

TELEVISION AND THE VIEWER INTEREST

Explorations in the Responsiveness
of European Broadcasters

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Chapter 7 France

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The French audiovisual scene

The changes which have affected what is usually called the 'French Audiovisual Scène' (Paysage Audiovisuel Français – PAF) have been particularly noticeable in the last ten years – and they may not be over yet, since the audiovisual industry in France is very sensitive to political changes. This does not mean, however, that there has been any real change in the way the interests and needs of viewers have been taken into consideration.

The current structure of French television comprises:

- Two public service terrestrial channels, France 2 and France 3, which have been under the same management for the last year. France 3 is distinctive in having a regional structure which it uses to transmit short programmes on a daily basis. These two channels are financed, first, through an annual licence fee of 606 Francs (ECU86) which every owner of a television set has to pay by law, and which is paid to the channels and, second, through advertising revenue. In 1991, for example, the income of France Régions 3 was made up as follows: 69.9 per cent from the licence fee, 18.7 per cent from advertising, and 11.7 per cent from other sources. In that same year, France 2 derived 50.9 per cent of its income from the licence fee.
- Arte, a public service Franco-German terrestrial channel, which transmits on what was the network used by 'La Cinq', and is distributed by cable in Germany. Transmissions begin at 7 pm.

- An encoded terrestrial subscription channel, Canal Plus, which is an acknowledged commercial success; the basis of its output, consisting mainly of films and sporting events, has been adopted by other countries, such as Spain, Belgium and Germany. Canal Plus is run by a Board of Management, whose members include Havas, l'Oréal, the Compagnie Générale des Eaux and the Société Générale. Now, in 1993, Canal Plus has three million subscribers.
- Two commercial terrestrial channels (TF1 and M6), which are very different in scale. The main shareholders in TF1, which has the largest audience share, and which used to be publicly owned before being privatized in 1987, are the Bouygues group (which is involved in building and public works). M6, which is owned by the CLT, is making steady progress.
- The cable network, which has had only a very low penetration rate in France, compared with other countries in Western Europe; the simultaneous increase in terrestrial and cable channels seemed to be more than the market could absorb. The total number of subscribers to cable in France on 31 May 1993 was 1,148,650 (just over one million homes out of 21 million). Even so, a number of thematic channels (such as Canal Jimmy, which is aimed at young viewers) have made their mark.

The audience figures for January 1993 give some indication of the differences between the channels, and of the dominance of TF1:

Table 1. Audience share

	Share (%)
TF1	40.7
France 2	26.1
France 3	14.1
Canal Plus	4.9
Arte	0.9
M6	10.7

Source: Médiamétrie, with reference to viewers aged 4 and over.

The main signs of the earlier upheavals in the audiovisual sector were, first, the emergence of the commercial channels and, second, the successive reforms undertaken by an authority which was set up to regulate the audiovisual industry, and which was intended to put an end to its previously strong dependence on government. The various changes which this regulatory authority underwent culminated in 1988 with the setting up of the CSA, the Conseil Supérieur de l'Audiovisuel.

The legal and political framework

The State monopoly of the audiovisual sector remained in force until the early 1980's, when the Socialist Party came to power. The process of 'liberalization' occurred in two stages:

- First, new legislation was passed dealing with the audiovisual sector, and was enshrined mainly in the laws of 29 July 1982, and 30 September 1986, which were supplemented by the law of 27 November 1986.
- Second, the decision to allow commercial channels to be set up created audiences for this type of service. Canal Plus was founded in 1984, La Cinq in 1986, and M6 in 1987; from 1988 onwards, local terrestrial television stations were set up, and TF1 was privatized in 1987. The successive changes of ownership which La Cinq underwent (being owned first by Hersant, and then by Hachette), and the failures which it suffered, demonstrated the fragility of a market based wholly on income from advertising, despite an increase in revenue from 5.9 billion Francs in 1986 to 14 billion in 1992.

In the present climate, the television companies, whether public service or commercial, are responsible to the executive and legislative authorities, as well as to the law itself. They are also monitored by an independent administrative body, the CSA.

The executive and legislative authorities

Today, the institutions of the State which are controlled by the political party with an overall majority (that is, the Government, the National Assembly and the Senate) do not intervene directly in the audiovisual sector.

Responsibility for it rests with four ministries: the Ministry of Foreign Affairs, the Ministry for Industry, Posts and Telecommunications and External Trade, the Ministry for Culture and French-speaking Communities, and the Ministry for Communications. These bodies put forward laws which are then voted on in Parliament, after the Constitutional Council has had the opportunity to give its opinion on them. In the case of the public service television channels, the provisions contained in their charters are laid down by Government decree, and their budgets are approved by Parliament. The Ministry of Foreign Affairs exercises administrative supervision over, for example, TV5, Radio France International, Canal France International and Sofirad. The SJTI (Service Juridique et Technique de l'Information) is at the disposal of the Ministry of Communications, and supervises the other public service audiovisual enterprises (France 2, France 3, and Radio France). The ministries can also set up temporary committees with a remit to submit a report on specific questions. For example, the 'Campet Committee', which began work in May 1993, was asked to submit a White Paper on public sector television by September.

The National Assembly passes the laws dealing with the audiovisual sector, approves the budgets for the public service channels, and determines how much revenue should come from the licence fee and how much from advertising income. Reports on the working of the national television channels are presented annually to Parliament when the finance bill is debated. The National Assembly also has a permanent committee dealing with cultural, family and social matters. Questions on such matters can be referred to the committee by the government, or by individual deputies, and it can be asked for its opinion on problems concerning the audiovisual industry.

The Senate also receives reports on public service companies, and pronounces on delicate questions concerning the audiovisual industry. Although responsibility for matters relating to television lies with the committee on cultural affairs, it is the finance committee which regularly submits reports, prepared by a special rapporteur, dealing with the French audiovisual market. A special committee is sometimes set up to prepare a report on a specific subject. One example is the committee set up in December 1992 to deal with 'Educational Television'.

The legal authorities

The French judicial system is basically divided into two branches: public law and private law. The Council of State, whose members are appointed by a decree issued by the Council of Ministers, is the highest legal body in the administrative branch (public law). It has two main functions, one of which is concerned with jurisdiction, while the other deals with administration. The first of these entitles it to act as a court of appeal or as a court of first instance for moral or physical persons who are in conflict with public organizations (such as public service television channels). Its administrative function enables it to offer opinions to the government on administrative questions. This latter function means that it is in competition with the CSA, which has a similar purpose, even though it is more closely concerned with actual programmes.

The Constitutional Council ensures that laws are not unconstitutional or contrary to the principles of the Constitution. Thus, in a decision handed down on 17 January 1989, it stated that, in accordance with Article 21 of the Constitution, the Prime Minister alone is empowered to make regulations. Consequently, he cannot delegate responsibility to an authority which is independent of the government, such as the CSA. The courts are called upon to judge cases arising from the right of reply and from interference with the private life of the citizen. Individuals, viewers and consumers' associations, as well as television services, can have recourse to the courts to defend their interests.

The independent administrative authority - the CSA

This body was set up in 1982 with the title of 'Haute Autorité' (Supreme Authority) shortly before the first commercial television stations were authorized. It acts as a sort of buffer between the government and the French audiovisual system. Its aim is to give the greatest possible independence to journalists and decision-makers in a sector which, by its very nature, is itself a powerful force within the State. The CSA is linked to both the executive and the legislature, which share in the appointment of its nine members: three members, including the chairman of the CSA, are appointed by the President of the Republic; three are appointed by the President of the National Assembly, and three by the President of the Senate, for a six-year non-renewable term. However, the government and the CSA determine jointly the matters on which it can pronounce.

The CSA has powers to allocate frequencies to television and radio broadcasting organizations (both public service and commercial) as well as to monitor whether the

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provisions laid down in their charters are being observed; if necessary, it can impose financial penalties (and it has indeed done so).

In actual fact, the CSA has the power to regulate, but it does not have the power to frame regulations, which belongs exclusively to the Prime Minister (see above). It is a sort of policeman, able to use a whole variety of sanctions to enforce regulations which it does not create. The charters and statutes (which, in the public sector, are laid down by decree), and the general rules which apply to the public and to the commercial broadcasting services are in fact hedged round by the precautions required by the executive and/or legislative authorities, as well as by the decisions of the Council of State and the Council on Competition, not to mention the directives of the European Community (especially article 22 of the directive on 'Cross-Frontier Television' dealing with the protection of minors). It is in monitoring the observance of charter provisions, and the application of legislative and regulatory requirements, that the CSA is recognized as being most effective. The official purpose of the CSA, as laid down by law, is to 'monitor programme quality'. Hence, it keeps an eye on problems which arise from scheduling and from the content of programmes. For this purpose, it has the power to make recommendations and to impose sanctions, but not to obtain redress.

Its regulatory activities consist in defining the rules to be observed in the context of the charters issued for the various television services (as, for instance, with the organization of 'live debates' on public service channels during election periods). Its regulatory powers (the creation of a legal framework) are for the moment subordinate to its administrative powers, which give it the right to express opinions or to make recommendations to the legislature and to the executive. The CSA also takes 'decisions in respect of regulations' (but only in the area of selling by television) and 'decisions in respect of individuals' (involving appointments and sanctions) which are published in the official gazette (*Journal Officiel*).

The CSA and the public service channels

The CSA has no power to impose sanctions directly on the public service channels. None the less, it does have tacit powers, in that it appoints the chairmen of these channels. It can also nominate one of its members, if the need arises, to communicate to the board of directors concerned the reasons for its dissatisfaction. It can, by giving reasons for its decision, oblige the chairman of the channel to take whatever steps are necessary to remedy any serious infringement of the terms of its charter or of the decrees issued by the Council of State. It can ask for penal sanctions to be imposed on public service channels in relation to the showing or the use of films made for the cinema. Finally, the CSA can suggest to the government what sanctions should be imposed.

It should be noted that the capital of the public service channels is wholly owned by the State. Not only are the chairmen of the two main public service channels appointed by the CSA, but the 12 members of the board of directors of France 2 and France 3 are also closely linked to the executive and legislative branches of government. Four representatives of the State are appointed by decree; Parliament appoints one of its

own members, as does the Senate; four qualified members are appointed by the CSA and two representatives are elected by the staff of the channel concerned.

The CSA and the commercial channels

The CSA has far greater powers where the commercial channels are concerned. Acting on behalf of the State, it can allocate frequencies to the candidates which it has itself selected. Within the framework of the law, it alone decides what provisions are to be contained in the charters. Because of the power it wields with the authorities, it can serve notice in cases where there has been an infringement of the law or of the terms of a company's charter. It can also suspend a channel's right to transmit programmes, or reduce the time during which it can do so. It can impose financial penalties amounting to a maximum of 3 per cent of the company's annual turnover (or 5 per cent for a repeated offence). It can, finally, refer the matter to the Council of State or to the State prosecutor.

But despite the CSA having the power to allocate frequencies, it was noted that in 1992 the government itself decided to allocate to Arte the frequency which had been used by La Cinq before it went bankrupt; before taking this decision, the government had obtained parliamentary approval for Arte to pre-empt the frequency. Hence, even though the CSA had begun its task of re-allocating frequencies by launching a wide-ranging programme of consultation with industry professionals and viewers' associations, it was once more brushed aside by the government.

The CSA and the viewer

The CSA is the body best placed to represent the general interests of the viewer, and to make observations, and even to apply sanctions, when the ethics of programmes give cause for concern. To this end, it holds regular consultations with viewers' associations. Although there is, officially, no committee on which viewers or social groups are represented, the CSA does a great deal on behalf of the public, both to forestall and to remedy problems. Among its other duties, it has to ensure that the principle of protecting children and young people is respected, and it has to assess the risks posed by programmes of a violent or sexually explicit kind. To this end, it has the power to ensure that minors are protected, in accordance with article 15 of the law of 30 September 1986. In this connection, on 5 May 1989 the CSA published a directive, dealing with the protection of young people, which was widely praised by viewers. Again, in June 1990, for example, it opposed the showing on prime time television of Bertrand Blier's film *Tenue de Soirée*. On the other hand, it has no powers to enforce a right of reply, which must be sought by the individuals concerned. Finally, in addition to monthly newsletters and specific studies, the CSA publishes an annual report containing a chapter devoted to its dealings with viewers. This report is presented to the government, to Parliament and to the parliamentary committees of enquiry.

Consideration of viewers' interests by television organizations

The 1980's witnessed a distinct change in the attitude of television channels towards

the viewer; this change came about, on the one hand, as a result of the move towards the privatization of French television and, on the other, through increasing dependence on advertising revenue: there was a move away from a situation in which the public received a television service financed by a specific levy (the licence fee), to one in which the viewer became a customer (a buyer of products promoted through advertising, or a subscriber). This represents a complete change in the position of the viewer, but it is not in itself either a positive or a negative development: the fact that its revenue comes from advertising means not only that a channel tries to attract the largest number of viewers, but also that it gets to know its audience better, so that it can, if need be, distinguish between *product-customers* and *viewer-customers*. The audience-model has become the most important factor in the way the public are treated, and in the analysis of the viewing figures. The Médiamétrie Institute has a virtual monopoly in this field and, with the aid of its push-button system (Médiamat), which enables it to collect data instantaneously in the panellists' homes, it can provide figures for a total or cumulative audience, to the nearest minute, together with an audience profile. This organized feedback system only works because the channels have come to an agreement to accept that this method, which indicates whether or not someone is actually present in front of the screen, is a valid 'translation' of the actual size of the watching audience. This agreement is a 'political' one; it is based on a fictional viewer and its purpose is to meet the need to find a way of measuring the advertising market. From time to time, the advertisers themselves find it advantageous to develop new measurement techniques, or to make them more precise, in order to refine their strategy for buying advertising space and to negotiate lower prices: each new audience measurement technique is more precise than the last, and has always led to a reduction of the size of the real audience.

Every television channel admits to putting these detailed measurement figures at the top of its list of priorities the very next morning: decisions affecting programme schedules, and even the immediate imposition of penalties, depend on these figures. In some quarters, including viewers' associations, there is constant criticism of what is called 'dictatorship by Audimat', which is accused of putting more emphasis on increasing the size of the audience than on providing a varied range of programmes. Two answers can be given to criticisms of this kind:

- The channels have other ways of obtaining feedback from viewers and of ascertaining the size of the market;
- Even though the audience-measurement system uses a fictional viewer as its starting-point, it does measure a significant phenomenon.

Other ways of obtaining feedback

There is nothing new in the idea of getting information back from viewers. As a public service, television has of necessity made use of letters, telephone calls and studies for this purpose. Every channel still employs several people to read viewers' letters (of which there are on average about a hundred a day) and to take telephone calls. A service

called 'kiosk' makes it possible for France 2 always to answer telephone calls. Similarly, channels commission many studies, in addition to viewing figures, to obtain a more precise idea of how satisfied their audiences are. As a subscription channel, Canal Plus has a constant and very personal link with its audience, a link which it keeps up by means of correspondence, and by requesting viewers' opinions, and which is based on one very powerful sanction, namely the viewer's freedom to decide whether or not to renew the subscription. This sanction creates a situation similar to a market one, and it will become increasingly important as cable or pay-per-view television develops. It means that the channel must take more account of the precise needs of its subscribers, whom it knows, let us remember, on an individual basis, and this is a fundamentally important marketing tool. The policy of Canal Plus is to satisfy completely, and as often as possible, each category of subscriber. It is partly as a result of this feeling that their precise needs are being completely and regularly satisfied that customers will renew their subscriptions.

There are no self-regulatory committees within television organizations, whether public service or commercial, and no councils or committees on which viewers or social groups are represented; even so, channels use methods other than postal feedback for this purpose. TF1 has a 'viewing committee'. La Cinq, which is now no more, used to have an 'ethical committee' which included representatives from viewers' associations. Since the only powers it had were consultative, it is difficult now to assess how effective it was.

Another type of feedback makes it possible to evaluate programmes before they are shown. This is the pilot showing before a small audience which is being used increasingly and sometimes leads to programmes being withdrawn even before transmission, or being placed elsewhere in the schedules.

As a method, it resembles the field-tests which are widely used in marketing; it can only be used with one specific product, once it has been devised, but the link with the field-test is that the reactions of the viewer are taken into account in the actual making of the programme. The method of selecting representatives of the actual audience is a key factor in obtaining feedback. Such methods of audience measurement considers the public as customers (seated or not, as the case may be, in front of a television set) communicating via a push-button; the pilot-test depends on the reactions of people representing 'the public with views on a programme', like any other audience of cultural performances.

In every case, what is involved is a simulation of the public, using 'spokespeople' (that is, a sample of viewers), in accordance with a technique which cannot avoid distortion. It should be noted that the method of using 'viewers' associations' works in the same way: they represent a huge, and always silent, audience, and speak on its behalf, using an associative technique which is similarly flawed.

Scattered feedback, such as letters from viewers, may seem reliable, but it is hard to regard them as being representative. More formalized feedback methods (using pilot showings or the views of associations) are regarded as being representative within the limits of the method used, but they too entail 'distancing' from the individual viewer.

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Television programmes have been put on by the public service channels to debate these questions: *Face à vous* (1979–81), *Pour la télé contre la télé* (FR3, 1989–90), *C'est à vous sur Antenne 2* (1990–91–92). For a time, Canal Plus did likewise. But such programmes could deal only with programmes shown on those channels, and the viewers' associations which were invited to take part could not influence the planned schedules. The whole exercise looked like self-promotion on the part of the channel concerned. The small number of topics discussed, and the poor audiences for such programmes, led the channels to take them off the air.

It should be pointed out, finally, that every television channel includes among its programmes a number of deliberately stage-managed events, involving representatives of the 'real viewer', who is always shown in a more active role. Programmes shown 'before a live audience', telephone calls to viewers, polls using Minitel to gauge the reactions of viewers, the participation of the public in game shows, and the reconstruction of incidents or conflicts experienced by ordinary people (in a kind of generalized extension of 'reality shows') all have their part to play in giving the impression that television is a mirror in which the spectator seems to be playing an active role and seems to be involved directly and without any intermediary. We ought not to neglect this side of things, since it creates an imaginary link with viewers who are indeed represented on television. To reduce the opportunities for consulting viewers to a purely civic level (using viewers' associations) or to a marketing function (using tests, polls and pilot showings) would be to forget that television does have the means to create specific kinds of link with its viewers.

Audience measurement

It is said that this is based purely on supply, and takes no account of demand. Yet it would be surprising if, in this sector alone, the work of building a market did not proceed in exactly the same way as in other sectors; that is, by designing products on the basis of studies and tests, and trying to sell them to the public (in this case, the audience). If it is true that considering the audience as a whole makes it harder to take sectional interests into account, this is becoming less true, as the precise quantitative analyses offered by the techniques now available make it possible to go beyond mere assessment of the needs of the audience as a whole. We should remember that the majority of the audience consists of a group known as 'heavy viewers'. As Michel Souchon puts it, this group does not watch a specific programme, it watches 'television'. It spends its time in front of the television set not because it wants to see some particular programme, but because this is its favourite leisure activity. One may therefore wonder whether this part of the audience is at all concerned about consideration of the interests and needs of viewers: it may not necessarily want anything else (in terms of programmes), and audience measurement provides quite a good way of recording the changes in its level of satisfaction.

It is difficult to get this point across to viewers' associations, some of whose members (even those who say that they 'love television') never spend as much of their free time in front of the television as these 'heavy viewers'. The time has probably come to

acknowledge that there may be a distinction between the programmes offered by general interest channels which attract a variety of audiences including the heavy viewers, and those offered by thematic channels or those which offer only one kind of programme, since they rely on the audience being fragmented, and can cater for specific demands, provided that they have the economic resources to compensate for being ignored by advertisers.

Possible courses of action for viewers

Administrative and legal channels

The Letter to the President of the Republic is often used by consumer organizations as a way of gaining publicity, and as a last resort by individuals. In this connection, it should be noted that audiovisual matters are occupying an increasingly important place in the manifestos issued during electoral campaigns for the presidency or the legislature. In his 1981 campaign, François Mitterrand suggested that sound radio should be liberalized in France. Although such proposals still form part of campaign manifestos, it is unlikely that they weigh as heavily in the final vote as questions of economic and social policy.

Viewers exert more real influence, on the other hand, in their relationships with members of parliament, who represent them as electors. By means of the oral questions put to the government in parliament every Wednesday, a number of viewers have managed to make their voice heard, indirectly. Thus, one deputy, Ségolène Royal, reacted on behalf of her electors to the transmission of violent cartoons made in Japan, and wrote a pamphlet entitled *Le ras-le-bol des bébés zappers* ['The baby zappers have had enough']. The showing on Canal Plus of a violent film called *Voulez-vous mourir avec moi?* ['Do you want to die with me?'] also led Madame Yvette Roudy, the deputy mayor of Lisieux, to refer the matter to the CSA in November 1991.

The law protects moral and physical persons from any interference in their private lives. The civil and penal codes enshrine laws which punish this type of offence. Hence, viewers can have recourse to legal remedies. There is also a right of reply, which has formed part of the general regulations on communications since the law of 1982. This right can be invoked whenever the honour, the reputation or the interests of a physical or moral person have been damaged. If a television channel refuses to recognize this right, it is possible to have recourse to civil action, with the *Président du Tribunal de grande instance* (roughly equivalent to a High Court judge) acting as an arbitrator on the matter. This procedure is sometimes used. An association called 'TV carton jaune', which was set up in 1992 by a group of magistrates, lawyers and jurists, maintains that the time has now come to introduce ways of protecting the public, by law especially, if there is to be respect for the ethics and honesty of audiovisual programmes. First, the association argues that the government should not intervene in the media. Second, there is no 'court of journalists' which can regulate or punish any excesses which arise from the use of television as a medium. Third, the regulatory bodies or independent administrative authorities (the CSA) seem to have no regulatory functions (except in

the case of radio and of advertising on television) or powers, but act instead to enforce the laws made by politicians. The association therefore takes the view that only the judicial system, with its independence and its integrity, can at one and the same time regulate and impose penalties. The judges who are members of the association seem to be envisaging a new era of regulation for the media.

One final administrative channel which is used is, of course, that of the independent body. The CSA engages in dialogue with viewers, both through the letters which it receives from them and through its regular informal meetings with associations claiming to represent the public. The CSA receives a great many letters, and takes action to deal with justified complaints. In addition, in 1990 it held discussions with viewers' associations on the plan to restructure the capital of La Cinq, while in January 1991 it consulted them about programmes aimed at young people. It can also, from time to time, invite an association or an organization to present its views to a plenary meeting of the CSA.

Viewers' associations

In France, most of these associations came into being with the growth of the commercial television sector: viewers' organizations saw themselves from the outset as a defence against the threats which might come from commercial television, and they therefore reflect a pre-existing political viewpoint. This factor has probably played a part in limiting their influence and made it difficult for them to unite. But there is an interesting paradox which should be noted: under the previous public service television system, nobody paid any attention to the viewers, and they hardly reacted at all to what they saw. Since the introduction of commercial television, viewers feel threatened and react as consumers or citizens, but now their views are more often taken into account, since the commercial stations are essentially market-oriented.

The origins of viewers' associations, and the sources of their finance, enable us to see why they may behave actively or passively. Those which are really active over a long period are few in number. Four main organizations stand out from the rest:

- The oldest is ANTEA (Association Nationale des Téléspectateurs et Auditeurs), which was launched in the 1960's. It found a new lease of life in 1985 when it started to take a greater interest in the moral standards of programmes and in the protection of very young viewers.
- 'La télé est à nous' emerged as a direct reaction to the privatization of TF1, and its aim is to defend public service television. The fact that media professionals belong to the organization helps to reinforce its credibility with television companies.
- 'Les pieds dans le PAF' (PAF = Paysage Audiovisuel Français) was set up in 1988, and was a product of the unrest in the lycées in 1986; it claims to have 3,500 members, and takes a constructive view by stressing the potential use

of television and education in the media. It shares this outlook with the 'Association pour la fondation du jeune téléspectateur actif'.

- MTT (Média, Télévision, Téléspectateurs) brings together members of the Union Nationale des Associations Familiales (UNAF) and the Ligue de l'Enseignement (a lay organization). Its aims are to promote education in the media and to defend the family.

Other associations of purely local importance, or which were only short-lived, included: 'J'aime la télé', 'Si tous les enfants du monde', 'Enfants Jeunes et Télévision', APTE (Audiovisuel pour tous dans l'éducation). ANADET, which was originally founded to protest against advertising breaks during the showing of cinema films on television, has broadened its activities by setting up RAP (Résistance à l'agression publicitaire) and denouncing any excessive advertising on television or elsewhere. Finally, the churches, over and above the involvement of their members in these organizations at a personal level, and the institutional religious hierarchies, have also set up organizations to work with the media or to defend their interests in the audiovisual media.

The action taken by these associations can be divided into five main elements:

- Study and research undertaken through the medium of investigations, colloquia, etc. The purpose is to promote new ideas on the role and the future of the media, and on the ethical rules of communication, particularly in television news. Every year the MTT organizes an international observers' forum (using 15,000 questionnaires) dealing with the three basic functions of television: game shows (entertainment in 1991), children (education in 1990) and television news (information in 1992). MTT also organized an international colloquium at UNESCO in January 1992 on the global spread of information, as well as promoting annual national gatherings. For its own part, 'Les Pieds dans le PAF' has an active programme of National Young Viewers' Weeks, during which it hands out questionnaires. It also organized a colloquium on 'The media and the Gulf War' in April 1991. Finally, it should be mentioned that the summer school on communication which is held annually near the town of Carcans Montbuisson is a new departure in the audiovisual field. It enables viewers' associations, teachers and people working in the audiovisual industry to meet and reflect.
- Representations made to official bodies. Viewers' associations have no recognized legal status vis-à-vis these bodies: even so, they are regularly consulted by the Conseil Supérieur de l'Audiovisuel (CSA), by the Ministry of Culture and by committees of the Assemblies. In contrast, the television channels have few direct contacts with the associations. When such contacts do take place, they are always consultative. The associations may hope to use them as an opportunity to lobby for their own objectives, but their effect is probably negligible. Despite all these drawbacks, the fact that no other kind

of representation is available does mean that the associations are called upon in an attempt to hear what 'the viewers' are saying, and their role as spokesmen is useful to the CSA, for example, or to the television channels whenever there is a programme dealing with these issues.

- As shareholders in commercial television companies, a number of active viewers have got together in order to have their say on the way these companies are run. L'Union Fédérale des Consommateurs (UFC, which publishes *Que Choisir*) and *Télé-Famille-Renouveau* (a Christian organization) have brought together small shareholders in TF1. While their influence and effectiveness are very limited, this is a form of participation which should not be ignored. UFC has now sold its shares.
- Publishing newsletters which feature the opinions of viewers and describe the activities of the association, e.g. *La lettre des téléspectateurs* (MTT), *L'envers des Médias* ('Les pieds dans le PAF'), *Le Journal des Téléspectateurs* ('La télé est à nous'), *Le publiphobe* (ANDET-RAP), *Le Bulletin* (ANTEA). The association set up to defend La Cinq also published 55 millions of *téléspectateurs*. The circulation and impact of these publications is limited.
- Action in the media, usually to protest against some abuse or infringement of ethical standards. This type of action may take the form of specific initiatives, petitions, resort to law, or boycotts (which are ineffectual). Thus, 'Les pieds dans le PAF' prevented the showing by Antenne 2 (France 2) of a cartoon with Nazi overtones, or a children's programme with anti-semitic implications. The same association has set up a television complaints office. MTT has taken action to prevent violent films being transmitted during prime time. It also succeeded in getting TF1 to broadcast a warning before the showing of the film *Pendez-les haut et court*, which, when it had previously been shown, had given some children the idea of simulating a hanging with one of their friends, which resulted in his death. These associations have had only limited success, however, in comparison with the large number of complaints which they have made.

Nor has the 'new way' represented by *Télé carton jaune* been successful in winning a test case which could act as a legal pointer for such actions and give credibility to what the associations are trying to do. The case brought in June 1992 against TF1, the journalist Patrick Poivre d'Arvor and Régis Faucon, accusing them of conducting a 'fake interview' using doctored extracts from films, has run into a number of problems, and is far from being settled.

What the associations in fact do is to articulate the complaints which they regularly receive from viewers who write to them, or regulatory rulings made by bodies such as the CSA.

These consist in part of the usual complaints made by consumers:

- Failure to keep to the published programme times;
- The showing of cultural programmes late in the evening;
- Failure to avoid programme clashes;
- The abuse of exclusive rights to sporting events by some channels.

These criticisms do not question the programmes themselves or the organization of the television system. Ordinary consumers' associations could do as much in this respect: and it should be noted that UFC / Que Choisir, which was the only association of this kind which replied to our questionnaire, admits that television plays very little part in its concerns. The weakness of viewers' association seems to be typical of the widespread weakness of associations of any sort in France, whether they are trade unions, consumer groups, or voluntary bodies generally.

There are, however, other causes of complaint which indicate that more marked ideological issues are at stake:

- The poor quality of programmes for young people;
- The concern over pornography or over violence in popular programmes;
- Ethical questions relating to news (differing viewpoints, honesty, etc.), the independence of journalists and their educational role.

These ethical concerns are regularly taken up by the CSA, which monitors and imposes penalties on channels which are at fault: but there are on-going debates between viewers' organizations and 'moral watchdog' associations as to the limits to be laid down in this area. The concern over educational television, and the importance of television in children's lives are constantly discussed, and this shows that television still frightens people sometimes, especially as it is has yet to be fully integrated into teaching.

There is, finally, a third kind of complaint, and it concerns the organization of the audiovisual system itself, in such matters as the balance between public service and commercial television, the role of general interest and thematic channels, methods of finance, and what is generally seen as the excessive importance of advertising in the budgets of the television channels.

How legitimate and how representative are viewers' associations?

These associations are the product of privatization, and they often remain strongly committed to a very traditional view of public service. For this reason, they often become involved in the political arena, without having any strong legal basis for doing so.

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Every attempt to represent the interests of viewers raises this question of legitimacy. This is why it is essential to know the basis on which representations are made, and what the technical or legal relationship is between the viewer and the broadcasting organization. In actual fact, the viewer has no existence in law: he buys nothing, unless he is a subscriber (as in the case of Canal Plus); this relationship may, however, make it possible to make representations specifically on behalf of a clearly defined group of people on the basis of a contract, that is to say the subscription.

The television licence fee is based on television sets; it is compulsory, not voluntary, and is paid only to the public service channels, even though the television set can receive commercial channels. The licence bears no relation to the quality or the quantity of the services provided, or to the actual use made of them. As a link with the viewer, therefore, it has no credibility; the system is confused and affords no legal basis for representing viewers.

In this context, only an independent organization, which has been given legal status by the government, can hope to represent the general interests of viewers. This is the role of the CSA, which does not involve the active participation of viewers, even though it takes a tolerant view of the activities of viewers' associations.

What is more, there are four factors which limit the effectiveness of the action taken by these associations:

- Their power is limited by the fact that each association has only a small number of members. None has more than 10,000 members, except MTT, which can count on the 750,000 families in UNAF and the three million individuals who belong to the Ligue de l'enseignement. Even so, these associations represent less than six per cent of viewers. They therefore seem insignificant in comparison with the large general organizations which exist to defend the interests of consumers, and hence can be dismissed as unrepresentative by the television companies.
- The ideological standpoint which colours their demands also means that their proposals are unrepresentative. Thus, 'Les Pieds dans le PAF' wants the general-interest channels to schedule more programmes of a cultural kind. But what sort of culture? The public is generally prepared to tolerate advertising breaks during films. However, ANADET wants an end to this practice.
- The associations are in the hands of young students ('Les pieds dans le PAF') or retired people. Such people, who give their time generously to serve the aims of their organizations, are often unable to hold their own in discussions with professionals from the media or politics.
- Finally, the action taken by the associations is limited by the amount of money they have at their disposal. They receive their income mainly from subscriptions and subventions. The fact that their membership is small therefore limits their chances of becoming more influential. The subventions which it received

from the Ministry of Culture under Jack Lang also gave a somewhat political colouring to the image of 'Les Pieds dans le PAF' - which is not, in fact, particularly political. MTT also received financial help from the Ministry of Communications.

So, because of the way they are financed, because of the ideologies which they put forward and because of the non-professional staff who run them, the viewers' associations remain firmly divided amongst themselves. Each of them represents a certain section of the public, so that none of them brings all consumers together. They therefore cannot regard themselves as representing viewers when they deal with the people who run French television.

Viewers' associations are far from being acknowledged as representative. Similarly, their real purpose has still to be clearly defined. The Consumer Committees set up in each département in 1986 are not concerned with audiovisual matters. The powerful Institut National de la Consommation (INC), which is an independent public institution, does not deal with the problems of television viewers. An independent department to protect television and radio consumers, with the advantage of being seen as a national organization in the same way as the INC, would probably be able to establish the legitimacy of the complaints made by French viewers at both the national and the European level.

Other channels of communications between television organizations and the public

Advertisers

Article 14 of the law of 30 September 1986 stipulates that the CSA must monitor advertising. There are, however, no official contacts between viewers and advertisers. Even so, those who work in advertising impose very strict discipline on themselves. The Institut français d'autodiscipline publicitaire (French Institute of Advertising Self-regulation) enforces the code of practice drawn up by the International Chamber of Commerce, and belongs to the EASA (the European Advertising Standards Alliance).

The press

As early as 1952, Pierre Mac Orlan wrote a sentimental television column in *Radio-Cinéma-Télévision* (which was later to become *Télérama*), and on 17 September 1959, François Mauriac started a column devoted to television criticism in the magazine *L'Express*; despite their example, it does seem that the major French authors of our own time are not interested in this kind of writing.* Some are none the less asked to write the occasional television column, or to take part in radio or television programmes.

Since the major critics do not write about television, the press devotes space to letters from readers. Every daily or weekly paper allows the public to air its views. The

* See also *Les Dossiers de l'Audiovisuel*, No. 47, February 1993.

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television magazines even have a special department which receives up to a hundred letters a day (as well as telephone calls and messages on 'Minitel'). Letters are selected and then printed in full or in part on the readers' page. Until 1992, *Le Figaro* published a daily poll to show the public's level of satisfaction with the previous evening's programmes.

Radio stations have also put on programmes dealing with television. On France Inter, 'Zapping' and 'Radio-com' invite everyone involved in the medium (politicians, cameramen, journalists, presenters and viewers) to take part. 'Mon oeil' on Europe Numéro 1 offers viewers the use of a telephone answering machine, the 'Télépondeur', on which they can freely express their opinions about television. More broadly, we should note the tendency of the media (including television) to talk about television, to enlist its help with programmes, publications, etc. This helps to form 'opinion', and may become a kind of 'feedback' for those responsible for preparing the schedules or for making programmes. In a way, it has become impossible for a layman to avoid television, but it is the world of the media which undertakes to produce, promote and criticize programmes!

Conclusion

The arrival of commercial television has prompted every channel to think a little more about the viewer. Consideration of the interests and needs of viewers has emerged, therefore, only because of the way in which most channels are financed at present, i.e. from advertising: to the advertising agencies, what matters about the public is that it looks at television. The viewer would matter as a citizen or as a customer only if another kind of legal or financial link was created. This is what is being tried out via subscription and pay-per-view channels.

Viewers' associations have not managed to get legal recognition for the protection of television consumers: to do this, they would need to be able to take into account the whole range of viewers' interests and tastes without any ideological preconceptions. It seems difficult to regard television as a product in the same sense as a washing powder.

Even so, France has still not solved the problem of deciding where and how the representation of viewers' interests can be fitted into the overall scheme of things. There are many channels of communication between the television companies and the viewers. In any case, if the main link between the two remains first and foremost the off-switch (and the key on the television set to protect children), and if what now most interests those who run television is the search for the largest audience, it seems that other relationships, of an even more direct kind, such as pay-per-view and subscription channels, are taking their place on the French audiovisual scene. In decades to come, these new relationships will unquestionably change the outlook of those who run television and those who watch it. The great increase in the number of theme channels and in the number of television sets in people's homes, the absence of advertising from the screen and the changes in the way viewers invest money in television as a leisure

activity will be important factors in making the relationship between television channels and their audiences an increasingly interactive one.

This report was compiled with the help of Philippe Mounier.

France: List of organizations to which a questionnaire was sent

Official bodies		Response
Conseil Supérieur de l'Audiovisuel (CSA) - Paris		Yes
Television broadcasting organizations		Response
TF1 Société Nationale de Télévision Française 1 - Paris		-
France 2 (Antenne 2), Société Nationale de Télévision Française - Paris		Yes
France 3 (FR-3), Société Nationale de Programme France Régions 3 - Paris		Yes
Canal Plus - Paris		*Yes
M6 Metropole - Paris		-
La Sept - Paris		-
Consumer and viewer organizations		Response
Union fédérale des associations d'auditeurs et de téléspectateurs (UFAAT) - Paris		-
'La télé est à nous' - PARIS		-
Association Nationale des téléspectateurs et Auditeurs (ANTEA) - Paris		-
Association pour la formation du Jeune Téléspectateur Actif (ASJTA) - Paris		-
Association Nationale des téléspectateurs Les Pieds dans le PAF - Paris		Yes
TV Plébiscité - Paris		-
'J'aime la télé' - St Etienne		-
Média Télévision et Téléspectateurs (MTT) - Paris		*Yes
Union Fédérale des consommateurs - Paris		Yes
Familles-Média - Paris		-
Association Fédérale des Nouveaux Consommateurs		Yes
Organization Générale des Consommateurs (ORGEKO) Paris		-
'Si tous les enfants du monde' - Paris		-
Télé-Famille-Renouveau - Paris		-
Institut National de la Consommation - Paris		*

*Response in the form of a telephone interview.

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