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Taking the high ground: the struggle for ideas in UK broadcasting policy

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Richard Collins

however admirable the past achievements of the BBC, what we are concerned with is the future

(Beveridge 1951: para 185)

Abstract

In 2006, consideration of UK broadcasting policy focused on the BBC and, in particular, on four issues: governance, accountability, pluralism and the definition of public service broadcasting. The extensive and intensive debate about these institutions and issues was shaped both by technological change, affecting the structure of the broadcasting sector, and by changes in ideas about the BBC and its role. In the paper, changes in official UK discourse, notably in successive official enquiries into the status of the BBC (Crawford, Ullswater, Beveridge, Pilkington, Annan and Peacock), which shift from a vision of monopoly supply with control vested in Government to pluralism in supply and control with users, are identified. The idea of the user (viewer and listener) as a consumer and a citizen is considered and the construction of notions of accountability as residing with the consumer rather than the citizen is traced both to T H Marshall's ideas about citizenship and to the Peacock Committee's successful mobilisation of the idea of consumer sovereignty.

Keywords

Public service broadcasting, BBC, accountability, citizen, consumer.

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Introduction

Contemporary discussion of broadcasting policy in the UK now focuses closely on the role and purpose of the BBC. This may seem obvious and unsurprising for the BBC is the most salient element in the UK broadcasting ecology, accounting for c38% of television viewing, 53% of radio listening and providing a web presence claimed to be the single most widely used in Europe. Moreover, the BBC's Royal Charter comes to the end of its customary ten year period in 2006 and the terms on which the Charter is to be renewed are currently a matter of intense public debate.

However, the contemporary focus on the BBC is in a context different to most such discussions since 1955 (when UK based competition to the BBC was first established). From 1955 **all** UK terrestrial broadcasting was regarded as public service broadcasting (PSB) and consideration of UK PSB thus referred to advertising funded and profit distributing terrestrial services as well as to the BBC. But since the loss of control of entry to UK broadcasting, which the start of Sky television's services signalled in 1990, the terrestrial commercial television services, hitherto considered to be part of UK PSB, have experienced increasing competitive pressures and, in consequence, their PSB obligations have been reduced (see Ofcom 2005b and 2005c). The same competitive forces are recognized to affect Channel 4 and may lead at some time in the future to re-assessment of C4's funding and/or PSB mandate. Accordingly, achievement of UK PSB objectives now focuses on the BBC, as was the case throughout the BBC's long incumbency, from the early 1920s to the mid 1950s, as the UK's monopoly broadcaster.

In 2003 the UK promulgated a Communications Act (henceforth CA 2003) which, for the first time, established an integrated regulator for electronic communications, Ofcom (The Office of Communications)¹ and, though the drafting of the Act continued to distinguish between electronic communications networks and services on one hand and television and radio on the other, the Act looked forward to a policy and regulatory regime based on the notion of 'convergence'. However, in important respects the CA 2003 left the BBC outside the authority of Ofcom and subject to regulation by its own Governors.² This was the outcome of successful lobbying by the BBC and its supporters and testified eloquently to a high level of public support for the BBC and a sense of its 'special' status.

Nevertheless, since the publication of the Hutton Report³ (Hutton 2004) in early 2004, resulting in the unprecedented resignation of the BBC's Director General and the Chairman of the BBC Governors, governance of the BBC has been intensely scrutinized: as the House of Commons Select Committee on Culture Media and Sport commented 'there is a strong perception that the constitution of the BBC is unworkable and out-of-date' (House of Commons Select Committee on Culture Media and Sport 2004: 3). Moreover, the new BBC Director General, Mark Thompson⁴, has implemented swinging cuts in BBC costs and staffing (about 4,000 jobs are to be lost). Thompson's changes follow successive substantial re-organisations effected by his three immediate predecessors. The factors of Charter renewal, Hutton, the BBC's relationship to Ofcom and the, seeming, permanent revolution in BBC organisation have combined to bring the BBC under deep and sustained public scrutiny and have enabled critics of the BBC (not always confined to those with a financial or political interest in a smaller and weaker BBC) to question the performance, role, and future of UK public service broadcasting in general and of the BBC in particular.

The contemporary debate

It's important to note that, in spite of the evidence of attempts to suborn the BBC's political independence which the Government's establishment of the Hutton enquiry, and Lord Hutton's findings, might be thought to provide, there is little public evidence of Government using the Charter Review process as a means of disciplining the BBC. Nowhere, for example, has the Government indicated that the current, very generous licence fee settlement⁵ is to be adjusted downwards; the Government has given the BBC new responsibilities (eg in leading digital switchover plans) and in public the Government strongly affirms the BBC's political independence - indeed the title of the Government's consultative Green Paper on the terms of Charter renewal was 'A strong BBC, independent of Government' (DCMS 2005a).

Among the major contemporary landmarks in the re-assessment of the BBC's role and performance are:

- The BBC's own 'renewal' manifesto 'Building Public Value' (BBC 2004).
- Ofcom's Review of Public Service Television Broadcasting (Ofcom 2004a, 2004b, 2005).
- The Report of the Burns Committee on BBC Charter Review (DCMS 2004 and 2005).
- The House of Commons Select Committee on Culture Media and Sport Report 'A Public BBC' (House of Commons Select Committee on Culture Media and Sport 2004).
- The Government's Green Paper 'Review of the BBC's Royal Charter: A Strong BBC, Independent of Government' (DCMS 2005a).
- The 'Elstein Report' – 'Beyond the Charter' (Elstein 2004) authored by a committee commissioned by the Conservative Party and chaired by David Elstein.
- 'Free for All?' an independent view by Barry Cox (Cox 2004).
- The Report of the House of Lords' Select Committee on BBC Charter Review (House of Lords 2005)⁶.

It would be possible only at tedious length to summarize and analyse all the proposals identified in the studies identified above, but their number testifies to the range and intensity of current concern about the BBC, and thus the future of PSB, in the UK. Highlights of the various proposals include:

The BBC's own commitment to:

- Greater transparency in undertaking its activities – eg requiring independent evaluation of proposals for new services and establishing a network of public advisory bodies.
- Greater accountability to the public – eg through a reformed complaints procedure and a tri-annual survey of licence fee payers
- Measurement of performance against a 'public value' criterion.
- Increasing the proportion of television programmes sourced from independent producers to 40%.

The BBC has also recently established new governance arrangements with a stricter separation between management and Governors foreshadowing the Government's proposals in the White paper (DCMS 2006). It has strengthened the Governors' own secretariat and promises that Governors will stringently evaluate the management's proposals and performance (see BBC 2004). The Government, in its White Paper 'A public service for all: the BBC in the digital age' (DCMS 2006), proposes replacement of the Governors by a Trust

and a clearer separation of management responsibilities (with which the BBC Executive Board will be charged) from governance and regulation (the Trust's charge except for the regulatory responsibilities with which the Communications Act 2003 charges Ofcom⁷). However, the Government's proposals for change are modest in comparison to others'.

Ofcom's proposals, as digitalisation increases the number of channels and changes the economics of UK broadcasting, include:

- Establishing a new Public Service Publisher (PSP).
- Bringing the BBC more firmly under Ofcom's jurisdiction in respect of competition and content regulation.
- Power for Ofcom to approve new BBC services.
- Softening Channels 3 and 5's PSB mandates and responsibilities.

Although Ofcom didn't suggest how the PSP might be funded (and how any shortfalls in Channel 4's funding might be met) others (eg Burns, see DCMS 2004 and 2005) have suggested introducing contestable funding, ie competition for the BBC licence fee. (See Ofcom 2004b around 66).

The Burns Committee (appointed as advisors by the Minister responsible for broadcasting) consulted extensively and concluded that:

- BBC governance is seriously flawed – and that the BBC's proposals to rectify deficiencies are insufficient.
- an external regulator of the BBC, a Public Service Broadcasting Commission (PSBC), should be established which would be responsible for public service broadcasting generally and could allocate licence fee funding to broadcasters other than the BBC.
- Ofcom's proposals for BBC competition regulation should be implemented. (See DCMS 2004 and 2005).

The House of Lords' Select Committee proposed:

- a unitary BBC board, named the BBC Board, composed of a majority of non-executives with a non-executive Chairman (the Director- General, Deputy Director-General and the Director of Finance should all be members) to be responsible for governing the BBC and responsible to the licence fee payer.
- Ofcom should take final responsibility for BBC programme regulation.
- The NAO should have full right of access to the BBC, the power to conduct and independently select the subject of Value for Money Reviews and should report the results to Parliament.
- The BBC's fair trading rules should be subject to approval by Ofcom and the BBC should provide information relevant to fair trading and competition matters to Ofcom. The BBC Board should strictly separate commercial and public service activities within the BBC (see House of Lords 2005: paras 280-326).

The major clusters of concerns identified in these contemporary documents are:

- Accountability (consumer/citizen)
- Governance
- Pluralism
- Definition and programming of PSB (culture, news, commercial/psb activities).

Each of these pre-occupations has, of course, resonated throughout UK broadcasting and BBC history.

Accountability

Both the BBC, in ‘Building Public Value’ and the Government, in the Green Paper, propose improvements in the BBC’s accountability to its viewers and listeners. The BBC has proposed (BBC 2004: around 131) to strengthen its established advisory councils, to institute a tri-annual public value survey by polling a large representative sample of the UK population and to improve complaints handling. In the Green Paper (DCMS 2005a: around 12), the Government proposed that major decisions by the BBC’s governing body should be informed by deliberative research, that meetings of the Trust should take place in public and/or be webcast and identified the possibilities of electing the membership of the BBC’s advisory councils and of publishing the voting record of Trust members. It also advocated improved complaints handling by the BBC⁸.

Ofcom considered accountability solely within the context of inter-agency regulatory relationships rather than as a matter of direct accountability of broadcasters to their viewers and listeners. Ofcom (2005: around 85-86) proposed harmonising existing arrangements so that BBC/Ofcom lines of accountability would, henceforth, match those already established for C4 and ITV. This would make the BBC more clearly and straightforwardly accountable to Ofcom. Ofcom stated that: ‘a common regulatory approach would provide clarity and would enable the application of a consistent gold standard across the whole sector’ (Ofcom 2005: 86).

Most publicly funded bodies in the UK are subject to scrutiny by either or both the National Audit Office (NAO) and/or the House of Commons Committee of Public Accounts. One instance of the BBC’s ‘special’ status is that it is not directly subject to either body. The Green Paper (DCMS 2005a: 79) foreshadowed possible future arrangements where ‘increased powers of access could be passed to the NAO’. The Burns Committee was more circumspect stating that ‘On some occasions this [ie consideration of the extent to which the BBC’s operations provided value for money] might possibly be in conjunction with the NAO’ (Burns 2005 np). The Lords Committee proposed that the NAO should enjoy the same unrestricted access to the whole of the BBC as it has to the BBC World Service and to other publicly funded bodies (House of Lords 2005: para 298).

Governance

Contemporary discussion of BBC governance principally concerns the extent to which the BBC should be regulated by an external body (whether by Ofcom, as advocated, *inter alia* by the Elstein Committee, or by a new Public Service Broadcasting Commission of the kind proposed by the Burns Committee) or should continue to be regulated by itself (whether in the form of the Governors, as proposed by the BBC in its ‘Building Public Value’, or the BBC Trust canvassed by the Government in the Green Paper). The salience of this concern is a response to a widely shared view representatively expressed in the Government’s Green Paper that:

The system needs reform. It is complicated and difficult to understand. It is not widely trusted by the BBC’s commercial rivals. Nor is it understood by licence fee payers

(DCMS 2005a: 66)

Or, more trenchantly stated, Barry Cox's argument that:

It [the BBC] is in effect a self-perpetuating department of state but without an elected politician at the head of it.... it is funded by tax payers' money but.... Is granted more money than it needs to do the job..... I don't mean that the BBC is part of the government... It's worse than that. We can at least get rid of the government

(Cox 2004: 60).

An important, though second order, governance issue concerns the regulation, for fair trading and competition purposes, of the BBC's commercial services. This may seem a straightforward issue, the Communications Act 2003 clearly gives Ofcom both responsibility and power, but effective regulation of the BBC's commercial activity cannot but put in question the relationship between the BBC's commercial and public services. I and others (see Cave, Collins and Crowther 2004) have argued that Ofcom does not have sufficient power to regulate the BBC's commercial activities effectively because of the unique combination of the BBC's size, public funding, mixed commercial and PSB activity and imprecisely defined PSB mandate. The Green Paper (DCMS 2005a: around 103) recognized the importance of such concerns by acknowledging that BBC Fair Trading commitments and practice do not enjoy universal confidence and in the White Paper (DCMS 2006) the Government proposes that the Trust, taking into account Ofcom's views, should establish *ex ante* codes designed to inhibit the BBC from making an adverse impact on competition.

Pluralism

Almost all commentators have presumed that UK broadcasting will change dramatically in the next decade (ie within the putative life of the next BBC Charter). They anticipated many more channels being provided through a variety of old and new delivery systems (eg Internet streamed video, digital terrestrial television, 'pull' PVR based television supplementing or displacing 'push' conventional scheduling etc). In consequence, Ofcom and other commentators (notably Cox and Elstein) envisaged a corresponding decline in the ability and willingness of Channels 3 and 5 to deliver PSB content and services as their profitability and competitiveness declined in the new environment. Channel 4 too, it was thought, might lose competitiveness and therefore an ability to finance PSB content. Accordingly, the question arises, how many UK PSB providers should there be and how should they be financed? Would, the Green Paper asked, echoing Ofcom, the BBC be left 'as a near monopoly provider of some types of programmes if other major broadcasters adopt a more commercial strategy' (DCMS 2005a: 15). And, if so, what should be done? Two major new conclusions followed from such an analysis.

First, the idea that the BBC should no longer have sole claim on licence fee funding. As Barry Cox stated, 'The BBC would no longer be the sole beneficiary of the licence fee, with the creation of a 'contestable fund', which producers could bid for to make public programmes.' (Cox 2004: 14). Cox eloquently argued that 'putting all our subsidy money into one ghetto broadcaster, a greatly diminished and restricted BBC, would be a bad mistake' (Cox 2004: 19). The Green Paper (DCMS 2005a: 71) also acknowledged the justice of such arguments, but temporized and stated only that 'No governance system should close off the possibility of contestable funding'.

Second, that the combination of technological change, making possible new ways to reach audiences, and market changes, which have strengthened the BBC's pre-eminence, mean that some new measures to foster pluralism in supply of programmes and services were desirable. Ofcom and Elstein advanced similar notions. Ofcom (2005: 68-80) proposed a Public Service Publisher (PSP), able to commission content from independent producers and ensure its

availability on any or all of the multiplicity of digital systems the future would bring. Elstein (2004: 65) proposed instead a Public Broadcasting Authority, (responsible to Ofcom), and which would ensure delivery of public service content across the system.

The desirability of enhanced procurement of programmes from independent producers was almost universally endorsed, though in varying degrees. Elstein (2004: 66) proposed complete separation of BBC programme production from channel management and scheduling. Whereas the BBC proposed (after its internal Content Supply review) that the established 25% quota of independent productions should be complemented through a so-called Window of Creative Competition (WOCC) whereby internal BBC programme production units would compete with independent producers for supply of a further 25% of BBC television programmes.⁹

The BBC spun the pluralism issue imaginatively; arguing from the presumption that all believed plurality in the supply of broadcasting services was a desirable goal to argue that pluralism in regulation was also desirable! The BBC opposed Ofcom becoming the body responsible for BBC regulation on the grounds that ‘There would be a loss of plurality in the UK broadcasting system.... In many respects, plurality in broadcast regulation is as important as plurality in broadcast content’ (BBC 2004: 133).

Definition and Programming

Although there are significant differences between expert commentators and clear differences in findings among the different recent enquiries into the future of the BBC it’s striking how complete an official consensus has emerged on defining the purposes of public service broadcasting. Ofcom (2005: 7), the BBC (2004: 8) and the Government (DCMS 2005: 27) concur that:

- Provision of reliable information to sustain citizenship and society.
- Promoting learning and fostering curiosity.
- Strengthening cultural identity and creativity.
- Reflecting and respecting social and cultural difference.

are PSB’s core purposes¹⁰. The BBC and the Government also identify a global role for the BBC, representing the world to the UK and UK to the world as a core purpose. Nonetheless, though there is a durable consensus on PSB purposes, in spite of the obviously iterative character of the process of definition formulation (some phrases carry forward verbatim from one document to another) significant differences in vocabulary remain. These suggest that formulation of a sufficiently clear set of objective measures for purposes of governance and regulation may prove elusive. There is, for example, substantial wriggle room between the BBC’s ‘bringing talent and audiences together to break new ground to celebrate our cultural heritage’, Ofcom’s ‘reflect and strengthen our cultural identity through original programming at UK, national and regional level, on occasion bringing audiences together for shared experiences’ and the Government’s ‘enriching the cultural life of the UK through creative excellence in distinctive and original programming’ (all citations *ibid*).

Concern at the ‘dumbing down’ of UK television, and of the BBC’s output in particular, has been a staple of the contemporary discourse since, at least, Mark Thompson’s Banff speech in 2000 (Thompson 2000). Subsequently, the programming of Channel 5, formally a PSB, was characterized as ‘Films, football and fucking’ or ‘bosoms, balls and brutality’ attributed to Dawn Airey one time programme controller of Channel 5 (see <http://www.companyguide.co.uk/gm260900.htm> on 1.3.2005).

Cox, almost as pithily, echoed Thompson asserting that ‘much of the BBC’s output no longer qualifies... for the ‘merit good’ justification’ (Cox 2004: 64). The authors of the Green Paper concurred, stating that BBC programmes are ‘too dull, or too copy-cat of formats working perfectly adequately’ (DCMS 2005a: 2) and demanding that the BBC ‘recognize its obligations to concentrate on PSB’ (DCMS 2005a: 3). Both the Government, in the Green Paper, and the Burns Committee argued normatively that ‘The BBC should aim to be distinctive from commercially-funded services, it should compete on the basis of quality, not aggressively for ratings’ (DCMS 2005a: 20) and that PSB should provide ‘consistent high quality programming [which] should be evident in characteristics such as rigour, accuracy, balance, fairness and innovation’ (DCMS 2004: para 3.7). However, the Government, in the White Paper, proposes to require the BBC to ensure that its content display only one of five specified characteristics – that is **high quality, challenging, original, innovative and engaging** in any specific instance (DCMS 2006: para 3.1.9).

The combination of the ‘dumbing down’ of PSB and the ‘dumbing up’ of, at least some¹¹, commercial television has put the rationale for PSB and the extent and distribution of public funding for PSB under scrutiny. The BBC itself has acknowledged that

commercial broadcasters can and do create public value. Sky news is a high-quality news service that brings reliable, impartial news to over ten million homes in the UK. Discovery produces high-quality science and history programmes that are educational. Public value is not the preserve of publicly funded or regulated organisations; commercial organisations are important contributors

(BBC 2004: 42).

Accordingly, a clearer normative definition of PSB is tacitly acknowledged now to be required and both the Government, in the Green Paper (DCMS 2005a: around p 23), and Ofcom, (Ofcom 2005: around 27) have drafted novel normative definitions.

The contested relationship between commercial and PSB norms also arises in other contexts. The Burns Committee devoted a whole session to the matter (see http://www.bbccharterreview.org.uk/SEMINARS/seminars_sept_cs.html on 25.5.2005) and the Green Paper (DCMS 2005a: around 99) also provides an instance asking, without indicating a Government view, whether the BBC should engage in commercial activity only when such activity is closely related to its core PSB purposes. The Green Paper also charges that the BBC’s cultural and educational outreach may only weakly be linked to its PSB vocation: ‘link to the Corporation’s publicly-funded broadcasting services and its public-service broadcasting remit is not always clear’ (DCMS 2005a: 30).

Why now?

Why should there be so many separate engagements with the future of PSB and why such intense concern about the contemporary status of the BBC? A combination of structural changes to the UK broadcasting market, notably satellite, cable and Internet transmission, have put in question both long established institutional arrangements and the framework of ideas associated with them, together with short term factors, (such as the Hutton Report and the BBC’s strategic decision to prioritize high audience share rather than public service programming), have been sufficient to ‘tip’ public and political sentiment and put in question the terms on which the BBC’s Charter is to be renewed and how, if at all, established arrangements in respect of accountability, governance, pluralism and definition of PSB should be changed.

Structural changes in broadcasting which have progressively pluralized provision in broadcasting services (more channels, more suppliers of programmes though, according to

Ofcom, with a strong possibility of **reduced** pluralism in public service provision – see (Ofcom 2004b: 13) and have strengthened the claims of those who have advocated some greater measure of market governance and accountability. Moves towards what Kooiman (1993: 4) and others have characterized as a ‘two way traffic’ (rather than ‘one way traffic’) and Moore (1995: 117-8) described as ‘co-production’ practices in public service provision and practice have put in question the both prevailing ‘top down’ BBC governance and accountability arrangements and the presumption that what the BBC does and what constitutes public service broadcasting are, necessarily, the same thing (see Davies 1999: 139).

The chief long term change in UK broadcasting has been provided by satellite and cable television and the Internet. It has provided new consumption opportunities and is accompanied by loss of Government control of entry to the broadcasting market. Of the short term, and perhaps contingent factors, Hutton has focused attention on the long standing contradiction, now thought intolerable, of the BBC’s Governors being simultaneously responsible for regulation of the BBC, management of the BBC and advocacy of the BBC. The BBC’s editorial stance has triggered concern about the ‘dumbing down’ of broadcasting which in turn has put in question the rationale for public funding of a PSB which seems often to mimic its commercial competitors.

However, there has also been a ‘long wave’ shift in the dominant framework of ideas governing UK broadcasting policy, and particularly public service broadcasting policy. Broadly, ideas about the BBC and PSB have shifted from a consensual view of the BBC as the single, or main, instrument for achievement of public policy goals, and to which other institutions should be subordinated, to a contested vision where a conception of BBC primacy vies with a view of the BBC as a dependent variable, of the BBC as an institutional response to market failure and thus an awkward exception to a normative market and competitive order. This shift in the dominant ideas or, to adopt the metaphor which informs the title of this paper the ideas which hold the high ground, has resonated widely and has marked policy debate in specific sub-areas of public service broadcasting policy. Not least in the way in which the accountability of the BBC to viewers and listeners has been conceived. The main historical milestones in this ideological shift are identified below.

Moments when policy is under debate and in the process of being made or re-made, such as that at the time of writing, in mid 2005, are moments when both normative - how matters **ought** to be arranged - and empirical – how matters **are** arranged considerations are brought into close, and often confusing, proximity. The contours of debate, determination of what counts as relevant evidence, and the relationship of contemporary analytical frames to the ideas which animated and shaped the institutions under consideration all interact, sometimes making productive dialogue (even when the participants are not tainted by self-interest) hard to achieve. These difficulties may be apparent in the discussion which follows.

A history of the conceptual framing of UK PSB policy.

The invention of the BBC

The BBC was established in 1922 as a commercial company and became a public corporation in 1927. The change in the BBC’s status followed the report of the government appointed Crawford Committee which recommended that ‘the broadcasting service should be conducted by a public corporation acting as Trustee for the national interest’ (Crawford 1925: 14) – that is by the BBC. Crawford was doubtless influenced the BBC’s ‘good behaviour’ during one of C20th Britain’s deepest social crises – the General Strike of 1926. During the strike the BBC issued instructions to its staff that ‘nothing calculated to extend the area of the strike should be broadcast’ (cited in Briggs 1961: 373) and BBC policy was not, as the then Director

General stated, ‘to permit anything which.... might have prolonged or sought to justify the Strike’ (Briggs 1961: 365).

The BBC maintained its monopoly until 1955 when Europe’s first commercial television service, ITV, was licenced. The BBC had maintained its monopoly (subject to the limited competition posed by the English language services of Radios Normandie and Luxembourg competition which was particularly effective on Sundays when the BBC’s services had a more than usually improving character) by adhering to the political and cultural framework set by Government.

The report of the Ullswater Committee in 1936, the next public policy landmark to follow the Crawford Committee, neatly identified the permissible limits of the BBC’s operations and recommended *inter alios* that:

the broadcast news service should be unbiased and dispassionate

controversial broadcasts should continue, discretion remaining in the hands of the BBC.

attention should be directed towards Parliament as the natural centre of political interest

the BBC should regularly consult the Parliamentary parties on major political issues

light music selected for broadcasting should be of first-class quality and directed to the improvement of public taste

(Ullswater 1936: from para 143 (i), (j), (k), (l)).

Ullswater¹² also specifically fended off nascent challenges to the BBC’s control of broadcast content by recommending that ‘control of relayed programmes’ should reside with the BBC and that ‘ownership and operation of relay exchanges’ (ie cable services) should be undertaken by the Post Office, that is by the state monopoly PTT, rather than by commercial interests likely to view favourably the offshore English language commercial services, Radio Luxembourg and Radio Normandie, which competed with the BBC (Ullswater 1936: para 143 (r)).

Ullswater conceived accountability simply to be about the BBC’s relationship to Government – symptomatically the section in the report which comes closest to addressing accountability is that titled ‘Control’. There it states ‘the BBC stands in an unusual relationship to the Government of the Country’ (Ullswater 1936: para 47) and continues stating that ‘the Corporation is strictly bound to observe the provisions of any licence granted by the Postmaster General and any instructions which he from time to time may issue’ (Ullswater 1936: para 48). True, the Report fairly and properly emphasizes the BBC’s independence from government at more than one point but the public, the users of the BBC, are mentioned only as the beneficiaries of the ‘constitutional independence of the BBC [which] brings advantages to the general public and to listeners which could not otherwise be secured’ (Ullswater 1936: para 51).

Ullswater also recommended that control of what was described as ‘the cultural side’ of broadcasting should move from the Postmaster General to another Cabinet Minister (Ullswater 1936: para 53); that broadcasting Estimates (ie prospective funding of the BBC) should be discussed by Parliament as should the BBC’s Annual Report and Accounts (Ullswater 1936: para 56).; and that provision be made for control of the BBC by Government in national emergency (Ullswater 1936: para 57).

There's an obvious danger in viewing the Ullswater Report (and its successors) through an optic of C21st assumptions and pre-occupations. Accountability as it now figures in broadcasting policy debates was clearly far removed from the collective mentality which constructed such matters as ones of control. So too are there dangers in finding foreshadowings of contemporary concerns through an assiduous archaeology of canonical texts from the country of the past. Yet the report which followed Ullswater, the Beveridge Report (Beveridge 1951), introduces one of the two rival concepts of accountability - accountability to consumers and accountability to citizens - which inform subsequent discussion of public service broadcasting in the UK.

Accountability to consumers, normatively, is realized through consumers' ability to make (or refrain from making) purchases from one or more of a number of providers competing in a single market. Within this sort of normative relationship public service broadcasting, and the BBC in particular, looks at best somewhat odd and at worst appears as a major obstacle standing in the way of a well functioning market where consumers can effectively hold producers and providers accountable through the price system. Accountability to citizens, on the other hand, is more difficult to define. Theoretical discussion and elaboration of concepts have not been so fully developed, at least in the context of broadcasting policy, as they have in respect of consumer accountability. But central to this kind of accountability is both a notion of a hierarchical (not a market) relationship between citizens in whom sovereignty resides (or ought to reside) and an often contradictory sentiment that rather than the relationship between broadcaster on the one hand and viewer and listener on the other being one where one party holds the other to account rather the relationship is conceived to be one of mutual obligation.

This reciprocal set of obligations consists in conceiving that the broadcaster ought to provide the information and education (sweetened with entertainment) required for viewers and listeners to participate fully in social and political life as well informed and competent citizens. And viewers and listeners ought, as one of the obligations of citizenship, to fund broadcasters to do so. Broadcasting in this model is an institution and practice informed by reciprocal entitlement and obligations. Viewers and listeners should be provided by broadcasters with the information they need, and be able to develop the competencies they require, to exercise their rights as citizens. In return they, the citizens, should fund broadcasters to provide these services. It's the relationship of mutual obligation and entitlement rather than the exercise of citizen sovereignty that's been uppermost in the unfolding of UK public service broadcasting policy and practice. But even this fuzzy notion of a foundational and animating principle risks overstating the extent to which broadcasting in the UK, and the BBC in particular, was designed and was informed by any consistent principle. Rather continuity seems to exist much more in the institution itself, and a rather protean institution at that, than in a guiding and consistently animating spirit.

Beveridge and Coase

The first challenges to the BBC's monopoly, and also to the framework of ideas which linked a conception of broadcasting citizenship as a nexus of reciprocal obligation and entitlement with broadcasters' accountability to their audiences as a matter simply of hierarchical control, came in the early 1950s from the stable of the London School of Economics and Political Science (LSE). The LSE economist Ronald Coase¹³ published his path breaking study 'The British Broadcasting Corporation. A Study in Monopoly' (Coase 1950) in which he identified two clusters of arguments supporting the BBC's monopoly: arguments from technical and efficiency considerations and arguments from programming considerations.

Coase observed that spectrum scarcity, presumed to be an inescapable constraint limiting competition in broadcasting, was in fact not so strong a constraint as had been supposed. Using the case of a relay exchange (cable radio service) Coase argued that the technical

reasons for constraining competition in UK broadcasting, and thus the grounds for the BBC's monopoly, were weak. And, though acknowledging stronger arguments on the programming side Coase commented that 'those supporting the monopoly of broadcasting do not seem to have thought it constituted a threat to freedom of speech' (Coase 1950: 187). He summarized his assessment of the case for monopoly thus:

I have shown that the technical arguments are incorrect, the arguments on grounds of finance unproven and those on grounds of efficiency inconclusive. But, of course, the really important argument has been that a monopoly was required in order that there should be a unified programme policy. This argument is powerful and on its assumptions it is no doubt logical. Its main disadvantage is that to accept its assumptions it is necessary first to adopt a totalitarian philosophy or at any rate something verging on it

(Coase 1950: 191).

On the policy front, the former Director of the LSE (1919-1937), Lord William Beveridge chaired the next in a decennial series of official reviews of broadcasting policy.¹⁴ Although there seems to be no direct evidence of the Committee's knowledge of Coase's arguments (Coase is not listed among those who gave evidence to the Beveridge Committee) it seems unlikely that Beveridge, his former colleague and boss, did not know of them and ¹⁵the Beveridge Committee eloquently denounced the BBC monopoly:

Continuance of a monopoly of broadcasting exactly on the present lines has dangers which call for safeguards. There are dangers in Londonization. There are dangers of remoteness, of self-satisfaction, of secretiveness. There is danger of slowness in exploring new unfamiliar techniques. There are dangers of favouritism and injustice in treatment of staff or performer, each of them an evil in a monopoly more serious than it would be in a concern with rivals. There is the danger finally that when a sense of mission such as animates the BBC is combined with security of office it may grow into a sense of Divine Right, as it did in the case of Charles I.

(Beveridge 1951: para 185).

But curiously, in spite of this denunciation, most of the Beveridge Committee firmly supported continuation of the BBC's monopoly and stated 'that if the public service of broadcasting is to be effective, it must remain a monopoly' (Beveridge 1951: para 151). However, one member of the Beveridge Committee, the Conservative politician Selwyn Lloyd, advocated change arguing that 'independent competition will be healthy for broadcasting' (Beveridge 1951; Minority report para 16). Lloyd's proposals were eventually adopted by the Conservative government which took power in 1951 (in which Lloyd himself served as a Minister of State for Foreign Affairs) and were realized in 1955 when ITV (Independent Television) began its advertising financed service.

But competition from ITV was of a very controlled kind. Formally, the regulator the Independent Television Authority (ITA) was the broadcaster and the ITV companies its sub-contractors. The Independent Television Authority (ITA) exerted close control over ITV, eg by approving its programme schedules prior to broadcast. ITV was established as a public broadcasting system and its monopoly of the sale of broadcast advertising (which soon, as one of its major beneficiaries incautiously described it, became a 'licence to print money') was conditional on stringent universal service and content requirements specified by the ITA. Nonetheless, ITV broke the BBC's monopoly and established a period of duopolistic PSB competition in which there were important innovations in programming (eg in news, current affairs and drama) and where broadcasting became less constrained by the tutelage of government. Albeit that duopolistic competition, or as it came later to be known the 'comfortable duopoly', produced some perverse outcomes: eg viewer choice was limited by

the two broadcasters' practice of scheduling like against like, when the BBC screened a film so did ITV, when ITV screened a current affairs show so did ITV. Nonetheless, the conduct of ITV showed that whilst Government controlled entry to UK broadcasting the system was shaped by official policy makers to realize official goals rather than be shaped either by viewers and listeners or by new suppliers.

Pilkington

The next stage in the controlled growth of UK broadcasting came in the mid 1960s when a second BBC television channel, BBC2, and a network of BBC local radio stations were established. The decision to delegate the expansion of broadcasting to the BBC followed the Pilkington Committee's ringing endorsement of the BBC (Pilkington 1962). Two central elements in Pilkington's analysis were a view of the audience as vulnerable and requiring protection by the broadcasting authorities:

Sitting at home, people are relaxed, less consciously critical and therefore, more exposed. Further, audiences are often family groups and include children who are normally protected outside influences, and therefore especially vulnerable

(Pilkington 1962: para 41).

And a view that the effects of competition (ie ITV) were corrupting:

The quality of programmes is sacrificed to obtain the largest possible audience

(Pilkington 1962: para 43).

Those who say they give the public what it wants begin by underestimating public taste and in the end by debauching it'

(Pilkington 1962: para 47).

Accordingly, as well as recommending expansion of the BBC Pilkington urged a drastic restructuring of ITV (which would have reduced the ITV companies to the status of programme suppliers to the ITA, which was to be responsible both for the sale of advertising and for management of the broadcast schedule). All profits were to be remitted to the Treasury! (see Pilkington 1962: para 578). ITV was not reconstructed on Pilkingtonian lines but expansion of the BBC went ahead with BBC2 in 1964 and BBC local radio services in 1967¹⁶.

Jeffrey Milland, the leading contemporary expert on the Pilkington Report¹⁷, situates the Pilkington Committee, and its Report (Pilkington 1962), within a contemporary context where

elites generally, inside the BBC and outside it, [believed] That broadcasting was a 'missionary' operation and the masses of people who were to be brought its benefits – without having realized they wanted them – did not need to be consulted about the manner in which they were to be delivered

(Milland 2004: 92).

Milland's analysis is well exemplified by the Pilkington Committee's recommendations. The Committee rejected explicitly (Recommendation 7) creation of a Broadcasting Consumers' Council (Pilkington 1962: 287)¹⁸ and both reinforced the BBC with a second television channel and enjoined radical re-regulation of commercial broadcasting. It did so because the BBC was perceived to be a responsible custodian of the uniquely powerful broadcast media whereas ITV, the only extant embodiment of commercial broadcasting, was perceived not

only to have failed in its vocation to improve the moral status of those who consumed its services but to have actively corrupted viewers.

Milland (2004: 77) persuasively situates Pilkington, citing Weight (2002; 317), as an exemplary manifestation of UK elites' efforts to develop 'a common culture based on high aesthetic standards': a project which he aptly characterizes as 'a major concern of Britain's governing elites [reaching] a fevered apogee in the mid-twentieth century'. Pilkington was, to adopt Milland's delightful and penetrating characterisation a powerful sally by British Malvolios in their struggle against massed Sir Tobys. For the Malvolio party television was, Milland proposes, something to be 'regulated, administered and produced but rarely to be watched' (Milland 2004: 84). Accordingly, Pilkington recommended against authorisation of any services that might compete with the BBC and a stringently regulated ITV: 'No service of subscription television, whether by wire or by radio, should be authorized' (Recommendation 100, Pilkington 1962: 295), 'There should be no experiment in subscription television' (Recommendation 101, Pilkington 1962: 295), 'No service of television for public showing should be authorized' (Recommendation 102, Pilkington 1962: 295) and 'The proposal that relay companies should no longer be required to give priority to the national sound programmes of the BBC should be rejected' (Recommendation 113, Pilkington 1962: 296).

Abundant evidence submitted to the Committee supported these judgements. Milland (2004: 82) deftly describes the Committee's appropriation and amplification of T S Eliot's oral evidence (on which rests Pilkington's [1962: para 47] famous statement that 'Those who say they give the public what it wants begin by underestimating public taste and end by debauching it') but an ample basis to build such arguments was provided in other evidence. For example that submitted by Dr Hilde Himmelweit (subsequently to become the founding Professor of Social Psychology at the LSE in 1964 and a prominent member of the Annan Committee on the Future of Broadcasting a decade later). Himmelweit argued that

Studies in the United States show conclusively that the larger the number of channels, the lower the level [ie cultural level RC] of programmes at peak viewing times. The more intensive the competition, the more there is a return to known favourites and to the safe formulae: Westerns, Thrillers, Variety. This is what happens in a situation where governmental restrictions are minimal

(Pilkington 1962: 1125).

Coase (1966), in his 'Economics of Broadcasting and Government Policy', highlighted the contradiction between Pilkington's proposals to buttress broadcasting authority and its rhetorical invocations of 'respect for the public's right to choose and of the need for the widest possible choice' (Coase 1966: 443). Coase observed that

the committee avoids the question of how it should be decided which programme to transmit and for the phrase 'what the public wants', they substitute another and better, 'what the public authority wants'. What the public authority should want, how it would get the information which would enable it to do what it should, and how in practice it would be likely to act are questions which all disappear in a cloud of pious platitudes

(Coase 1966: 443-4).

Annan

The next major UK public enquiry into broadcasting came about 15 years after Pilkington in the Annan report (Annan 1977). Annan echoed Pilkington and judged the BBC to be the 'most important cultural organisation in the nation' (Annan 1977 para 8.1) and in recommending that 'The BBC should continue to be the main national instrument of

broadcasting in the United Kingdom' (Annan 1977, 476). This proposal repeated, almost verbatim, the 1960 finding of the Pilkington Committee that the BBC should 'remain the main instrument of broadcasting in the United Kingdom' (Pilkington 1962, 288).

But Annan broke with Pilkington, and implicitly acknowledged the substance in Coase's 1966 critique, in recognising that (though rooting the argument in an assumption challenged by Coase more than 25 years earlier, that spectrum scarcity necessarily constrained broadcasting policy and organisation) broadcasting governance, the flow of information between viewers and listeners on one hand and broadcasters on the other and the accountability of broadcasters to the audiences they served were inescapable problems. The UK historically had resolved these problems through centralized provision of a universal broadcasting service, imbued by the familiar principles of entertainment, information and education, which was, normatively and empirically, under delegated, state control (Annan 1977: 9). But if as Annan contended, in a decisive shift in sentiment away from Pilkington, the audience was considered to be adult, competent to decide in its own interests and notably un-deferential (Annan 1977: around 15) then top down governance of broadcasting, and of the BBC in particular, was not justifiable or sustainable.

This shift in sentiment led Annan to consider a range of arguments in favour of a more accountable broadcasting system. The Committee devoted considerable attention to accountability – to whom should broadcasters, and broadcasting institutions, be accountable? Parliament? Regulatory bodies? The public? Viewers and listeners? Annan acknowledged the difficult trade off between editorial independence and accountability (see *inter alia* Annan 1977: para 4.10) and proposed several measures to improve accountability. Notably by strengthening the BBC's Governors *vis a vis* BBC management; introducing public hearings; establishing both a public enquiry board and an independent Broadcasting Complaints Commission. Consistent with its validation of broadcasters' accountability to users, the Committee justified control of programme standards not, as Pilkington had done, by referring to the need to protect vulnerable audiences (though the Committee did mention 'the most vulnerable with the fewest defences' [Annan 1977: para 16.36]) but by acknowledging **listeners' and viewers' wishes** for programme regulation: 'the concern which people express about certain topics is justified; and the broadcasters have failed to consider seriously enough the objections raised to certain programmes' (Annan 1977: para 16.36).

Few of the Committee's 174 recommendations were adopted. But its proposal for a new Open Broadcasting Authority (OBA) was realized by establishing Channel 4 as a 'commissioner broadcaster' in 1982 and its proposal for an independent commission to handle complaints was realized in the Broadcasting Complaints Commission set up under the Broadcasting Act 1980. However, Annan's proposals to break up of the Independent Broadcasting Authority (IBA), the successor to the ITA, into separate regional television and local radio broadcasting authorities¹⁹; devolve BBC funding to National Broadcasting Councils in Scotland and Wales and (as a minority of the Committee proposed) to split the BBC into two separate corporations fell by the wayside.

The OBA was envisaged as a means to 'encourage productions which say something new in new ways' (Annan 1977: recommendation 95). Annan had criticized the quality and character of contemporary programming (finding, for example, that the BBC 'has faltered' [Annan 1977: para 8.1]) and recommend that 'the BBC and ITV should show more willingness to buy programmes and to commission ideas from independent producers' (Annan 1977: recommendation 135) so that this problem would be redressed. Annan thus initiated the shift towards TV programme supply by independent producers, a trend which has grown over the last twenty five years. However, with the exception of the formal establishment of an independent body for adjudication of complaints (but without powers to secure redress for complainants), scant change was made to the control structures which governed public service broadcasting.

In the 60 years between the birth of the BBC and of Channel 4, thus Government controlled entry to the UK broadcasting market and moulded the framework within which broadcasters operated. The system expanded slowly and was engineered so that there was no competition for finance between broadcasters, to ensure that governance was firmly hierarchical with a government appointed body at the top and to ensure that all broadcasters discharged PSB obligations.

To be sure, the system had its loose and leaky elements. The BBC management was not always fully under the Governors' control and both BBC and ITV sometimes overstepped officially programming limits. *Yesterday's Men*, *World in Action*, *This Week*²⁰ and broadcasters' inventive end-running of the Government's prohibition on transmitting the voices of terrorists by using actors who dubbed verbatim voice overs onto images of the putatively offending, and offensive, terrorists in shot were cases in point. And Channel 4, when established in 1982 as the realisation of Annan's proposals for an OBA, enabled viewers to express their views about television on screen through a 'video box' but this small step towards direct representation of individual viewers' perceptions of broadcasters' offer fell into desuetude. But the system as a whole was orderly, stable and controlled. Annan's proposal that broadcasters' lack of responsiveness to viewer and listener views should be dealt with by creation of yet another institution of governance, the Broadcasting Complaints Commission, says it all.

Elite sentiment had shifted between Pilkington and Annan – rather than Pilkington's view that broadcasting audiences needed better protection by a cohort of Platonic Guardians, Annan recognized that deference had definitely declined and, rather than requiring protection, viewers and listeners should be confident that their complaints would be heard. But the shift between Pilkington and Annan was small indeed in comparison to that which took place between Annan and the next major milestone in the evolution of UK broadcasting policy – the Peacock Report of 1986.

Peacock

The Peacock Committee advocated restructuring the tightly controlled UK broadcasting system through a 'sophisticated market system based on consumer sovereignty' (Peacock 1986: para 592). Such a system would, the Committee argued, (re-voicing elements of Coase's and Beveridge's critiques²¹) enlarge 'both the freedom of choice of the consumer and the opportunities available to programme makers to offer alternative wares to the public' (Peacock 1986: para 547).

Accountability, albeit through market mechanisms and the price system rather than through hierarchy and formal democracy, was a core concern for Peacock. And Peacock's concern with improving viewers' and listeners' ability to hold broadcasters to account introduced the, now inescapable, concept of consumer to the UK broadcasting policy discourse. Peacock's mobilisation of the concept of consumer triggered reciprocal mobilisation of the rival concept of citizen as a conceptual rallying point for the loose alliance of defenders of the BBC and proponents of broadcasting arrangements that potentially offered wider, deeper and more fully representative forms of engagement between people and broadcasting. Peacock's objectives were thus primarily political/ideological and secondarily improvement of the sector's efficiency. Competition, the central element of the 'sophisticated market system', was seen as the essential instrument through which both these objectives could be secured. Rather than the control and restriction of entry which had formerly characterized UK broadcasting policy, Peacock advocated encouragement of entry.

One of the most influential members of the Peacock Committee, Samuel (later Sir Samuel) Brittan summarized the key theme in the Committee's arguments,

there may in future no longer be any physical need to limit broadcasting to a small number of channels. Instead there could be an infinite number of services which customers could select and pay for directly. The distinction between publishing and broadcasting would then largely disappear with a consequent extension of cultural diversity and freedom

(Brittan 1987, 20).

The Peacock Committee chiefly sought a well functioning broadcasting market because, the Committee believed, such a market was conducive to the liberty of citizens. Competition and markets were embraced only secondarily for their putative economic efficiency (though how audiences could effectively signal preferences and provide the broadcaster with the ‘information to do what it should’, which Coase had identified in 1966, was central to both). Essentially, Peacock put forward a Hayekian analysis coupling freedom and a well functioning market similar to that which Hayek had argued in his celebrated ‘The Road to Serfdom’ of 1944:

Economic liberalism... regards competition as superior not only because it is in most circumstances the most efficient method known, but even more so because it is the only method by which our activities may be adjusted to each other without coercive or arbitrary intervention of authority. Indeed, one of the main arguments in favour of competition is that it dispenses with the need for ‘conscious social control’ and that it gives individuals a chance to decide whether the prospects of a particular occupation are sufficient to compensate for the disadvantages and risks connected with it

(Hayek 1997: 27).

Peacock therefore took a stage further the change in sentiment which had taken place between Pilkington and Annan – not only were viewers and listeners seen to be robust, un-deferential and no longer requiring protection but they were, Peacock believed, the fundamental criterion of value: accordingly, the broadcasting system should be restructured to enable them to make their own choices unconstrained by the editorial filtering effected by broadcasters.

Technological change, Peacock believed, would make it possible for consumers to signal their preferences, and the intensity of their preferences, through price in a pay per view ‘broadcasting’ market. Consumers would be sovereign, competition would thrive and liberty and efficiency would walk hand in hand. But the Committee’s prediction that ‘well before the end of the century’ – the C20th that is - ‘subscription should replace the licence fee’ (Peacock 1986: para 673) is far from being fulfilled. Technological change would, Peacock believed, also eliminate the bottleneck of radio frequency spectrum scarcity which had constrained programme and channel supply. This second prediction was more prescient (although the force of technological change was exerted by satellite broadcasting rather than by, as Peacock anticipated, broadband cable) for the scarcity based UK broadcasting order was fundamentally disrupted in 1990 when Sky television began direct to home services from the Astra satellite.

Peacock further argued that lower barriers to entry to the programme and broadcasting services market would promote efficiency (particularly in the television sector which was notorious for waste and excessively costs) and proposed that programme supply should be loosened up by requiring the BBC and ITV to meet a quota for programme supply by independent producers – Peacock proposed 40%, the Government mandated a figure of 25%.

The post-Peacock debate

Influential though they were, Peacock’s arguments are open to three kinds of objection:

- Empirical – the market hasn't developed as Peacock predicted.
- Theoretical – the broadcasting market can't develop as the Peacock Committee projected because the intrinsic economic characteristics of broadcasting mean broadcasting markets will never work well.
- Philosophical or meta-theoretical – Peacock framed arguments about broadcasting in the wrong way, notably by using the category of 'consumer' rather than the category of 'citizen' as the central value locus.

Empirical

Empirical objections to the Peacock Committee's analysis and prognosis point to the absence of the well functioning market which the Committee anticipated would replace the 'comfortable duopoly' of the BBC and ITV. Instead of a well functioning market UK broadcasting has evolved into an oligopoly with, in varying degrees, consumers unable to effectively influence dominant firms. UK television broadcasting is dominated by three players, each of which is pre-eminent in its own market sector.

- Pay television. The dominant pay television operator, BSkyB, has been able to exert its market power to set the terms on which new channels can enter the broadcasting market, raise prices to consumers, bundle services, and set the prices at which potential competitors, notably cable television companies, sell their products.
- Advertising financed television. The dominant operator, ITV has c58% of UK advertising financed television consumption and its two principal competitors together have 39%: Channel 4 has 25% and Channel 5 – five – has 17%. (<http://www.barb.co.uk/viewingsummary/monthreports.cfm?report=monthtotal> on 4.4.2005). ITV's share accounts for just over 50% of the television advertising market, satellite c20%, Channel 4 c21% and five c9% (Ofcom 2005a: 60). Moreover, this sector, as Peacock pointed out, is driven by the interests of advertizers rather than those of consumers.
- Publicly funded television. The BBC, funded by the licence fee²², accounts for c33% of television consumption (*ibid*) and 54% of radio consumption (<http://www.rajar.co.uk/INDEX2.CFM?menuid=9> on 4.4.2005). Moreover, television services cannot lawfully be consumed without paying the television licence fee, whether or not BBC services are consumed or valued; non-payment of the licence fee is a criminal offence.

It's striking therefore how few of Peacock's predictions about the evolution of the UK broadcasting market have been realized. Predictions that a 'sophisticated market system based on consumer sovereignty' (Peacock 1986: para 592) which would enlarge 'both the freedom of choice of the consumer and the opportunities available to programme makers to offer alternative wares to the public' (Peacock 1986: para 547) and that 'well before the end of the century subscription should replace the licence fee' (Peacock 1986: para 673) have not been fulfilled. Rather the 'comfortable duopoly' (as Peacock called the BBC/ITV system) has been replaced by a triadic oligopoly.

Technological change has indeed ended Government control of entry to the UK broadcasting market. In 1990 Sky Television's satellite service began and rapidly led to the demise of the official planned, licenced and regulated service BSB. And a variety of new technologies have increased supply; satellite broadcasting is the major case in point but Digital Terrestrial Television (DTT) broadcasting (in the localities where reception is possible) and wired delivery through broadband cable, and increasingly Internet Protocol, has made it possible for additional radio and television services to extend viewing opportunities. But the consumption of UK broadcasting remains very strongly weighted towards terrestrial analogue broadcasting²³ and subscription broadcasting has not brought about the well functioning

market characterized by consumer sovereignty sought by the Peacock Committee. As Barry Cox argued of the UK's dominant subscription broadcaster:

To bring about a conventional market where TV programmes are financed by a mix of pay and advertising, Ofcom must ensure that dominant platform operators like Sky allow people to buy only those channels that they actually want

(Cox 2004: 10).

But though Peacock's prediction that a well functioning UK broadcasting market in which the price system effectively matches supply to demand would exist before the end of the C20th remains far from realisation, the Peacock Committee's conceptual framework has become hegemonic. It provides a powerful heuristic for analysis and potentially provides a basis for effective remedies. To countervail BSkyB's dominance, a competition policy that's better conceived to deal with the complex overlapping and mutually reinforcing power in adjacent markets is required; for the BBC's dominance stronger *ex ante* regulatory powers, possibly including structural separation and divestiture; for ITV's market power little regulatory action is likely to be required because of the growth in effective competition to ITV by five and Sky and if television becomes less effective an advertising medium.

John Vickers', the Director General of Fair Trading, analysis (Vickers 2002: 4) now seems more plausible than Peacock's. Vickers referred to the broadcasting sector as 'a multi-layered industry, in which market power at one level of the supply chain may have far reaching effects at other levels. All this is relevant for analysis of competition in the sector'. Vickers went on to hint that the major instance of intervention to redress broadcasting market failure, the BBC, might now be a source of market failure rather than a solution to it: 'The increasing tendency of the BBC to launch services on markets beyond its traditional public service broadcasting remit, such as web searching, has aroused considerable public interest and could raise difficult competition issues'.

Theoretical

Andrew Graham (1999), and others (notably Gavyn Davies, who became Chairman of the BBC's Governors, see Davies 2004) have built a powerful 'standard defence' of PSB arguing that market failure in broadcasting is both endemic and structural. They conclude that PSB, despite technological change, is still required if social, economic and political goals in broadcasting are to be secured. The major strong points of the standard defence are:

- the public good character of broadcasting which means that when programmes are screened encrypted, rather than via free to air, some, who could consume at zero cost, are deprived of the opportunity to do so and welfare is lost.
- broadcasting is an efficient way of supplying merit goods (that is goods which confer long term benefits, (such as education, the arts and research) but which individuals under-demand relative to their and society's long term interest. Accordingly, public service broadcasting providing 'merit good' services is desirable.
- broadcasting has significant potential negative externalities (eg amplifying fear of crime and perhaps also actual criminal behaviour). Accordingly, both negative regulation (to reduce circulation of such programmes) and positive intervention to supply countervailing programming and services improves welfare.
- information, including radio and TV, is an 'experience good' (that is, one doesn't know what one's buying/consuming until one has done so) which is best provided by trusted and authenticated suppliers such as public service broadcasters.

The 'standard defence' critique of Peacock testifies to the extent to which Peacock changed the hegemonic conceptual framework within which UK broadcasting policy is considered.

Coase's arguments, which anticipated key elements of the Peacock analysis, were not mentioned by Beveridge and economic ideas, such as the categories 'market' and 'competition', barely entered Pilkington's and Annan's analyses. Moreover, nearly two decades after its publication the conceptual framework mobilized by the Peacock Report still commands the broadcasting policy high ground.

The 'standard defence', though a powerful and convincing response to Peacock, is itself vulnerable to objection and qualification (see *inter alia* Cave, Collins and Crowther 2004, Collins 2004, Cox 2004). Standard moves in critical responses to the standard defence are as follows.

First, to acknowledge that the broadcasting market fails and may continue to fail but to ask **how far** the market fail and whether actual levels of PSB intervention are proportionate to the problem PSB is notionally to solve. These are matters on which the standard defence has thus far been silent yet pose concrete policy problems – Cox (2004: 60), for example, argues that the BBC is overfunded.

Second, to argue that not all of the market failures identified by proponents of the 'standard defence' necessarily require intervention (whether by PSB or other means). Market mechanisms can potentially address problems such as the experience good problem of identifying a trusted supplier through commercial firms branding their products and services and thereby building trusted reputations.

Third, to argue that the standard defence sometimes proves too much. There are, for example, potential negative externalities and merit good issues in print media which, *prima facie*, are no more or less compelling than in broadcasting yet UK public intervention in respect of print is much lower than in broadcasting. So why intervene so much in broadcasting?

And fourth, to argue that measures to redress market failure may do harm rather than good: a high level of public intervention may 'crowd out' possible private sector solutions.

Meta theoretical

The third, meta-theoretical, type of response to Peacock has refused Peacock's terms of debate. Here the principal gambit has been to argue for the importance of category of 'citizen', rather than the category of 'consumer'. The term 'citizen' figures in the Communications Act 2003, which charges the UK communications regulator Ofcom to further the interests of both citizens and consumers. 'Citizen' was written into the Act after a lobbying campaign which argued that the term 'consumer' was reductive and necessarily implied a market orientation detrimental to PSB. The Act defines 'citizen' as 'all members of the public in the United Kingdom' (1.3.14) a definition which embraces more than those purchasing goods and services implied by the term 'consumer' (which is no-where defined in the Act). However, in other respects the definition 'all members of the public in the United Kingdom' may be thought somewhat unspecific. Ofcom (2004) has valiantly attempted to clarify the term 'citizen' (see Ofcom 2004). But otherwise, with the exception of the BBC/Work Foundation study 'Watching Alone. Social Capital and Public Service Broadcasting' (Brookes 2004), most work on the category 'citizen' has been done in a scholarly rather than policy domain.

In 'Watching Alone. Social Capital and Public Service Broadcasting' Brookes argued that public service television could, and should, build social capital and enhance a sense of shared citizenship among viewers. There are elements of perversity to the argument as offered and in other respects Brookes might be thought to have proven too much. Robert Putnam, the pope of social capital studies, did not argue that television built social capital but rather that it plays an important part in the hollowing out of contemporary societies engendering the phenomenon of 'Bowling Alone' (see Putnam 2000 and <http://www.bowlingalone.com>) And

Brookes' central argument, that television provides material for 'water cooler' conversation and thus builds social capital, applies as well (perhaps better) to commercial, mass consumed, television as it does to PSB.

Dieter Helm (2005), in an important essay published in a collection animated by the BBC, bridges the theoretical and meta-theoretical critiques of Peacock. Building on the 'standard defence' Helm argues that the category 'citizenship' is 'a central organising concept for ... wider political, cultural and social concerns' and at the core of citizenship is a notion of

equal status and treatment. Membership of ... society is, in the citizen sense, not dependent on initial wealth or income. It accrues to each person on the same basis, and this in turn translates into the democratic ideal, which gives each member of the society an equal say. Much of the welfare state is designed on this principle of equal status: from health and education services, through to the nationwide definition of mass entitlements

(Helm 2005: 4-5).

Building on these notions of equality and entitlement, Helm argues that the relationship between public service broadcasting and viewers and listeners (including on-line users) should be conceived as akin to a club. Clubs, he rightly states,

abound in a host of activities, from professional services (common standards) to sporting activities (common facilities), to Visa cards (common networks). Breakdown services (common back-up networks), journal subscriptions (fixed research costs), childcare clubs (common facilities), the RSPB (common reserves) and the National trust (common properties) are yet more examples.... The relevance to public service broadcasting is obvious: the licence fee represents a membership fee for the services of the BBC

(Helm 2005: 10).

Helm anticipates some of the obvious objection to the club analogy – that in most clubs membership is voluntary, there are a variety of clubs from which potential members can choose, members have an equal say in determining policy and elect those who implement it and non-payment of membership fees is not a crime – arguing that there might be 'a direct link to trustees, who could be subject to members' influence and even control' (Helm 2005: 16). Whether this form of accountability, however it might be institutionalized, is likely to be more representative of viewers' and listeners' preferences and a more effective way to hold broadcasters to account than would be an alternative, consumer based, model is a moot point. But Helm's argument, brief though it may be, clearly acknowledges that citizenship involves not just equality of entitlement but also an equal say (see Helm 2005: 4-5). In this it is exceptional.

Calabrese and Burgelman's (1999), Murdock's (1999 and 2004) and Stevenson's (2003) accounts of citizenship repay particular attention. They antedate Helm and offer fuller normative accounts of the relationship between broadcasting and citizenship. Graham Murdock, a leading British media scholar, has argued that 'the core rationale for public service broadcasting lies in its commitment to providing the cultural resources required for full citizenship' (Murdock 2004: 2). Murdock's argument is representative of the mainstream of academic commentary and, unlike Helm, constructs broadcasting not as a site for the exercise of an active citizenship but rather as a site for viewers' and listeners' welfare claims on public service broadcasting and on the BBC in particular. At its most positive, this situates broadcasting as a facilitator of democratic activity located elsewhere – notably in the domain of formal politics – but doesn't identify democratic control of broadcasting itself as a significant citizenship issue. And even though Murdock's argument may reasonably be read

as one which identifies public service broadcasting as a necessary element of and condition for democratic participation in modern life, it is a fundamentally welfarist conception of citizenship that informs his vision.

In this Murdock's perspective is representative, like other contemporary broadcasting scholars his perspective is strongly informed by the work of the British social theorist T H Marshall²⁴. Indeed, Murdock's claim for a broadcasting system which provides the resources required for the exercise of citizenship rights echoes Marshall's own formulation, defining a component of social citizenship, 'the right to share to the full in the social heritage and to live the life of a civilized being according to the standards prevailing in the society' (Marshall 1950: 11).

T H Marshall

Marshall elaborated his influential account of modern citizenship in a number of works published over thirty years and bounded by the landmark works 'Citizenship and Social Class' (1950) and 'The Right to Welfare' (1981). In 'Citizenship and Social Class' Marshall argued, drawing on the work of his namesake Alfred Marshall, that 'there is a basic human equality associated with the concept of full membership of a community' (Marshall 1950: 8) which, latterly, has 'been enriched with new substance and a formidable array of rights' (Marshall 1950: 9). Marshall identified three major constituent elements to this notion of citizenship as an extensive bundle of rights: 'First comes the level of precisely defined and legally enforceable rights, which may be adjusted by interpretation but not by discretion. Next comes the right to have one's claim assessed by exercise of discretion in accordance with current policy' (Marshall 1981b: 96) and third comes what Marshall (1981b: 97) called a third level of 'legitimate expectations' of 'benefits or services to be provided for the citizen' (see also Marshall 1950: 10-11). Marshall refers to 'welfare' as an 'integral part of the whole apparatus that includes social security, education, public health, the medical services, factory legislation, the right to strike, and all the other rights and legitimate expectations which are attached to modern citizenship' (Marshall 1981a: 81).

Marshall thus constructs citizenship **passively**, as a series of entitlements – or as he puts it 'rights and legitimate expectations', rather than as an active, participatory and creative practice. He explicitly states that there has been a 'marked shift of emphasis from duties to rights' (Marshall 1950: 9) Citizenship is thus, in this version of things, a competence legitimately to make claims on others within a particular polity and is clearly identified as a bundle of entitlements that are incompatible with 'the freedom of the competitive market' and which therefore justifies 'invading the freedom of the competitive market' (Marshall 1950: 9). Elsewhere he refers to a characteristic of the twentieth century, because of the expansion of the bundle of rights embodied in citizenship to include social rights, as the proclivity for 'citizenship and the capitalist class system' to be at war (Marshall 1950: 68).

Marshall's triadic bundle of rights (civil, political and social) provides a template for several influential accounts of citizenship and the media. Murdock in another important essay on broadcasting and citizenship (1999a: 29-30) extends Marshall's bundle to include a further putative type of right – information and cultural rights. And Hartley (1999: 179), in an analogous move, further extends it to include not only a fourth form of citizenship, cultural citizenship, but also a fifth which he names DIY – Do it Yourself – citizenship. Murdock (1999a) too can be seen, like Hartley, to be proposing a five level model of citizenship if his coupling of information and cultural rights/attributes of citizenship is separated into two distinct components. This seems a reasonable description of Murdock's system for he considers separately information and cultural rights (indeed he actually further distinguishes between two types of information and two types of cultural right) to yield a five layered model of citizenship like Hartley's²⁵.

Marshall and his successors thus advance a notion of citizenship as a kind of onion. Each bundle of citizenship entitlements/attributes surrounds the others concentrically and non-conflictually. These rights are conceived as complementary and non-rival but all layers of the onion must be present if the entitlements of citizenship are to be fully realized. However, nowhere prior to Helm (2005) the nature of whose connection to Marshall's thought remains to be discovered, has an active, deciding, dimension of citizenship entered the UK broadcasting policy debate. Contrast, for example, Brinkmann's definition in the 'Encyclopaedia of the Social Sciences' (1930: 471) which identifies two components of citizenship, notably: 'the notion of liberty... and membership of a political unit involving co-operation in public decisions as a right and sharing of public burdens.... as a duty'. Of these putative components of citizenship, liberty is most clearly and explicitly to be found in the British political economy tradition represented by Coase and Peacock rather than in the media studies discourse represented by Murdock, Hartley and contributors to the Calabrese and Burgelman (1999) collection (in which Marshall and Habermas tie for first place as the most cited author). Brinkmann's notion of a key dimension of citizenship as 'co-operation in public decisions as a right and sharing of public burdens.... as a duty' appears hardly at all in this scholarly literature.

Here we may return to the continuing power of Peacock. If the Marshallian conception of citizenship, at least as thus far mobilized in the UK broadcasting policy discourse, does not include the power to hold authority to account and the power to decide then, flawed though Peacock's concept of the sovereign consumer may be and imperfect though consumers' power to hold broadcasters to account actually is, it's Peacock's concept of consumer which provides better ground for proponents of improved accountability of broadcasters to viewers and listeners to stand. True, 'consumer' is not a notion where 'co-operation in public decisions as a right and sharing of public burdens.... as a duty' are to the fore but Peacock's notion of consumer sovereignty mobilizes a conception (albeit limited) of accountability in a way that the post Marshallian citizenship discourse has thus far failed to do.

Here Peacock's notion of accountability bodies forth a possible realisation of the kind of accountability to which Mary Warnock (when a Member of the Independent Broadcasting Authority)²⁶ referred (Warnock 1974) when she defined accountability as a combination of the right to know **and** to impose sanctions. Warnock stated:

A is accountable to B where B has entrusted to A some duty (especially in regard to the spending of money) and where, if A fails to fulfil this duty, B has some sanction which he may use against A. This is one necessary part of it. But it follows that B has a *right* to be exactly informed of what A has done towards fulfilling his duty

(Warnock 1974: 2).

But it's not the Peacockian conception of accountability based on the consumer with power to allocate, or deny, resources that informs academic commentary. With the exception of Heller (1978) who adopted a very Warnockian formulation in stating 'the essence of public service in a democratic society is democratic accountability and accountability cannot be fudged. Accountability is the right to know and the power to change' (Heller 1978: 69). Rather it's a conception of what Murdock calls 'the figure of the consumer and the ideology of consumerism' (Murdock 1999:10) as categories and practices which are hostile to citizenship and the values implied in the category 'citizen'. Murdock states: that consumerism 'privileges personal spending over social and political participation, and addresses viewers as shoppers rather than as members of intersecting moral communities' and 'by equating social differences with variations in choice and style it negates any attempt to arrive at a conception of the 'common good' based on the negotiation of differences in their full complexity' (Murdock 1999: 10).

Nonetheless though the Peacockian problematic and its notion of consumer has a conception of accountability integral to it the Peacockian problematic is incapable of addressing a key issue of contemporary PSB policy. It has little to contribute to the ‘dumbing down’ debate for economic analysis can contribute little to discussion of cultural quality. But, the undoubted deficiencies of economic analysis are not uniquely wholly disabling for consideration of ‘dumbing down’ seldom extends beyond the expression of opinion. Too little longitudinal and qualitative analysis of content has been done for well founded judgements to be formed.

Conclusion

There are obvious dangers in an attempt to trace an aetiology of ideas. One is potentially prone to ignore innovation, to recognize imperfectly new articulations of concepts and categories which seem familiar. Moreover, histories of ideas may too often underestimate the importance of changes in material circumstances: ideas may seem to have a life independent of the material context in which they are formed, propagated and institutionalized. To state therefore that the terms of the current policy debate about the future of UK PSB and of the BBC in particular, draw on the ideas mobilized in the Annan and Peacock Reports risks all the hazards named above. Nonetheless, the key issues, accountability, governance and independence, pluralism and competition and definition of PSB’s role and remit, under consideration in the UK broadcasting debate are rooted in the Annan and Peacock Reports.

Accountability preoccupied both Annan and Peacock though Annan pursued the matter in terms of formal institutions of governance whereas Peacock focused on the market and the price mechanism. Governance (and the independence of the BBC) similarly was a shared concern in both reports (though it can reasonably be stated that there can be few enquiries into broadcasting that **did not** identify governance as a central concern). But Annan and Peacock came from different perspectives and made rather different recommendations. Pluralism was also a shared concern with both Committees advocating some separation of programme supply from channel control and an increase in the number of broadcasters. However, Peacock undoubtedly raised the issue of competition, and the conditions under which it could thrive, to an unprecedented salience. Finally, definition of PSB’s role and remit is a perennial concern and one which cannot be specifically attributed to any particular committee or report. Presently concern about UK PSB definition, role and remit focuses on the extent to which PSB has ‘dumbed down’²⁷; on how far the BBC’s commercial activities are compatible with its PSB role, with fair competition and a well functioning market; and on the extent to which commercial PSBs (notably ITV) can and should continue to discharge public service obligations and be regarded as PSBs.

What’s striking about the present conjuncture is that all of these four time honoured areas of PSB policy concern are now in question. On **accountability**, the BBC, in ‘Building Public Value’ and the Government, in the Green Paper, both proposed improvements in the BBC’s accountability to its viewers and listeners. However Ofcom and the Burns Committee both proposed that the BBC’s inter-institutional accountability arrangements should be harmonized with those obtaining for other comparable organisations – that the BBC should no longer be so special. Ofcom proposed that the BBC would, like C4, be more clearly and straightforwardly accountable to Ofcom. Burns (in a concern echoed in the Green Paper) argued that the National Audit Office (NAO) should have authority to audit the BBC (Burns also proposed establishing a PSB regulator – the Public Service Broadcasting Commission). On **governance**, there is a split between proponents, notably the BBC and the Government, of BBC self-regulation (with a further cleavage between the Government and the BBC as to whether self-regulation should be undertaken by a BBC Trust or by the BBC Governors) and proponents of external regulation (whether this should be undertaken by Ofcom, as Elstein proposed, or a new public service broadcasting regulator, as Burns proposed). On **pluralism** there is virtually universal agreement that programme supply by independent producers

should increase but a clear split between the BBC and the Government on one hand and Ofcom, Cox, Elstein and Burns on the other as to whether PSBs other than the BBC should be eligible for licence fee funding. On **definition** there is also a significant consensus both on the need for definition of PSB and on the substance of the definition. However, it remains open to question whether the proposed definitions will be sufficiently precise to guide policy makers in allocation of resources and in assessing performance.

The high level of consensus on the questions, if not on the answers, does not extend to agreement between commentators on the likely future in which the BBC, and UK PSB, will henceforth operate. Some anticipate a radically new environment where a 'push' regime (where broadcasters 'push' a fixed repertoire of programmes in a particular sequence to viewers and listeners through a constrained infrastructure) will give way to a 'pull' regime in which users select and schedule services themselves. Or, put another way, there is scant agreement on whether, and if so to what extent, 'table d'hote' broadcasting will give way to 'a la carte' internet delivered services. The shape, size and role of the BBC looks very different depending on how the putative transition from 'push' to 'pull' over the next decade is viewed.

The Peacock Committee's report of twenty years ago, albeit building on ground staked out by Coase more than fifty years before, continues to set the terms on which broadcasting policy in the UK is debated and formulated. It is Peacock's view of a pluralized broadcasting environment open to entry, initially via satellite broadcasting and video cassettes and latterly by Internet based services, rather than the traditional model of entry control (first used to establish a monopoly PSB and thereafter a tightly controlled, non-competitive and limited pluralism in PSB services) that best provides a conceptual basis for broadcasting policy and regulation in the foreseeable future. Moreover, Peacock's version of accountability, of consumers holding suppliers to account via the price system, is more accountability friendly than the Marshallian welfarist model of citizenship which informs scholarly discussion of broadcasting policy.

There can be no question that the Peacockian paradigm has blind spots – the empirical, theoretical and meta-theoretical objections described above testify to that. It is, moreover, incompetent to deal with the matters of programme character and quality which have become increasingly salient; its consumerist model of accountability is partial and far from sufficient (though, I believe, necessary); its model of competition has yet to show itself able to deal with the '800 pound gorillas' (as Greg Dyke put it referring to BSkyB and the BBC) which populate the UK broadcasting jungle. And Peacock's (and Coase's) fundamentally libertarian values self-evidently do not command universal consent in the UK as the drafting of the freedom of expression provisions in the CA 2003 obviously testify - the Act refers to 'an appropriate level of freedom of expression' (at 1.3.4.g). Nonetheless, both Peacock's and (some of) Beveridge's concerns illuminatingly shape and inform current debate and discussion.

Seen in a Peacockian light, the BBC, whilst no longer a monopoly, appears to be a very powerful dominant incumbent (an '800 pound gorilla' as its former keeper, Greg Dyke, named it) weakly accountable to its users and operating under an imperfectly defined remit.²⁸ There are clearly different versions of the BBC's future now under consideration in the UK. The Government (and the BBC) proposes modest (but none the less desirable) improvements in the BBC's accountability and governance. But their visions are essentially visions of the present BBC projected forward. Whereas other commentators proposes significant changes to the role and remit, shape and size of the BBC and thus UK PSB. But though it would be misleadingly reductive to argue that the conceptual paradigm pioneered by Coase and successfully mobilized by Peacock now dominates the UK broadcasting policy debate it's hard not to conclude that it's Peacock's key categories and values, notably competition and consumer sovereignty, that have become the central reference points in the debate. They

occupy the high ground in the battle for ideas about UK broadcasting despite scholarly attempts to capture the intellectual high ground for the flag of ‘citizenship’.

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¹ Ofcom incorporates the former Broadcasting Standards Commission (BSC), the Independent Television Commission (ITC), the Office of Telecommunications (Ofcom), the Radio Authority (RA) and the RadioCommunications Agency.

² Ofcom only has jurisdiction over the BBC in respect of tiers 1 and 2 of broadcast content (notably protection of vulnerable groups and programme scheduling and quotas) and the power to fine the BBC up to £250,000 and also has responsibility for the application of UK competition law. These are not BBC specific jurisdictions – rather they represent an application of Ofcom’s regulatory powers over other broadcasters (notably the television Channels 3, 4 and 5) to the BBC.

³ In 2003, a senior judge, Lord Hutton, was appointed to inquire into the death of a British civil servant, Dr David Kelly. His report, (which constitutes the chief public official judgement on the UK’s 2002 invasion of Iraq and also on the BBC’s news report of 29th May 2003 which asserted that that the Government had ‘sexed up’ the threat posed by Iraq’s supposed weapons of mass destruction), found, *inter alia* that the BBC’s editorial procedures were defective’ and that the BBC management were ‘at fault’. Hutton’s findings prompted the resignation of both the BBC’s Director General and the Chairman of the BBC Governors.

⁴ Formerly Chief Executive of Channel 4 and earlier Director of Television at the BBC.

⁵ The current settlement provides for the licence fee to be indexed to the retail price index (RPI) and to rise annually by RPI+1.5%. This, together with more efficient collection of the licence fee and a rise in the number of UK households (family breakup, increased longevity, second homes etc), which together has been estimated by DCMS to equate to an additional 0.7% annual increase in the licence fee (DCMS 2005a: 62) has provided the BBC with a real increase in income over the current licence fee period of an estimated 30%.

⁶ The author was Specialist Advisor to the Lords’ Committee. Nothing in this paper should be taken to represent or reflect the views of the Committee.

⁷ In the White Paper, the Government proposes that the Trust, taking into account Ofcom’s views, should draw up *ex ante* codes to govern the BBC’s activities so that they do not damage competition.

⁸ Complaints handling by public bodies was the subject of a study by the National Audit Office (NAO) but the BBC was not among the 277 public bodies surveyed by the NAO in its study ‘Citizen Redress’ (NAO 2005).

⁹ Subsequently, the BBC Director General, Mark Thompson, has stated that independent producers would supply at least 40% of BBC television programmes.

¹⁰ Neither Ofcom, nor the BBC nor the Government use the vocabulary I have used to identify the bulleted purposes above. My usage attempts to summarily represent their shared vision of PSB’s purpose.

¹¹ Eg ArtsWorld, History Channel, Discovery.

¹² Henceforth, I will refer to the findings of committee’s by the name of their chairman.

¹³ Coase was a colleague of Fritz Hayek, Arnold Plant and Lionel Robbins. He joined the LSE staff during Beveridge’s period of office as Director (and had previously studied at LSE during Beveridge’s term of office as Director) and won the Nobel Prize in Economic Sciences in 1991.

¹⁴ The landmark publications were the Sykes Report 1923, the Crawford Committee Report 1926, the Ullswater Report 1935, the Beveridge Report 1951, the Pilkington Report 1962, the Annan Report 1977, the Peacock Report 1986.

¹⁵ Coase's arguments first appeared in Coase's 1947 and 1948 articles for 'Economica' which Coase revised to form the first and fourth chapters of 'British Broadcasting. A Study in Monopoly' (Coase 1950).

¹⁶ Independent (ie commercial) Local Radio (ILR) followed in 1973.

¹⁷ Milland wrote his PhD thesis on Pilkington.

¹⁸ Pilkington (1962: 291), however, did recommend that 'any advertising Advisory Committee appointed by the Authority [ie the regulator of commercial television RC] should include representatives of the general consumer'.

¹⁹ The IBA was split into the Independent Television Commission and the Radio Authority under the Broadcasting Act 1990.

²⁰ See; *inter alia*, Annan's discussion of the role and operation of the IBA in Chapter 13 of the Annan report for an account of the depth and comprehensiveness of control. A striking testimony to the thoroughness of the IBA's practices of prior restraint (and the unruliness of some programme companies and programme makers) comes at para 13.7 where, it seems, about one programme in four produced by Thames Television's *This Week* team was the subject of IBA intervention. On the other hand, Annan (1977: para 8.39) reported the leading US TV news authority Fred Friendly's 'scorn' for the BBC's Northern Ireland coverage.

²¹ Professor Alan Peacock, the Committee Chair, had studied at LSE under Coase and Hayek and another leading member of the Committee, Sam Brittan, under Milton Friedman at Cambridge. Peacock and Coase served together for a time as members of the advisory council of the Institute of Economic Affairs (IEA). The IEA published a number of studies of broadcasting policy which drew on Coase's ideas including Altman, Thorpe and Sawers 1962, Caine 1968 and Veljanovski ed 1989.

²² At the time of writing the licence fee was £126.50 pa except for those with monochrome television receivers who were liable to pay £42 pa.

²³ In February 2005 terrestrial broadcasting accounted for c72% of UK television consumption (<http://www.barb.co.uk/viewingsummary/monthreports.cfm?report=monthtotal> on 4.4.2005). there does not appear to be data on non-terrestrial radio consumption (notably cable, satellite and Internet radio) available in the public domain.

²⁴ Marshall taught at LSE, with periods of absence for war service and service with the UK Occupation authorities in Germany, from 1925 to 1956. He was thus a LSE contemporary of Coase and Beveridge.

²⁵ This separation enables Murdock to sidestep a potential conflict between cultural or 'recognition' rights on one hand and civic and political rights on the other when he specifically considers information rights (see Murdock 1999).

²⁶ I owe this awareness of Warnock to the late Caroline Heller's mention of Warnock's article in her excellent monograph 'Broadcasting and Accountability' (Heller 1978).

²⁷ Greg Dyke, the former Director General of the BBC (2005: 29) contended that 'each generation of course thinks that radio and television are dumbed down'.

²⁸ Of course, the BBC's weak accountability and imprecise remit may, alternatively, be seen as essential attributes of the BBC's independence.

References

- Altman, W., Thomas, D. and Sawers, D. (1962) *TV: from Monopoly to Competition – and Back?*, London: Institute of Economic Affairs.
- Annan, the Lord (1977) *Report of the Committee on the Future of Broadcasting* (Cmnd 6753), London: HMSO.
- BBC (2004) *Building Public Value. Renewing the BBC for a Digital World*, London: BBC. On-line http://www.bbc.co.uk/thefuture/pdfs/bbc_bpv.pdf (29.3.2005)
- Beveridge, the Lord (1951) *Report of the Broadcasting Committee 1949* (Cmd 8116), London: HMSO.
- Briggs, A. (1961) *The History of Broadcasting in the United Kingdom Vol 1*, London: Oxford University Press.
- Brinkmann, C. (1959) [1930] ‘Citizenship’, in *Encyclopaedia of the Social Sciences*, New York: Macmillan, pp. 471–474.
- Brittan, S. (1987) ‘The Fight for Freedom in Broadcasting’, *Political Quarterly*, 58 (1): 3–23.
- Brookes, M. (2004) *Watching Alone. Social Capital and Public Service Broadcasting*, London: BBC/Work Foundation. On-line http://www.bbc.co.uk/info/policies/pdf/watching_alone.pdf (8.4.2005).
- Caine, S. (1968) *Paying for TV?*, London: Institute of Economic Affairs.
- Calabrese, A. and Burgelman, J-C. (eds) (1999) *Communication, Citizenship and Social Policy*, Lanham, MA: Rowman and Littlefield.
- Cave, M., Collins, R. and Crowther, P. (2004) ‘Regulating the BBC’, *Telecommunications Policy*, 28: 249-272.
- Coase, R. (1950) *The British Broadcasting Corporation, a Study in Monopoly*, London Longmans: London School of Economics and Political Science.
- Coase, R. (1966) ‘The Economics of Broadcasting and Government Policy’, *American Economic Review* 56 (1/2): 440–447.
- Collins, R. (2004) ‘Public Service Broadcasting: Too Much of a Good Thing?’ in D Tambini and J Cowling (eds), pp. 130–150.
- Collins, R., Garnham, N. and Locksley, G. (1988) *The Economics of Television: The UK Case*, London: Sage.
- Communications Act (2003) ‘Chapter 21’, Norwich: TSO. On-line, <http://www.legislation.hms.gov.uk/acts/acts2003/20030021.htm> (29.3.2005).
- Cox, B. (2004) *Free for All?*, London: Demos. On-line, http://www.demos.co.uk/media/freeforall_page378.aspx (29.3.2005).
- Crawford, the Earl of [Chair] (1926) *Report of the Committee on Broadcasting 1925* (Cmd 2599), London: HMSO.
- Davies, G [Chairman] (1999) *Review of the Future Funding of the BBC, Report of the Independent Review Panel*, London: Department for Culture, Media and Sport. On-line, <http://www.culture.gov.uk/NR/rdonlyres/E506C90B-5D57-47AD-82F1-AB4EFC4A8EFC/0/reviewcobbc.pdf>. (9.1.2006)
- Davies, G. (2004) *The BBC and Public Value*, London: Social Market Foundation.
- Department of Culture Media and Sport (2004) *Independent’s Panel’s Report ‘Emerging Themes’*, London: DCMS. On-line,

http://www.bbccharterreview.org.uk/pdf_documents/041130_emerging_themes.pdf
(29.3.2005).

Department of Culture Media and Sport (2005) *Independent Panel's Final Advice to the Secretary of State*, London. Department of Culture Media and Sport. On-line, http://www.bbccharterreview.org.uk/pdf_documents/050123a_Governance.pdf (29.3.2005).

Department of Culture Media and Sport (2005a) *Review of the BBC's Royal Charter: A Strong BBC, Independent of Government*. London: Department of Culture Media and Sport. On-line, http://www.bbccharterreview.org.uk/have_your_say/green_paper/bbc_cr_greenpaper.pdf (29.3.2005).

Department of Culture Media and Sport (2006) *A public service for all: the BBC in the digital age*, London: Department of Culture Media and Sport. On-line, http://www.bbccharterreview.org.uk/have_your_say/white_paper/bbc_whitepaper_march06.pdf (7.4.2006).

Department for International Development (2002) *Viewing the World. A study of British Television Coverage of Developing Countries*, London: Department for International Development. On-line, <http://www.dfid.gov.uk/pubs/files/viewworldfull.pdf> (12.1.2005).

Dyke, G. (2005) Oral evidence to House of Lords Select Committee on the BBC Charter Review, on-line p. 29: <http://www.publications.parliament.uk/pa/ld/lduncorr/bbc0604.pdf> (22.4.2005).

Elstein, D. [chair] (2004) *Beyond the Charter*. London. Premium Publishing. On-line, <http://www.beyondthecharter.com/BeyondTheCharter.pdf> (29.3.2005).

Graham, A. (1999) 'Broadcasting Policy in the Multimedia Age, 17-46', in A. Graham, *et al.*, *Public Purposes in Broadcasting*. Luton: University of Luton Press.

Gripsrud, J. (ed.) (1999) *Television and Common Knowledge*, London: Routledge.

Hartley, J. (1999) *Uses of Television*, London: Routledge.

Hayek, F. (1997) [1944] *The Road to Serfdom*, London: Routledge.

Heller, C. (1978) *Broadcasting and Accountability*, London: British Film Institute.

Helm, D. (2005) 'Consumers, Citizens and Members: Public Service Broadcasting and the BBC', in Helm *et al.*, *Can the Market Deliver? Funding Public Service Television in the Digital Age*, Eastleigh: John Libbey, pp. 1–21.

Helm, D. *et al.* (2005a) *Can the Market Deliver? Funding Public Service Television in the Digital Age*, Eastleigh: John Libbey.

House of Commons Select Committee on Culture Media and Sport (2004) *A Public BBC. First Report of Session 2004-05 Vols I and II*. (HC 82-I and HC 82-II), Norwich: TSO.

House of Lords Select Committee on the BBC Charter Review (2005) *The Review of the BBC's Royal Charter. First Report of Session 2005-06 Vols I and II*. (HL 50-I and HL 50-II), Norwich: TSO. On-line, <http://www.publications.parliament.uk/pa/ld200506/ldselect/ldbbc/50/50ii.pdf> (21.5.2006).

Hutton, the Lord (2004) *Report of the Inquiry into the Circumstances Surrounding the Death of Dr David Kelly C.M.G.* (HC 247). London. On-line, <http://www.the-hutton-inquiry.org.uk/content/report/index.htm> (29.3.2005)

Kooiman, J. (ed.) (1993) *Modern Governance: Government-Society Interactions*, London: Sage.

Mackay, H. and O'Sullivan, T. (1999) *The Media Reader: Continuity and Transformation*, London: Sage.

- Marshall, T. (1950) *Citizenship and Social Class*, Cambridge: Cambridge University Press.
- Marshall, T. (1981) [1972] *The Right to Welfare*, London: Heinemann Educational.
- Marshall, T. (1981a) [1972] 'Welfare in the Context of Social Policy', in Marshall, pp. 67–82.
- Marshall, T. (1981b) [1972] 'The Right to Welfare', in Marshall, pp. 83–103.
- Milland, J. (2004) 'Courting Malvolio: The Background to the Pilkington Committee on Broadcasting, 1960-62', in *Contemporary British History*, 18 (2) pp. 76–102.
- Moore, M. (1995) *Creating Public Value. Strategic Management in Government*, Cambridge, MA: Harvard.
- Murdock, G. (1999) 'Rights and representations: public discourse and cultural citizenship', in J. Gripsrud (ed) *Television and Common Knowledge*, London: Routledge, pp. 7–17.
- Murdock, G. (1999a) 'Corporate Dynamics and Broadcasting Futures', in Mackay and O'Sullivan (eds), *The Media Reader: Continuity and Transformation*, London: Sage, pp. 28-42.
- Murdock, G (2004) *Building the Digital Commons: Public Broadcasting in the Age of the Internet*. The 2004 Graham Spry Memorial Lecture. On line, <http://www.com.umontreal.ca/spry/spry-gm-lec.htm> (12.1.2005).
- National Audit Office (2005) *Citizen Redress: What citizens can do if things go wrong with public services. Report by the Comptroller and Auditor General*, HC 21 Session 2004-2005, 9 March 2005, London: TSO.
- Ofcom (2004) *Speech of 25/5/2004 to the Westminster Media Forum* by Ed Richards, Senior Partner, Strategy & Market Developments, Ofcom on Ofcom's Review of Public Service Television Broadcasting. On-line, http://www.ofcom.org.uk/media_office/speeches_presentations/richards_20040525?a=87101 (16.11.2004).
- Ofcom (2004a) *Ofcom review of public service television broadcasting. Phase 1 – Is television special?*, London: Ofcom. On-line,; <http://www.ofcom.org.uk/consult/condocs/psb/psb/psb.pdf> (23.2.2006).
- Ofcom (2004b) *Ofcom review of public service television broadcasting. Phase 2 –Meeting the digital challenge*, London: Ofcom. On-line, <http://www.ofcom.org.uk/consult/condocs/psb2/> (23.2.2006).
- Ofcom (2005) *Ofcom review of public service television broadcasting. Phase 3*, London: Ofcom. On-line, <http://www.ofcom.org.uk/consult/condocs/psb3/> (29.3.2005).
- Ofcom (2005a) *The Communications Market Quarterly Update*, January, London: Ofcom. On-line, http://www.ofcom.org.uk/research/cm/jan2005_update/update.pdf (3.5.2005).
- Ofcom (2005b) *Conclusion of the review of Channel 3 and Channel 5 financial terms*, London: Ofcom. On-line http://www.ofcom.org.uk/media/news/2005/06/nr_20050629 (27.7.2005).
- Ofcom (2005c) *Reviews of financial terms for Channel 3 and Channel 5 licences: Background note*, London: Ofcom. On-line, http://www.ofcom.org.uk/consult/condocs/channel3_consultation/ch3ch5fin/ (27.7.2005).
- Peacock, A. [Chair] (1986) *Report of the Committee on Financing the BBC* (Cmnd 9824), London: HMSO.
- Pilkington, Sir H. [Chair] (1962) *Report of the Committee on Broadcasting 1960* (Cmnd. 1753), London: HMSO.
- Putnam, R. (2000) *Bowling Alone. The Collapse and Revival of American Community*, New York: Simon and Schuster.

- Stevenson, N. (2003) *Cultural Citizenship*, Maidenhead: Open University Press.
- Tambini, D. and Cowling, J. (eds) (2004) *From Public Service Broadcasting to Public Service Communications*, London: IPPR.
- Thompson, M. (2000) *Zapped. Why Public Service TV has to change*. Speech at Banff Television Festival. On-line, www.bbc.co.uk/info/news/news245.htm (25.9.2004).
- Ullswater, Viscount [Chair] (1936) *Report of the Committee on Broadcasting 1935* (Cmd 5091). London: HMSO.
- Veljanovski, C. (ed.) (1989) *Paying for Broadcasting*, London: Institute of Economic Affairs.
- Vickers, J. (2002). *Competition Policy and Broadcasting*. A speech at the IEA Conference on the Future of Broadcasting. 24 June. On-line, <http://www.ofcom.gov.uk/NR/rndonlyres/13240D5A-1BB6-49CA-8696-AA43B3104289/0/spe0602.pdf> (25.9.2004).
- Warnock, M. (1974) 'Accountability, Responsibility – or Both?', *Independent Broadcasting*, 2. November, pp. 2–3.
- Weight, R. (2002) *Patriots*, Basingstoke: Macmillan.