

Integration, Segregation or Self-Segregation: A Conceptual Model for Comparative Analysis and Normative Assessment of Minority Media Rights

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Abstract

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Introduction

Recognized as a tool for promoting national development, economic, educational and cultural goals, the media have traditionally been assigned a role in creating a unified national identity (i.e. Geertz, 1973; Katz & Weddel, 1977; Schudson 1994; Anderson, 1991). This phenomenon, however, is not unique to developing nations. Indeed, in some developed nations, where national identity is defined as a “vulnerable value” to be protected, policy makers have also focused

attention on how to use the media to advance the goal of its protection and preservation (i.e. Blumler, 1992). The process of creating a uniform national identity has often come at the expense of recognizing the distinct identities of minority groups. Dramatic geopolitical changes and increased awareness of human rights in recent years, however, have focused attention around the world on the need to institutionalize media services designed to preserve the cultural rights of minorities, in particular their linguistic rights. This need has been addressed in various ways in different countries and has been the focus of growing academic interest, as evidenced by recent studies that focus on individual country cases (i.e. Milikowski, 2000; Hanada, 2003; Watson, 2002; Wheatley, 2006) as well as broader studies of a comparative nature (i.e. Browne, 2005; OSI, 2005; Frachon & Vargaftig, 1995; McGonagle, Davis Noll & Price, 2003).

This study offers a unified conceptual model for assessing the effectiveness of policies that aim to enhance minority representation and voice in national media systems, and tests the model on a “convenience sample” of democratic nations. Adopting while expanding upon Saban’s (2004) framework for analyzing minority rights in deeply divided societies, this study focuses on policies that create media presence for minorities and assesses their moral validity utilizing Fischer’s (1980) methodology for critical policy studies.

Methodology - Developing a Conceptual Framework

The Need for a Conceptual Model

Comparative international studies can be a useful tool for analyzing and evaluating social and economic policies if a unified framework of evaluation exists that allows comparison of what indeed can be compared. In many cases, political structures and power relations exist because of unique circumstances and defy comparison. That is why a generalized model, in which the

individual national situations are measured against comparable units of analysis, is useful, as a basis for a theory that seeks to “understand the diversity of different national contexts, achieving this by re-presenting the specificity of each country using a common conceptual language” (Livingstone, 2003, p. 485)

Creating a common conceptual language in this case is possible because the representation of minorities in the electronic media has already been addressed in international treaties. This external validation, however, cannot fully explain the variety of policies adopted in different countries because of the different historical circumstances in which the minority status was created and because of the internal ideological positions adopted with regards to the treatment of minorities. In order to better understand this variation, we have developed a bi-dimensional model of state-minority relations that takes into account generalized varieties of historical circumstances and of political ideologies. This enables an assessment of policies created under different circumstances that takes those differences into account, using Fischer’s (1980) methodology to validate the motives behind them. Policies, says Fischer (1980, p. 184), are political agreements on courses of action. Therefore, the analysis of policy programs should be implemented on different levels of discourse. First order discourse involves the technical verification of a policy and situational validation of its goals. It calls for an empirical description of the specific logics utilized by particular actors to shape the meaning and purpose of the situation under observation. Second order discourse, the analysis and discussion in our case, involves vindication of the policy within the social order it was created and an analysis of the rational choice made by policy makers. It questions whether the inability of the social order to resolve value system conflicts created by the policy in question justifies an alternative social

order. Indeed, as Fischer contends, “argumentation at this [second] level of evaluation characteristically takes the form of ideological debate” (p. 255).

Multi-Dimensional Model

Our model has pinpointed relevant areas of comparison for evaluating media policy toward minorities. The first internal dimension is the type of minority status, as “some minorities are more minor than others” (Edwards, 1995, p. 139) and “some cultures are more equal than others” (Molnar, 2001, p. 314). Defining the type of “minoritiness¹” and pointing out its roots is crucial in assessing the minority’s claim to representation and voice in the media. For this purpose, we have identified three types of minorities that differ in terms of the historic circumstances in which their status originated: indigenous or homeland at one extreme, diasporic or immigrant at the other, and in between, the immigrant-autochthonous minority – an immigrant minority that has established historical presence in the state (Bennet, 2001). A minority, however, as we define further on, is characterized not only by numerical inferiority, but also by political and social powerlessness. To explain this second characteristic, we have identified the following four types of democratic regimes in which the relationship to minorities is incorporated into the constitutional framework: the immigrant (or “settler”), the consociational, the civic (or “liberal”) and the ethnic democracy.

The types of policies have been classified along two continua according to the types of rights they award minorities. One range extends between policies of “inclusion” and policies of “exclusion,” the other between policies awarding “individual” rights and policies awarding “collective” rights. The first encompasses policies that range from providing separate channels in

¹ The term is not a standard English word and has been created by us for the purpose of this study

a minority language, creating a mediated exclusionary “mini-sphere” (Browne, 2005, p. 186), to policies that strive to include minorities in the “public sphere” by requiring programs for minorities on broad interest channels, both non-commercial and commercial. The second differentiates between rights that are awarded to members of the minority as individuals and those awarded to the collective. Individual rights are commonly awarded in the form of freedom of expression, while the collective rights are less commonly awarded as a right to self-determination.

Figure 1 about here

Literature Review: Rights, Minority Status and Democratic Structure

What are “minority media rights”?

The international human rights movement created in the aftermath of World War II gave rise to the by now axiomatic triad of “social, economic and cultural rights,” a term first coined by the 1948 Universal Declaration of Human Rights. “Cultural rights,” however, have been identified until recently as an “underdeveloped category” or “poor relative” of human rights (Symonides 1998). Although they are based on individual entitlements and guarantees of certain rights, “they can often be implemented mainly, if not exclusively, in association with others” (p. 563). Recent years have seen a rise in the importance and centrality of cultural rights, in particular in relation to the media. Two categories of rights developed in this context: those emanating from the individual right to freedom of expression – based on Article 19 of the International Covenant on Civil and Political Rights and Article 10 and 14 of the European Convention on Human Rights – and those emanating from the collective right to self-determination. The former have already earned legal status while the latter are still in the declaratory stage.

While the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the general Assembly of the United Nations in 1992, is a statement with no binding status insofar as international law is concerned, it advocates protecting the existence of minorities and promoting their culture. The same goal is championed in UNESCO's Universal Declaration on Cultural Diversity (2002), which encourages media pluralism and multilingualism and envisions a particular role for public radio and television in this process. The European Charter for Regional or Minority Languages, adopted by Council of Europe (COE) in 1992, requires the signatory states to ensure, encourage, or facilitate (according to means and needs) "the creation of at least one radio station and one television channel in the regional or minority languages" and to guarantee "freedom of direct reception of radio and television broadcasts from neighboring countries" in a language used by minorities.

The Resolution on the Role of Public Service Television in a Multi-Media Society, adopted by the Organization for Security and Cooperation in Europe (OSCE) and approved by the European Parliament in 1996, calls on public service broadcasters to "serve minority interests and cater for all different sections of the population." Public service broadcasters are also encouraged "to enact real equal opportunities to improve the representation of women and ethnic minorities in all television employment." The OSCE's position that public broadcasters are the conduit for the realization of minority media rights was strengthened in the organization's Oslo recommendations (Eide, 1999), which stipulate that minorities should have access to programming in their own language on publicly funded media in proportion to their size in the population. This goal is to be achieved, among other means, by having representatives of minorities sit on boards of public broadcasters (p. 326). The Oslo recommendations require a smaller commitment on the part of commercial broadcasters. Furthermore, they stipulate that the

existence of access to media originating in the minority's kin-states should not serve as an excuse for a lesser commitment to their rights in the countries where they reside.

Defining minorities.

The term minority is notoriously hard to define, and to date, no international consensus exists on the matter. Indeed, wherever possible, the preference has been to refrain from defining the term (Gilbert, 1996; Packer, 1996; Aukerman, 2000). Jackson Preece's (1998) definition includes five elements: A group numerically inferior to the rest of the population of the state; a group with a non-dominant position in society; a well-defined and historically established group that resides on the territory of the state; a group with ethnic, religious, linguistic or cultural characteristics different than those of the rest of the population; a group with a sense of solidarity, directed toward preserving its culture, traditions, religion, or language (p.28). Nevertheless, Preece (2006) notes elsewhere that "ultimately, what matters is not size but belonging: minorities are those who are denied or prevented from enjoying the full rights of membership within a political community because their religion, race, language or ethnicity differs from that of the official public identity" (p.10). Gilbert (1996) also remarked that "if the only limitation for qualifying minority status were that the group was numerically smaller... then states would be overflowing with minorities." John Packer (1996), adviser to OSCE High Commissioner on National Minorities proposed a definition that ignores numbers and defines minority as a "group of people who freely associate for an established purpose where their shared desire differs from that expressed by the majority rule" (p. 123). Ramaga (1992) focuses on the power hierarchy that exists between the minority and majority, pointing out that "minority status is an acknowledgement of aggravated powerlessness, distinguished for various reasons

from the powerlessness of a majority. It involves assumption of cultural or religious dominance by the majority” (p. 108).

Types of democracies (in terms of majority-minority relations).

A better appreciation of minority powerlessness requires understanding the social organization in which minority status was created. The literature in the past three decades has identified several democratic forms of organization, with regard to majority-minority relations. Smootha (1997) defines them as liberal, consociational and *Herrenvolk*, while adding a fourth, ethnic democracy, to describe a system that “combines the extension of civil and political rights to individuals and some collective rights to minorities with institutionalization of majority control over the state” (p. 199). In this way, it differs from what van den Berghe (1967) termed the *Herrenvolk* democracy, a political system in which only one ethnicity enjoys political rights (such as whites during the South African apartheid regime). The ethnic democracy, according to Smootha, characterizes Malaysia and Israel and is emerging in a growing number of former ex-Soviet Union and ex-Yugoslav independent republics. The term has been used, for example, to define the form of democracy in Estonia (Järve, 2000).

The “liberal” democracy identifies ethnicity exclusively in the private sphere, while consociational democracies accept ethnicity as a principle of organization within the state. The “liberal” group can be further broken down into two sub-groups: the “immigrant democracy” and the “civil democracy.” While the United States, Australia and Canada fit the definition of “immigrant democracies,” France and the United Kingdom are best defined as “civil democracies.” This distinction, insofar as minority rights are concerned, is not trivial, with the “immigrant” democracies characterized by an inverted pyramid societal hierarchy, in which

immigrants comprise the majority, some of them enjoying a higher status than others, while at the bottom of the totem pole are the aborigine “homeland” cultures, a historical disposition with an ideological effect.

The consociational democracy, a concept first developed by Lipjart (1977), differs from the liberal democracy in that membership in a collective sub-group of the total population confers upon its members eligibility for a right of representation. Membership, therefore, is not acquired, as in the case of the liberal democracy, as an individual right alone, but it rather comes with an additional officially recognized and accepted group affiliation. Canada, Spain, Belgium and Switzerland are often recognized as consociational democracies (van den Berghe 2002). The argument can be made, then, that while the “liberal” and “cosociational” models represent two extremes of a continuum – one totally disregarding group affiliation, the other accepting it within the basic definition of the state – the ethnic and immigrant democracies are intermediate models in which group membership either *de jure* or *de facto* makes individuals eligible for a level of privilege. Comprehending the differences between these forms of social organization becomes critical when drawing comparisons between systems that award minority media rights.

The Case Studies

Immigrant Democracies

Although immigrant democracies — the United States, Canada and Australia, for example – do not share media policies, their shared heritage of colonial expansion at the expense of native/aborigine peoples can explain why many parallels exist among them in the way minority media rights have developed. The early history of all three countries is characterized by racism toward the native communities and the creation of regimes designed to serve the needs of the

European immigrants. The effects of this early discrimination linger to this very day, directly impacting minority representation in decision-making regarding media policy. Different media markets, however, have emerged in these countries: In the United States, the media are mostly governed by market forces, and although both Canada and Australia introduced commercially funded broadcasting right from the start, both have also assigned their public broadcasters the cultural task of preserving “national identity,” unlike the United States.

Indeed, the U.S. legal system never created a mechanism of positive content regulation to ensure diversity in programming (Freedman, 2005). For several decades, the Federal Communications Commission (FCC) promoted diversity of opinion on controversial issues through a mechanism known as the “fairness doctrine” (Aufderheide, 1990). This policy, however, which was abandoned in the late 1980s, did not address minority representation. In the United States, minority representation was supposed to be achieved through diversity in ownership (Mason, Bachen & Craft, 2001). In 1990, the Supreme Court found that the government had a “compelling interest” in promoting diversity of viewpoints through broadcasting, and that this objective could be achieved by encouraging minority ownership of media outlets. A few years later, the Supreme Court argued that there was no evidence of a supposed connection between diversity in employment in broadcasting and diversity in programming and therefore, the government’s regulation of employment was unjustified (Hammond, 1999). Further deregulation of ownership restrictions in the mid-1990s created concerns that even a minimum standard of minority representation was not being met (Owens, 2004). Native American broadcasting never received formal recognition, nor was its development especially encouraged by the United States (Smith & Brigham, 1992). Construction of Native American owned and operated radio stations began only in the early 1970s at the height of the civil rights movement (Keith, 2004). The

number of such stations has stayed put at around two-dozen nationwide for the past two decades. The FCC's official "Statement of Policy" regarding the "Indian Tribes²" does not refer to broadcasting, language or cultural issues.

A similar pattern is evident in Australia, where private and public broadcasting have existed side by side since the 1930s (Collins, 1994). Immigration policy reforms, coupled with the recognition of the Aborigine identity, led to the creation of a designated public broadcaster whose programs are geared to minorities. Established by law in 1978, the Special Broadcasting Service (SBS), which launched its first broadcasts in 1980, is charged, since its incorporation in 1991, with providing "multilingual and multicultural radio services that inform, educate, and entertain all Australians and in doing so, reflect Australia's multicultural society" (SBS, 2005). The Australian Broadcasting Corporation (ABC), the public service broadcaster (PSB), is required by law to "contribute to a sense of national identity" and to "reflect the cultural diversity of the Australian community." This policy of promoting multiculturalism in the media, however, was not geared toward Aborigines or their culture, but rather only to immigrant groups (Jupp, 2001). Indeed, Aborigines and Islanders have traditionally been shunned by Australian cultural policies (Molnar, 2001). The Broadcasting Services Act of 1992, for example, does not acknowledge the significance of indigenous languages (p. 314) and only the public ABC and SBS attempt to promote "some degree of intercultural understanding" (p. 319).

An immigrant democracy by definition, Canada has developed, in addition, a consociational structure, as evidenced by the official status awarded to both the English and French languages, the languages of the colonial settlers. A tri-level hierarchy has developed in Canada with the legally "official" languages English and French at the top, followed by Native (or "First

² <http://www.fcc.gov/Bureaus/OGC/Orders/2000/fcc00207.doc>

Nations”) languages and languages of other immigrants (referred to in the law as “ethnic broadcasting”). Only English and French are considered “minority languages,” each in the provinces where their speakers are numerically inferior (Manson, 2003). Hence, all the detailed regulations that have emerged regarding broadcasting in minority languages are limited to these two languages. Indeed, when satellite radio and television that targeted the remote Native Canadian communities were launched in the 1970s, they had no broadcasts in the Native languages. This oversight was corrected in the early 1980s with the introduction of government programs that encouraged aborigine productions (Meadows, 1995). The 1991 Broadcasting Act stipulates that not only should broadcasts reflect Canada’s “linguistic duality,” but also the “multicultural and multiracial nature of Canadian society.” This latter goal is meant to be achieved through policies that promote “ethnic programming” and “ethnic stations” and regulate their content. The policy adopted in 1999 acknowledges that not every ethnic group can be provided with its own media, and therefore, “ethnic stations” are shared among ethnicities. The services offered to Native Canadians consist of unlicensed stations in areas where there is no competing AM or FM service and licensed stations in markets where other stations co-exist. Indeed, although the immigrant languages enjoy prominence in Canadian broadcasting, the scope of ethnic and Native broadcasting is unparalleled within this democratic model.

Ethnic Democracies

Malaysia, Israel, and a growing number of former Soviet and Yugoslav republics serve as Smooha’s (1997) prototypes for the “ethnic democracy.” The dramatic political, social, and economic changes that transformed post-Communist Europe in the 1990s were often accompanied by the redrawing of national borders and ethnic upheaval (Offe, 1999). The process

of democratization in the nations that emerged relied, *inter alia*, on the successful conversion of state-controlled media systems into mixed public and private systems, a process often regarded as the true litmus test of post-Communism (Jakubovicz, 2004). In light of these challenges, it is not surprising that a study of 15 new European democracies conducted by the Open Society Institute (OSI, 2005) found that “minority programming is little promoted on mainstream television” (p. 76). Still, some countries like Macedonia impose quotas for minority programming on broadcasters; Slovenian law requires the PSB to provide programs for the country’s Italian and Hungarian minorities (p. 316); Romanian law requires that a member of the national minority parliamentary groups serve on the administrative council of the PSB (p. 156); Serbian law obliges PSBs to provide proportionate programming for both national and ethnic minorities in the areas where they reside (p. 167). The Czech Public Service Television Act (1991), on the other hand, makes only vague mention of minorities, stipulating that the PSB should support the “development of the cultural identity of the residents of the Czech Republic regardless of their nationality or ethnicity”. To fulfill this obligation, the Czech public broadcaster’s second channel, known as ČT2, suffices with a 25-minute weekly magazine *about* the life of minorities in the Czech Republic.

The forced deportation of ethnic populations in the post World War II Stalinist era (cf. Vardys, Sedaitis & Vardys, 1996) created a situation in which more than 40 percent of Latvia’s citizens today belong to linguistic minorities (Naturalization Board, 2006). In order to rebuild its ethnicity, the Latvian government introduced in the 1990s a policy whose “main objective is the formation of a united and consolidated society” (Naturalization Board, 2006). To this end, both public and commercial television broadcasts in Latvia are subject to regulations designed to serve ethnic and linguistic goals, among them unusually strict quotas (Lukosiunas, 2005). Indeed,

a restriction that set limits on the amount of programming in minority languages on commercial television was deemed unconstitutional in 2003 (McGonagle & Richter, 2004). The court ruled that such a restriction harmed the national interest, since it encouraged members of minorities to watch cross-border broadcasts (Lukosiunas, 2005).

In Malaysia, “the contest for political gains ... has actually involved a not-so-large majority group and a not so-small minority group, which means that the Malaysian problem is almost ‘self-solving’” (Mohamed, 2005, p. 8). Before the 1980s, the media in Malaysia, as well as in the entire Southeast Asia, “served as allies of incumbent political leaders, providing audiences with information and entertainment tailored to match the goals of government authorities” (McDaniel, 2002, p.10). One of the goals of the Malaysian government then and now has been “to balance the interests of Chinese, Malay and Indian populations” (p.29) and at the same time create a sense of unity among the people. The Communication and Multimedia Act of 1998 defines as its objective to “grow and nurture local information resources and cultural representation that facilitate national identity and global diversity,” with Section 213 referring specifically to “representation of Malaysian culture and national identity”. With regards to minority rights or minority representation in the media, the broadcasting guidelines issued by the Ministry of Information in 1997 list the goals programming should strive for, among them “supporting the country’s vision,” “respecting the sensitivity of the people,” “portraying the beauty and progress of the country,” “giving priority to objectivity, creativity, and presentation of facts,” and “portraying a multicultural society.”

Like Malaysia, Israel is an ethnic democracy characterized by government-promoted ethnic revival and massive immigration, with institutionalized preference in immigration awarded to members of the dominant Jewish ethnicity. Government-controlled public broadcasting was the

only form of electronic media until the 1990s. As such, the public broadcaster was required by the Broadcasting Authority Law of 1965 to serve the national goals by “reflecting the life of the State” and promoting the “Hebrew and Israeli creativity”; serving the national ethos by strengthening the connection with Jews in the Diaspora; reflecting the cultural diversity of the Jewish immigrants from different countries of origin; and providing a service to the “Arabic speaking” minority for “the advancement of peace and understanding.” The term “Arabic speaking” in reference to the Palestinian-Israeli minority is uniform in all Israeli media legislation.

Commercial broadcasting was introduced in Israel in the 1990s with the enactment of the Second Authority for Radio and Television Law and was assigned mostly similar tasks, such as providing service to both immigrants and the “Arab speaking” population (Schejter, 1996). The cable infrastructure, also launched in the early 1990s, was designed originally as a “uniting” national service with limited cultural goals. By the mid 1990s, however, a new policy emerged that reflected the deep divide among Israeli Jews of different origins (Schejter, 1999). According to this policy, the government would license “special interest” channels through competitive bids. Two of these channels would be aimed at minority groups – Palestinian-Israelis and Russian immigrants, with the new Russian channel meant to compete with the imported Russian language package offered by Israeli cable and satellite operators, in an effort to minimize the uncontrolled impact of broadcasts from abroad (Caspi et al., 2002). Eventually, only the Russian channel was launched, while broadcasting in Arabic on the public channel was eliminated and replaced with Arabic broadcasts on a satellite channel – the “Middle East” channel – that simultaneously targets Arabic speakers in Israel and in neighboring countries. When Israel’s second channel, a commercial channel, was launched in the late 1990s, the result was a further

relaxation of requirements pertaining to the “Arabic-speaking” minority. The Second Authority regulations, which in the mid-1990s required that programs in Arabic constitute 18 percent of commercial broadcasting, equivalent to the share of Israeli Arabs in the population, were amended and replaced with a 5 percent requirement in 2002, equivalent to the requirement for Russian language programs. Hence, while public broadcasting has meshed broadcasting to the Palestinian minority with across the border propaganda broadcasts, commercial broadcasting has been assigned the task of providing the same level of service to the country’s two largest minorities: the “Arabic speaking” homeland minority and the “Russian speaking” immigrant minority, that is in fact part of the ethnic majority.

Consociational Democracies

The consociational model grants constitutional equality to diverse ethnic groups. In Belgium, the constitutional framework guarantees the execution of media policy at the “community” level, allowing the country’s three ethnic communities – the French, Flemish and German – to each create its own separate media outlets (Jongen, Voorhoof, & Braeckman, 2005). Since cable television is available universally in Belgium, each community’s channels are redistributed using the other communities’ cable infrastructure, thereby creating a system that is at once both segregated at the individual channel level and unified at the distribution level. In Switzerland, where a similar tri-lingual situation exists, media services are provided to the three linguistic groups on an equal basis, with the larger German sector subsidizing comparable services to the smaller French and Italian communities (Meier, 2001). In this case as well, although the national public broadcaster has control over all the channels, each language is broadcast on a separate channel. Neither Belgium nor Switzerland has policies that aim to create special media channels

for immigrant minorities. In fact, the Belgian government has actively opposed instituting such a plan, on the grounds that it would hinder the integration of immigrants into Belgian society.

Although the Czechoslovak Republic no longer exists, its media provide an interesting example of a consociational model. In 1989, following democratization, the new government turned former state-controlled television into a transparent system of public service broadcasting (PSB), comprised of two national television channels and a federal broadcaster “whose program selection would reflect the common interest of our common state and would cover the whole territory of both federal republics” (Pithart, 1990). The new structure was launched on September 4, 1990, fully incorporating this mission with one federal channel (F1) and two national channels – Czech ČTV and Slovak S1 – each serving as an independent production center as well (Česká Televize, 2006). The federal channel was completely bilingual and provided no dubbing or subtitling. Its two main 30-minute evening news programs (at 7:30 p.m. and 10:00 p.m.) and all-important live political, sports, and cultural events were typically anchored by two moderators, each speaking a different language - Czech and Slovak. Berger (2003) calls this form of communication “passive bilingualism” or “semicomunication.” In the Czechoslovak case, where bilingual broadcasts began in the 1960s, they created the ability to understand the cultural context of communication and only after Czechoslovakia split in January 1993 did the generations of Czechs and Slovaks who grew up between the 1960s and 1990s realize that their languages were not as similar as they had always thought.

Liberal Democracies

The Western European liberal democracies have forged different relationships with their respective minorities. For the purpose of testing our model, we chose France and the United

Kingdom as examples of countries with policies that relate to homeland and immigrant minorities and Finland as an example of a country with policies that relate to autochthonous minorities.

French policy reflects a belief that any attention called to racial or cultural minorities would threaten the indivisibility of the Republic. The term “minority language” is still absent from the official vocabulary. The French government did, however, coin the term “regional language” to refer to the 24 officially recognized languages and dialects spoken in metropolitan France (with Alsatian, Basque, Breton, Catalan and Corsican being the most widely used). Likewise, the term “foreign languages” is used to refer to languages spoken by immigrant minorities (McGonagle, Davis Noll & Price, 2003). In February 2001, the public broadcasters, France 2 and France 3, were put in charge of promoting “the different cultures constitutive of the French society without any kind of discrimination” (OSI, 2005). To promote this goal, France 3 is subdivided into 13 regional zones. Seven of them offer about two hours of weekly news and current affairs programs in regional languages (France 3, 2006). In September 2001, a private cable and satellite channel, TV Breizh, was launched in Brittany. The first bilingual channel in France (Breton and French), it is available on cable and satellite in more than 2.7 million households across northeastern France. (Euromarketing, 2000; La Tribune, 2001). Local terrestrial television stations and cable channels also include minimum programming in regional languages.

Finnish is the mother tongue of more than 90 percent of Finland’s population of about five million, while Swedish-speaking Finns represent less than 6 percent. Still, the Finnish Constitution recognizes Swedish as a national language alongside the dominant Finnish. The Act on Finnish Broadcasting Company Yleisradio Oy (YLE) of 1993 defines, among its missions, broadcasting “on equal grounds” for Finnish and Swedish speaking citizens and producing

services in the Sámi, Romany and sign languages. YLE has a Swedish production center, which provides television programs in Swedish that are broadcast in segments on its two main channels. Regardless of the intended audience, many shows are accompanied by Finnish and/or Swedish subtitles, which are noted in program schedules. Finland's indigenous Sámi population is only about 4,000 strong, spread out along the Arctic territories. Yet Finland has a series of transfrontier agreements with Norway and Sweden that regulate the retransmission of radio signals in the indigenous Sámi language, as well as programs in Swedish for its Swedish-speaking citizens. The digitalization of media has opened up new possibilities for program diversification. Indeed, YLE already provides one digital channel that broadcasts exclusively in Swedish. Finish legislation does not regulate programs broadcast in minority languages on commercial stations (YLE, 2006; McGonagle, Davis Noll & Price, 2003).

English's status as an official language is accepted *de facto* in the United Kingdom. The indigenous minority languages – Welsh, Gaelic and Irish – are each treated differently in British media legislation (McGonagle, Davis Noll & Price, 2003). The United Kingdom's many diasporic minorities are not characterized as linguistic minorities, enabling the creation of the BBC Asian Network, a local public service AM and national Satellite radio station, broadcasting in both English and some minority languages and serving South Asian minorities (Browne, 2005, p. 53-4).

Welsh broadcasts are well established and enjoy firm statutory support. The Broadcasting Act of 1980 established the government funded Welsh (broadcasting) Authority and channel S4C, whose role was later defined as ensuring “that the programs broadcast on S4C between 6:30 p.m. and 10 p.m. consist mainly of programmes in Welsh” (Broadcasting Act, 1990). Similarly, the Gaelic Language (Scotland) Act (2005) created a special language board that ensures that Gaelic

television programs are aired by the public BBC and private ITV stations. Programs are funded mainly by government grants through the Gaelic Broadcasting Committee. Each digital terrestrial television provider in Scotland is required to provide at least 30 minutes of Gaelic programming during peak viewing hours throughout Scotland (McGonagle, Davis Noll & Price, 2003).

In Northern Ireland, broadcasting in Irish is provided only on the radio. In the Belfast Agreement that was signed between the Irish and British governments in 1998, the British government took upon itself an obligation to make Teilifis na Gaeilge – an Irish television station based in the Republic of Ireland, now known as TG4 – available to more viewers in Northern Ireland. Indeed, in July 2005, TG4 began broadcasting from the Divis transmitter near Belfast (TG4, 2006).

Licenses for commercial cable television services that target diasporic and autochthonous minorities – i.e., the Asian, Chinese, Japanese, Turkish, Iranian and Afro-Caribbean communities – have been issued in the United Kingdom since the late 1980s. It is likely that the advent of digital television services will increase their number (McGonagle, Davis Noll & Price, 2003).

Discussion

Analyzing data through the model we have developed allows us to execute the first part of the methodology, the empirical description of the policies, while using the dimensions of the model enables the second step – the normative analysis. Indeed, three categories of policies for providing minorities with access to electronic media emerge: (1) those which foster channels dedicated to single minorities; (2) those which promote channels dedicated to all “minorities” in general; and (3) policies which include minority-targeting programming on channels targeting the population-at-large.

These policies also came about in different ways. In the United States diversity is pursued by encouraging minority ownership of broadcast outlets, with the government never adopting a policy of creating minority-specific channels. In the United Kingdom and in France, minority-targeting programming is inserted into the dedicated regional PSB (or rarely commercial) channels. In Israel, the minority-specific channel is licensed through a government tender and is available only on cable and satellite. Channels dedicated to multiple minorities exist in different types of democracies under different organizational mechanisms. In Canada, for example, minority channels are regional, licensed by the national regulator and each of them includes programming for large numbers of “minorities.” In Australia, the public service provides a national service dedicated to programming for minorities. Both Canada and Australia differentiate, to a certain extent, between programming for immigrant minorities and programming for native minorities, even though this distinction is not constant and follows a long period in which native minorities were denied their own media services.

Inclusive policies that insert programming for minorities into the majority general interest channel on a national (and not regional) platform exist today in Malaysia and on Israeli commercial broadcasting (in the past, they also existed on Israeli public broadcasting). Finland includes Swedish-language programming on its general-interest channels, but the identical legal status awarded to the Swedish language in Finland excludes Swedish-speakers from our working definition of a “minority.”

While this convenience sample allows us to categorize different country cases, it does not produce clear cut differences between them, although the following non-statistical patterns do emerge: (a) immigrant democracies have historically denied cultural rights to homeland minorities and have only recently started creating minority-specific media for them; (b) liberal

democracies have traditionally disregarded immigrant minorities while providing regional services for indigenous minorities; (c) the established ethnic democracies have traditionally included programming for autochthonous and homeland minorities within their PSB channels, a policy that is being extended to commercial channels as well; (d) the newly formed ethnic democracies have been slow to provide services to their homeland or autochthonous minorities; (e) the consociational democracies have historically focused on providing media rights to their different ethnic groups, often creating separate media channels for them, while ignoring the rights of immigrant minorities; (f) the consociational solution has been to create separate media channels across ethnicities, the exception being the former-Czechoslovak Republic, with its unique and often overlooked model of “passive bilingualism.”

Historically, homeland minorities have fared the worst in immigrant societies, although this situation is changing. Ethnic democracies, an emerging form of constitutional association, are still struggling with how to best address the issue of minority media rights. Since the 1980s, liberal democracies have been gradually adopting policies to serve their homeland minorities, while neglecting their immigrant minorities. Consociational societies are still so preoccupied with addressing homegrown differences that they have yet to devise effective policies that serve immigrants.

On the second level of discourse and for the purpose of evaluating policies, we proposed using international standards as a benchmark. Since our study limits itself to democratic societies, the assumption is that some level of freedom of expression – the individual right to freedom of expression – exists *de jure* in each of the cases studied. The data demonstrate that most democratic regimes have also addressed the need to provide collective media rights to certain types of minorities, and if not *de jure*, then *de facto*: in consociational regimes, these collective

rights are awarded to the constituting ethnicities, while in immigrant and liberal democracies, they are awarded mainly to homeland minorities. With the exception of the Finnish or (former) Czechoslovakian models, these policies that provide “collective” rights allow the specific ethnicity to express its identity through independent channels. Paradoxically, then, by providing a medium that is separate from the general-public channels, these policies end up creating “cultural ghettos.” Is this exclusionary policy justifiable?

The authors of the OSCE’ Oslo recommendations provide three justifications for separate minority media: non-exclusion, non-discrimination and non-assimilation (Eide, 1999, p. 322). When these principles are applied, however, they may conflict with government’s goal to create a harmonized culture. Maintaining the unique attributes of a minority culture, saving dying languages and overcoming racist undertones in the mainstream media, justify this cultural autonomy. Still, the question arises whether minority groups are less inclined toward civic participation when exclusionary policies exist. And if the minorities, for the purpose of their own preservation, are enclosed in a “cultural ghetto” how can they be expected to contribute to the common civil society and the creation of a unified national culture?

While the idea of cultural “ghettos” presumes openness to multiculturalism, it also smacks of racism. In the 1950s, the United States Supreme Court abolished the policy of “separate but equal” which maintained that minority rights could be preserved amid segregation³. Separate educational facilities, the Supreme Court argued, are inherently unequal. Preventing (or not encouraging) minorities from participating in the central channels of the national discourse inevitably breeds inequality and raises moral questions about policies that pursue such goals and their underlying motives. Indeed, cultural “incubators” that protect minority distinctness and

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preserve dying cultures in the face of assimilation are extremely valuable, but while “individuals should be free indeed in all sorts of ways, we don’t set them free by separating them from their fellows” (Walzer, 1984, p. 325).

Two more policies are worth mentioning in this context of the “ghettoization” of linguistic minorities: one that limits minority services to certain geographical areas and the other that creates media outlets, which bundle together different minority groups on a media channel separate from the channel that targets the general public. Both these policies provide minority groups with the worst of both worlds, as they do not help them maintain their uniqueness and at the same time exclude them from participation in the “national sphere.”

It is important to note that many minority media services focus only on the linguistic distinction of the minorities. Such policies do not create a separate “cultural” entity, one that may be justified by the principles discussed above, but rather a separate “language” service. Culture, however, is a multilayered symbolic reservoir, and providing “rights” to linguistic minorities that serve only linguistic needs, deprives other groups with different distinct cultural attributes from participating in the creation of cultural life.

While international conventions have recommended appointing minority representatives to the governing boards of media organizations as a means of promoting minority media rights, the literature we searched provides little evidence of this. Ironically, the United States, which demonstrates the least sensitivity to minority cultures, has instituted a policy to ensure diversity in ownership. Another variable that needs to be addressed is policy toward minorities in situations where a kin-state exists where the same minority group constitutes the majority, and there is geographic proximity between the two states. This variable, which has been addressed in

international agreements, may explain some of the variation in policies, in particular among the emerging ethnic democracies, while providing a tool for normative assessment.

Concluding Remarks

This study has created a common conceptual framework and a model that enables comparison of media policies directed at minorities and tested the framework and model on a “convenience sample” of cases described in the literature. Two national-specific characteristics contribute to the internal validation: (1) the constitutional status of the minorities and (2) the historical circumstances that have made them a minority. International law and custom facilitate the external assessment and validation but are not able to provide a full explanation or internal validation of the policies. The cases reviewed uncover growing international recognition of collective minority rights provided through exclusionary “ghettoizing” policies. Since the distinctness of minorities is inherent and their powerlessness unjustified, maintaining separation through communication policy should be questioned and reevaluated on a case-by-case basis. Further research is needed to apply this model and analysis to a larger, systematically chosen sample of nations in order to assess its universal validity.

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