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Short Papers

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A MULTIPLIED PERSPECTIVE ON THE OBJECT OF STUDY: THE EXAMPLE OF MULTIDISCIPLINARY RESEARCH IN THE DOMAIN OF MEDIA REGULATION

In order to study the relationship between the media and other social contexts a multidisciplinary approach is needed. Our contribution aims to show this with the example of a research in the domain of media regulation. Our object of study was the transposition in different national regulations of the quota requirements included in the European Directive "Television without Frontiers" and the implementation of these quotas by TV-broadcasters. Answering our research questions we had to deal with differences of legislation traditions, with national differences of TV-markets and aspects of a global TV-market and with organizational features of the TV-companies. Therefore it was necessary to resort to different disciplines and in particular to the sociology of law, the media economics and the organization sociology. Choosing system theory as a frame we were able to selectively use knowledge stemming from these disciplines.

Keywords: quota requirements, media regulation, Television without Frontiers, TV-broadcasters, multidisciplinary research.

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Multidisciplinary research means a multiple perspective allowing the description of the object of research following the logics of more than just one observation mode. This approach is crucial for research on the relationships between different social contexts.

We will explain this with the example of a research in the domain of media regulation (Besio et al. 2005). We studied the transposition in national regulation (Austria, Belgium, France, Germany and Italy) of the quota requirements included in the European Directive “Television without Frontiers” and the implementation of these quotas by broadcasters.

The “Television without Frontiers” directive was designed in order to facilitate free movement of audiovisual products and services across the EU, to encourage trade between Member States and create a strong European TV sector. In this frame articles 4 and 5 of the Directive place requirements on Member States to ensure that broadcasters under their jurisdiction devote a majority portion of transmission time to programs produced in Europe and at least 10 percent of transmission time or program budget to European works made by independent producers.¹

Observing the transposition of these two articles into national legislations and their implementation by the broadcasters in the chosen countries we had to deal with differences of legislation traditions, with national differences of TV-markets and aspects of a global TV-market and with organizational features of the TV-companies. Our research aimed to reveal the interplay of national law, economic developments and organizational processes of the TV-companies in the adherence to a uniform principle (the quotas) in different cases. Are TV-companies able to fit with the European quotas? What are their strategies to comply with or evade such regulations? What are the consequences on economic and programme content levels? Answering these questions it was necessary to choose a theoretical approach which yields the complexity of the

¹ Article 4: ‘Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve for European works a majority proportion of their transmission time, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping...’. Article 5: ‘Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10% of their transmission time, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping, or alternatively, at the discretion of the Member State, at least 10% of their programming budget, for European works created by producers who are independent of broadcasters. ... it must be achieved by earmarking an adequate proportion for recent works, that is to say works transmitted within five years of their production’.

research, an approach we found in system theory. Relying on it, we selectively used knowledge developed within different disciplines.

Research framework

Theoretically, system theory allowed us to consider the dynamics of the systems involved. The media are an autonomous system which has the function to produce information for our society. In order to do this, the media apply specific media programs such as the “news values” in the realm of the news (Luhmann 1996). In the entertainment sector the media have to offer products which are attractive to the public, this means to create a specific reality which is placed beyond the everyday world, but which can be understood by the public and be enjoyed by it. Media are autonomous, but cannot ignore other systems in their environment. In the terms of system theory they are structurally coupled with other systems. They operate in a specific political context, have to respect laws, need funding and so on. External dynamics have no causal effects on the media, but the media can “irritate” themselves by starting to form events in their environment (such as a law or the rise of prices). This means that the consequences of such events are not direct, but filtered by the logics of the media system. Also the way the media organizations work matters. Specifics of organizations not only explain differences in the programming, but they are also the key to understanding the relationships between the media and other social contexts. Media organizations can and must take into consideration in their daily operations not only media aspects but also logics of other contexts (Wehrsig & Tacke 1992). This includes economic constraints, legal requirements, political decisions and so on. As a consequence media organizations act as mediation agencies between different claims.

Empirically, we first considered legal documents: the European directive, national laws and regulations, verdicts, sanctions etc. These documents were analyzed with the aim to identify the essential lines of the reception of the Directive. We then investigated the reports about the observance of quotas which Member States must regularly produce. On the one hand, the data they contain show a satisfactory observance of the quotas in most countries. On the other hand, they show that some channels have or had in the past troubles with the quotas. We also analyzed comments of broadcasters about quotas redacted in occasion of the two revisions of the Directive in 2003 and 2005 showing some criticisms

about quotas.² These findings have been deeply investigated through interviews with broadcasters' representatives.³

Some results

The comparative analysis of the legislation of different States allowed us to shed light on differences in interpretation of the quota requirements. The directive defines only a minimum standard and has been implemented through national legislations in different ways (see Graham 2005; Besio et al. 2005). Austria and Germany apply the Articles 4 and 5 in a flexible mode, Belgium, France and Italy apply them prescriptively.⁴ Member States are allowed to place additional requirements on broadcasters to enhance the quality and the quantity of European works and independent productions. Belgium, France and Italy often utilize this possibility. Examples of additional requirements include the 60 percent European works quota in France and the requirement for the public service broadcaster RAI to reserve at least 20 percent of qualifying hours for independent productions in Italy. Additional content requirements are often aimed to reflecting linguistic or cultural specificities in the programming. French legislation, for example, requires that at least 40 percent of terrestrial broadcasters' audiovisual and cinematographic output be originally produced in French. Finally, differences can be observed in the accuracy by monitoring the adherence to the quotas and in the power to apply sanctions. In certain states (Austria and Germany) the regulator has no legal power at all, while in other states the instruments of the authorities vary from warnings to the imposition of fines (Belgium, France and Italy). In some cases regulatory authorities can shorten or revoke a broadcaster's license.

At the level of the implementation by the broadcasters, we observed that quotas engender problems for specific kinds of broadcasters. First of all, for

² <http://europa.eu.int/comm/avpolicy/regul/reviewtwf2003/contribution.htm>;
<http://europa.eu.int/comm/avpolicy/revision-tvwf2005/2005-contribution.htm>.

³ Keeping anonymous the interviewees name them Italy-1, Germany-2, etc.

⁴ Specifically, stricter definitions can be introduced. For example, France distinguishes between audiovisual and cinematographic works and applies the quotas to both separately. This hinders the fulfillment of quotas by substituting movies with audiovisual works which are easier to produce. Moreover, the Directive contains the qualifying term 'where practicable'. Certain States (e.g. Austria) have incorporated this wording into legislation, which implies a more flexible application than when this phrase is absent.

private channels more than for public ones. Public funding creates namely free spaces which make it possible to include programme planning aspects of product quality, with greater independence from market demands. For private channels the main aim is the profit and content is subordinate to it. Their decisions about acquisitions or productions are made by considering the likely economic success. Since quotas influence these decisions and sometimes are not compatible with the aim of profit, they become a problem. Moreover, bigger channels comply to the quotas relatively easily, small and new channels struggle to achieve them. This depends on several factors, one of them is the availability of production facilities. Since European products are more expensive than American ones the strategy to produce instead of to purchase programs can be an important element of success. Well established broadcasters often have inner facilities to produce sufficient audiovisual works (Germany-3), this is often not the case for small broadcasters and newcomers. Also thematic channels have problems. A specific profile is an important feature since the concurrence between channels has grown higher due to deregulation processes and technological developments. The profile then guides production and acquisition decisions. There are channels whose profile is adequate to reach European quotas (e.g. channels with a mixed schedule targeting families), but for others quotas imply radical changes and even threaten their existence. We have e.g. analyzed a channel specialized in Japanese cartoons. After a sanction the channel decided to change its scheduling. Fortunately, it found a cartoon realized as a European co-production, allowing the channel to meet the quotas, but its appeal decreased (France-3).

Because of the above difficulties, quotas are very likely to be evaded. European audiovisual works can be relegated to marginal times, or, in order to have sufficient European works, one can resort to archive material or cheap, low quality material. Quota observance can therefore lead to an unwanted effect: the loss of quality.

Even if quotas are not a concrete problem for their own organization, all the interviewees are opposed to quotas. In their opinion quotas mean an external interference which limits their freedom of program building. Broadcasters don't describe themselves as public institutions which have to realize goals set by politicians, but as autonomous enterprises.

However, there are differences between countries. German channels firmly refuse quotas which are considered an authoritarian planning action (Germany-2). Also French broadcasters see quotas as a threat, but they are so used to respecting restrictive legislations that European quo-

tas are not a problem. They even recognize advantages of quotas: e.g. since there are quotas the public channels have to plan their finances more carefully (France-2). Italian channels, which experienced Italian before the European quotas, see advantages, too: quotas are considered a “rational method” in setting a clear quantitative requirement (Italy-1).

A multidisciplinary approach

In order to analyze the implementation of quotas it was not enough to refer to the dynamics of the media, but we had to consider other systems. In this contribution we renounce to expose our definition of the media (which is rooted in system theory), but we highlight how we resort to the sociology of law, the media economics and the organization sociology. Our first research question concerns the transposition of the quotas in national regulations which locates our research in the disciplinary field of sociology of law. In general, law is an important party in the complex relationship between politics, market and mass media. It has been so since the beginning of broadcasting in Europe: through law the States have been able to exercise their own control and/or guarantee autonomy over electronic media (Scholten-Reichlin & Jarren 2001).

Every regulation does not develop in a void space, but has to take current regulations into account (Treves 2002). In different nations there are different starting conditions. For example in Germany the freedom of broadcasters, stated in the constitution, has a long tradition. Moreover, the Länder consider European quotas an interference in their sector of competence. As a consequence the quotas can not be transposed in a restrictive way. On the contrary the traditional interventionism and protectionism of the French cultural policy opens the way for strictly legislations.

In order to study the law, it is not sufficient to take the legal texts into consideration, but it is important to pay attention also to the social context in which the rule act. In fact, we identified several elements which influence the application of the quotas: first of all the dynamics of the media system, but also cultural values, the political situation, the market and the organizational structures of the broadcasters.

This way we approach to our second question about the implementation by the broadcasters. In order to analyze how broadcasters react to quotas an analysis of the market is crucial. In economic terms, media industries are unusual because they operate in what is called a dual prod-

uct market (Dematté & Perretti 1997). The first market is that for the media product; the good is the information and entertainment packaged and delivered in the form of a printed newspaper, a television broadcast a video production and so on. The second market is advertising. Although some observers conclude that media sell space or time to purchasers of advertising, a more precise explanation is that media sell to advertisers access to audiences. The application of quotas for certain products by broadcasters can considerably disturb their activities in these two markets. Quotas can affect the profile of a channel possibly reducing its attractiveness which can have negative effects on advertising incomes.

Besides, media units operate in specific geographic markets and are inextricably linked to those markets by the product content and advertising services they provide within those markets. It may be problematic if in a specific geographic market suitable products are not available or are too expensive. Small linguistic markets may encounter this problem in the implementation of quotas more often than big ones.

By considering likely future developments in the audiovisual market, quotas appear to be even more problematic. One important reason for the introduction of quotas was to protect European products and to foster European television industry making it able to compete with the USA. Paradoxically, quotas can in the long run have negative consequences. Since, due to technological progress, households will have access to an increasing variety of products which will not have to respect requirements such as European quotas, it would be dangerous to limit the “traditional” European broadcasters with regulations which will reduce their competitiveness.

Broadcasters are organizations. That is to say they are systems with specific dynamics (Luhmann 2000). They operate in a complexity frame which is defined through the logics of the media system, they have to cope with economic and law requirements, but, within this context, in their decisions they take organizational constraints into consideration. This implies that, in order to fulfill quotas, broadcasters have to rely on their existing structures which, due to their features, can hinder or facilitate a successful implementation.

Approaches of organization sociology yield the instruments for understanding the dynamics of organizations. According to the behavioral decision theory (Kieser 2002: 133-169) we consider organization structures as “premises” for choices. Single decisions can refer to these structures taking them for granted, what simplifies decision-making process-

es. Formal structures such as hierarchies, organizational units or business models are examples of this kind of structures. Also structures such as values can act as premises. These kinds of structures which are not introduced through decisions, but which arise as a correlate of the operating of the system belong to the “culture” of an organization. “Culture” includes values, descriptions, myths and symbols which are present in an organization (Bonazzi 2002: 92-118). In the case of quotas the implementation is not only influenced by formal structures, but also by the organizational culture of the broadcasters.

Conclusion

Multidisciplinary approaches produce multiple responses. It is the only way to face complexity in research questions of media and communication studies which do not only analyze media product but also the social conditions under which media operate. In our research, the analysis of the law was necessary in order to explain how specific national regulations develop and to clarify which are the requirements each channel in different nations have to comply with. Broadcasters are called to respect law but they have also to find financial means in order to survive. Without an economic analysis it wouldn't have been clear which tensions between law and market may arise. From this starting point the single channels make strategic decisions by relying on their own organizational structures. These decisions have consequences on the media output. That is why, considering organizations is necessary in order to observe to what extent quotas are a success and which side effects they trigger.

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