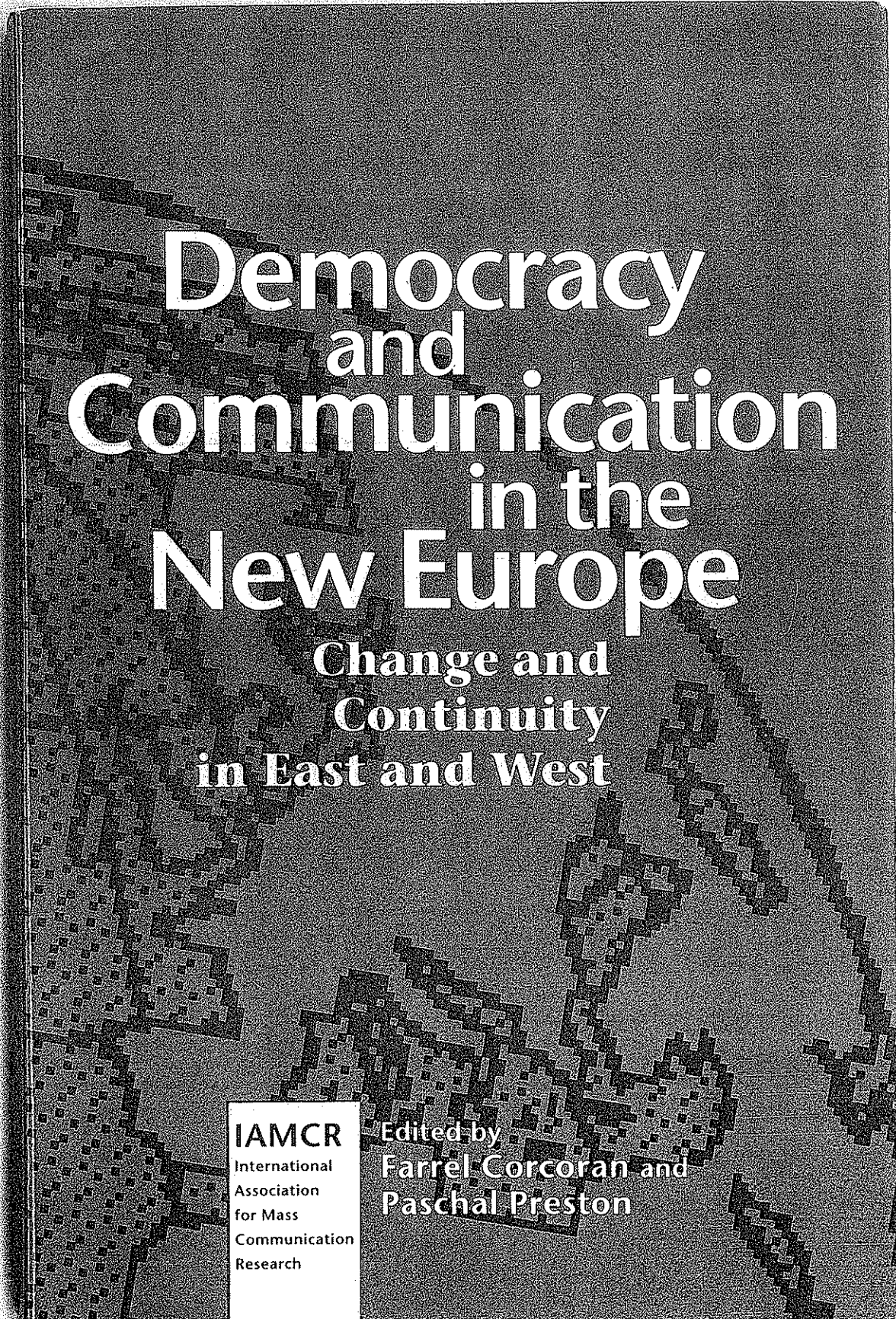




Democracy and Communication in the New Europe

Change and
Continuity
in East and West

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Re-regulating Television After Communism: A Comparative Analysis of Poland, Hungary and the Czech Republic

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INTRODUCTION

The structure is the same as under Communism, because it is a very good structure and it works equally well under Communism or Capitalism.

The impact of the revolutions of 1989 cannot be understood without reference to more general questions of social theory. The privatisation of the bulk of the printed press and the restructuring of television, which is at the centre of the concerns of this chapter, are incomprehensible outside of the context of the collapse of the old Stalinist regimes as whole systems of economic, social, and political life and the difficult birth of their successors. In their turn, changes in the mass media can help to illuminate the nature of the overall transformation, particularly with regard to democratisation.

In this chapter, we are concerned with the concept of *civil society*. The aim of constructing civil society was one of the central objec-

THE CONTRADICTIONS OF CIVIL SOCIETY

The first flowering of the term *civil society* dates from long before the construction of modern totalitarian regimes. It is a child of the age of the French Revolution, and its greatest and best known exponent was Hegel. His most systematic formulations are to be found in the late *Philosophy of Right* and have been so important in the history of ideas that they are worth a brief gloss here. For Hegel, civil society is part of a triad of terms. It is linked on the one hand to the family and on the other to the state.

The *family* is "the immediate type of ethical relationship" and is also grounded in "the natural sexual union" (Hegel 1967: 111). It is the sphere of natural and affective human relations. In Hegel's own account, there is thus a physical dimension to the ethical division of labour he perceived as a necessary element of the family: "Man has his actual substantive life in the state, in learning, and so forth, as well as in labour and struggle with the external world. . . . Woman, on the other hand, has her substantive destiny in the family, and to be imbued with familial piety is her ethical frame of mind" (Hegel 1967: 114).

Civil society is the realm of the pursuit of individual interest: "Individuals in their capacity as burghers in this state are private persons whose end is their own interest" (Hegel 1967: 124). It is, above all, the sphere of economic activity. It has three aspects: a "system of needs" supplemented by the "administration of justice" and "provision against contingencies still lurking in the system" (Hegel 1967: 126). Its constitutive principles are work and the division of labour, through which the varied natural and social needs of different human beings may be satisfied:

When men are thus dependent on one another and reciprocally related to one another in their work and the satisfaction of their needs, subjective self-seeking turns into a contribution to the satisfaction of the needs of everyone else. That is to say, by a dialectical advance, subjective self-seeking turns into the mediation of the particular needs through the universal, with the result that each man in earning, producing and enjoying on his own account is *eo ipso* producing and earning for the enjoyment of everyone else. The compulsion which brings this about is rooted in the complex interdependence of each on all, and it now presents itself to each as the universal permanent capital . . . which gives each the opportunity, by the exercise of his education and skill, to draw a share from it and so be assured of his livelihood, while what he thus earns by means of his work maintains and increases the general capital. (Hegel 1967: 130-31)

tives of the democratic oppositions in Eastern Europe during the 1980s. It also enjoyed wide currency in Latin America and Africa, and among some intellectuals in the United States and Western Europe. It has entered into the common language of scholarly discussion and is frequently used in discussions of the mass media. Considerable hopes have been placed on this term, both as an analytic category and as a concrete social reality. It is widely regarded as intimately linked with, and a necessary precondition for, democratic political arrangements.

In 1989, the proponents of the idea of civil society in Poland, Hungary, Czechoslovakia, and elsewhere suddenly found themselves in positions of power. There, if anywhere, the chance to build a concrete and living example of a civil society presented itself. The old order was discredited, and there was hardly any open and public opposition to change. There was an intellectual vacuum outside of the ranks of the opposition, and everywhere they provided the political direction to the new governments.

The outcome of this gigantic social experiment is thus of considerable interest and importance. Very seldom do the victors of revolutionary upheaval find so few obstacles to the realisation of their programmes. Very seldom is there such universal international acclaim for their triumph and such an eagerness to see them succeed. There were no foreign armies and no economic boycotts with which to contend. But it is now four years since the great overthrow, and some of the more permanent features of the order that the new rulers are constructing are becoming apparent. If the idea of civil society is at all capable of informing social practice, it should be apparent by now. We are thus approaching a position from which it is possible to judge not simply the appeal and coherence of ideas, but their actual historical consequences.

In this chapter, we show how the idea of civil society, as propounded by some of its contemporary advocates, contained serious ambiguities. We examine the concrete consequences of the various attempts to realise the idea of civil society with respect to the mass media, particularly in the narrower sphere of the regulation of television broadcasting. Our focus is on the countries of the so-called *Visegrad Group* (Poland, Hungary, and the Czech and the Slovak Republics). These are among the most developed and most stable of the formerly communist countries, and they are not characterised by the same degree of social and political conflict that marks the former USSR or Yugoslavia. We hope, by considering both abstract philosophical ideas and their application to concrete historical experience, to be able to illuminate both the utility of the concepts and the nature of the emerging systems.

Thus, although Hegel directly followed the classical political economists in arguing that the pursuit of self-interest and the division of labour acted to satisfy general human needs, he argued against them that civil society is inadequate on its own because it achieves this universalisation through "compulsion." The immediate unity of the family is entirely absent here.

The state is the apex of Hegel's system in that it is the sphere of the universal consciousness that overcomes the fragmentation of civil society and reconstitutes the unity of the family at a higher level. As Hegel rather poetically put it: "The *Penates* are inward gods, gods of the underworld; the mind of a nation [Athena for instance] is the divine, knowing and willing itself. Family piety is feeling, ethical behaviour directed by feeling; political virtue is the willing of the absolute end in terms of thought" (Hegel 1967: 155). As a consequence, the state has absolute rights against the life and property of any and all individuals who can only find their individuality in the state:

If the state is confused with civil society, and if its specific end is laid down as the security and protection of property and personal freedom, then the interests of the individuals as such becomes the ultimate end of their association, and it follows that membership of the state is something optional. But the state's relation to the individual is quite different from this. Since the state is mind objectified, it is only as one of its members that the individual himself has objectivity, genuine individuality, and an ethical life. (Hegel 1967: 156)

The state is the repository of sovereignty both at home and abroad and thus has the right to demand of individuals both their life and their property because this is the substantial embodiment of their relation to the state.

The three terms are thus, in familiar Hegelian fashion, necessary complements of each other. Although this is the late, conservative Hegel, "law" or "right" is here grounded in so insightful an attempt at a philosophical sociology and economics that it is obvious why this text constituted one of the main points of departure for his later materialist critics. Indeed, in this respect at least, it may be wrong to overstate the difference between the philosophical dawn of Jena and the twilight of Berlin. Without pretending to be scholars of Hegel, it seems evident that the analysis of the limitations of the untrammelled pursuit of the individual will remains resolutely negative from the famous discussion of "Absolute Freedom and Terror" through to the "Philosophy of Law."

Most modern writers on civil society offer a rather more limited account of the issues. The familial dimension of Hegel's theoretical system, and the problems of gender that it highlights, simply does not

appear in many discussions. When it does it is usually considered unritually. (The consequences of that elision are explored elsewhere in this volume by Anna Reading.) Second, Hegel's theory was worked through in precise detail as an embodiment of the constitutional, not the democratic, state. Recent commentators have tended to assume that the strength of civil society provides a guarantee of a democratic state. Third, the tendency today is to stress the opposition between state and civil society, as opposed to Hegel's view of their necessary connection.

The utility of this interpretation for a critique of Stalinism in power is obvious. Such regimes were characterised by a more or less complete dominance of the state over all areas of social life, and the oppositions set themselves the task of undermining and chipping away at this bloated edifice. It could be argued that the state had engulfed civil society. The aim of the opposition was to create an alternative and critical civil society that could embody human and democratic values against the ruthless and dictatorial practices of the state.

The major problem with this revised perspective is that it lacks a certain clarity about the actual content of civil society. As has been shown, in the classical Hegelian formulation, this sphere was primarily constituted by economic activity, understood as the private pursuit of profit by independent producers. In that sense, it was more or less a synonym for private capitalism. As it happened, a large number of the oppositional intellectuals in Eastern Europe, for example, Klaus and Kornai, held this view all along and since coming to power have dedicated their efforts to its realization. For them, often following Hayek, the main task is to destroy the state control of economic life and to free private capitalism as this is thought to be the guarantor not only of economic progress, but also of political freedom. This usage is relatively close to Hegel, although, of course, it changes the location of the realm of freedom from state to civil society. We call this the *economistic* interpretation of civil society.

Other thinkers were rather more hesitant about this assumption, for example, Michnik and Havel. Partly, this was because many of them held certain reservations about untrammelled capitalism and its necessary connection to democracy and freedom. They therefore sought to propagate some kind of "third way" between capitalism and socialism. Partly, however, the difficulty was also intellectual. Hegel himself did not link civil society with democracy, but other favoured writers, most notably de Tocqueville, could be read as doing so. Unfortunately, the civil society that they both had in mind was that of the early phase of capitalism, which they saw as characterised by widespread ownership of the means of production and conditions of more or less genuine equality between different producers. For de Tocqueville, for example, the guarantor of American liberty was the land-holding system that prevented the emergence of large hereditary estates and the availability of easy access to

homesteads that relieved the labourer from the necessity of dependence on a powerful master. For Hegel, the norm of the actor in civil society was the independent family having access to its own stock of capital and represented by its patriarch in relation with other equally endowed units. The existence of individuals and families who did not correspond to this norm were precisely the "contingencies still lurking in the system" for which special provision needed to be made.

These conditions manifestly no longer pertain, even in the United States. On the contrary, economic life is generally not characterised by a multitude of small producers entering into equal exchanges of products to their mutual benefit. It is much more common to find industrial and commercial life dominated by considerable concentrations of capital. The mass of the population do not own or control their own small farm or business. For most people, there is little option but to work for someone else. The day even of the multitude of peasant farmers—the most stubborn of independent producers—is rapidly passing in the developed world. Thus, it is difficult to see civil society any longer as the repository of equality and freedom. On the contrary, much of the mass appeal of various kinds of socialism, including Stalinism in opposition, lay in its promise to remove or ameliorate by means of state action the misery and injustices arising from the unequal and dictatorial relations characteristic of civil society.

An awareness of this difficulty led some writers to try to make a distinction between civil society and the economy. Given that the capitalist economy is manifestly not an embodiment of freedom and equality, civil society is posited as a separate realm of genuinely voluntary association. As one of the most prominent advocates defined it in the course of a discussion of her differences with Habermas:

We understand civil society as the institutional dimension of the lifeworld, composed of family, associations and the public sphere (the lifeworld, conversely is the socio-cultural substratum of the reproduction of civil society). Unlike Habermas, we postulate political and economic society between civil society and each of the subsystems, representing institutional frameworks where ordinary language communication processes coexist with forms of interaction steered by money or power. (Cohen 1993: 17)

This new definition of civil society included structures of family and kinship and the multitude of voluntary organisations that one finds in any community. Civil society is thus logically and practically distinct from those forms of interaction determined by the inequalities and coercions of political and economic systems. The effects of these latter are to be circumscribed and democratised by the effects of a vigorous civil soci-

ety. We call this the *idealistic* version of civil society. Although it represents a major reworking of the classical Hegelian tradition, it does succeed in locating civil society outside of the realm of the economy: Civil society no longer necessarily means capitalism pure and simple.

There remains, however, a problem: Many of the organisations that make up this new collective entity are rather difficult to rescue for democracy. In Western Europe, for example, civil society thus defined contains more than one would desire of organisations of racist bigots. They are, however regrettably, equally members of civil society alongside those dedicated to nobler aims. The concept was thus often further refined to include only those civic organisations of which one could wholeheartedly approve. In this version, civil society came to mean something more like *civilised society*. In one particularly lyrical account its potential for democratization was characterised as follows:

For the first time under modern democratic conditions, the democratic party would explicitly recognise the necessity and limits of parties. It would acknowledge openly that its fundamental source of energy and strategic protection lies in a *non-party realm*—in the self-governed enterprise, the democratic trade union, the rape crisis centre, the gay and lesbian collective, the housing co-operative, and other public spheres of civil society. (Keane 1988: 145)

We could call this the *poetical* version of civil society, but such a further elaboration of a distinct category seems unnecessary. Perhaps it is not often stated so clearly, but the belief that civil society consists of worthy social actors whose effect is benign seems to underlie all of the "idealistic" versions that make the claim for a necessary link between civil society and democracy.

Thus, beneath the forced unity of persecution and oppositional solidarity, there were two distinct currents of thought about the nature and role of the struggle to construct a civil society. The first version—the economic—saw the construction of civil society as essentially predicated on the establishment of private capitalism and the institutionalisation of the rule of the market. From that would flow benefits of liberty and democracy. Perhaps a residual state would be necessary, but it would be a necessary evil. The second version—the idealistic—was in principle agnostic about economic issues, although if pressed would probably have invoked some kind of Swedish model of social democracy. For it, the key issue was the establishment of a framework of relations that would empower citizens. The means to this was the construction of associations of different groups of private individuals who together could organise to exert at least a check on the power of the state and its associated professional political elites.

THE MASS MEDIA

Although the implications of these positions for the organisation of the mass media were not always spelled out in any great detail, they are quite clear: Changes would have to be rapid, fundamental, and far-reaching.

The old systems denied any power over the mass media to civil society. Those official organizations that did exist, for example, among women and youth, were in reality completely dependent on the party-state and could not be said to constitute the sort of independent structures characteristic of civil society as properly understood. Any consultative role they might be thought to play in the governance of the mass media was purely a charade, and their own organs were essentially part of the official propaganda apparatus.

It would therefore not be appropriate to take over the old structures unchanged. They would need to be totally transformed. One central aim was to introduce a plurality of voices into the mass media. Sometimes this was and is simply a call for privatisation of the media as part of the more general programme of marketisation (Manaeu 1993: 119-22). Behind this there was often, no doubt, a quite idealised and unrealistic picture of the nature and role of the mass media in the West and in particular in the United States. However, when the issues of social communication had been most fully thought through, something much more substantial, serious, and admirable came into view. This involved the rejection of the hierarchy of power and communicative entitlements characteristic of both privately owned media and of public service institutions. The best that such organisations offer is to act as surrogates for the people. They ask questions *on behalf* of the ordinary citizens and speak *for them* to the rulers of society. In place of this stunted democracy was proposed a different model:

The ideologues of the new information order in Poland reject this approach. They see communication as *empowerment*, as the exercise of a right, and satisfaction of a need, to communicate by "speaking with one's own voice", without the need for spokesmen and intermediaries. In general social terms, this approach springs from what might be called a *substantive* understanding of democratic communication as an element of "communicative democracy", seen as an integral element of political democracy and an essential part of the process of democratic governance. (Jakubowicz 1991: 168; emphasis in original)

This passage, written in the course of 1989 by someone who is a major national and international figure in these media debates, neatly expresses the way in which the hopes of the opposition involved the radical democratisation of the structures, processes, and functions of communication.

Reading a passage such as this, the interested observer might expect that, should the opposition ever come to power, it would move quickly to break up the old structures of media power. In the place of the old monoliths, the press and broadcasting would be marked by a diversity of forms of ownership, by great internal democratisation, and by the involvement of the citizens at large in their control and direction. One would not expect such a radically new world to emerge immediately. There are no ready-made models anywhere in the world that could be copied with confidence of success. The obstacles to such an ambitious project are so great that its realisation would be difficult even in ideal circumstances. There would naturally be experiments that failed, confusion, disorder, and general creative chaos. However, one would also expect to find some evidence of a clear intention to try to realise such an objective and perhaps some concrete examples of progress.

THE OUTCOMES

Unlike many theories of communication, these ideas were rapidly put to a test much more rigorous than peer group review: In a startling turn-about, the proponents of change had an opportunity to implement their plans. By the middle of 1990, the governments of the countries in the Visegrad Group all owed their positions to relatively free and contested elections, and they consisted of a majority of the representatives either of the old opposition or new political forces that emerged in the aftermath of the collapse of the old regimes.

The new governments confronted the twin questions of the future of the press and of broadcasting. We do not go into any detail on the press in this chapter. The main outcome of what has happened is well known: The press has been privatised. The most famous, or notorious, cases—in the Hungarian local press—were actually instituted by the editors of the old regime rather than any new democratic forces. In many cases, again with Hungary as the most prominent example, the new owners of the press were multinational media empires, including that of Robert Maxwell. In other cases, senior editors took over the titles and emerged as their new owners. Also, some journalists took over partial or wholesale responsibility for the running of their papers, and many other political parties set up their own papers. More generally across the printed press, there was a massive profusion of new titles.

What there did not seem to be were any institutionalised attempts to empower the ordinary citizens with respect to the ownership and control of the press, to transform the relations between newspapers and their audiences in order to strengthen the latter, to redefine the role and content of the press as empowering ordinary citizens, or to assist the financial viability of forms of publishing that did not correspond to well-established market norms. As one writer, generally very sympathetic to the claims of civil society, put it after a survey of the experience since 1989: "In the field of the press, there is as yet no evidence of a willingness among new governments to provide public support to minorities and groups not capable of exercising their rights" (Splichal 1993: 42).

So far as we are aware, no attempt has been made anywhere to implement any of the programmatic suggestions that would seem to follow more or less self-evidently from a concern with increasing the power of citizens. Civil society has most certainly been strengthened as against the state, and this has overwhelmingly taken the form of the reconstruction of the press along the lines of private ownership, advertising dependence, and market competition. In short, in the press, the economic version of civil society has triumphed. Those who imagined that it was possible to abstract the pure essence of "civil society proper" from its capitalist economic husk appear to have been mistaken. The multitude of social organisations based on the affinities of citizens have either not emerged or have proved too weak to provide an alternative mechanism of financing and organisation to the ready-made capitalist model.

Broadcasting is rather different, and perhaps more interesting. One reason is that, in the case of the press, the alternative to the advertising-financed and market-led press is practically undeveloped and theoretically isolated. The various Scandinavian attempts to ensure a plurality and originality among the printed media by means of legislative moderation of market forces represent a relatively weak pole of attraction against the seldom-disputed vigour and plurality of, for example, the US press. With broadcasting, the situation is different. Market-led broadcasting is, of course, a well-established reality with many achievements to its credit, but there is an equally widely admired alternative in the European tradition of Public Service Broadcasting. What is more, a number of examples of this tradition do embody attempts—albeit fairly limited attempts—to give a voice to precisely those forms of social organisation that are said to constitute one version of civil society. These examples are widely known, internationally respected, and commanded some intellectual support among those who provided the technical advice to the politicians who were about to re-regulate broadcasting.

The most astonishing thing about this re-regulation in the Visegrad Group is how long it took, or rather is taking, to reach agreements. The quickest adoption was that in the Czech and Slovak

Federative Republic, where a new Law on the Operation of Radio and Television Broadcasts was passed on 30 October 1991. Of course, this shared the fate of the other federal laws when the realities of economic and political development rendered the federal attempt unworkable: The new Czech and Slovak laws were rushed through their respective parliaments in the run up to the division of the country into two separate republics on 1 January 1993. The Polish parliament took until 29 December 1992 to pass a law, and the Hungarian parliament has not, at the time of writing, been able to agree on any new settlement, although in 1993, the government passed a Frequency Allocation Act that will allow it to release sections of the spectrum to private broadcasters.

In the long interim, there has been considerable continuity of organisation in television. This is largely the result of the nature of the transition, which has been a remarkably controlled and directed process. Although there were some small changes at the very top, and the workforce was often drastically reduced, the basic structures and managerial and production personnel remained largely intact.

In Poland, the transfer was begun through "Round Table" negotiations between the Communist government and the Solidarity-led opposition in early 1989. The "subtable" on the media, which opened on 12 February 1989, was taken very seriously by both sides. The government sent the well-known spokesperson Jerzy Urban, and Solidarity sent Michnik and Mazowiecki. The two sides began with rather different conceptions. The authorities proposed some easing of controls over the media, including the legalisation of the underground press, but its plans included continued Communist Party domination over radio and television. For its part, Solidarity had moved back from its earlier desire to establish direct social control over broadcasting. It now proposed a three-stage plan, starting with the setting up of Solidarity departments in radio and television and the observance of rules governing fair and equal air time for the main political forces, to be followed in stage two by the transfer of one national television and one national radio channel to "social groups and forces." In the third phase, a National Broadcasting Council, a nongovernmental body with a variety of different representatives from both political and social movements, would take control of policy and supervision of all broadcasting matters (Jakubowicz, 1991: 169-72). This was completely unacceptable to the government, and Solidarity quickly backed down and demanded the right to broadcast its own short programmes on the government channels.

An agreement was eventually reached in March 1989 that gave Solidarity an autonomous production department with the right to broadcast between 30- and 45-minute programmes once a week. Censorship, however, remained in force. The elections of 4 June were conducted under this agreement, which allowed all social movements and parties the

right to their own broadcasting slots. The government kept to some, but not all, of the Round Table agreements. Solidarity was allowed to broadcast, but its time was very limited compared to the deluge of pro-government propaganda (Goban-Klas, 1990: 50-5). In response to this, and bolstered by its electoral victory, Solidarity, in July, changed its demand to control over the news and current affairs programmes on the second national television channel and to a change in the composition of the Polish Broadcasting Council in line with the new balance in Parliament.

However, once the new Parliament met and Solidarity entered into government, there were no immediate structural changes to television. Tadeusz Mazowiecki, the new Prime minister, said in an address to the Sejm on 12 October 1989: "There must be an open flow of information between the government and the people. The right of access to radio and television must be equal for all. Television and radio must be pluralistic in character" (Oledzky, 1990: 163). There was little immediate action to realise these noble sentiments. Some senior managers and those journalists most closely connected to the old regime were purged, but the numbers involved were relatively limited. One of the points of agreement in the Round Table talks had been that there should be no anti-communist witch-hunt, and the first post-Communist Head of Broadcasting, Andrzej Drawicz, upheld that agreement. According to one writer: "Very few individuals have lost their jobs and certain presenters who were strongly associated with martial law have stopped appearing in front of the camera but retain back-room jobs" (Witkowska, 1990: 14). A special commission, chaired by Karol Jakubowicz, was established by the Committee for Radio and Television in October 1989 and charged to consider the future of television and to prepare a report to the Senate, but no immediate structural changes were implemented (Jakubowicz, 1992: 5-8). Leszek Wasiuta, Head of Channel One of Polish Television, was able to say after being interviewed by the authors in 1992 that "The structure is the same as under Communism, because it is a very good structure and it works equally well under Communism or Capitalism".

The case of Hungary was, in the first instance, even more gradual than in Poland. The grip of the Hungarian Socialist Workers' Party (HSWP) on the media began substantially to relax after the fall of Kadar in the summer of 1988. In August 1988, the Central Committee dissolved its Department for Agitation and Propaganda. The pace of change quickened in March 1989, when the "list of competencies"—the basis of the nomenklatura system establishing who the Central Committee thought was fit to hold senior posts in the media and elsewhere—was abolished. In the same month the opposition conducted a "symbolic seizure" of Hungarian television (MTV). The Trilateral National Roundtable negotiations between the government and the opposition, conducted during the spring of that year, formed a subgroup on the

mass media. Three main positions were put forward. The government wished to keep television under state control but was prepared to loosen its grip by allowing what it called a "responsible social body" to exercise some influence. The main opposition party, the Hungarian Democratic Forum (HDF), also saw television as essentially a noncommercial organisation. Although it was prepared to consider the possibility of private television channels, it saw MTV as a national institution under the control of the government. Among the main tasks of broadcasting, it identified the task of reaching the large numbers of ethnic Hungarians outside of the national boundaries. The third main position was that advanced by the Alliance of Free Democrats (AFD). They proposed that MTV should remain a noncommercial organisation, but argued for a greater degree of self-government and accepted the need for other forms of broadcasting organisation, some of them commercial (Kovats and Whiting 1992).

No easy agreement could be reached on these policies or on the thorny question of the role of broadcasting in the forthcoming elections in March-April 1990. Eventually, a moratorium on changes to broadcasting was agreed to, and each of the 54 registered political parties was granted the right to broadcast on the main TV and radio channels during the first round of the elections. However, the distribution of results meant that only 12 parties gained the right to national lists and thus to broadcasts during the second half of the campaign. The third major point of agreement was the classification of the projected new media law as one of that class of fundamental laws that required a two-thirds majority in Parliament for its adoption. This decision was to have very important consequences later on in protracting the struggle over the new broadcasting act.

The elections produced a government dominated by the HDF. In negotiation with the AFD, they discussed the basis for amendments to the constitution. Among the points agreed to was the need to attempt to create a national media which would be neutral between the main political parties. As a step toward this, Law LVII of 1990 specified that the heads of state television and radio should be appointed by the President of the Republic (under the constitution necessarily a representative of the opposition) on the nomination of the Prime Minister (speaking, of course, for the government). The new director general, Elemér Hankiss, was appointed under this law.

Part of the agreement was that he would retain senior staff loyal to the existing regime, in particular, the editors of the main news and current affairs programmes. He embarked on a top-down restructuring of television that did not involve any extensive purges of staff held to be implicated in the running of the old system. As Hankiss put it in an interview with the authors in 1992, his aim was "to destroy the old power structure without a witch-hunt." In this he was not successful. A small

group of senior managers were changed, probably less than a dozen in all, and the old power structure remained in place. Control of broadcasting quickly came to be a site of the struggle between the government and the broadcasting executives known as the *media wars*. At the time of writing, the government has been successful in ensuring the continuation of detailed political control over MTV.

The break was sharpest in Czechoslovakia, where the system was most rigid and had made the least preadaptation. What took place there was much more like a "real" revolution (albeit a velvet one) than what occurred in the other two cases. The change in television certainly involved a direct challenge to the existing structure, and there was a direct mobilisation of the workforce in the struggle against the old regime. The refusal of the existing management to broadcast reports about the demonstrations in Wenceslas square led directly to the setting up of a strike committee (the "Garage"), which after a struggle with the apparatus took effective control of the television system in October 1989. The directly elected management council, however, did not survive as an independent force. The leaders merged with the old "trade union" structure and helped to initiate the reform of the system. The changes led to the replacement of senior managers and some 60% of the journalists, but the basic structure remained more or less intact (Smid 1992: 2). Within a fairly short period, at least the substantive body of the old hierarchy had managed to reassert its control over broadcasting. According to Milan Jakobec, then Secretary of the Czech Broadcasting Council, during an interview by the authors in 1992, "There have been some changes in TV management, but mainly it is the same people. . . . The same mafia are still running things."

Overall, then, the nature of the transition in these countries was the replacement of one set of directors with another. There was, with the exception of a brief period in Czechoslovakia, no challenge to the hierarchical organisation of television production as such. The later attempts at reorganisation were initiated by the existing hierarchy and were motivated not by political or social imperatives but by economic considerations. In none of the cases did the change of regime lead to the institutionalisation of forces from civil society in the running of television. In Poland, where the opposition had well-developed plans for democratic broadcasting, these were quickly jettisoned in the attempt to reach a compromise agreement with the old regime.

It might be argued that this abandonment of the emphasis on the importance of civil society was a necessary condition in order to ensure that the transitions were orderly and peaceful. Such reasoning will not, however, explain the nature of the governing bodies of television that are emerging from the long process of deliberation about the new laws. In all the new laws and drafts there are mechanisms designed to subject all

television, including the commercial broadcasters, to public regulation. In some of the earlier drafts, there was indeed a concern to "bring broadcasting under social control," which found expression in the admission of representatives of social movements into the governing councils.

The clearest example of this was the case of Hungary. From the early drafts of the Hungarian Broadcasting law, there was a provision for up to half of the supervisory board to be nominated by political parties represented in the National Assembly and by the Government (Article 42 of the draft of October 1991). However, "The number of members delegated and elected on the basis of Art. 42 may not exceed half of the total membership of the supervisory board" (Article 43). Article 44 specified that the other delegates must come from "organizations operating in [13 specified] spheres of interest." The list of spheres included science, education, ethnic minorities, women, youth, sports, environmentalists, and religious bodies. This formulation proved too imprecise, and the November 1992 draft of the Bill spelled out a principle of rotation in much greater detail. This attempt to find ways in which organisations not directly concerned with formal political life might have some say in the running of television obviously constitutes an attempt to enshrine the positive principles of the old opposition in statute. The provisions have been the subject of considerable discussion on the grounds of their practicality. The Deputy Secretary of State of the Ministry of Justice concerned with broadcasting, Dr. Edit Papacsy, argued that:

The Supervisory Committee should not be too large, because then it would be ineffective. . . . The number of interest groups in Hungary has mushroomed, and they all want to be represented. One idea was to have a rota system, but that would mean that if, for example, there were 100 youth groups, they would only be represented once in a hundred years. Another idea was to ask groups to solve the problem themselves, but as each group strives to dominate they want to have as much power as possible. (personal communication, November 1992)

There are undoubtedly very real problems associated with implementing this kind of arrangement in a country in which "civil society" is more fluid and conflictual than in a mature bourgeois democracy such as (West) Germany. However, there is an even more considerable danger that the practical difficulties of implementing the principle will be used as reasons for dropping the idea altogether and leaving the control of broadcasting in the hands of the political elite and their direct appointees. Certainly, the Frequency Allocation Law, which is now being used to distribute local television franchises, gives the power of supervision to an Inter-Ministerial Committee made up of civil servants rather than civil society.

Elsewhere, the few attempts to empower citizens also seem to have been abandoned. Although some representation remains in the new Czech Republic, in Slovakia, after the breakup of Czechoslovakia, re-regulation removed whatever elements of civic control broadcasting that had briefly been attempted. The October 1991 Federal Broadcasting Law established a Federal Broadcasting Council of "9 members from among experts, prominent personalities and public figures." The Federal Assembly and the Czech and Slovak National Councils each appointed one-third to the Council. Although they would therefore clearly be political appointees, it is significant that a condition of membership in the Broadcasting Council is that they "may not have functions in any political parties or political movements and may not actively and publicly appear in the name of any political parties or act to their advantage" nor represent any business interests involved in broadcasting (Article 18.3). The Czech TV law of 7 November 1991 specified a regulatory Television Council whose membership was designated by Parliament (Article 4.4).

In addition, a rather more open programme supervisory body was established, which included representatives of political parties and social, cultural, and regional bodies (Article 4.1). The Chair of this body is the Director General of Czech TV and has the power to appoint the Editor-in-Chief and Directors of Czech TV. (This body survived the breakup of the federation.) The Slovak TV law of May 1991 set up a Radio and Television Council, which consisted of one member from each political grouping in the Slovak National Assembly, three members from the Slovak government, four members from the management of Slovak television, and three members of the advisory council (Article 8). The membership of the advisory council consisted of:

Representatives from different political parties and political movements (who may not be MP's in the Slovak National Assembly), representatives from Churches and religious associations, trade unions and citizens associations. (Article 12.1)

Those represented on this advisory council grew to include, for example, women's organizations and old people's associations. The Slovak body eventually came to number around 100 people, and it was alleged to be unworkably large. These organisational problems were used as arguments against the principal of social representation in the control of television. The programme advisory council body was abolished in Slovakia by an amendment to the broadcasting law of 30 September 1992. The law changed the membership of the National Broadcasting Council to 9 members appointed by parliament, chosen from 30 people nominated by all parties in the Assembly.

The Polish case demonstrates the least consistent effort to modify the control of broadcasting by the political elite. Although Solidarity had in opposition developed quite radical plans for the social control of broadcasting, we have seen how these evaporated in the course of the Round Table negotiations. Once Solidarity was firmly in power, however, there appears to have been no attempt to revive them. On the contrary, the sole reference to anything other than political appointees is in the 14 December 1990 Draft Broadcasting Law. In this draft, the National Board was to have 11 members nominated by the President and appointed with the approval of the Diet (Article 7.2). The National Board in turn appointed six members to a Supervisory Board. The seventh was to be appointed by "the relevant employees' federations" (Article 9.3). Even this minimal concession to social control had disappeared by the 1991 Draft Broadcasting Bill as developed by a Parliamentary subcommittee on the basis of two members' bills. The eventual December 1992 law simply has a National Council appointed by various elements of the political process.

Although all of the governments have found it extremely difficult to conclude agreements on admitting representatives of "civil society" to the direction of television, they have been much more united on two other things: the desirability of commercialising part of television, and the necessity of retaining political control over at least the state sector. All of the laws and drafts contain a provision for privatising at least one national television channel, and this has already been accomplished in the Czech Republic and, at the time of writing, is underway in Poland.

The continual political interventions of the different governments in the running of television are well documented, particularly the Hungarian media wars, and we cannot go into detail here. We note, however, that in contrast to the difficult and tenuous attempts to empower civil society, the new broadcasting laws are quite clear in making the appointment of regulatory bodies everywhere dependent on the political elite. Much of the explanation for the length of time it has taken to agree to such laws is to be found in the struggles between various parties as to precisely which parts of the political elite will be most favoured in the constitution of the governing bodies.

The extent to which any of the revised broadcasting laws have been prepared to widen the powers of ordinary citizens, rather than those of the political elite or its dependents, is thus extremely limited and uncertain. The extent to which these formal provisions can actually be exercised in practice is again uncertain, given the weakness of the drive to establish them. To the extent that the new broadcasting laws in Eastern Europe enshrine the principle of plurality in the governance of public broadcasting, it tends to be a plurality for the political elite, rather than for citizens. The combination of these regulations and the recent record of government interference make it likely that the structural

arrangements that are being put in place will not promote civil society as the guarantor of democracy.

CONCLUSION

The new media relationships emerging in the countries of the Visegrad Group present little evidence in support of the validity of either of the two modern interpretations of the idea of civil society. There have been some efforts in television to implement some of the implications of the "idealist" version, but these have been weakly supported and their future is uncertain. It seems clear that this interpretation is defective in that it takes insufficient account of the power of both political and economic relations in social life.

The "economistic" interpretation of civil society gives a better account of what has occurred. Much more substantial efforts have been made to implement one part of this version—the transfer of the media to private ownership, particularly in the press. In television, too, there has been an attempt to transfer part of the system from the state to civil society understood in the sense of private business. However, privatisation on its own was only one part of the economistic version. Positive benefits of political freedom were supposed to flow directly from this. In fact, the strengthening of civil society has been accompanied by a continuation of political intervention in television by the dominant political groups, even when they are in theory opposed to state intervention of any kind. In balance, then, this economistic version of civil society has failed to account for real historical developments.

We do not have space here to speculate as to the reasons for the failure of the former opposition groups to realise the kinds of programmes that secured for them mass support and political power. Suffice it to say that we do not believe it to be the result of personal incompetence, dishonesty, or other subjective moral shortcomings. To the extent that the failure has a subjective dimension, it lies rather in ideological weakness, of which the idea of civil society was one key component. In the way it was formulated, it was and is quite incapable of realisation.

The version of civil society that comes closest to any purchase on reality is in fact the classical account, as developed by Hegel. Given this, however, one may legitimately doubt the centrality accorded to the category in modern media theory. Hegel provided no new and magic key that can resolve the difficult intellectual issues of democratisation and the mass media. On the contrary, his formulation of the content of civil society is manifestly outdated. In his account, civil society was not at all connected to democracy, but to a constitutional monarchy. For him, the

military-bureaucratic state was a necessary element of society and the essential universalist complement to the pursuit of naked self-interest characteristic of civil society. Neither of these aspects of his formulations are adequate as accounts of contemporary reality. The Prussian monarchy is not the obvious model of any contemporary system of government known to us. The state, even after its recent retreats, is still more than a simple military bureaucracy. Nor is the assumption that civil society is fundamentally the terrain on which equally endowed independent actors pursue their self-interest through fair mutual exchange at all adequate for understanding the workings of the modern economy.

In our view, the modification of Hegel's insights by some of his immediate intellectual successors provides a much better framework for understanding what has been happening. In this account, civil society certainly contained all of the forces of both economic and social organisation, but it was not an idyllic and harmonious repository of all human values. It was seen as the site of contradictions and intense struggles that both generated the need for a state and eventually provided the means for reorganising human relations in such a way as to render the military-bureaucratic state superfluous. Such an approach promises to be much more fruitful in helping to understand developments in Eastern Europe and for guiding future programmes for the genuine democratisation of the media both there and in the rest of the world.

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