Television in France

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7: France

Early French broadcasting was a mixed public and private system. After Liberation, it became solidly centralized by the government and a tool for its political control, especially under Presidents Charles de Gaulle and Georges Pompidou. Only after 1974, under the more centrist Valéry Giscard d'Estaing, was the state's grip somewhat loosened. But it took a government of the left to create diversity, openness, and greater independence. When François Mitterrand became president in 1981, French broadcasting consisted of three solidly government-dominated television networks and similarly centralized radio stations. In the next few years three television channels were added, one semi-public (Canal Plus) and two commercial (La Cinq and TV-6). In addition, hundreds of independent radio stations, many of them legalized pirates, were licensed, and a semi-independent regulatory agency was established. When the right returned to power in 1986, it went a step further and privatized the major public channel, TF1, and the media firm, Havas, which controlled both Canal Plus and influenced Luxembourg's popular RTL station. After 1988, the Socialists continued the trend and strengthened the independence of regulatory supervision.

As this evolution progressed, the broadcast system that had at the beginning of the decade been totally state dominated and limited was now primarily private and diverse. What is remarkable about the transformation is that it was initiated and guided by the left, as part of shifting priorities to cultural producers and away from bureaucratized distributors. Given France's cultural

influence, this was important, for it gave liberalization a broader legitimacy in the rest of Europe.

History

Radio transmission was developed in France under the partnership of the army, the PTT, and the private wireless company Compagnie Sans Fils (CSF). There are some claims that a French physicist preceded Marconi in building a receiver for electromagnetic waves. Private radiotelegraphy was attempted in 1902 for shore-to-ship service but was quickly stopped by the authorities, which invoked national interest concerns. In 1919, the government passed a law giving the PTT power over public wireless telegraphy (Bertho et al., 1984). In 1920, Radio France, an affiliate of CSF, was licensed to provide international service. On June 21, 1921, CSF undertook the first radio broadcast transmission in France. To promote the sale of its receivers, CSF created in 1922 the broadcast company Radiola, later known as Radio-Paris. By 1923, private stations proliferated, and the PTT was charged with policing the air waves. The various interwar governments did not attempt to change this situation because the private stations permitted the survival of the radio manufacturing industry and were appreciated by listeners. Private stations coexisted with the government stations that were subsequently established by the PTT. In 1931, the state acquired the CSF Radio-Paris transmitter and replaced it with a powerful station located in central France. In 1933, under publishers' pressure, the government prohibited

advertising on the state-owned stations and instituted state funding for radio. Two years later the Conseil Superieur de la Radio Diffusion was established to coordinate and control program choices. In 1937, the Popular Front government passed the first Statute on French Radio, strengthening the state network while still allowing private stations.

Domestic turmoil increasingly caused the Popular Front government to extend state dominance over broadcasting. In 1938, it established its political control over governance and news; in July 1939, shortly before the outbreak of World War II, radio was taken from the PTT and placed in an autonomous administration directly under the presidency of the council (Vedel, 1987).

The PTT also developed a television service. In November 1935 it installed the first state TV transmitter, using a 441-line standard. By the start of World War II, fifteen hours of television were broadcast in the Paris region, some of which continued during parts of the German occupation (Bertho et al., 1984).

The private radio licenses, by then eleven in number, were held in abeyance during the Vichy period and were canceled in 1945 after the Liberation, in conformity with the statist conception of the Liberation government. The state then operated French broadcasting exclusively for almost forty years, until 1982. However, several private stations on the French periphery—in Luxembourg, Monte Carlo, Andorra, and the Saar—survived or were set up later, though they, too, had strong state involvement.

One of General Charles de Gaulle's first decisions after the liberation of France was to establish a Direction Générale de la Radio under the Ministry of Information. Its purpose was to rebuild stations destroyed during the war and construct powerful new transmitters under the control of the government. Television transmission quality was improved in 1948, when a new standard of 819 lines was implemented. That decision, made under the young State Secretary of Information, François Mitterrand, was a victory for engineers but later impeded the export of French technology and raised the cost of TV receivers to French households (Missika and Wolton, 1983).

De Gaulle's views of broadcasting were deeply affected by his own wartime experience when he broadcast to France from England in a battle of words with Vichy (Kuhn, 1980, p. 54). Control over broadcasting became even more important to him when he returned to power in 1958 and ruled France partly by the force of his ability to communicate with the French people. During the turmoil of the Algerian War in 1960 and 1961, de Gaulle went on the air to appeal directly to the population and the soldiers. De Gaulle's use of broadcasting played a central role in the 1961 referendum on Algerian independence: he was a master at using his carefully orchestrated televised press conferences to speak to the public and to send signals to his own government. He viewed television as serious business and went to great trouble in rehearsing his TV speeches (Werth, 1967, p. 361). In defense of de Gaulle's control over television, his supporters argued that such domination was

necessary to counterbalance the opposition's hold over the print media (Kuhn, 1985). The same argument, however, was also made by the Socialists when they came to power in 1981.

In suppressing the coverage of opposition views, de Gaulle followed precedent. During the Fourth Republic, the Socialist government of Guy Mollet was inhospitable to opposition views in the news. Once de Gaulle was in power, Minister of Information Jacques Soustelle appointed Gaullists to all important positions in the reorganized broadcast institution, Radio-diffusion Télévision Française (RTF). For example, the former general secretary of the Gaullist party became the Director of News. Yet ministerial responsibility for broadcasting in the Fifth Republic was subject to great flux. Between 1958 and 1979, there were no less than twenty ministers responsible for broadcasting.

In 1964, the RTF was reorganized into the Office de Radio-diffusion Télévision Française (ORTF). Under this new organization, French television became slightly more open. In the next presidential elections, opposition candidates could actually appear on television. But this modest liberalization ended abruptly after the leftist uprisings of May 1968, when the ORTF general staff and journalists went on strike to protest governmental interference in news reporting and to demand a more democratic ORTF board. Once general order had been restored, the government dismissed more than sixty broadcast journalists and transferred thirty others. Other estimates put total dismissals between 200 and 300 employees. Still, the government did increase

the employees' representation on the board of governors.

When Georges Pompidou became president in 1969, a more balanced television policy was pursued at first. The Ministry of Information was abolished and broadcasting regulation was moved to the prime minister's office in a more technically oriented Service Juridique et Technique de l'Information. By reorganizing ORTF, the government planned to make the news more independent. Prime Minister Chaban-Delmas, a moderate reformer, allowed each of the two television networks to have a separate and autonomous news team, thus creating some diversity and potential rivalry between television channels. But Chaban-Delmas' ORTF reforms and appointments soon encountered opposition from Gaullist traditionalists and proved to have little presidential support. Pompidou dismissed Chaban-Delmas in 1972 and appointed one of the Gaullist critics of his reforms to the ORTF leadership. He reestablished the Ministry of Information and curbed the independence of news departments. A second ORTF statute, passed in 1972, reestablished the predominance of the government. Even such a national symbol as Jacques-Yves Cousteau was for several years unable to air his films on industrial pollution (Williams, 1985, pp. 60-61).

In 1974, Valéry Giscard d'Estaing, a non-Gaullist centrist, was elected president. Giscard sought to implement broad reforms. Broadcast reorganization was a high priority and was addressed almost immediately. In so doing, Giscard followed de Gaulle and Pompidou, both of whom had reorganized broadcasting soon after

their elections and, not coincidentally, had used these reorganizations to move their supporters into key positions.

However, the new president did not approve a liberalization that would have permitted commercial television (though his own brother had been one of its main parliamentary advocates). There were also proposals to make one of the television channels semiprivate by having it run by the governmental Sofirad holding company, which already controlled several peripheral radio stations. These notions ran against the strong opposition of Gaullist traditionalists, and Giscard opted instead for the devolution of the ORTF and the establishment of a set of successor private-law companies owned by the state. Seven companies were rapidly established: Telediffusion de France (TDF) as a transmission company; the three television networks, TF1, A2, and FR3; Radio France, or the public radio service; SFP, a production company; and INA, for research, archives, and training. The government's monopoly over broadcasting was reaffirmed.

Functional separatism, it was hoped, would increase organizational and economical efficiency, introduce a limited competition between state-controlled networks, benefit program quality, and reduce government influence over broadcasting. Both the left opposition and the hard-line Gaullists attacked the reforms as a step toward private broadcasting. The trade unions were similarly critical, charging that the reform was an "unprecedented aggression against the staff of a national enterprise" in order to strengthen government domination.

Giscard once again abolished the Ministry of Information and shifted responsibility for broadcasting to the office of the prime minister and the Ministry of Culture, which was eventually upgraded to the Ministry of Culture and Communications.

An Haut Conseil de l'Audiovisuel was established in 1973 as an advisory body on broadcasting and new media, composed of members of the two chambers of the legislature as well as outstanding people from the arts professions. Giscard appointed his son-in-law in 1976 as its general secretary. The organization was tiny and merely advisory, but in time it provided the seed for an independent regulatory body overseeing the broadcast sector.

Government control over television news was somewhat offset by the political preferences of the journalists themselves. In 1977, after two decades of conservative governments, a survey of the political opinion of broadcast journalists in France showed that almost 40 percent classified themselves as left or extreme left, whereas only 12 percent classified themselves as right. At Radio France, 53 percent of journalists classified themselves as on the left; only 8 percent indicated voting for Gaullist candidates, and only 2 percent in favor of Giscard's were centrist (Cayrol, 1977).

For all of his reformist intentions, Giscard soon resorted to attempts at influencing television coverage, especially where it appeared that the left would win the 1978 parliamentary election. His government also cracked down forcefully on pirate radio stations. But programming became less elitist and didactic and

more oriented toward entertainment This change occurred in spite of the fact that competition for ratings between the three television channels was not primarily motivated by economics, since budgets and revenues were only trivially affected by them.

The most complicated part of the system was its financing arrangement. Advertising was introduced in 1968, but there were time limitations and ceilings on the percentage advertising could contribute to a channel's budget. Excluded from TV advertising for a variety of reasons were publishing houses, retailers, tourist trade businesses, and temporary employment agencies. The bulk of financing still had to come from license fees. Until 1982, advertising revenues were limited to 25 percent of overall revenues of the French broadcasting system. The distribution of these fees was subject to a complicated formula, linked partly to audience size and partly to program quality. Program quality was determined by a confusing system of audience surveys and gradings by a twenty-seven-member quality control commission. The operation of this mechanism cost almost as much as the redistribution it administered.

Although Giscard d'Estaing was increasingly opposed to liberalization of broadcasting, especially to demands to legalize local and citizen radio, he also presided over the "telematics" initiative of 1978 whose elements were videotex, and soon thereafter, the direct broadcast satellite project TDF-1. There was, however, no contradiction: on both issues Giscard was pro-state. The TDF satellite was viewed not as media liberalization,

but rather as state-guided support for the electronics industry.

The 1982 Liberalization Law

All this changed after the Socialists took power in 1981. An expert commission was appointed, chaired by Pierre Moinot, a high-level judge. Within a few months, the commission reported and recommended changes that were quickly, with some restrictions, passed into the landmark 1982 Law on Audiovisual Communications. The basic framework permitting the reorganization of the entire French broadcasting system was created in only one year, from the appointment of the commission to legislative enactment. Articles 1 and 2 state, "Audiovisual communication is free," and "Citizens have the right to free and pluralist communication." The law provided a flexible instrument for the state, which could use it to liberalize and control. It was the fifth major broadcast reform of the Fifth Republic, to be followed by two more before the decade was out.

The 1982 law reordered not only broadcasting, but also the entire audiovisual sector. It established a semi-independent commission, the High Authority (Haute Autorité), to control the broadcast organizations while assuring their independence from the government. Its mission was also to establish program recommendations for the broadcast institutions and program production companies. It was to assure pluralism and balance of programs; absence of racist, sexist, and discriminatory programs; rights to reply; fairness in the electoral process; and general

guidelines for advertising. The High Authority was also in charge of frequency allocation and licensing of private local radio roadcasters and cable program providers. Perhaps most important, it was to appoint the heads of the broadcast organizations. Of the High Authority's nine members, three were appointed by the president of the National Assembly, three, (including the Authority's President) by the president of the Senate, and three by the president of France. The High Authority seems to have discharged its independent function relatively fairly. However, it found itself enmeshed in public pressures in the appointment process and had no budgetary or sanctioning power over the channels.

The 1982 law also organized the broadcasting system into ten independent national organizations, plus twelve regional stations: TDF, as before, was the transmission and technical authority; Radio France operated radio broadcasting; TF1 and A2 were the national and FR3 the regional TV channels, the latter with twelve regional companies serving program windows; and Radio France Outre-mer (RFO) was a new organization for broadcast in overseas department, Société Française de Production (SFP) for production of television material programs, and Institut National de l'Audiovisuel (INA) for archives, training, and research. In addition, Radio France Internationale (RFI) was established for international radio and France Média-International (FMI) for international marketing of French television productions. It was also planned to transform the twelve regional stations of FR3 over time into an independent

regional program and production organization, but this did not happen.

The 1982 law on broadcast communications restructured the regulatory regime in an important way: although a governmental role in broadcasting was maintained, no monopoly was claimed anymore. A private organization could enter broadcasting, provided it had licenses for (1) frequencies, (2) transmission facilities, and (3) conducting program activities. The cable licenses were granted by the High Authority. Concessions or licenses could therefore be granted to independent radio, television, and cable program networks.

The Emergence of Private Radio

For a long time the French government had been hostile to radio communications outside of its control. For example, it severely restricted citizens' band (CB) radios, declaring them to be worthless. Even the noted French scholar Jacques Ellul found CB communication lacking in merit because of the shallowness of its dialogue (Rogers and Balle, 1985, p. 105) — a standard that would condemn too much of humanity to silence.

An integral part of French radio is the surrounding foreign radio and television stations broadcasting French-language programming into France. These peripheral stations include Europe-1, Radio Tele Luxembourg (RTL), Radio Monte Carlo, and Sud Radio. They are accepted by the French government and in many instances are even under its control. They are, for all practical purposes,

French stations with French ownership. Much of their production takes place in facilities in Paris, and their signals are relayed by wire or microwave across the border (or close to it) for broadcasting back to France.

The government controls these stations through its Société Française de Radio Diffusion, established in 1942, which owned 97 percent of Sud Radio, 83 percent of Radio Monte Carlo, and 35 percent of Europe-1. When Prime Minister Chirac protested an interview on Europe-1, the station's director general was quickly dismissed. Furthermore, through Havas (subsequently privatized), as well as several banks and other institutions, the government held a major share in the Luxembourg broadcast company CLT, which operates Radio Télé Luxembourg.

Television broadcasting from Monaco, an independent principality straddling France and Italy, is conducted by two stations. The private Globo Monte Carlo has been owned since 1985 by Tele-globo, Brazil's major media firm; the station, formerly named Tele Monte Carlo, is aimed primarily at Italy. The public station, also named Tele Monte Carlo, broadcasts in French into France. Pirate television broadcasters, including Canal 5, TIME, Canal 35, and Antenne 1 comprised another segment of French broadcasting. These and many other stations aggressively took to the air after 1977. After being closed down by the police, they reasserted their right to broadcast. A lower court agreed with them that the government had no authority to stop them.

When the Socialists came to power, they had no detailed plans

for new media or electronics development, but they inherited a public opinion that had been sensitized on issues of the electronic environment through the Nora and Minc report (Nora and Minc, 1978) on telematics. They also found a number of plans developed during the previous administration (Vedel, 1987). Thus, their position was flexible and permitted them to pursue a pragmatic liberalization of media of the kind moderate socialists in northern Europe were unwilling to pursue.

In legislation passed in 1981 and 1982, the new government liberalized radio broadcasting by legalizing the pirate stations. After all, the Socialists themselves had operated a pirate station of their own, Radio Riposte. By 1983, almost 900 local radio stations were licensed by the High Authority and were operating, providing access to the airways to groups that had not previously been heard. Power was limited to 500 watts, and reach was restricted to a maximum of 30 kilometers. No networking was permitted, pursuant to the goals of decentralization. At first, advertising was also prohibited, and subscriptions, donations, and government subsidies were required for the stations to survive. However, indirect advertising proliferated and the restrictions proved unworkable. Although hundreds of stations were run by nonprofit community groups, many operated commercially in violation of advertising and networking rules. In other cases, local radio, because of its weak economic base, ended up dominated by local government politicians or newspapers. All this led, predictably, to a further liberalization. In 1984, local commercial radio was

officially permitted, with up to 80 percent of its budget based on advertising revenues. Nonprofit community radio meanwhile received governmental start-up money and operating subsidies.[1]

When the conservatives regained power temporarily, they lifted restrictions on signal reach and networking and reoriented licensing criteria, making them more economic and less cultural. Stations were permitted to own and operate their own transmitters, or to buy the service from other firms. The government also established anticoncentration rules.

In 1986, 400 to 500 stations had opted for the community radio status, whereas about 1400 chose the commercial route (Vedel, 1987). In 1988, there were some 1600 FM outlets, eleven private national radio networks, and seven public radio networks (Variety, 1988), a huge increase over the previous handful. Now, many of the networks often use a program satellite feed, reducing the local role of affiliated stations. Other networks (régies) are more in the nature of advertising cooperatives. Communities and cities control about 33 percent of stations.

Canal Plus

With radio being liberalized, television was not far behind. The first new national television channel was inaugurated by the government in 1984, when the pay television channel, Canal Plus was started on a commercial basis. Canal Plus was not an upstart organization, but rather the result of an initiative by the governmental transmission authority, TDF, which wanted to use an

old frequency of the 819-line transmission standard that was no longer in use. The French electronic industry eagerly eyed a potential market for millions of decoders and adapters in the future. It was also seen as a way to stem the Japanese VCR invasion, because it would provide its viewers a fare of movies similar to that sought by VCR owners (Kuhn, 1985a). Initially, the influential Minister of Culture, Jack Lang, had opposed subscription television as discriminatory to the poor; but he subsequently changed his priorities, arguing that payments would help develop the culture industry.

To mollify movie theaters, the three regular French broadcasting networks agreed not to show recent motion pictures. Of the 470 films shown in 1982 over the three channels, 434 were older than three years and none were less than two years old (Rozenblum, 1984a, 1984b). For Canal Plus, less stringent rules were agreed upon; it refrained from showing films within their first eleven months or in several prime movie attendance periods. It was also agreed, after acrimonious negotiations with the powerful French film industry, that at least one-half of the films would be of French origin and that Canal Plus would invest in French film productions.

The film industry received other government concessions as well. A new system of tax shelters for film production was established that created investment companies, so-called *soficas* (sociétés de financement de la communication audiovisuelle). Engineered by Jack Lang over the opposition of the Ministry of

Finance, this tax shelter was similar to one in the United States that was so badly abused by wealthy individuals that it was abolished. There was also a long-standing system to subsidize film production by a tax on every movie ticket. Support to French films was provided by the Centre National du Cinéma through a "support account" from a tax on television revenues that provided $68 million in funds in 1987. Such measures supported independent producers and reduced the power of the Société Française de Production (SFP) (Epstein, 1988).

Canal Plus's owners included at the time a majority of companies, some controlled by the government. The advertising group Agence Havas (initially state owned and subsequently privatized) at first held more than a 40 percent stake, later reduced to 25 percent. Havas' president was André Rousselet, a Mitterrand confidant and formerly one of the highest officials of the presidential office. Rousselet was a major force behind the establishment of the channel and became its president. Other government-owned shareholders were the Compagnie Générale des Eaux, with 23 percent in 1990 (TBI, 1990, p. 38). Smaller stakes were held by private firms, the largest of which were Société Générale (10 percent) and the cosmetics company L'Oréal (10 percent), headed by another friend of Mitterrand.[2]

The monthly subscription charge was a relatively large $23 (150F): Canal Plus became Europe's largest pay-TV operator with a terrestrial network reaching 85 percent of the population and the opportunity to reach the other 3 million homes by transmission from

TFD-1 beginning in 1990 (Siritzky, 1990). It had about 3 million subscribers in 1990.

In 1989 Canal Plus expanded across Europe with joint ventures in Germany (forming Premiere with the large media firms Kirch and Bertelsmann), Spain (with El Pais), and Belgium (with RTBF) (Epstein, 1989). Canal Plus revenues rose to over $900 million in 1989.

The Establishment of Private Television

Pay TV on a subscription basis was not the only form in which the Socialist government opened commercial television. A report on the subject was commissioned by the government from a commission headed by Jean-Denis Bredin and delivered to Prime Minister Laurent Fabius in 1985. The report noted that exploratory studies by TDF found that significant portions of the country could be served by three supplementary frequencies. Bredin suggested dividing the country into sixty-two broadcast zones, which would permit two new national networks to reach immediately 17 million viewers each, and 22 million if the frequency plans were adapted. (Bredin, 1985)

Concessions for the two national networks would be granted by the state for five years, extendable at the end of each year. For local stations the High Authority would be in charge of licensing. To prevent networking, local stations would not be permitted to obtain more than 40 percent of their programming from the same supplier. The report also recommended that the transmission monopoly of TDF be retained.

The Conseil National de la Communication Audiovisuelle agreed with much of the Bredin report but felt that there would be room for only one national private network, which would have about 50 percent of the potential audience. The council also stated that no local station was viable in the face of a national network and that local stations would rapidly disappear. The High Authority opposed the Bredin recommendations, preferring a more regional approach based on local publishers.

Prime Minister Fabius recommended a modified plan to Mitterrand, including three networks, run by large radio stations and influenced by the government-controlled Sofirad organization, and one private, non-pay channel. Of the three state-owned channels, one would function as a basis for a satellite-delivered European cultural program. In the end the government did not formally adapt any particular plan, but instead moved rapidly and pragmatically to license two commercial national networks.

One reason was the waning electoral fortunes of the Socialist government, which led it to pursue a quick and controlled liberalization and to license friendly private interests, thereby preempting the licensing of hostile interests by the conservative government that was expected to follow.

The government also committed itself in 1984 to lease two channels of the TDF broadcasting satellite (which was to be launched in 1986) to the Luxembourg broadcasting firm CLT-RTL. CLT linked these in a terrestrial broadcasting consortium with two other private peripheral broadcasters, Europe-1 and Radio Monte

Carlo. In 1985 Luxembourg's prime minister, Jacques Santer, visited Paris fortalks with Mitterrand and Fabius. Santer declared that the "signature which a French minister puts under a declaration of intent is always valid." But only one week later the French government gave a broadcast license to a consortium of French and Italian interests including Silvio Berlusconi, the Italian TV czar. This consortium was authorized to commence broadcasting nationally by February 20, 1986—in other words, before the parliamentary elections. Its program would be carried on TDF-1 when the satellite became available. No mention of CLT was made. The government had come to the conclusion, following the prediction of Jean Riboud—the late president of the Schlumberger Group, a close friend of Mitterrand, and an insider in CLT affairs—that the French influence in CLT would decrease in the future. Riboud died in 1985, but he had begun to put together a French-Italian consortium with Berlusconi. In that consortium French interests were primarily held by Jérôme Seydoux (40 percent), known among other things for his sympathies for Mitterrand, and another 20 percent was owned by Riboud's own son, Christopher. Seydoux, a grandson of Marcel Schlumberger and heir to a substantial part of the Schlumberger fortune, was chairman of one of the largest private French companies, Chargeurs Réunis S.A. He also owned a part of the left-leaning Nouvel Observateur and in former days the (now defunct) Matin de Paris. Berlusconi, for his part, had been recommended to Mitterrand by Prime Minister Bettino Craxi of Italy, a fellow socialist who was on good terms with the

media mogul. Berlusconi controlled 40 percent of the consortium and much of the actual operation. Legislation was rushed through the National Assembly,[3] and four days later the license had already been assigned. Negotiations and license decisions were held in strictest secrecy. There was never any public call for license applications; selection criteria were never specified; and no public debate on the merits of the candidates took place before the decision. The consortium also received a channel on the TDF-1 DBS satellite. Berlusconi and Seydoux were also part of a consortium, with the British and German media giants Robert Maxwell and Leo Kirch, that received two other TDF-1 transponders. Maxwell too was the kind of left-leaning capitalist with whom the Socialist government liked to deal.[4]

Awarding the license for La Cinq was politically clever because it put the opposition in an awkward position. It had to argue against the establishment of new broadcast channels at no charge to the viewers and under private control with major French and Italian business interests represented. It had to argue, in effect, that its own business friends should receive the license for La Cinq rather than Mitterrand's.

The Socialist plan was also philosophically controversial. Communists opposed private broadcasting altogether. Within the Socialist party, Minister of Culture Jack Lang worried about the impact on French culture and its protection from American influences. On the other hand, conservatives and centrists found the plan too restrictive. The Council for the Future of France,

headed by the former President Giscard d'Estaing, produced a lengthy report on communications, arguing against too much interference and recommending disengagement of the state from the entire audiovisual sector. It also recommended inserting into the Constitution the following sentence: "The state does not manage, does not finance, does not regulate information."

A second broadcast channel was awarded two days later to TV-6, a group controlled by the advertising firm Publicis, the film production company Gaumont, the advertiser Gross, and the commercial radio station NRJ. Gaumont's head was Nicolas Seydoux, brother of Jérôme Seydoux, the president of La Cinq. TV-6 operated a music channel aimed at a young audience and went on the air in March 1986, two weeks before the election. CLT was again left out (Opitz, 1990).

The TDF-1 satellite channels, too, were assigned. One would go to a European-oriented cultural channel, which the government decided to set up with public funds. A second channel was given to interests led by Robert Maxwell, the publisher of the Mirror Group newspapers in Britain, who had aggressively entered cable television in the United Kingdom.

The conservatives came to power in 1986. The new government introduced media reform legislation within three months of taking office and passed the sixth such law since 1958, after extensive discussions in the Senate. (The opposition brought 1700 amendments.)

In a significant shift from traditional Gaullist policies,

the 1986 law no longer defined audiovisual communications as a public service. In the words of then Communications Minister Francois Léotard, "What principle gives the state any rights to take charge of broadcasting, television, and radio program?" (Vedel, 1987, p. 25). The law also extends into telecommunications.

The government privatized Havas and, thus, indirectly, Canal Plus and RTL. It also sold off the public channel TF1 and announced its intention to privatize FR3 in the future. Thus, in a very short time French television evolved from an all-government lineup of three public broadcasters and no private broadcasters into a system in which four private channels (plus the popular peripheral broadcasters) faced two public networks. In addition, private broadcasting proliferated on the radio, and private satellite-delivered channels on DBS and on cable were about to become a reality after years of discord over implementation.

The conservative government challenged the terrestrial and DBS television concessions granted by the Socialists. But in the end the fifth channel was reconfirmed to Berlusconi (with a 25 percent interest, from an earlier 40 percent), Seydoux (10 percent, down from 30 percent), but they included the dominant conservative publisher and radio chain owner Robert Hersant, a political ally of Chirac and parliamentary deputy for his party, who received an interest of 25 percent and was named president of the company. Ribaud was dropped, and several financial institutions and publishers substituted. Channel 6 was also partly reallocated,

with a 25 percent interest going to Luxembourg's CLT (after the French government earnestly impressed on the CNCL the foreign policy importance of such assignment), 25 percent to the water and cable operator Lyonnaise des Eaux, 39 percent allocated among five major investors (Omnium Gesgion, 9 percent; Union Assurance de Paris, 8 percent; UEI, 8 percent; Bank Paribas, 8 percent; Financière Suez Compagnie, 5 percent), and the remaining 11 percent divided among ten small shareholders. The group transformed TV-6 into the music-oriented M6, a general entertainment channel.

Two DBS channels were awarded to a new consortium involving Berlusconi, Seydoux, the English publisher Robert Maxwell, and the dominant German film dealer Leo Kirch. The law also transformed the government transmission organization TDF (Télédiffusion de France) into a private company whose stock can be traded. The TDF's traditional rival, France Télécom, acquired 49 percent and later 100 percent. TDF can offer competitive transmission services to private broadcasters.

Another liberalizing action of the 1986 law was partly to abolish the SFP production monopoly. French broadcasting had traditionally been burdened by regulation forcing the networks to buy programs from the public production company SFP at high prices that reflected SFP's very generous staffing levels. SFP was responsible, only a few years ago, for 75 to 80 percent of all fiction production in France. But the networks, short of funds, were increasingly trying to bypass SFP's high-cost productions. The major share of SFP is owned by the state; the remainder is held by

the public broadcasters and TF1. After it lost $160 million from 1986 to 1989, the government granted SFP an additional $100 million in 1990.

Léotard—a member of the younger generation of French politicians, a leader of the right-of-center party, and a man with presidential aspirations—adopted as his main initiative the privatizaton of the first and prime French television channel, TF1, marking the first time that any major country had privatized a public television channel. The government met opposition from broadcast journalists and trade unions, who went on strike soon after the announcement, stopping all television in France except for limited news and films. The private channels La Cinq and TV-6 remained on the air, gaining more visibility than they might have had otherwise.

One-half of the shares of TF1 was offered to major investors, 40 percent was sold to the public at large, and 10 went to the employees. Individual groups were limited to 25, and foreigners could purchase only 20 percent of the total shares.

Obligations imposed upon TF1 included broadcast quotas (60 percent of programs to be of EC origin and 50 percent to be from Francophone producers) to investment in new French media products (at a minimum, 15 percent of revenues generated). These regulations have changed repeatedly since 1987, partly because TF1 did not meet them.

The dominant concession was awarded by the CNCL to the French construction magnate Francis Bouygues (25 percent), Maxwell

Interests (12 percent), and various publishers, banks, and conglomerates. Bouygues beat out Jean-Luc Lagardère, despite the latter's inside track in media (Hachette-Matra publishing/electronics, Europe-1 radio station, MMPP news agency). Thirty percent of the stock was sold to the public. Little of the 10 percent option assigned at preferential rates to employees was exercised, and Bouygues was able to add more than 7 percent to his holdings (Opitz, 1990). Berlusconi, too, acquired about 5 percent in the rival network. Maxwell, however, sold his share later.

In 1989, TF1's national audience share was a very high 41 percent, Antenne 2 had 24 percent, FR3 had 12.5 percent, La Cinq had 12 percent, and M6 had 7 percent. (The latter two did not yet have full national coverage.) TF1 revenues increased by 10 percent over 1988 (to Ff 5.3 billion) and net profits (Ff 220 million) rose by 37 percent (EBU Review Vol. XLT, No. 2, March 1990, p. 31). Because of the competition of several networks for advertising, the remaining national broadcasters had financial problems (TBI, 1990). Publicly owned Antenne 2 lost $243 million in 1989, and the private organization La Cinq lost $178 million (Siritzky and Stuart, 1990, p. 39). The latter station's problems, including total losses of $400 million, were aggravated by repeated fines for its failure to meet domestic program quotas. La Cinq further suffered from a bitter struggle over its control; Robert Hersant fought off a 1989 attempt for control by Berlusconi and Seudoux, but then announced he would step down in 1990, selling out his 25 percent share to Hachette and a bank consortium. Seudoux had already sold out.

M6, also privately owned, whose program schedule of rock videos and American programs is designed to complement those of the larger networks, showed small profits for the first time in 1990 (EBU Review, 1990, p. 38).

The government also replaced the High Authority by the regulatory commission Commission Nationale de la Communication et des Liberté (CNCL) whose thirteen members were mostly government officials serving five- to ten-year terms. The CNCL also had some power in telecommunications and cable television. It was given stronger powers for enforcement and establishment of program quality guidelines. Politics provided one justification for its establishment: the High Authority had been designed to extend the majority of Socialist appointees beyond the election; but for the new CNCL, a conservative majority could be appointed.

The new law empowered the CNCL to establish cable operators' obligations concerning retransmission of terrestrial broadcasts, domestic programming content, and rental payments. In the sphere of public broadcasting, the CNCL was responsible for selecting the presidents of A2 and FR3 and important program personnel. In the domain of private broadcasting, it granted licenses for radio (up to five years) and television (up to twelve years). Foreign capital was restricted to 20 percent involvement in these operations; any individual's ownership was limited to 25 percent (Opitz, 1990).

Throughout the Conservative period of government the Socialists attacked the CNCL as partisan. President Mitterrand,

who had always taken a very active interest in media issues, publicly characterized it as partisan in its composition and decision making and criticized it for permitting a political witchhunt in the public broadcast institutions (Opitz, 1990). According to Mitterrand, the CNCL had never done anything worthy of respect. When the Socialists returned to power in 1988, the Rocard government declared its intention to establish greater regulatory and institutional independence. It replaced the CNCL, of whose thirteen members eleven were close to the government, by what it termed a less political body. In 1989, it created the Conseil Superieur de l'Audiovisuel (CSA) as a replacement for CNCL—the third regulatory body in seven years. Appointed by the presidents of the Republic, the National Assembly, and the Senate, each of its nine members has specific areas of responsibility, such as radio, satellites, program production, and private TV and serves a nonrenewable six-year term (Munich, 1989). Its powers have been extended beyond those of its two predecessors. It can issue penalties and suspend licenses. It proposes guidelines for the allocation of license fee revenues to the public broadcasting networks. It controls the performance of private commercial broadcasters via licensing privileges. In one of its first actions it chose as the joint president of the ailing public Antenne 2 and FR3 channels a moderate conservative, Phillippe Guilhaume, thereby demonstrating its independence. On issues of ownership concentration and cross-ownership, the CSA shared some responsibilities with another regulatory body, the Conseil de la

Concurrence.

The CSA also set up a new system to promote independent film production and to increase program budgets and quality. However, a French government report in 1990 suggested that the initiative had so far been unsuccessful. Although subsidies had contributed modestly to fiction funding, private French financing dropped from 46 percent to 38 percent between 1988 and 1989. Public broadcasters too cut their spending (Siritzky, 1990, p. 8).

Direct Satellite Broadcasting

The evolution of the French direct broadcasting satellite TDF-1 and TDF-2 followed a 1980 agreement in cooperation with Germany's TV-SAT and reflects political fluctuations in France throughout the last decade. Originally scheduled for a 1983 start-up, TDF-1 was launched in 1988. Details are provided in the chapter on DBS.

Cable Television and Teletext

Wire-transmitted "broadcasting" actually preceded wireless broadcasting in France. One of the earliest uses of the telephone in Paris was the theatrophone, which permitted subscribers to listen to live transmissions of opera and theater in their homes. This service was demonstrated in 1881, only five years after the invention of the telephone (Bertho et al., 1984, p. 80), and this "telephonic drawing room" for opera listening created an enormous demand. In 1889, the Theatrophone Company was founded; one of its early subscribers was Marcel Proust, who wrote about the

experience. Theatrophone survived until the 1920s, when one of the newly emerging broadcasters acquired the company, largely for its contracts with theaters (Bertho et al., 1984, p. 81).

Half a century later, in 1973, following the introduction of broadcast television, the government authorized experimental cable television projects, hoping to develop cable television as a local communications medium. No specific legislation accompanied the plans, and of seven planned projects only one in Grenoble became active and permanent. The government also established the Société Française de Télédistribution (SFT) to develop French cable under joint control of the ORTF and the PTT Ministry. In 1975, the government changed course and stopped cable development, largely because of opposition from important regional newspapers, cinema theaters, and the existing broadcast channels (Vedel and Dutton, 1988, p. 26). A national committee was established in 1977 to study cable, but it had a very limited scope. President Giscard d'Estaing, having campaigned as a reformer, now stated that the "risk in fact is that the organs of information destroy each other, as we can see happening with the present difficulties of the press. The three state television channels have not yet reached the stage of full development. Therefore, we have to wait for the full use of the present media before asking the question about the future role of alternative media." As he did in the case of local radio, Giscard eventually supported France's status quo and centralized tradition in cable, too. A regulation was pronounced in 1977 that strictly prohibited the transmission over cable of programs not

receivable over the air.

It took the new Socialist government to open the way for cable television. Although the state transmission organization, TDF, opposed the project, fearing its effect on its pet satellite project, the PTT Ministry and the telephone administration, DGT, recognized the potential of the new medium for their own activities and supported the efforts. In 1982, the government asked the DGT to submit a cable report. The Plan Cable was a creative hodge-podge of political agendas such as modernization, high technology, social concerns, culture industry development, decentralization, and media diversity. The DGT argued that cable television made sense only in the context of French leadership in electronics, particularly in switched-star network technology. Since this technology was costly and unproven, it would require DGT leadership and the economies of scale that a national effort would entail.

An ambitious cable plan was adopted soon thereafter. It included the use of optical fibers and switched-star architecture, the connection of 6 million subscribers by 1992 at a cost of FFr 1.2 billion, the creation of 15,000 to 20,000 jobs, and substantial local and citizen participation. Two domestic technical development efforts were launched. PTT Minister Mexandeau declared that France had no intention of opening its market to foreign cable equipment.

About 150 municipalities applied to receive cable service. High-tech enthusiasm cooled, however, when fiber and star switching

were found to be significantly more expensive than coaxial cable and tree-and-branches architecture. Since the DGT was increasingly required by the government to subsidize the electronic and space industries (Ffr 2.8 billion in 1982, 2.4 billion in 1983, 8.4 billion in 1984, and 15.5 billion in 1985 [Vedel 1987, p. 34]), it could provide less investment money than expected to the local cable projects.

The municipalities also discovered the limits of the central government's decentralization policy. They could not design or own "their" cable systems but were expected to contribute heavily with interest-free loans. This led to acrimony, slow progress, complex local management, and politicization. In 1983, cable penetration had reached only 0.6 percent of the population (including master antenna systems), largely in areas of bad reception (Vedel, 1987).

The DGT was flexible enough to compromise. In 1985, it dropped the requirement of fiber on the subscriber loop and of local financial contributions. Even so, the actual cabling of France fell dramatically behind the government's plan. Instead of 1.4 million homes wired by the end of that year, as PTT Minister Mexandeau had promised, only 100,000 households were actually linked. It was only in 1987 that substantial systems came on line: Paris, with 55,000 initial subscribers; Rennes, with 20,000; and Montpelier, with 25,000. But even this achievement represented only about 20 percent of the previously planned subscribership for 1987.

The Chirac government held up the cable plan, except where

agreements had already been signed. Its 1986 Communication Law abolished the DGT's monopoly on installation and operation of cable. It created the CNCL and gave it powers of licensing and franchising. CNCL permitted municipalities, as well as private and even public firms, to operate cable systems, as long as they conformed to technical standards and program regulation. France Télécom (successor to the DGT) was expected not to involve itself further in cable TV networks (Brailliard, 1988). This new law led to two coexisting approaches: one using the existing network, the other developing new private sector networks. In both cases, local and CNCL authorization for twenty-year periods of construction and operations is required.

As mayor of Paris, Chirac advocated the establishment of a mixed cable venture to operate the Parisian system. The municipality held 51 percent, a governmental water utility 39 percent, and a governmental savings bank the remaining 10 percent. The system became operational in 1986. It has fifteen channels, including the six French terrestrial networks, a local Paris channel, teletex services, public channels from Italy and the United Kingdom, commercial terrestrial television from Monte Carlo, the satellite channels Sky, TV5, and at times the Cable News Network. It aimed at a channel capacity of thirty.

Another satellite channel is TV-5, a low-power satellite operation that was started in 1984 as a joint operation of the French-speaking broadcasters in France, Belgium, and Switzerland, later jointed by Canada. Other pay-TV services offered are

Télé-Lyon Metropole and Ciné-Cinema. Satellite networks are Canal Bis (1989), Canal Infos (1988), Canal J (1986), Canal Humour (1989), Canal Santé, and Planète.

Beyond Paris, the most noteworthy cable development was in Biarritz, where the DGT tested with several hundred subscribers an advanced broadband fiber-optic system, involving an integrated transmission system that included picturephones, regular telephones, television, videotex, FM stereo, and video conferencing. The project, which was inaugurated in 1984, for several years of trial, cost about FFr 660 million (Beck, 1985; Dutton, et al., 1987). The architecture was a remote switch star configuration, allowing on-demand video programming. Subscribers could dial into a "television club" and access more than 2000 videocassettes directly through fiber optic telephone lines.

For cable television distribution, new, locally-based institutions, known as Sociétés Locales d'Exploitation du Câble (SLECs), were established. SLECs were usually headed by local politicians for marketing, programming, and regulating local cable television. A commissioner appointed by the central government to each SLEC was to ensure that the operating conditions were respected. France Télécom was to install cable networks by agreement with municipalities, and the SLECs were to pay for use of the facilities on a per-subscriber basis. France Télécom would also control transmission of distant programs to the cable networks.

For locally originated programming, the SLEC needed

authorization by the audiovisual supervisory body; permission for nonlocal program channels came from the Communications Ministry. To mollify cultural and movie theater interests, the government required at least two-thirds of cable programs to be French, and a minimum of 15 percent of programs to be of local origin. Furthermore, one-third of all cable operators' revenues was to be invested in new programming. Other restrictions on cable television transmission of films were similar to the ones imposed upon French broadcasters, including a minimum delay between theatrical and television release (Kuhn, 1985, pp. 50-66). The question of advertising over cable caused significant controversy because of the impact this would have on the revenue of powerful local newspapers. Their participation in local cable was possible, though their frequently conservative orientation raised political problems for the Socialists (Rozenblum, 1984a).

In 1987, PTT Minister Gérard Longuet limited the scope of the Plan Cable to the fifty largest cities; franchises would be awarded to private companies, which would construct and operate systems in uncabled cities. This meant that the cumbersome SLECs were no longer necessary.

The penetration rate of the original Plan Cable rapidly doubled as a result of this decision. But cable penetration in 1990 was still only 1 percent (400,000 subscribers), and only 2 million homes were passed, a fact attributable in part to the rapid expansion of Canal Plus, to the advent of new commercial channels (La Cinq, M6) - which gave households a larger over-the-air choice

than that in most West European countries (TBI, April 1990) - and high VCR penetration (about 45 percent in 1990). Providing initial cable service is not cheap ($20-$25). Until the recent shift in favor of a more traditional tree-and-branch coaxial cable system, a fiber-optic switched-star design was utilized. This technology, however, proved too complex and costly during the mid-1980s (Thierry Vedel, communication, July 1990).

When the Socialists returned to power in 1988, the new government was not particularly actively involved in cable television policy. It gave France Télécom increased autonomy in its cable operations, but the latter's investment priorities were the digitalization of the public network.

In 1990, the Socialist government made two decisions affecting the French cable industry. First, it encouraged France Télécom to increase its commitment to cable television by becoming financially involved in the SLECs and to relax the financial and managerial criteria used to hire system operators. Second, it changed the procedure for the verification of cable programming schedules. Before this decision, cable operators had to obtain two separate approvals for each system—one from the local government regarding financial and technical requirements, and one from the CSA regarding the planned programs to be offered on the system. In the new procedure the CSA initially approves cable programs for national distribution, so that, after receiving approval for the system, the cable operator chooses its programming from a national menu (Bertrand, communication, 1990).

By 1990, the French cable market was dominated by three major firms. Compagnie Générale des Eaux, a huge privately owned water utility with revenues of $12 billion, owned forty-five cable systems. Out of 2.15 million French TV homes passed, Générale's systems accounted for 44 percent, or 1 million, and 112,000 subscribers, or about 33 percent. Compagnie Lyonnaise des Eaux, another government-owned water utility, owned eleven cable systems, passing 31 percent, or 700,000 of the French TV homes passed, with a 22 percent share, or 75,000 subscribers. Caisse des Dépots et Cosignations, a state bank, controlled twenty-three cable systems that passed 17 percent of homes in their franchise area or 360,000, with a 30 percent market share, or 99,000 subscribers. The remainder, about 350,000 subscriptions, belong to the approximately ten small cable operators. Half of these are privately owned companies and the other half are owned by either federal or local governments and are independently operated (Télécoms Magazine, 1990).

France Télécom constructed all fifty-one French cable networks before 1986 and licensed available space to the three major cable firms. France Télécom still owns these systems. After that, forty-two more cable systems were constructed with only minor France Télécom involvement. By 1990 there were ninety-eight operational cable networks in France. France Télécom has partnership agreements and is responsible for the daily operation and technology of many of the networks. The only system France Télécom operates by itself and programs independently is in the

city of Biarritz (Télécoms Magazine, 1990).

In 1988, Mission Cable changed its name to Agence Câble and became part of France's Ministry of Communications. Its main role is to provide information for Parliament and other organizations. It receives a share of the license fees from the INA and invests in projects proposed by private operators. For instance, it funds experimental cable projects in education and health and was involved in Eurocable, Educable, Canal J, and Canal Info (Bertrand, communication, 1990).

Teletext and Videotex

For a time, information text service remained an area of contention between broadcast organizations and the telecommunication administration, DGT. Public television broadcasters and TDF initiated a one-way broadcast teletext under the name of Antiope,[5] and the DGT launched a technically related interactive videotex service Teletel (known more popularly as Minitel) on its network.

Under an executive order of 1984 the Ministry of Communications must authorize teletext service, whether offered free or for pay. Advertisements are permissible, but only the media, including television networks, may broadcast classified ads. With advertisements and subscription, Antiope makes it possible to provide genuine media services. The three broadcast networks—TF1, Antenne 2, and FR3—broadcast their own teletext magazines, close-captioned, nationally. Other information providers contribute text. Some teletext magazines are regional, whereas others, such

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as those of the National Weather Service and the Traffic Department, are national. One financial teletext company provides a magazine for approximately $90 per month, in addition to a second, free, stock market magazine. Several newspapers provide headline services, and a weekly classified magazine listing used car prices is also available. Similarly, farmers may subscribe to services providing daily agricultural prices and veterinary advice. The national French railway uses teletext as a directory for timetable information. On the whole, however, broadcast teletext does not compare in its significance in France with telephone-transmitted videotex.

CHAPTER 7

1. The 1984 law recognized four types of private local broadcasters: advertiser-supported-only stations, such as NRJ (about 40 percent of the stations); "associative" broadcasters (49 percent), which are run by groups as clubs and derive no part of their revenues from advertising (13 percent); association stations, which have advertising support, and mixed association stations, which have advertising and government subsidies (19 percent) (Opitz, 1990, p. D47).

2. In 1986, the British independent broadcaster Granada acquired a share of between 3 and 5 percent in Canal Plus, which was later sold.

3. The legislation gave the government the authority to sanction direct transmission facilities on rooftops regardless of local decisions. The law was aimed particularly at the Eiffel Tower, owned by the City of Paris and controlled by the then oppostion leader Jacques Chirac, also the Mayor of Paris.

4. Another satellite program venture is TV-5, a low-power satellite channel that was started in 1984 as a joint operation of the French-speaking public broadcasters in France, Belgium, and Switzerland, later joined by Canada. Each partner supplies programs, primarily highlights of its past programs, on alternate days.

5. Although teletext usually uses the vertical blanking interval while regular television program transmission takes place, it is also possible to broadcast it continuously rather than

intermittently. Teletext was broadcast by special transmission all day in Paris and Lyon, and nationally over the FR3 network during breaks in regular television programming (L'Expansion, 1985).

CHAPTER 7

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