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Marko Ala-Fossi and Montse Bonet

Clearing the Skies? The Sudden Rise of New European Spectrum Policy and the Future Challenges for Television Distribution in Finland and Spain

The European countries originally had a shared idea about the digital dividend created by digitalization of television as 800 MHz band, which in certain aspects was different from the rest of the world. This EU-wide consensus of the first Radio Spectrum Policy Programme (RSPP) for Europe however collapsed in 2012, as the World Radiocommunication Conference (WRC-12) suggested that besides 800 MHz band also 700 MHz band should be reallocated in Europe from broadcasting to mobile broadband.

Pascal Lamy, the chairman of the High Level Group (HLG) on UHF frequency use assigned by the European Commission has recently suggested a new joint European approach, where an additional digital dividend (700 MHz band) should be given to mobile broadband across Europe by 2020 and the broadcasters would be guaranteed to have access to remaining UHF spectrum until 2030. In practice, European TV broadcasting would suddenly lose 30 percent of its spectrum capacity just in five years.

This paper provides a comparative analysis of the national contexts and coming challenges in two European countries. Finland was the first EU member state to make a national decision about clearing the 700 MHz band for mobile broadband after 2017 – while Spain has been slow even with the 800 MHz band. Spain is also very dependent on terrestrial broadcasting for the distribution of digital television when compared to Finland or any other European country.

Anette Alén-Savikko & Riku Neuvonen

Copyright-proof Recording Services

Late 2014, Government proposal on amendments to the Finnish Copyright Act was introduced to the Parliament. One of the amendments proposed concerns network personal video recording services. Early the same year, a few core actors in the field successfully concluded negotiations on the matter. These actors included Yleisradio Oy, MTV Oy, Sanoma Entertainment Finland Oy, teleoperators DNA Oy, Elisa Oyj, and TeliaSonera Finland Oy as well as collecting societies Kopiosto, Teosto, and Tuotos which represent authors, performers, and producers, among others.

The proposal introduces a new provision on extended collective licence. Fixation of television programming is thus to be based on contracting with both the broadcasting organizations and the organizations representing copyright-holders. By force of law the effects will, however, be extended also to right-holders who are not represented. After the provision is integrated into the Copyright Act, contracting will still be required.

In this paper, the proposal will be analyzed in a theoretical framework. Alongside new technologies, focus is on democracy and citizenship in the so called information society. The paper asks, among others: What are the demands that copyright law is supposed to meet? How will citizens benefit from the proposed solution? In answering these questions, the paper draws on the dichotomy between perceiving media policy on one hand as a guarantee for access of the public to cultural content and on the other hand as a guarantee for free individual choice (cf. Nieminen 2010; Evrard 1997).

Des Freedman

Media policy norms for a Europe in crisis

Digital intermediaries are growing in influence while democratic online communicative possibilities are squeezed by the realities of media market behaviour; public service broadcasters are facing challenges of legitimacy and funding while established news outlets are increasingly distrusted by audiences; European citizens are threatened by austerity but there appears little appetite to develop a professional or policy response that meets these challenges. This paper attempts to reflect on existing policy norms and to suggest fresh ones that better articulate how best to respond to neoliberalization and crisis. Rhetorical commitments to democracy, free speech, privacy and transparency are being squeezed by a more pragmatic emphasis on efficiency and competition leaving little room for more expansive ambitions of social justice and equality. By focusing on several case studies, the papers will argue that we need more radical policy frames to confront a radical series of attacks on the public interest.

Kari Karppinen & Hallvard Moe:

What we talk about when we talk about “media independence”

Media independence is a central normative principle in media policy. Like many other such notions, it is also a contested concept that carries different meanings and connotations. In different contexts, from debates on the position of media in authoritarian societies, to the status of European public service broadcasters, and to “indie” music and film, independence is understood differently by various actors.

Independence can be debated on many levels, and linked to a variety of theoretical frameworks. On the level of social theory, media independence links, for example, to a Habermasian ideal of autonomy from the systemic forces of state and economic power. On a more practical level, independence is valued both as a principle of journalistic professionalism and as an organizational guideline for media institutions. The conceptual contestation over what independence means is highly topical in European media policy right now. At both European and national levels, commercial actors have actively sought to reframe the distinction between “independent”, commercial media and public service media as “state media”. In parallel, the decline of traditional newspapers and the new aspects of control and dependence, brought about by the role of Google, Facebook and their algorithmic filtering, have also reheated the question of what we actually mean by media independence.

In this paper, we (a) analyse the uses of the notion of independence in current European media policy discourse, and (b) attempt to develop a more fine-tuned understanding of the different dimensions that the notion contains in contemporary media environment. We argue that critical media policy research needs conceptual clarity, not least in terms of from what and for whom we declare independence.

Alison Harcourt

Media Plurality: What Can the European Union Do?

This paper provides insight into the approach of the European Union institutions to media plurality. It includes analysis of the 2011 European Parliament's Resolution on the media law in Hungary, the subsequent 2013 report of the High Level Group on Media Freedom and Pluralism and the European Commission's response. It considers the latter's proposals in light of the current market environment and the proposals of other stakeholders and advocacy groups such as the 2013 European Initiative for Media Pluralism, OSI and InfoAccess.

The European Union institutions have long been pressured by interest groups and the European Parliament (EP) to take action on threats to media pluralism and freedom at national levels (Harcourt, 1996, 2005; 2009). Recent activity includes the 2013 European Initiative for Media Pluralism, wherein over 100 civil society groups, called upon the EU for "legislative actions to stop big media and protect media pluralism in Europe". The paper considers EU proposals in light of the existing market environment, proposals of other stakeholders (most notably the OSI), and constraints to EU action due to lack of Treaty basis for initiatives in this field. It concludes that the EU is ever reliant on company law instruments and soft measures such as funding initiatives due to a weak Treaty basis for a Directive and Member State opposition to action flanked by the pressures of an increasing globalised communications market.

Natali Helberger

Policy implications from algorithmic profiling and the changing relationships between newsreaders and the media

What were once simply the German Frankfurter Allgemeine Zeitung, the Dutch NRC or the US New York Times are now My Frankfurter Allgemeine Zeitung, My NRC and My New York Times. The New York Times offered perhaps the most impressive testimony to the changing relationship between users and the media. Referred to by some as the 'key document of this media age', the report concluded that its future strategy would need to focus on 'the art and science of getting our journalism to readers' and to 'pursue smart new strategies for growing our audience'. In this new strategy, the user is central, requiring the development of a two-way relationship with the audience. And part of this strategy is the use of Big Data and smart algorithms to get better to know the news user, and to use that knowledge to develop smarter, personalised ways of presenting and promoting media content.

This paper will explore in some more depth just how personalization affects the relationship between the media and their users, and what some of the public policy issues are that the ongoing shift from public mass media to personal information coach triggers. More specifically the paper will develop the argument that the increasing popularity of Big Data and smart algorithms in newsrooms urges us to give some thought to what I call “fair media practices”. Inspired by rules about consumer protection and unfair commercial practices, ‘unfair media practices’ must restore the balance and remove asymmetries between users as receivers of personalized information and the media as a user of personalization and profiling strategies.

Christian Herzog and Hanno Beck

Policy Experiments in Public Service Media

Experiments are part of the methodological toolkit in empirical political, economic and social science research. In political communication, for instance, there is considerable interest in empirical investigation of cause and effect in relation to voter turnout. In telecommunications policy, to give another example, experiments are used to determine which modus operandi of a spectrum auction yields the highest bids. However, perhaps surprisingly, there is very little elaboration on the use and potential of experiments for media and communications policy, an issue addressed in this paper. The article starts out by introducing some basic features of experiments and experimental approaches. Subsequently, five models or forms of broadcasting organization that differ in their level of market proximity are introduced. Building upon these models, the paper develops one suggestion of where an experiment could be used and how it could be designed. The concept starts from the hypothesis that public accountability of the German PSM organizations ARD and ZDF can be increased when licence-fee contributors have ex ante control over programme-making decisions. This would involve allocating a small proportion of German licence-fee funds, over a predetermined period, to a newly-designed participatory and transparent programme-making scheme. Given ARD and ZDF’s reluctance towards radical change, the scheme might best be applied in one of ARD’s niche channels. Eventually the experiment it could test whether such policy measures are deemed right to increase accountability in public service media organizations.

Heikki Hellman

Let’s question the regulations: Lessons from the supervision of placement of TV spots

During the last decades, media policy has diverged from its traditional model in which the state authorities shaped the structures and practices of the media by setting detailed regulations on the industry (Garnham, 1998). Today, media policy is understood as a constant bargaining process between the regulator and the regulated. It is not only public interest that is at stake when regulating the media but, also, private corporate interests and the proper functioning of the market are increasingly taken into consideration, reflecting the development of a new communications policy paradigm (van Cuilenburg and McQuail, 2003) and a liberal turn in media policy (Hellman, 2010).

The paper provides a case study in media policy analysis focusing on the placement of the advertisements in television. The case concentrates on the resulting negotiations and contradictions between the regulator and the media industry, and the ways in which they aim at influencing each other. In theory, the placement of advertising is a minor regulatory issue but, at the same time, a territory which is regulated in detail and supervised by authorities in Finland. However, in practice, interrupting television programmes by commercial breaks appears as a proving ground in which broadcasters continuously stretch the borders of regulations and test the tolerance of the regulator.

The empirical data is drawn from a longitudinal monitoring of the broadcasters' practices in the placement of advertisements, conducted by the research centre COMET (University of Tampere) and commissioned by the Finnish Communication Regulatory Authority (FICORA). The results show that although the broadcasters partly turned a blind eye to the detailed rules they were sanctioned only occasionally. The paper argues that the regulator is not always the strongest player but, due to 'the explosion of stakeholders' (Freedman, 2008) and competition between interests, corporate players may have a stronger bargaining power than the policymakers. This is particularly true in a small media market such as Finland, characterized by a small population and a separate language, in which the regulator often shows pragmatic flexibility in its supervision in order to secure the profitability of corporate operations.

The case also illustrates the rising of the level and transnationalization of media regulation. While the placement and duration of advertising was earlier agreed upon at the company level it is now decreed by law following the statutes of the European directive and supervised by a national authority.

Jockum Hildén

Am I my IP address' keeper?

While the IP address is seen as an irrelevant piece of information for most internet users, its importance for internet governance is incontestable. Its role in the internet's infrastructure is central: without it, computers could not find the servers they attempt to access on the network.

Exactly how the IP address should be treated is rather unclear, however. Should it be seen as a phone number, a mail address or an identifier? Can the actions performed by a computer with a specific IP address be attributed to a person? And if so, can illegal file-sharers be prosecuted on the grounds that the IP address of their home network was used to share protected content without permission? At the same time as rights holders attempt to equate IP addresses with internet users, marketers are struggling to achieve the opposite. They argue that IP addresses are not personal data, unless in the hands of telecommunications companies where they are retained for billing purposes, and in some cases, law enforcement.

The clash between the so-called relative approach and broad approach to personal data pertaining to the IP address is at most apparent in the different drafting stages of the new General Data Protection Regulation. The purpose of this paper is thus to explore the nature of the IP address by addressing normative assumptions associated with its use in copyright enforcement, behavioural advertising and law enforcement.

Johanna Jääsaari

Digital Rights Advocacy and the Future of Internet Governance

This paper reports on findings of an ongoing research project on communication rights in the Information Society. Digital rights advocates have promoted policy reforms to strengthen personal privacy protections online from corporate and state surveillance activities. This paper presents the current regulatory framework affecting digital policies in the European Union as a qualitatively different and distinct regime as compared to what exists in the United States. Describing and explaining the distinction as a "policy gap" helps to demonstrate the stakes of online privacy protections in Europe for citizens, consumers and corporations. The policy gap stands to grow even wider as activist groups pressure the EU to adopt additional measures protecting against state-sponsored online surveillance.

Digital privacy policies in the European Union reflect, on the one hand, a growing "policy gap" with the United States, and on the other hand, an internal pluralization and intensification of policy debates. The "policy gap" reflects a longstanding tendency of EU policymakers and national governments to provide a level of protection for personally identifying information stored in databases, as compared to the absence of such protections available to citizens in the United States. The policy gap between the EU and US stands to widen as policy reformers in civil society and in European Parliament alliances seek to expand European laws to cover governmental surveillance, as well. The paper presents a preliminary report for an analysis of the debate.

Katja Lehtisaari

Newspaper industry and media policy: reacting to changing regulation

In the publishing industry, many media policy decisions seem to be taken as "given" (especially those that may affect the financial position of companies), although it also has been said that the media policy related decision making takes industrial objectives into account more than it used to be.

The presentation discusses the responses of newspaper publishers to recent changes in media regulation, based on cases from Russia. In 2014, several new laws affecting newspaper publishing passed the Duma, e.g. the law setting the foreign ownership maximum down to 20 %. The presentation asks, for example, how the current regulatory environment of newspaper publishing has changed, and how the industry is prepared for the possible new challenges around the corner.

Jan Loisen & Caroline Pauwels.

Leading by example? An Assessment of the European Union's implementation and operationalization of Cultural Diversity objectives at internal and external level

Identity and diversity have been the cornerstones of national audiovisual policies ever since their inception. Creating cultural narratives on the one hand aim to serve local bonding and to stimulate the expression and sharing of fundamental values and norms within communities. In light of market failures in the production of local audiovisual content expressing cultural identity and diversity, several policies have been set up in the EU and its member states to support local cultural industries. On the other hand, local cultural narratives are

also passed on among groups and societies, and contribute to intercultural understanding. Exporting cultural expressions to set up intercultural encounters and dialogue can therefore be seen as another objective of both film and (public service) broadcasting policies.

With the publication of Unesco's Mac Bride report 'Many Voices, One World' in 1980, it became clear however that leveraging the establishment and shaping of the concept of cultural diversity onto the international level created a lot of controversy. The 'culture as commodity' approach of the US conflicted fundamentally with a 'culture as dialogue' approach usually associated with of Unesco, Canada and some leading EU Member States. The conflict culminated in the US and the UK leaving Unesco in 1984 and 1985. The further struggle over the meaning of cultural diversity and the way to operationalize and implement it then followed separate paths. The culture as commodity view of serving cultural diversity internationally via open markets and free trade was best accommodated in subsequent GATT/GATS and WTO negotiations. Proponents of a cultural dialogue view prefer Unesco as the international forum to discuss cultural diversity in media flows among countries. The closing of the WTO Uruguay round in 1994 made clear that there was no common ground for an 'exception culturelle' and initiated a gradual yet irreversible tendency towards liberalization of the audiovisual sector at world level, and pressure on protectionist measures to ensure cultural diversity.

In light of this perceived pressure, Unesco's Convention on Cultural Diversity was welcomed by many international partners who wish for a counterbalance to developments in the international trade forum. With the US rejoining Unesco in 2003, one may argue that Unesco's approach towards culture as dialogue was gaining momentum at the international level. The Convention on the promotion and protection of the diversity of cultural expressions was indeed overwhelmingly adopted in 2005, with only 4 abstentions and 2 oppositional votes. Being one of its most important defenders, and almost 10 years after the adoption of the Convention, it is time to take stock. First, we analyse how the EU actually implemented the concept of cultural diversity both internally and externally. Second, we will evaluate the coherence of the EU approach in implementing the Convention and the prospects and pitfalls for increased cultural diversity in audiovisual sectors nationally, in Europe and worldwide. The underlying question is whether we have moved beyond the period of paying only lip service to the concept, and entered an era of true political and legal commitments to its implementation.

Maria Löblich

Legitimacy conflicts in media policy. The debate about Google in Germany

The aim of my presentation is to shed light on the role of legitimacy in media policy. It assumes that media policy can be understood as a sequence of legitimacy struggles that can be empirically studied. It further assumes that legitimacy is an essential resource for state and non-state actors in media politics. Legitimacy conflicts are about generating, maintaining, criticizing or destructing the normative acceptability of a political order, a decision or an actor (Nullmeier et al. 2012: 24). Legitimacy conflicts influence policy-decision and regulation by defining which media business practices and which forms of media usage are regarded as legitimate and which are rejected as unacceptable. How is legitimacy in media policy produced and what is the course of legitimacy conflicts?

The contentions revolving around Google in Germany are taken as an example to pursue these questions. The construction or destruction of an actor's legitimacy is understood as a process. Legitimacy is attributed by "audiences", by the public environment of an actor

(Suchman 1995). The success of Google's services has set off much criticism over the last years in Germany, articulated mostly by press publishers' associations, journalists and politicians. These actors voiced doubts in the appropriateness and legality of the US company's business practices and demanded legal sanctions. Google's legitimacy has been debated against the background of several issues that ranged from Google Street View service to Google's data protection procedure as well as its display of news snippets from German publishers ("ancillary copyright for press publishers").

The presentation focuses only on one part of Google's political environment that may question or attribute legitimacy to that company: the newspaper publishers who feel the internet company threatens their business. How have these established actors of media policy been trying to delegitimize Google, to legitimize their own interests and to what extent have their strategies been successful? In other words: To what extent have they achieved the establishment of binding normative rules to sanction Google? Legitimacy conflicts can be understood as communication processes; therefore this one is studied by means of discourse analysis (Suchman 1995). The empirical basis is media coverage and documents between 2010 and 2014 when the abovementioned issues were debated most intensely.

References:

- Nullmeier, Frank/Geis, Anna/Daase, Christopher: Der Aufstieg der Legitimitätspolitik. Rechtfertigung und Kritik politisch-ökonomischer Ordnungen. In: Geis, Anna/Nullmeier, Frank/Daase, Christopher (Hrsg.): Aufstieg der Legitimitätspolitik. Baden-Baden: Nomos 2012, S. 11-37.
- Suchman, Mark (1995): Managing Legitimacy: Strategic and Institutional Approaches. In: Academy of Management Review 20(3), S. 571-610.

Maria Michalis

Radio Spectrum Battles in the era of Technological Convergence: Broadcast vs Broadband

Radio spectrum, a natural but limited resource, has always had competing claims made upon it. The proliferation and popularity of wireless technologies, services and devices has put pressure on the most favourable, and already congested, spectrum bands. Radio spectrum allocation decisions involve the international, European and national regulatory levels. Such decisions are obviously technical but also, and increasingly, highly political since which industry gets access to frequencies shapes its market growth opportunities. The most recent spectrum battle in Europe is between terrestrial broadcasters and mobile broadband operators.

The transfrontier character of radio frequencies would make it ideal for common pan-European action, but this hasn't been the case. Having reviewed the historical evolution of EU radio spectrum policy, this paper concentrates on the current debate about the future of the UHF band (470-862 MHz) in the context of the EU consultations in the run up to the ITU WRC negotiations in November 2015. In Europe, the UHF band has traditionally been used primarily for the provision of universal, free-at-the-point of reception public television services. As part of the digital dividend, terrestrial broadcasters have already relinquished the so-called 800MHz band to the mobile industry to accommodate its exponential growth. The current negotiations focus on the future use of the sub-800MHz frequencies. The debate is complicated. Non-European countries in the ITU Region 1 notably in Africa and the Middle East lacking a strong DTT platform wish to allocate more UHF

spectrum to mobile broadband. Moreover, although the DTT platform is well established in Europe, the picture in different countries varies. Some European countries (like Finland and Sweden) have already announced plans to reallocate the 700MHz from terrestrial television to mobile services. National decisions run ahead and fragmentation within Europe seems likely.

The paper has two aims. First, the outcome of this debate will shape the future of broadcasting. Secondly, the paper analyses the arguments put forward in this debate by the digital terrestrial broadcasters and the mobile industry, in order to identify continuities, ruptures, and inconsistencies. For instance, since it is primarily PSBers who rely on DTT in most countries, the continuing pressure on the UHF band can be seen as part of the broader efforts to minimise PSB. In line with past practice, PSBers and their supporters justify their position (the need to allow sufficient spectrum for the terrestrial platform) more in terms of democratic and cultural values, as a diminished DTT platform will fundamentally alter the conditions citizens access broadcasting. The mobile industry justifies its demands more in economic and industrial terms, all the more important in times of economic recession. It is also interesting to note competing conceptualisations of 'convergence'. In relation to spectrum, it seems that the mobile industry supports the idea of technological convergence and European-level solutions. But in other instances, for example roaming, the mobile industry seems to support national solutions.

In terms of methodology, the paper is based on media policy literature, extensive documentary analysis, discussions and participation in various fora where these issues are being debated.

Hannu Nieminen

Three levels of the media crisis: a way out?

This paper's basic point of departure is that, as a result of major transformations in the capitalist mode of production between the 1970s and 2010s, fundamental changes have taken place in all areas of social and cultural relations. Although these transformations had already begun in the economic sphere in the late 1960s and early 1970s, their repercussions were not fully felt (and at least partly understood) in the media until much later, from the 2000s onward.

The general background for the media's crisis can best be explained briefly in the following way. In the development of modern states, the media's role – originally newspapers, then radio and television – has been fundamental, as the organisation of national interests was their central function. In this way, the media have been pivotal in the social and cultural construction of modern nation states. From this viewpoint, the media can be compared to other major nation-building institutions, such as the education system, churches, national army and civil service. These can be characterised as epistemic institutions, creating and reproducing a form of knowledge that is centrally constructed around national concepts and symbols (Nieminen 2010).

To understand the historical context for the changes and crises in media regulation, distinguishing between three different levels of the crisis is useful. The first concerns a more general crisis of capital accumulation (following the pattern outlined above), which has direct consequences for the media's functions. The second concerns the economic crisis of the media system, which is partly a reflection of the former crisis but also has a logic of its own. The third level is about the crisis in media regulation, which is closely related to the two previous levels but has evolved on yet another level. In the following sections, I first try to clarify, in quite general terms, how these three levels are interrelated. After this, I examine more closely the crisis on the media regulation level.

Claudia Padovani

Gendering European Communication Governance. The challenge of gender mainstreaming twenty years after Beijing

The paper addresses issues of gender equality and women's empowerment in the context of European communication governance twenty years after the UN Fourth World Conference on Women, held in Beijing in 1995.

The Platform for Action (PfA) adopted on that occasion indicated 'Women and media' as one of the critical areas to be addressed in view of promoting gender equality within and across societies. Since then, the Beijing PfA stands as a normative reference for governments, international organizations, media associations and civil society actors to foster gender-aware developments in media structures, content and conduct. Several efforts have recently been made to assess the progress made over the past twenty years; also engaging European institutions like the European Institute for Gender Equality and the Council of Europe, civic and professional organizations like the European Federation of Journalists and academic networks connected to organizations such as the ECREA and IAMCR.

The paper sketches out findings from these activities, with a particular focus on policy and normative developments, at the European as well as national level. Against this background, an effort is made to articulate, for the European context, a research and advocacy agenda the proponent has elaborated with the aim of addressing gender gaps in media and communication governance¹. Different dimensions - normative, regulatory and contextual; formal and informal processes; multi-actors interactions - will be highlighted and discussed, in relation to concrete examples derived from European policy interventions in areas such as gender equality, media policies, Europe 2020 and the Digital Agenda.

By connecting the normative dimension of gender equality, with persisting challenges and emerging policy issues in a multilevel context, the aim of the paper is to contribute an analytical framework to assess contemporary European communication governance from a gender perspective

Robert G. Picard

Normative intransigence, policy drift, and protectionism: Challenges of contemporary media and communication policy regulation

Contemporary policy debates on a range of media and communication issues often portray a schism between those concerned with social visions for media and communications and those operating enterprises. This leads to a deceptive debate in which democratic and cultural values are seen as struggling with, and antithetical to, economic and industrial values. Part of the reason this dichotomy materializes is because many advocates of democratic and cultural values tend to pursue regulation and protectionism as preferred policy tools and their unwavering adherence to regulation continues even when policy drift produce diminishing desirable outcomes.

¹ This was part of the IAMCR contribution to the Unesco-promoted Global Alliance for Media and Gender (GAMAG) and is available in [Media and Gender: A Scholarly Agenda for the Global Alliance on Media and Gender](#), Unesco 2014.

Many policy advocates do not perceive policy making as a public sphere in which debate takes place but rather an arena from which only one contestant can emerge. This all-or-nothing approach generates demonization of those with differing views and reduces the ability for reasoned debate, conciliation, and cooperation.

One challenge is some of the most ambiguous and contradictory demands in contemporary debates involve democratic and cultural objectives whereas economic and industrial demands, rationales, and their beneficiaries are more evident and less incongruous. Consequently, it is often more difficult for the public and policymakers to perceive an optimal outcome.

Vigorously supporting legacy policies may or may not develop the conditions in the contemporary world that are desirable under normative values. This is especially true when simplistic regulation and protectionism are used as policy tools. Effectively pursuing policy requires deeper consideration of desirable outcomes and requires consideration of a wider array of policy tools that may produce those results, including incentives, subsidies, and self-regulation as well as regulatory approaches.

Manuel Puppis

The Role of Communication in Media Policy-Making

The communication of political actors plays an important role in policy-making. Following the conference's objective of "analyzing the political arguments and actions of different actors" as well as by drawing upon critical political economy of the media and new institutionalism in organization studies, this paper aims at investigating two different aspects of communication in media policy-making.

First, the role of communication in regulating the media industry will be touched upon. Regulators may use both regulatory conversations (i.e., private communications with regulated firms; see Black 2002) and public communication (like "naming and shaming" practices, see Yeung 2005) to steer the behavior of the regulated industry when more coercive regulatory means are unfeasible or undesirable. Results of a recent study show that a policy sector approach is helpful for understanding the use of communication as a soft tool of regulation.

Second, the communication of the regulated industry is of interest. In political communication and journalism research, the media are usually conceptualized as "neutral" intermediaries between citizens and the political system (Mancini/Swanson 1996; Mazzoleni/Schulz 1999). Yet in media policy media organizations are involved in policy-making themselves which raises questions regarding media coverage of media policy. Media organizations are in an ideal position to control public perception of any debate concerning the regulation and structure of media by ignoring or distorting the issue to suit their own purposes (McChesney 2008; Freedman 2010; Bagdikian 2000; Page 1996). The analysis thus deals with tensions between democratic values and economic interests mentioned in the invitation.

Katharine Sarikakis

The role of legal consciousness in the governance of Communicative Spaces: dominance, resistance, normativity

This paper is interrogating the spaces where institutional architecture and practice meets citizenship practice in relation to media and communicative spaces. It aims to introduce and explore the concept of legal consciousness as one of significance for the understanding of dominance of and resistance to legal and policy frameworks that govern communicative spaces. The paper takes into account the emerging regulatory landscapes that do not constrain themselves to specific media 'objects' but rather aim to govern processes of construction and sustenance of processes and spaces of expression, information and negotiation in multi/trans/crossmedia environments.

The paper discusses through the specific case studies of privacy, copyright, and public service media regulation the ways in which dominant and contested legal order(s) and the broader understanding of rule of law – both as moral and as factual, institutional construction- are habituated and reinforced in the relation of citizens to media and communicative practices. The case studies utilise different methodologies to distil from different conditions and situation of communicative spaces (social media, public service media, creative industries and authorship practices) the ways in which collective constructions of legal meanings, legality, legitimacy and generally the production of legal meaning are realised.

Amit Schejter, Orit Ben-Harush and Noam Tirosch

Re-theorizing the “digital divide”: Identifying dimensions of social exclusion in contemporary media technologies

The digital divide is the disparancy in access to information, in the ability to communicate, and in the capacity to make information and communication serve full participation in the information society. Indeed, the conversation about the digital divide has developed over the last decade from a focus on connectivity and access to information and communication technologies, to a conversation that encompasses the ability to use them and to the utility that usage provides (Wei et al., 2011). However, this conversation, while transitioning from technology to the skills of the people that use them and to the fruits of their use is limited in its ability to take into account the social role of information and communication technologies (ICTs)

One successful attempt in conceptualizing the social impact of the differences in access to and utilization of digital communication technologies, was developed by van Dijk (2005) whose sequential model for analyzing the divide states that:

1. Categorical inequalities in society produce an unequal distribution of resources;
2. An unequal distribution of resources causes unequal access to digital technologies;
3. Unequal access to digital technologies also depends on the characteristics of these technologies;
4. Unequal access to digital technologies brings about unequal participation in society;
5. Unequal participation in society reinforces categorical inequalities and unequal distributions of resources.” (p. 15)

As van Dijk’s model demonstrates, the divide’s impact is the exclusion of individuals from participation. Still left to be defined are the “categorical inequalities,” the “resources,” the “characteristics of digital

technologies,” and the different levels of “access” that result in differentiated levels of participation, as these change over time due to the evolving nature of technology and the dynamics of society. And most importantly, the meaning of “participation” in contemporary society needs to be determined as it is differentiated levels of participation that are the result of the divide and the engine of the ever-growing disparities.

Our argument is structured in the following manner: We first claim that contemporary digital media differ from the previous generation of ICTs along four dimensions: They offer an abundance of information resources and communication channels when compared to the relative paucity of both in the past; they offer mobility as opposed to the stationary nature of their predecessors; they are interactive in that they provide users with the capability to design their own media environments in contrast to the dictated environs of previous architectures; and, they allow users to communicate utilizing multi forms of mediation, unlike the uniformity of sound or word that limited users in the past.

We then submit that involvement in the information society calls for egalitarian access to all four dimensions of the user experience that make contemporary media different from their predecessors and that the ability to experience all four affects the levels in which humans partake in the shaping of society. The model being cyclical, we then discuss how lower levels of participation contribute to the enhancement of social inequalities. Finally, we discuss why participation is needed in order to achieve full membership in the information society and what political philosophy should govern policy solutions targeting the re-inclusion of those digitally excluded.

Seamus Simpson

Convergence, Net Neutrality and European Media Policy

Net Neutrality – in its origins the idea that Internet Service Providers should treat without discrimination communication traffic of a broadly similar kind - was once in Europe thought a technically arcane subject with little policy relevance beyond the USA. This paper considers Net Neutrality in the context of the debate on the broader process of ongoing media convergence arguing that, in so doing, it is possible to see that Net Neutrality and its policy complexities crystallise much of the debate on how to govern effectively electronic communication networks and services. In this regard, a re-interpretation and widening of the concept of Net Neutrality, the paper argues, has the potential to form the basis of a cogent set of policies for early 21st century online media. The international nature of online communication points to the potential utility of developing shared understandings and practices of Net Neutrality beyond the national level. As a consequence and turning its attention to the European media policy context, the paper then focuses on the performance to date and future potential of the EU as a site for an expanded articulation of Net Neutrality. Here, the conclusion is that the EU’s role has been limited: on the one hand, blandly rhetorical and, on the other, narrowly focused on techno-economic matters, for the most part. Given that the debate on Net Neutrality is currently in a (temporarily) open and contestable state, the paper argues that the EU risks missing an important policy opportunity.

Barbara Thomass

Public Service Media, Civil Society and Transparency

A recent decision of the constitutional court in Germany may be regarded as seminal for public service media in general: The court ruled that the representation of politicians within the broadcasting council and administrative council of the ZDF (the second nationwide public service broadcaster in Germany) should be limited to one third with more representatives of civil society coming in, and that the councils should act with more transparency. Both parts of the decision touch on two crucial elements of public service media and their relation to society.

The contribution will discuss the role of civil society in modern democracies and look at how and with which benefit PSM can relate to it. Participation of civil society to PSM is regarded as a key element of their relevance in future. But European public service broadcasters as institutions are only in the beginning of their way to enhance their relation to civil society.

In the recent decade we observe an increase of the topic “transparency” in political discourse while “public sphere” is in decrease. The relation of both has to be clarified. The contribution will look at the value of transparency as one important instrumental element of democratic governance and how this is implemented by different European PSBs. The differences are eminent.

Thus, civil society and transparency are discussed in relation as normative orientations for public service media in Europe which gain increasing importance in discourses on media policy. They represent a further development of quality in democracy and communication rights.

Josef Trappel

Taking the public service remit forward across the digital boundary

Public service broadcasting organizations (PSB) sit uncomfortably between two chairs. They sit half-way on a chair which is figuratively located in the post World War II era when the *raison d'être* of public media was generated, and justified by various scarcities. They also sit half-way on a chair that is defined by highly competitive cutting-edge digital media markets characterized by abundance. These markets stretch far beyond radio and television. Public players on these markets are *public service media* (PSM).

In this paper, the dividing line between these chairs is called the *digital boundary*. The misfit is obvious: Although repeatedly adjusted, the inherited public service remit of the 1920s up to the 1960s cannot cope with the market realities of today's digitally integrated media landscape. National legislation is constantly challenged to respond by appropriate amendments.

In her book on public service media in Europe, Karen Donders (2012) describes the various historic stages of the development of public service broadcasting and arrives at today's challenges by admitting that conclusive answers to the question are lacking “how to transpose diverging ideas on PSB in policy practice while taking into account the peculiar technological, economic and political circumstances of the 21st century.” (2012: 21)

In this paper, Donders' question is taken as a starting point and raises the rather fundamental question what the core values of traditional and contemporary public service media organizations are and how they can be maintained under digital rules of the broadcasting game. Core values are elaborated from scholarly and

industry literature as well as from the recent and ongoing debate on the public value of public broadcasting. In a second step, the main characteristics of the digital transformation of broadcasting are discussed, again based on scholarly and industry literature. Thereby, areas of conflict between digital developments and core rationales and values are identified and described. Subsequently, a number of countries is selected to evaluate whether these critical areas of potential conflict are addressed by broadcasting policy and what solutions are provided. Finally, policy recommendations on up-to-date PSM remits are deducted.

Elena Vartanova

Controversies of post-analogue national policy-making: the case of Russia in 2000s

Because of particular Russian historical path developments, media policy in Russia has converged contradictory features of media policy making in traditional – industrial society and analogue – mass media and digital society with its focus on universal access, open source and UGS media philosophy. In recent 20 years Russian media regulation has yet not matured as in other European states because of specific pressures of economic, political and legal nature, but mostly because of particular cultural factors that dominated Russian public communication. The exceptional role of the state in policy-making has been defined not only by the nature of the state and its relationship with Russian business, but also by sociocultural traditions of the society. Thus, the first layer of controversies in media policy-making has been shaped by a confrontation of new institutions and old social practices rooted in different societal periods.

However, the complexity for national media policy-making has become even more noticeable with the rise of digitalization and convergence of media. Poorly established principles of the normative media policy were challenged by the rise of neoliberal philosophy of digital online media environment requiring minimal or no regulation. The new tensions reflection the conflict between the national and the global, the cultural and the economic, became a driving force of the present day media regulation in Russia, thus reflecting a unique environment of media policy making in Europe.