expressed the need to formulate a common regulatory approach at the EU level. This is seen to be indispensable in order to accommodate growing tensions between:

- Processes of media concentration and the citizens' rights to receive information from diverse and independent sources
- PSB status and EU competition and state aid policy
- Structural media diversity and high costs of market entry
- Unequal representation of minorities and pressure from advertisers in favour of mainstream audiences
- Journalistic autonomy and political influences.

Despite its weak legislative powers, the European Parliament has more frequently initiated Community media policy than the Commission or the Council (Verhulst and Goldberg 1998: 17–49). In particular, the Parliament has pressed for action to pursue policies protecting media pluralism. Throughout the 1990s, it adopted an impressive number of reports which were developed into resolutions addressing various facets of media pluralism. The first more concrete and policy-shaped discussions on the issue revolved around a series of party-specific initiated documents and motions for resolutions. Katharine Sarikakis (2004) emphasizes that, despite internal and ideological differences, the European Parliament did not find it difficult to reach consensus on two major issues: the definition of the problem itself and the action that needed to be taken in terms of policy.

Although some MEPs highlighted positive aspects of media concentration, the conviction was broadly shared that unlimited media concentration might endanger the independence and freedom of journalists and thus, the right of citizens to access information from diverse and transparent sources. The formation of the conception of media pluralism has been gradual and has taken on form in the course of subsequent documents and discussions. Its conceptual frame was rooted in normative democratic expectations, while the causal and direct relation between media concentration and diversity of opinion was perceived as an eventual hindrance to democratic performance. This interpretation of the emerging notion of media pluralism is embedded in the Resolution on Media Takeovers and Mergers (European Parliament 1990: 137) referring to many 'worrying examples' of concentration which could readily be observed in national and transnational European media landscapes.

Proposals to implement complex media pluralism regulation at the EU level were formulated in the Resolution on Media Concentration and Diversity of Opinions (European Parliament 1992: 44). The Parliament called on the Commission to submit a proposal for a directive harmonizing national restrictions on media concentration and enabling the Community to intervene in acts of concentration that endanger pluralism on a European scale. Secondly, the Parliament proposed the creation of the European Media Council with an advisory function to: monitor the development of the European media landscape (also in a global context); ensure transparency of media ownership; and provide the Commission with reports, recommendations and proposals concerning media developments and policy in Europe. Finally, the Parliament called for actions to improve journalistic independence and freedom. The proposals included

drafting a framework directive safeguarding journalistic and editorial independence in all media, and the approval of a European Media Code setting basic standards of professional ethics (European Parliament 1992: 44; see also European Parliament 1994a: 177).

Further EP resolutions, such as the Resolution on the Commission Green Paper 'Pluralism and Media Concentration in the Internal Market' (1993) (European Parliament 1994a: 177), Resolution on concentration of the media and pluralism (European Parliament 1994b: 157) and Resolution on Pluralism and Media Concentration (European Parliament 1995: 133), accompanied the debate over the Commission's Green Paper 'Pluralism and the Media Concentration in the Internal Market' (1992) and its 'Follow-up' (1994), and reaffirmed the position arguing for complex regulatory measures. After the double rejection of the draft directive by the College of Commissioners, parliamentarists themselves admitted that media pluralism is 'without doubt the biggest failure of the EP' (Sarikakis 2004: 132). The media pluralism regulatory initiative did not prove successful in the 1990s, even though the Parliament had renewed efforts to address the issue.

Still, in the following years, media pluralism remained on the EP's media policy agenda. In 2004 the EP adopted the Resolution on the risks of violation, in the EU and especially in Italy, of freedom of expression and information (European Parliament 2004: 1026).⁷ Examining the situation in selected Member States and focusing on Italy in particular, the resolution proposes that the Commission review the existing powers as well as the monitoring of public broadcasting, in order to adopt pertinent measures ensuring the protection of media pluralism. The European Parliament stresses in the resolution that free and pluralist media reinforce the principle of democracy on which the Union is founded. This is closely linked to the conception of EU citizenship – citizens have the right to stand and vote in municipal and European elections in a Member State of which they are not a national. Hence, the European Union has a political, moral and legal obligation within its fields of competence to ensure that the rights of EU citizens to free and pluralist media are respected (European Parliament 2004: 1027).

There are other pragmatic reasons which justify the specification by the European Union as to the minimum conditions to be respected by Member States to ensure an adequate level of media pluralism. One of the reasons is, according to the European Parliament, the lack of recourse of the Community courts by individuals when an absence of pluralism in the media has been determined (European Parliament 2004: 1027). This direction of reasoning clearly demonstrates that media pluralism is seen by the European Parliament as a fundamental value of the European Union in sustaining and reinforcing its democratic ideals. As the recognition of this value facilitates the democratic participation of its citizens, it should, in the words of the EP, affect the institutional practice of the European Union and its Member States (European Parliament 2004).

Council of Europe

Premises of democratic participation brought to the foreground numerous policy initiatives that were developed in order to set up common media pluralism standards within the framework of the Council of Europe. One of the fundamental incentives in this respect has been a positive action approach with regard to Article 10 ECHR. In this sense, Article 10 has functioned not only as a guarantee against interventions by states in the field of freedom of expression and freedom of the media, but it has also encouraged a positive action approach to ensure the

citizen's right to be fully and impartially informed, and to receive the information from diverse and independent sources (Voorhoof 1998: 35–57).

This approach has been supported by a significant volume of resolutions, recommendations and declarations adopted by the Parliamentary Assembly and by the Committee of Ministers, many of which stressed the importance of the active implementation of Article 10 ECHR for the appropriate development of media pluralism and access to diversity of information sources. Most of these documents are not legally binding, but they do set down a number of principles and strategies suggested to Member States for further implementation. The table below illustrates a thematic spectrum and level of complexity reflected in numerous measures designed to protect media pluralism. A chronological ordering of these documents shows how closely CoE's objectives in this matter were linked to given historical circumstances and developments, such as democratization of media systems in Central and Eastern Europe. Sustained democratic premises induced both the Committee and Assembly to repeatedly call Member States' attention, in order to adopt recommended measures protecting various aspects of media pluralism, and ultimately unfreeze implementation idleness.

Already in the 1970s, the Committee of Ministers and Parliamentary Assembly recognized a risk affecting the diversity of the press landscape due to a wave of major mergers and business failures in the press sector. Many daily newspapers had ceased publishing or were bought up by rival papers. The Committee of Ministers reacted to this development with a Resolution (74) 43 to help endangered newspapers and the Parliamentary Assembly adopted Recommendation 747 (1975) on the internal freedom of the press (Möwes 2000). In 1981, the Committee of Ministers set up the Steering Committee on the Mass Media (CDMM), which has created a succession of subordinate bodies to deal with the issue of media concentration and pluralism (Jakubowicz 2006a).

The first of them, a Committee of Experts on media concentrations and pluralism (MM-CM), was established in late 1991 to conduct an in-depth examination of media concentration phenomena with the help of a network of national correspondents. One of the important questions addressed by empirical research was the necessity of implementation of harmonized measures at the European level in order to rectify negative effects of concentrations on political and cultural pluralism. The fundamental differences of opinions within the Committee of Experts rendered it impossible to support such harmonization. Instead, the Committee observed that the trend towards ever larger media units has made it increasingly difficult to trace ownership and information sources. Finally MM-CM drew up guidelines designed to promote transparency in the media, which the Committee of Ministers adopted as Recommendation No. R (94) 13 on Measures to Promote Media Transparency. The lack of consensus concerning direct influence of media concentration on pluralism has not impeded further CoE's commitment regarding these issues, but required to redress them in a more complex setting. A work of the Group of Specialists on Media Pluralism (MM-S-PL) established in 1999 has been symptomatic in this respect. The Group elaborated a text adopted by the Committee of Ministers as Recommendation No. R (99) 1 on Measures to Promote Media Pluralism. In this document, media pluralism is conceived as a catalyzer of democratic participation, which is manifested in three principal normative aspects: individuals should have access to pluralistic media content; the media should enable different groups and interests in society – including minorities – to express themselves; and democracy should be enhanced and consolidated by the existence

Table 3: Media pluralism related resolutions, recommendations and declarations adopted by the Parliamentary Assembly and by the Committee of Ministers of the Council of Europe.

<i>Committee of Ministers</i>	<i>Parliamentary Assembly</i>
<p><i>*2007 – Declaration on protecting the role of the media in democracy in the context of media concentration</i></p>	
<p><i>*alerts member states to the risk of misuse of power of the media in a situation of strong concentration of the media and new communication services, and its potential consequences for political pluralism and for democratic processes</i></p>	
<p><i>*2007 – Recommendation Rec (2007) 3 on the remit of public service media in the information society</i> <i>*recognizes the continued full legitimacy and specific objectives of public service media in the information society</i></p>	
<p><i>*2007 – Recommendation Rec (2007)2 on media pluralism and diversity of media content</i> <i>*reaffirms that media pluralism and diversity of media content are essential for the functioning of a democratic society and are the corollaries of the fundamental right of freedom of expression and information as guaranteed by Article 10 ECHR</i> <i>*stresses the need to revise this issue in the context of new technological developments</i></p>	
<p><i>*2006 – Declaration on the guarantee of the independence of public service broadcasting in the member states</i> <i>*reaffirms the vital role of PSB as an essential element of pluralist communication and of social cohesion which seeks to promote, in particular, respect for human rights, cultural diversity and political pluralism</i></p>	<p><i>*2004 – Recommendation 1641 (2004) on public service broadcasting</i> <i>*recognizes that PSB offers a variety of programmes and services catering to the needs of all groups in society and recommends the Committee of Ministers to adopt a new major policy document on PSB</i></p>
<p><i>*2006 – Recommendation Rec(2006)3 on the UNESCO Convention on the protection and promotion of the diversity of cultural expression</i> <i>*recommends that member states ratify, accept, approve or accede the UNESCO Convention</i></p>	

*2003 – Recommendation Rec (2003) 9 on measures to promote the democratic and social contribution of digital broadcasting

*recalls that the existence of a wide variety of independent and autonomous media, permitting the reflection of diversity of ideas and opinions, is important for democratic societies

*2000 – Recommendation No. R (2000) 23 on the independence and functions of regulatory authorities for the broadcasting sector

*recognizes the importance of genuine independence of the regulatory authorities for the broadcasting sector

*2000 – Declaration on cultural diversity

*recalls the commitments of MS to defend and promote media freedoms and media pluralism as a basic precondition for cultural exchange

*1999 – Recommendation No. R (99) 1 on measures to promote media pluralism

*stresses the importance for individuals to have access to pluralistic media content and recommends the States to promote political and cultural pluralism by developing their media policy in line with Article 10 ECHR

*1996 – Recommendation No. R (96) 10 on the guarantee of the independence of public service broadcasting

*reaffirms the vital role of PSB as an essential factor of pluralistic communication

*1994 – Recommendation No. R (94) 13 on measures to promote media transparency

*recalls that media pluralism and diversity are essential for the functioning of a democratic society

*2003 – Recommendation 1589 (2003) on freedom of expression in the media

*asserts that media concentration is a serious problem across the continent and asks the Committee of Ministers to urge all European states to ensure the plurality of the media market through appropriate anti-concentration measures

*2001 – Recommendation 1506 (2001) on freedom of expression and information in the media in Europe

*highlights that a pluralist and independent media system is essential for democratic development, and that the current market restructuring might lead to further concentration restricting media pluralism

*1999 – Recommendation 1407 (1999) on media and democratic culture

*states that sheer quantity of information does not by itself provide variety and quality, and recognizes the problem of the delicate relationship between freedom of expression and the citizen's right to objective, undistorted information

*1991 – Recommendation 1147 (1991) on parliamentary responsibility for the democratic reform of broadcasting

*recommends national parliaments to revise broadcasting regulation to ensure pluralism at least at the level of the overall media landscape

*1975 – Recommendation 747 (1975) on media concentrations

*draws up a model statute to secure internal freedom of the press and sets up criteria for an

<i>Committee of Ministers</i>	<i>Parliamentary Assembly</i>
and recommends that the governments promote media transparency	establishment of CoE's information centre on mergers and business failures in the press sector
* 1982 – <i>Declaration on freedom of expression and information</i>	* 1974 – <i>Resolution (74) 43 on press concentration</i>
* supports the existence of a wide variety of independent and autonomous media reflecting diversity of ideas and opinions	* recommends certain measures of public aid to the press

of a multiplicity of autonomous and independent media outlets at the national, regional and local levels (Council of Europe 1999). These three dimensions refer to the conceptualization of media diversity proposed by Denis McQuail. Being itself a broad principle, diversity can be fulfilled by the mass media in three ways: by reflecting differences in society (diversity as reflection); by giving access to different points of view (diversity as access); and by offering a wide range of choice (diversity as choice) (McQuail 1992: 144).

The main findings of the MM-S-PL in the course of its mandate were summarized in the 'Report on Media Pluralism in the Digital Environment' (Council of Europe 2000). The document has not proposed any immediate regulatory action, but has brought up differentiated issues that demand response from Member States, especially in the context of rapidly changing digital environment.⁸ A wider media diversity perspective has been at the centre of focus of the subsequent Advisory Panel on Media Diversity (AP-MD), set up in 2001, and reflected in two Panel's reports 'Media Diversity in Europe' (Council of Europe 2002) and 'Transnational Media Concentrations in Europe' (Council of Europe 2004). The Group of Specialists on Media Diversity (MC-S-MD), continuing the work of the Panel, has concentrated on the ongoing assessment and monitoring of conditions affecting cultural diversity and media pluralism, especially in the context of digital environment and democratic performance.

New technological developments and implementation difficulties urged the Council of Europe to revise instruments proposed in the already existing recommendations. On 31 January 2007 the Committee of Ministers of CoE adopted three new documents referring to media pluralism: Recommendation Rec (2007) 2 on Media Pluralism and Diversity of Media Content; Recommendation Rec (2007) 3 on the Remit of Public Service Media in the Information Society; and the Declaration on Protecting the Role of the Media in Democracy in the Context of Media Concentration. In the Recommendation Rec (2007) 2 on Media Pluralism and Diversity of Media Content, the three basic dimensions of media pluralism are re-formulated, especially with regard to the positive interpretation of Article 10 and the role of media transparency in well-informed policy making, as well as critical media analysis by citizens (Council of Europe 2007). The Recommendation links requirements concerning freedom of expression with media pluralism: demands of the Article 10 of ECHR can be fully satisfied only if citizens are given the possibility to form their own opinion from diverse sources of information. Transparency of

media ownership is seen as an important precondition for well-informed decisions and analysis by regulatory authorities and the public (Council of Europe 2007).

A brief account of ways in which media pluralism is exposed in documents of European Parliament and the Council of Europe reveals fundamental similarities. In the case of both institutions, the logic of setting up media pluralism standards involves harmonizing or balancing the forces of globalization (outside the European Union) with a stimulation of democratic participation and more pro-active citizenry (inside the European Union). This citizenry is not to be nationally, but rather transnationally defined to articulate and cope with common issues now emerging across national boundaries. Despite the fact that both institutions involve a representative set of societal interests in the policy formulation process, the difficulties are found in the implementation and transposition stages. This is related not only to ensuring that all member states adopt the standards agreed upon, but also that they support transposing these standards into harmonized rules and measures, both at European and national levels.

The question of a structural asymmetry

These different (and in many aspects conflicting) ways of looking at media pluralism problematization led to 'seesaw' efforts to introduce and abandon media pluralism regulatory measures at the European level. The problem, however, does not only seem to be rooted in a structural asymmetry of EU policies that have made pro-market deregulatory 'negative integration' far easier to achieve than market-correcting regulatory and 'positive integration'. Fritz Scharpf argues that 'negative integration' refers to the removal of barriers – like tariffs – or other obstacles to free and undistorted competition. 'Positive integration' on the other hand concerns reconstitution of an economic system of regulation through market-correcting measures (Scharpf 1999: 45). In general, Scharpf emphasizes structural asymmetry of EU governance (with an overwhelming role of 'negative integration') and asserts that *aquis communautaire* have done little to increase the institutional capacity for 'positive integration' and problem solving (Scharpf 1999: 157).

This regulatory asymmetry has been repeatedly echoed by other scholars when analysing EU or European media policies. With regard to public service broadcasting, concern for media pluralism, and cultural policy, Alison Harcourt has stressed the essentially closed, 'technocratic', top-down, market-making, 'deregulatory' nature of EU media policies (Harcourt 2004). Similarly, Venturelli underlines the absence of legislative clarification on positive information rights such as political rights, and a dominance of negative free-speech rights justifying deregulatory and liberalizing policies in the media sphere, which contrast with mechanisms for supporting media production (European quota) (Venturelli 1998). Dennis McQuail and Jan van Cuilenburg (2003) see normative grounds for deregulatory asymmetry in a new communications policy paradigm. The new paradigm results from such developments as technological and economic convergence, and the merging of the branches of computing, communications and content (publishing). The emerging policy paradigm for media and communications is mainly driven by an economic and technological logic. This media policy shift legitimizes the retreat from regulation where it interferes with market development or technological objectives, and it gives higher priority to economic and technological welfare over social-cultural and political welfare when priorities have to be set (Van Cuilenburg and McQuail 2003: 181–207).

The structural asymmetry in European media policies is not exclusively rooted in a dichotomy between pro-market (deregulatory or negative measures) and market-correcting (regulatory or positive measures) or a dichotomy between economic and political/cultural objectives. Both

pro-market and market correcting measures may be used for the same rationale as is the case of *competitive globalization*. Namely 'this objective' guides the European Commission's policies on media pluralism/diversity (as it is understood and incorporated in media policy language) in both deregulatory (reluctance towards harmonizing 'media pluralism' anti-concentration measures) and market-correcting directions (protection of cultural diversity through European quota, European co-productions and production by independent producers).

The dividing line comes rather from two different ways of perceiving and conceptualizing media networks in a context of larger societies or political systems. In other words, policy on media pluralism is rooted in two different standards of rationality: one seeing the media as an increasingly politically autonomous and differentiated system, playing a central role in a process of competitive globalization; the second perceiving the media as a part of a deliberative democratic system. The first option is constructed in the (external) global context, especially vis-à-vis challenges of global economic competition, cultural and linguistic imperialism, and technological convergence. The second approach refers to the (internal) European political and civic space, recognized mainly through the concept of European citizenship. In the case of the former, policy debates are most decisively influenced by the media industry – seen as a main and autonomous subject of eventual regulation. In the sense of the latter, the crucial role in the debate is played by civic and non-governmental organizations, political parties, media expert institutions and the journalistic environment.

In the conceptual framework of competitive globalization, media pluralism is divided into other partial categories to be dealt with in different policy areas ('cultural diversity' through audiovisual policy measures, 'media pluralism' through ownership and competition rules, and 'internal pluralism' through general policy towards PSB and state aid rules). In the framework of democratic participation, media pluralism is conceived in complex terms and is to be addressed in one common regulatory model. Some might argue that there is a contradiction in positing one common normative model for safeguarding media pluralism, as media pluralism in itself implies diversity of media types, organizations, ways of operation and interaction with the audience. This is namely the argument used by non-linear services providers striving for no, or minimal, regulations, on the grounds that different audiences have different expectations, therefore the same rules cannot be imposed on all media. The position of the UK Broadband Stakeholder Group helps to explain further consequences of this stand: 'New audio-visual content services, made possible through innovation in digital technology and the internet, should be given time to evolve and develop rather than being shackled by premature and unnecessary intervention by the EU' (Williams 2005).

It is also interesting to see whether media pluralism is recognized as a value in both models of rationality. Undoubtedly, media pluralism is a value on which democratic participation is founded. At the same time, it is the objective for which the process of democratic participation is striving. On the other hand, within the model of competitive globalization, media pluralism functions as an added value to be generated by 'other' institutions through 'different' objectives. One common theme for both approaches is a search for a new media policy paradigm in existing schemes. As regards the latter, a 'new' paradigm is, to a certain extent, modelled on other policy fields; therefore a gradual reduction of media specific measures is one of its most characteristic features. In the case of the former, it is not merely a plea for reconstruction of the 'old' public service media policy paradigm, but rather an attempt at its redefinition in a new transnational political constellation and digital environment.

Table 4: Models of rationality, within which media pluralism is being used as a media policy conception and objective.

	<i>Competitive globalization</i>	<i>Democratic participation</i>
Media	<i>Autonomous</i> Increasingly autonomous and differentiated system	<i>Inclusive</i> Part of deliberative democratic system
Context	<i>External</i> Global economic competition, cultural and linguistic imperialism, technological convergence	<i>Internal</i> European political and civic space, european citizenship
Main Commentators	Media industry	Civic and non-governmental organizations, political parties, media expert institutions, journalistic environment
Regulatory framework	<i>Fragmented</i> 'Cultural diversity' – audiovisual policy measures, 'Media pluralism' – ownership and competition rules, 'Internal pluralism' – general policy towards PSB and state aid rules	<i>Complex</i>
Value orientation	<i>Added value</i>	<i>Core value and objective</i>
Media policy paradigm	<i>Reduction</i> Of media specific measures	<i>Redefinition</i> Of 'old' public service media policy paradigm in a new transnational political constellation and digital environment
<i>Institutional framework</i>	European commission	European parliament Council of europe

Conclusions

Let us return to the initial question: Is the clash of rationalities leading nowhere? The effects of the clash may be both negative and productive: both standards of rationality – competitive globalization and democratic participation – provide at once limits and impetus for European media policy concerning media pluralism. The tensions between the two poles render media policy language its ambiguity (media pluralism conceptualized through autonomous and inclusive approach) and media policy activities its ambivalence (fragmented regulatory

actions, or soft measures, such as monitoring, and a complex framework for enforcing common, harmonized standards at the European level). Both ambiguity and ambivalence stimulate an opportunity of internal change. The clash between the two standards of rationality brings, on the one hand, the risk of destructive institutional competition and policy to a deadlock, but on the other, creates a potential for the reform that would not be possible in a unified structure.

The policy concerning media pluralism has been seen as one of the biggest failures of EU institutions (both the Commission and Parliament). Despite the increasing need for harmonized European rules on media pluralism, the European Union still lacks the formal powers (especially if member states' interests strongly diverge) and the institutional capacities necessary to enforce the compliance with the rules and their transposition in the member states. The most important regulatory instrument continues to be competition law, which, while strong and intrusive, is limited in scope and is a poor substitute for other regulatory powers and capacities (Grande and Eberlein 2005: 89–112). The Council of Europe's continuous efforts to repeatedly address the need for common standards on media pluralism have not, so far, brought a legally binding outcome.

Yet the clash of rationalities through which the issue of media pluralism is being conceptualized provides an alternative route of harmonization, especially through defining the limits of both standards. One such limit is confining media pluralism to the issue of media concentration or a structural, external dimension, often equated with media ownership. The relevance of the concept of media pluralism in media policy is increasingly marked by its potential and modes of activation. Its traditional and static framing is challenged by the ongoing identification, the sense of which depends on mutual relations and interdependencies. Thus, the potential of media pluralism is conditionally linked to capacities that can be mobilized through its 'building blocks', such as multiple centres of media control, sources of information and so on. At the same time, its full usage is increasingly determined by individuals, their ability to critically read media content, and to generate their own messages, as well as modes of delivery and ways of interaction.

These new interpretational dimensions challenge centres of gravity in media policy-making. The idea to regulate media pluralism at the structural level (prevention of concentration through anti-concentration rules, imposing diversity on media actors) is being replaced by soft and indirect regulatory levers, such as monitoring, transparency, and promotion of media literacy. Through information exchange and networking, both EU institutions and the Council of Europe are developing harmonized strategies focusing predominantly on information and competence (for example, support for media literacy). An individualized and interactive character of media use amplifies the possibility to better safeguard media pluralism through supporting citizens and interest groups with special knowledge, enabling them to more easily establish their relations with mainstream media, get their messages heard, and have their cultural expressions represented and opinions addressed. In this sense, more appropriate than providing fish, it seems more appropriate to equip media users with the angling-rod and the know-how to use it.

The fact that media pluralism is rationalized in different ways, and that tension exists between these ways, does not decrease its potential or block the chance for vital policy-making. The important question is, however, whether 'policy bridges' are built between divergent practices rooted in different standards of rationality, and whether they, in consequence, activate media

pluralism potential. This multirationality and multifunctionality of the media policy process itself creates a complicated, multi-layered setting that in certain circumstances brings a harmonized solution with it and strengthens European institutions vis-à-vis external actors. An instructive example would be the promotion of cultural diversity (in regulatory practice European works, independent productions and co-productions) as a key value shared by all Europeans, and a regulatory rationale that needs to be constantly reaffirmed in subsequent media regulatory designs. On the other hand, European institutions have not established a harmonized approach enabling the redefinition of PSB's role in the transnational democratic constellation (as institutions nurturing well-informed *pan-European* citizenship) and in the new digital environment. Thus, they have not challenged the coherence of testing EU media policy through the logic of economic competition and a globally oriented competitive approach.

Finally, the clash of rationalities, resulting in ambiguity of policy language and ambivalence of policy action, changes the patterns of democratic legitimacy. Accompanied by institutional interdependencies and functional convergence, European media policy-making creates structural gaps in democratic control. This participation-limiting legitimacy stands in contrast to a trust-demanding social and public policy system in Europe (Merelman 2003: 286–7). The sophistication and complexity of the policy process demands that Europeans be willing to trust unknown solutions. In other words, the legitimacy dilemma reflects the contradiction between stimulating citizen trust in policy-making and the lack of participatory openness and transparency of policy-negotiating systems.

Notes

1. A close relationship between ambiguity of language and ambivalence of political conduct was distinguished and conceptualized by Michael Oakeshott (1996).
2. For more on this perspective see the report of the Department for Culture, Media and Sport (2005).
3. For more on cultural projection see Merelman 1995.
4. More on the Resolution see in the section *A catalyzer of democratic participation: European Parliament and the Council of Europe (European Parliament)*.
5. These included: European Publishers' Forum 2005 (annual meeting), 6 December, Brussels; Editors-in-Chief meeting with Information Society and the Media Commissioner Viviane Reding, Brussels, 23 September 2005 and the second meeting on 23 October 2006.
6. The conference was organized in Brussels on 27 April 2006.
7. The Resolution was followed by the publication of 'Final report of the study on "the information of the citizen in the EU: obligations for the media and the Institutions concerning the citizen's right to be fully and objectively informed"', prepared by the European Institute for the Media on behalf of the European Parliament, 31 August, 2004.
8. The report reflects in part results of the study on 'Pluralism in the multi-channel market: suggestions for regulatory scrutiny' prepared on behalf of MM-S-PL to explore the means by which media pluralism can be maintained or even strengthened in the digital future.

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