The Role of the Public in Broadcasting Policy-making and Regulation: Lesson for Europe from Canada

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Broadcasting can be conceptualized as a complex activity taking place in the public sphere and involving actors situated in the state, the economy and civil society. The strategies and interests of each of these interact in the sphere of broadcasting policy development and execution, particularly with respect to the question of regulation. In Canada, various mechanisms have been set in place over the years to provide for articulation of the public interest in broadcasting policy-making and regulation. The operation of such mechanisms is particularly important in the present context of a restructuring of national broadcasting systems and the emergence of a global media environment. In this respect, the Canadian example may be pertinent for grappling with broadcasting policy issues in Europe.

One of the most striking aspects of the past decade’s changes in European broadcasting structures, especially to the North American observer, is the apparent indifference of policy-makers (and even many scholars) to the continuing need for democratic mechanisms for debating these changes. Somehow, it seems to be assumed that the liberalization of the broadcasting environment — that is the dismantling of public-service monopolies and introduction of private, commercial services — is inevitably, or should be, the driving public-policy objective, and that once it has been accomplished, broadcasting will thereafter be driven by the market-place, for better or for worse depending on one’s point of view. Paradoxically, this deterministic syndrome is most pronounced in some of the countries with the strongest traditions of public intervention in broadcasting, such as Norway and Sweden.

Gradually, this is coming to be seen as a flawed approach. The economic difficulties of many European satellite services, for example, has demonstrated the potential hazards and inelasticity of commercial broadcasting (Collins, 1992). Clearly, spectrum

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allocation and other technical matters continue to require at least a minimum of regulation (Dyson and Humphreys, 1990). More to the point, it is impossible to sustain the notion of broadcasting as a sociocultural activity without providing for appropriate policy as well as regulatory controls (Blumler, 1992; McQuail, 1992).

The problem of policy-making in the European broadcasting context of the 1980s was well described by the Euromedia research group in 1986. According to these researchers:

Many different actors want to participate in policy-making and influence decision-making about the new electronic media. Because of their formal positions, some of these are decision-makers, others are in the neighbourhood of decision-making, while some are at such a distance from decision-making authorities that they hardly or seldom can communicate or try to influence the policy-making in any way. (McQuail and Suave, 1986: 24)

But what if it were possible, through a range of both formal and informal procedures, for actors at some remove from decision-makers to communicate their interests with a reasonable expectation of influencing policy decisions? One suspects that in such situations the policy-making process itself would assume new importance with respect to the democratization of broadcasting (Rabay, 1990a).

As for a different approach to regulation, a certain blind spot in European broadcasting policy is clearly rooted in history. As Willard Rowland (1993) has pointed out, most West European public-service broadcasters evolved historically in a direct relationship with the states that created them, possibly regulating themselves to a certain extent under the terms of their charters or enabling legislation. The idea of an intermediary body charged with overseeing the development and operations of an entire national broadcasting system is therefore foreign to most European policy-makers.

When such an idea is considered, furthermore, the model generally referred to is that of the US Federal Communications Commission which, to many observers, is the textbook example of a regulatory agency that has been 'captured' by the industry it is supposed to be regulating. What is the point of setting up a regulatory framework — so the argument goes — merely to legitimize the socially dubious aspects of the system?

There is, however, another model to be considered: the Canadian one, where broadcasting regulation and supervision is
carried out by an independent public authority according to a
detailed set of policy objectives detailed in the Broadcasting Act.
This model, too, has had ambivalent results and should not be
idealized, but it is of particular interest to Europeans in so far as
the Canadian broadcasting system resembles, in very many
respects, that towards which most European countries are moving:
a mixed-ownership system in which public and private broadcast-
ing organizations, often with different specific mandates, must
coccur.

The main question in such a situation is to what extent the
system can continue to serve social and cultural objectives once it
has been opened up to commercial as well as public-service
imperatives. An independent regulatory authority, accessible to
all sectors of society with an interest in broadcasting, is one of the
keys to this question. Ensuring public participation in the broader
policy-making process is another, possibly more important, one.
This article will look at some aspects of the Canadian experience
that address this question in terms that are highly relevant to the
new broadcasting context unfolding in Western Europe.

The Context of Broadcasting
In the simplest sense, broadcasting implies a classical relationship
between a sender (the broadcaster), a message (the broadcast
content) and a receiver (the audience member). But in fact the
broadcasting process is driven by political, economic and social
imperatives. As such, it is actually the result of a complex
interaction between different sets of actors, and can be theoreti-
cally conceptualized as a multifaceted activity taking place in the
public sphere and contested by actors situated in the areas of the
state, the economy and civil society (see Figure 1). 1

This triangular model requires recognition of the threefold
complexity of relationships between actors: first, to the extent that
one finds, at any given time, contradictory interests at play
between areas and within each area; second, in so far as certain
actors (public-service broadcast organizations and organizations
representing creators and production workers, for example) do
not fit clearly into any one area. Finally, the complexity of these
relationships results in strategic alliances that depend on particular
circumstances and are consequently difficult, if not impossible, to
predict.

Most analyses of the politics of broadcasting policy-making and
regulation start from the assumption that social forces have been marginalized, if not excluded, from the process, and focus essentially on the tension between the economy and the state (see, for example, Stiene and Truetschler, 1992). But it is also possible to approach the process from the perspective of efforts to increase the social space in which non-state, non-commercial actors seek to influence decisions regarding the orientation and regulation of broadcasting systems. Such an approach presupposes, however, that such social space actually does, or at least could, exist, but much of the experience of the last ten or fifteen years does not give grounds for optimism in this regard.

The politics of broadcast policy-making are context specific. They are played out in different ways in different societies and at different moments in history, to the extent that mass communication systems generally, and broadcasting in particular, are charac-
teristic of the broad currents that mark the development of any particular society. And, curiously enough, the Canadian experience provides a concrete basis for reinterpreting the vector of civil society to the model and conceptualizing the policy-making and regulatory arena— the space in which different actors jockey to promote their interests — as the public sphere of broadcasting.

In order to appreciate this fully, it is necessary to understand the extent to which broadcasting policy has historically been a contested terrain in Canadian society, and to what extent its development has paralleled the evolution of Canadian society. This is a far too richly textured story to attempt to cover in this article (see Raboy, 1990b, 1993a), but, in essence, the evolution of the Canadian broadcasting system has been marked by three sets of tensions: (a) between private capital and the state, over the economic basis of broadcasting; (b) between the state and the public, over the sociocultural mission of broadcasting; and (c) between competing visions of the relationship of broadcasting to the politics of Canadian nationhood. The resulting system is a reflection of these tensions.

Since the early 1980s, Canada, like other industrialized countries, has experienced the retreat of the state from its traditional responsibilities towards public-service broadcasting, and the increased economic liberalization and expansion of market-based broadcasting services. The extent of this movement, however, has nevertheless been tempered by the policy and regulatory framework that characterizes the Canadian broadcasting environment — and that, itself, is a product of history.

In fact, Canada provides a particularly interesting vantage point for observing the changes taking place in European broadcasting, because the type of questions they raise have long been part of the Canadian broadcasting environment: what is the appropriate mix of public and commercial broadcasting activity within a single system? What is the appropriate relationship of foreign to domestic programme origin, of national to less-than-national programme content? What types of service are best suited to an appropriate public mandate for all broadcasting?

Although most attention to Canadian broadcasting policy has focused on the problem of Americanization (a reflection of the preoccupation of official policy-makers), the Canadian broadcasting system is actually one of the most diversified in the world, providing a range of public and private, domestic and foreign,
local and national, general and specialized services. It is also
notable for providing various forms of significant community-
based alternative spaces (see Raboy, 1990).

Women and ethnic communities in Canada have pressured
successfully for industry-wide codes governing role-stereotypes in
broadcast programming and advertising. Aboriginal groups have
set up important autonomous radio and television networks, with
varying degrees of public-funding support. Largely as a result of
intense, organized pressure, the new Broadcasting Act includes
clauses referring to employment equity; the equal rights of men,
women and children; community, educational and alternative
programming services; access for disabled persons; and the obli-
gation of broadcasting to reflect the multicultural and multiracial
nature of Canadian society, as well as its linguistic duality and the
special place of aboriginal peoples within that society.

The central point to bear in mind is that formally, even today,
all broadcasting in Canada, regardless of ownership, vocation or
relationship to the market-place, is deemed to constitute a single
system responsible to a principle of public service, and can be
challenged through various mechanisms to meet that obligation.

There is no question that if this is so, it is the result of decades of
organized efforts, often emanating from the social periphery, and
of the procedures that have consequently been put in place to
guarantee public participation in the policy-making and regulatory
process.

The Policy Framework of Canadian Broadcasting

Generally speaking, Canadian broadcasting policy involves three
aspects: legislation, orientation and regulation. Each of these
involves different steps and different institutional actors in a
formal process which, although all of it takes place in the political
sphere, is not quite as straightforward as it might appear (see
Figure 2). In fact, through a variety of mechanisms, the interests of
private capital and those of the public are brought to bear on the
process in such a way that this range of activity cannot simply be
reduced to an activity of the state. The way in which this operates
is through a range of channels of influence, both formal and
informal, some open and others more obscure (see Figure 3).

Let us look at how this process actually operates, first in terms of
the setting of broad policy, and second in resolving specific
regulatory issues.
Broadcasting, like every other activity in Canada, is ultimately subject to judicial interpretation under the supreme law of the land, the Constitution Act of 1982 (see Trudel and Abran, 1991: ch. 3). The Canadian Charter of Rights and Freedoms, part I of the Constitution Act, mentions freedom of expression as a basic right. However, the Charter also mentions various other rights, such as the right to equality without discrimination as to race, national or ethnic origin, religion, age, sex, or mental or physical deficiency; the equal status of French and English as official languages; and the ancestral as well as treaty rights of aboriginal people. Canadian broadcasting policy, enshrined in article 3 of the Broadcasting Act, recognizes that rights such as these may require special consideration in the area of broadcasting. The courts have not yet had to rule on any case involving the clash that could arise from attempts, or failure, to apply this policy.

Concretely, the Broadcasting Act is the ultimate authority with regard to Canadian broadcasting. Since it was first enacted in 1932,
this legislation has been rewritten four times, most recently in 1991. Traditionally, major changes to the Broadcasting Act are always preceded by several stages of a review process in which active participation by public-interest organizations is possible.

In the most recent case, this took five years and led to a number of interesting results. At the heart of the lengthy policy review that took place between 1985 and 1991 was a definition of principles regarding the objectives of Canadian broadcasting in the new context. This process culminated in a new Broadcasting Act which explicitly recognized broadcasting as 'a public service essential to the maintenance and enhancement of national identity and cultural sovereignty'. Several hundred groups and individuals took part in this process, intervening, first, before a special independent task force, second, before the parliamentary committee that has the statutory responsibility for overseeing culture and communications policy in Canada, and finally in front of a legislative committee examining the details of the proposed new Act.

The following general points of consensus emerged from this process (Raboy, forthcoming). First, the Canadian people would like their broadcasting system to remain principally Canadian. Second, the system should continue to meet certain multicultural objectives. Third, the pivotal institution of Canadian broadcasting
should be the national broadcasting service, the Canadian Broadcasting Corporation (CBC), which should provide services in English and in French. Fourth, greater priority should be provided to other primarily non-commercial services, such as the provincially operated educational broadcasting outlets and the community radio and television broadcasters. Finally, all these criteria should be taken into account when considering the creation of new services.

All of these aspects were ultimately formalized in Canada's broadcasting policy, codified in article 3 of the Broadcasting Act. One should not be naïve about this. The policy review took place in a particular context, according to a political agenda which was ultimately the government's. Broadcasting proved to be an area that could be used to bolster those national policy objectives that, in the government's view, were seen as more important. Initially, legislation was presented in the summer of 1986, a few months prior to a federal election in which the main issue was the government's proposed free-trade agreement with the United States. According to Flora MacDonald, the Minister of Communications, who presented the broadcasting bill:

It was no accident that in the months leading up to the election the Broadcasting Act moved up on the list of priorities. . . . In terms of a political strategy . . . we could hope that it would demonstrate that the charge that we had not acted to protect culture in the Free Trade negotiations was false. . . . I do not think there is any question that the Free Trade negotiations had a major, and in the end positive influence on the development and acceptance of the broadcasting policy. (MacDonald, 1989: 22-3)

However, MacDonald's bill did not make it through the system before the election. Adopted by the House of Commons, it was delayed by an opposition filibuster in the non-elected upper house (the Senate), which normally rubber-stamps adopted bills. The opposition was fuelled by a curious lobby of commercial broadcasters who felt economically threatened by several of the proposed measures (such as an employment equity clause, and an albeit vague reference to their expected contribution to Canadian programming).

Reintroduced with only minor changes after the 1988 election, the Act was not adopted until February 1991. This time the delay was due to the national debate over the so-called "Meech Lake Accord", the government's attempt to 'reconcile' Quebec to the
Canadian Constitution adopted without Quebec’s approval in 1982. The broadcasting bill contained several clauses intended to guarantee that Canadian broadcasting regulation and especially public services recognize the specific needs of French-language broadcasting. Although this had not been an issue during the previous period, MacDonald’s successor as Minister of Communications, Marcel Massé, was branded a ‘separatist’ for defending a modification to CBC’s mandate no longer requiring that it contribute to the promotion of Canadian national unity. Nonetheless, the government maintained the controversial clauses in the bill.

The policy-review process was also the setting for important efforts by groups representing women, ethnic communities, native people and persons with hearing or visual handicaps, all demanding recognition of their needs and particular interests in the programming as well as the functioning of the system (see Raboy, 1990c). Their rights are now inscribed in article 3 of the Act, providing an important lever for eventual action to oblige broadcasters to be responsive to the communities they serve, not only to the consumer audience. The pertinent subsection reads as follows:

The Canadian broadcasting system should . . . through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multinational nature of Canadian society and the special place of aboriginal peoples within the society. (Canada, 1991: 3.1.d.i)

Other subsections refer explicitly to the provision of distinct measures to meet the distinct conditions of French and English broadcasting; the need to develop an independent programme production sector as well as alternative television-programming services complementary to the programming provided for mass audiences; the place, as an integral part of the system, of educational and community broadcasting; the provision of programming accessible to disabled persons, and so on.

The interesting thing about these provisions is that they did not spring from the imagination of policy-makers or politicians, but came about as the result of concerted pressure, through the mechanisms provided by the system, on the part of organized groups in civil society. Many of these can be regarded as citizen-ship rights with respect to broadcasting. The Broadcasting Act of 1991 is far more precise and comprehensive in this regard than the
FIGURE 4
Principles and Objectives of Canadian Broadcasting, Broadcasting Act, 1991

Traditional (carried over from 1968 Act)
—‘the Canadian broadcasting system shall be effectively owned and controlled by Canadians’
—‘a national public broadcaster, the CBC, “should provide radio and television services incorporating a wide range of programming that informs, enlightens and entertains”’
—‘the objectives of Canada’s broadcasting policy can best be achieved “by providing for the regulation and supervision of the Canadian broadcasting system by a single independent public authority” (the CRTC)

Modified (new formulation in 1991)
—‘the Canadian broadcasting system, operating primarily in the English and French languages and comprising public, private and community elements, makes use of radio frequencies that are public property and provides, through its programming, a public service essential to the maintenance and enhancement of national identity and cultural sovereignty’

New (1991 Act)
—through its programming and the employment opportunities arising out of its operations, [the system should] serve the needs and interests, and reflect the circumstances and aspirations of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal people within that society’
—distinct conditions of French and English broadcasting may require distinct measures
—definition of role of cable undertakings
—mention of independent programme sector
—requirement for CBC programming to be ‘of equivalent quality’ in English and in French
—additional mention of:
  educational programming
  programming that reflects the aboriginal cultures
  programming accessible by disabled persons

legislation it replaced, which dated from 1968. In fact, the Act was considerably modified in the course of the review process, through amendment and inclusion of further measures raised by groups participating in the various stages of consultation (Figure 4).

This, after all, is the substance of the public-service ideal in broadcasting: not only the provision of a public sector, but a
publicly responsible broadcasting environment, regardless of ownership. In fact, one of the interesting by-products of the debates and struggles of the 1980s is that the whole gamut of sociocultural groups in Canada have become increasingly militant and aggressive with respect to their demands and expectations of the Canadian broadcasting system as a whole (that is, public and private elements combined).

Organized groups in Canada see broadcasting as constituting an environment, whose well-being depends on a sound balance between national and regional services, foreign and Canadian programmes, professional and community production practices, entertaining and enlightening content. The achievement of ecological balance in this environment depends on maintaining the predominance of the idea of public service as the organizing principle of all broadcasting in Canada — that is the point of the policy chapter of the new Broadcasting Act.

But there were other aspects that emerged from the policy-review process as well. Private commercial broadcasters want to be assured that their economic interests will be taken into account by the policy and regulatory system. Within the private sector, there are serious tensions and conflicting interests dividing the ‘newer’ and ‘older’ players (notably, cable and over-the-air broadcasters). All sectors of the cultural industries, including creators and producers, feel squeezed by the pressures of the international ‘open economy’ and increased competition. Obviously, the process is subject to the influence of each of these groups as well, but while economically interested groups participate in the public consultations, their efforts tend to be concentrated on (from their perspective) the more effective mechanisms of direct contact with decision-makers.

The result tends to be reflected in a wide gap between policy and execution, and underscores the fact that legislation tends to be a blunt instrument at best. While Parliament is ultimately sovereign and the government, as sponsor of the legislation, has the dominant voice, Canadian broadcasting legislation tends to be consensual and in some respects even contradictory. It often lags far behind technological, economic, social and political developments, and cannot easily be adapted.

Instead, a wide range of orientation measures are used by the authorities. This is the most narrowly ‘political’ part of the process and, generally, the least subject to public influence. The federal
Department of Communications, for example, has the capacity to take various administrative initiatives which totally escape public scrutiny other than the ultimate accountability of the minister. The government has the prerogative to name the chief executive officers and members of the public agencies under its authority (e.g. the national public broadcaster, the CBC; the regulatory commission, the Canadian Radio-Television and Telecommunications Commission (CRTC); and the broadcast programme development fund, Telefilm) and controls their spending capacity, which is dependent on the annual federal budget. On the other hand, policy orientation is influenced by the work of the all-party parliamentary committee on communications and culture, which operates largely in public.

But in many respects, both on a day-to-day basis and in directing the evolution of the system, the key player in broadcasting policy-making and execution in Canada is the public regulatory authority, the CRTC.

The Regulatory Process

In general, debate on the question of regulation often tends to deny its importance as a mechanism for defending the public interest, focusing instead on questions of legitimacy and efficiency. According to Cave and Melody, 'The term "regulation" is generally used to indicate any intervention by government to constrain or direct the activities of industry. "Deregulation" is the removal of such constraints.' Regulation is not a substitute for market forces, because it can only constrain them to a limited extent. On the other hand, in a sector such as broadcasting, where regulation can never be totally eliminated, 'competition can be harnessed within a framework of regulation to facilitate the achievement of non-market public policy objectives' (Cave and Melody, 1989: 224).

In the past ten years, however, broadcasting regulatory decisions have in many cases resulted in a glut of new services and financial crises for broadcasters in both private and public sectors. This has, in turn, made it extremely difficult to achieve 'non-market' objectives as well. Regulatory authorities thus find themselves squeezed between the high policy imperatives of the state, the short-term economic needs of industry and social demand
from the publics being served. In this context, the procedures attached to the regulatory process are crucial.

In Canada, the Broadcasting Act delegates responsibility for 'the regulation and supervision of the Canadian broadcasting system (to) a single independent public authority', the CRTC (article 3.2). Under the provisions of the Act, the CRTC establishes classes of broadcast licences (e.g. radio, television, cable distribution, etc.) and may make general regulations with respect to the broadcasting activities undertaken within each class (e.g. regarding the character and amount of advertising, the proportion of time to be devoted to Canadian programmes, and so on). It issues, renews, suspends and revokes individual broadcast licences, and can subject licences to specific conditions. Also, from time to time and as it sees fit, it inquires into different issues affecting the broadcasting environment and indicates, by means of public notice, what it intends to do under its powers to influence the environment (e.g. establish a new class of licences such as 'pay-TV').

Needless to say, the CRTC is an extremely powerful actor in Canadian broadcasting. Under the terms of the Broadcasting Act, however, its activity is subject to extensive public input. The CRTC is required by law to hold a public hearing in connection with the issuing, suspension or revocation of a licence, as well as in connection with the amendment or renewal of a licence unless, in the latter cases, it is satisfied that such a hearing is not required in the public interest. In addition it may hold a public hearing in connection with any other matter under its jurisdiction, if it is satisfied that it would be in the public interest to do so.

Evidently, determining what is in the public interest is fundamental here. Since its institution in 1968, and especially since the mid-1970s, the CRTC has been subjected to close scrutiny and severe conclusions by analysts critical of its tendency towards complicity with the economic interests of private industry (for example, see Babe, 1979; Hardin, 1985; Salter, 1987). The CRTC's history can actually be divided into more-or-less chronological phases. During an initial 'pro-active' period (roughly 1968-74) it put into place the Canadian-ownership and Canadian-content regulations which have until the present day remained basically intact; conducted a rigorous critical review of the CBC's performance vis-a-vis public expectations, and laid the groundwork for integrating the then-embryonic cable technology into the
broadcasting environment. The next phase (1975-82) was in many respects transitional and was marked by the introduction of new commercial services in over-the-air television and pay-TV; by the licensing of community and educational broadcasters; and by a controversial examination of an alleged bias in CBC news coverage with respect to the question of Quebec independence. For the remainder of the 1980s its main thrust was towards the economic consolidation of the private sector, through the development of still-new satellite-to-cable services and the overseeing of numerous mergers and acquisitions. At the same time, it tried to move from a regulatory to a 'supervisory' role, instructing industry to set and oversee guidelines in areas such as sex-role stereotypes, advertising norms and violence in programming.

Although obviously an agency of the state, the CRTC is about as good an example of an independent public authority as one is likely to find. It has a wide range of manoeuvre, and considerable power. In fact, the CRTC's relative autonomy has been a recurrent issue throughout its history, and the new Broadcasting Act provides the government with a 'power of direction' through which it can hypothetically intervene to instruct the CRTC on questions of general policy (but not regarding anything to do with particular licences, where the government can only overturn a CRTC decision on appeal). One area specifically mentioned in the Act as potentially subject to government direction is any question requiring application or interpretation of the Canada-US Free Trade Agreement (e.g. Canadian ownership requirements, currently set at 80 percent). This power has not yet been used.

The CRTC is thus particularly subject to the play of pressure and influence between the state, private capital and the public. But while a good deal of its activity has been, with justification, criticized for playing into the hands of Canada's broadcasting industries, the CRTC also provides an important space for public debate about the general orientation of Canadian broadcasting as well as the performance of individual broadcasters, both in the public and private sectors.

An important recent example illustrates this. In 1992, the CRTC held licence renewal hearings for French-language private-sector television stations in Quebec. Twenty-three licences were up for renewal (21 stations and 2 networks). Most of these were of a routine nature, but one in particular provoked a massive public mobilization in the community concerned. The Quebec City
affiliate of Canada's main French-language commercial network, pleading financial difficulty, applied to reduce its commitment to local programme production from 21 hours per week to 10. Responding to nearly 200 written submissions, the CRTC decided to hold a public hearing in Quebec City at which, in the CRTC's own words, it heard

an unusual outpouring of opinion representing a clear and essentially unanimous expression of longstanding frustration and strong protest against the constant decline in regional television services, particularly the services offered by CFQM-TV in Quebec City. The numerous briefs submitted to the Commission cut across virtually all social, political, economic and cultural boundaries in the Quebec City area; they came from mayors, MLAs [members of the provincial parliament], ministers and archbishops, municipal councils, school boards and chambers of commerce, unions and professional associations, and individual members of the public. (CRTC, 1992)

The CRTC denied the station's request and renewed its licence only provisionally, serving notice that it would conduct an early review of the station's compliance with its original local production requirement.

A number of other decisions at the same round of licence renewals went along similar lines. The point that bears emphasis here is that even in a national and global context generally marked by deregulation, commercialization and a shift away from state involvement in public affairs, the existence of a public agency with statutory responsibility to enable public participation in broadcasting made a difference. The availability of this mechanism enabled an organized community to influence broadcast delivery in a way that the market alone could not have done (and that the state alone could perhaps not have justified). In a small sense — or perhaps a large one, for the people of Quebec City — this can be seen as an example of how the democratization of broadcasting can be facilitated.

Through a multiplicity of small examples such as this, the Canadian model provides a general perspective on the idea that broadcasting policy-making and regulation is a sphere in which public participation is legitimate and should be encouraged. Again, one should not harbour any mystifying illusions about this. Most of the time, when the stakes are high enough, policy decisions will be determined by economic and political, rather than social or cultural, imperatives. The point is that if broadcast-
ing is still deemed to be of some importance to public life, the public cannot be absent from the debates and struggles that make it what it is. To the extent that the rest of society’s democratic institutions are functioning, eventually account will be taken of policy outcomes that are not a reflection of the public input.

Conclusion
While the idea of public access and participation in broadcasting production, distribution and consumption is featured in much of the literature on the democratic role of media, the notion of public participation in policy-making and regulation is notably absent. Yet this notion speaks to the issue of social as opposed to consumer demand. The new broadcasting environment raises a whole range of questions with respect to social demand, not the least of which is: how is it to be determined? Providing for organized public input to policy and regulatory debates is one way to determine social demand, with at least as much accuracy as the measurement of audience size to determine consumer demand. Such provision is justifiable on moral grounds by the argument that broadcast media are fundamental to democratic public life (Keane, 1991), hence the importance of democratic procedures for setting media policy (Melody, 1990). Conceptually, public participation provides a missing link and hence a basis for evaluating theories that see evidence in the political-economic evolution of broadcasting systems of a withering away of the public sphere. Strategically, clearly articulated public support can legitimate otherwise-difficult policy measures, while public opposition can stymie attempts to tailor policy to particular interests. Operationally, the public expression of public needs is a concrete manifestation of the public interest.

Notes
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1. For a general presentation of such a model, see Cohen and Arato (1992). The relationship of broadcasting and media generality to the idea of a democratic public sphere, derived from Habermas (1989), is the object of an extensive recent
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2. A more detailed discussion of this case can be found in Raby, 1993b.

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