Media and Democracy. A Theoretical Design for Cross-Country Comparative Research on Broadcasting Regulation[1]

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I. Introduction

In recent years, scholars have questioned the shifting foundation of communication policy making in Europe. The changing technologies of communication significantly influenced the developments in the field of media policy, accounting for structural variations in the activities performed by regulatory institutions. Three paradigmatic phases of communications and media policy may be distinguished (Cuilenburg & McQuail, 2003): the paradigm of emerging communications industry policy (until the Second World War); the paradigm of public service media policy (1945–1980/90); and the current phase (from 1980/90 onwards) in which a new policy paradigm is searched for.

Political shifts and institutional changes reflect upon the dynamics of the policy process. While these changes are relatively easy to detect and investigate, shifts in the fundamental principles of media policy are more difficult to discern (Nieminen, 2009). The constantly developing technologies and its impact on the policy making process have drawn the attention on "new tensions between interests and values". Nieminen (2009) argues that "much of the discussion on various media policy issues (...) are today framed in terms of a tension between democratic and cultural values and economic or industrial objectives. Practical policy decisions and policy coordination, both on the EU level and on the national level, have to be made in this contested terrain where diverse forces are pulling the policy makers to different directions".

Following this line, this research addresses the above mentioned tensions between different approaches on media and political systems to operationalize main concepts regarding regulatory policies (e.g. de jure and de facto autonomy of NRAs).

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The emergence of National Regulatory Authorities (NRAs) for regulating broadcasting has stimulated the academic debate on the causal links between the institutional design and the regulatory outcomes. Political communication scholars have questioned "whether democracy is automatically supported when freedom of broadcasting is guaranteed or whether, instead, additional assurances are necessary" (Hoffmann-Riem, 1996). The traditional hypothesis that higher levels of democracy also infer higher levels of media freedom has not yet been demonstrated convincingly, although this assumption accounts as a basis for understanding the relationship between media and political systems (Hanretty & Koop, 2012). Exploring the contrasts between media systems and the division of political power in democratic or authoritarian nations creates the premises for a comparative perspective on the interrelations between media and politics.

In this regard, this study seeks to build on Lijphart´s (1999) and Hallin & Mancini´s (2004) typologies of democracy and media systems a broader classification of NRAs in 47 European countries. My primary research focus is to measure the potential for autonomy of NRAs, testing two indicators: appointment of heads and budget frames. I debate whether the patterns of Hallin and Mancini´s (2004) ideal media systems can be observed when studying the institutional design of broadcasting regulators in democratic contexts. I address the question of institutional similarities or contrasting cases of NRAs across Europe and explore how the proposed variables can be evaluated according to Lijphart's dimensions of democracy. The connection between NRAs and political systems is narrowly postulated in the literature. There is no systematic comparative approach on broadcasting regulation in Lijphart´s (1999) and Hallin and Mancini´s (2004) axiomatic perspectives on democracy and media systems. Therefore, the innovative groundwork of this contribution might have a strong impact, filling the existing theoretical and empirical gap in the communication scholarship.

This research project is structured as follows. First, it gives a brief overview of the recent contribution to the core of broadcast regulatory philosophy, arguing that comparative research on media and political systems provides little systematic theoretical and empirical evidence to support the links between institutional arrangements and types of democratic regimes. Secondly, Lijphart´s (1999) and Hallin & Mancini´s (2004) theories are summarized and the innovation of this research is argued. The subsequent section discusses systematically the relationship between media and political systems, focusing on a set of characteristics of democracy in Lijphart's (1999) terms to examine the effects of legislative provisions (such as appointment of heads and means of funding) on the autonomy of NRAs. I describe in details three variables (the independence of Central Banks, Proportional (PR) and Veto Players) to justify the connection among the institutional design of NRAs in different media and political systems across Europe. I rate the Polarized Pluralist media model (majoritarian democracies) with a lower degree of institutional autonomy of NRAs due to the appointment procedures and budget frames. I estimate a higher rating of institutional autonomy in consensus Democratic Corporatist

and Liberal countries due to the appointment procedures and budget frames. Finally, in the last part of this study, I review the potential configuration of the macro-analytical framework of broadcasting regulators.

II. Literature review

Comparative research on media and political systems provides little systematic theoretical and empirical evidence to support the links between institutional arrangements and types of democratic regimes. The research to date has tended to focus on particular and specific national cases rather than cross-country comparative studies. Communication scholarship and public policy are "weakly connected" (Neuman, 2003). Although the literature on regulation is immense, the number of studies dealing with the political aspects of regulation is very limited. There is no systematic cross-country comparative approach on NRAs compressed into one structural study, but several involving singular cases of regulatory authorities. Evaluating peculiar paradigms "can provide a basis for accounting specific patterns, but lacks on presenting the consequences and outcomes of large-scale transformations" (Donsbach & Patterson, 2004). Systematic comparative research in a cross-national perspective can contribute with an encompassing panorama of the interrelations between media and political systems.

In recent years, scholars have analyzed the various models of broadcasting regulation testing criteria such as the means of ownership, control, financing, extent of services, programming policy. Some of the key questions in the literature can be summarized as follows: the main functions of broadcasting regulators (Hoffmann-Riem, 1996); the role carried out by ministries; the degree of independence and the extent of the autonomy of regulators affected by their dependence on the Government or Parliament (Verhoest et al, 2004a, 2005b; Magetti, 2007; Dahl, 1989; Huntington, 1968; Walzer, 1983; Hills, 1986, 1991; Newberg, P, 1989a, 1989b). American researchers have classified broadcasting regulators examining some of the indicators mentioned earlier (ownership, control and financing). They explored areas such as history, economics in business, advertising, law and social aspects of regulation (Finn & Chester, 1978; Fedler, 1978; Head & Sterling, 1982).

By way of illustration, Bittner (1980) describes the attributes of the Federal Communication Commission (FCC), pointing out that controlling broadcasting "extends beyond government owned media (...) including privately owned broadcast media". Bittner (1980) found that ownership may be by the Government, public corporation, private enterprise or hybrid arrangements (involving the state). A different theoretical approach for analyzing broadcasting is Howell´s (1986) "Four Worlds" taxonomy", a method which helps describing the international relations; The First World – advanced democracies of the

West; the Second World – post-communist countries; the Third World – the emerging democracies in Africa, Asia, the Middle East, Central and Latin America; the Fourth World – the stateless cultures existing within nations. Howell (1986) tests indicators such as ownership typologies, financial support mechanisms, dominant national models, operational autonomy and organizational structure.

Albert Namurois (1972) reviews the world system of telecommunications, radio and TV services, presenting a typology of regulators based on four means of control: state-operated directly by a government ministry, department or administrative agency; public corporation operated autonomously under state charter; public interest partnership operated by legally chartered private corporations with state stock interests; private enterprise operated by private individuals or companies under governmental license with generally weak regulations.

European scholars have examined the changing practices, structures and contents of communication policies mostly focusing on particular regions such as the Nordic countries (BalĐytienĐ, 2012; Lund, 2007), Western Europe (Humphreys, 1996; Kuhn & Stanyer, 1999; Rogers & Balle, 1985), Southern Europe (Botella Corral, 2001, 2007), Central-Eastern Europe (Balabanova, 2007; Splichal, 1994). Kuhn and Stanyer (1999), for instance, discuss regulatory issues in contemporary France and Britain, bringing out the relation between television and the state. The authors evaluate variables as market entry, media ownership and television content, arguing that setting regulatory bodies demonstrates "the refusal of those in power to become directly involved in the administration of the audiovisual sector".

Concepts such as "media ownership" and "public interest" are associated with liberal market values by scholars describing media regulation in the Baltic zone (Nieminen, 2009). Balcytiene (2009) argues that none of the Baltic countries have any laws against media concentration, although the state plays an active role in imposing restrictions on the amount of political advertising in the media. Moving towards the Central and Eastern Europe (CEE), the institutional models of regulation developed after the collapse of the communist system in the early 1990s are recurrent in the recent literature (Gross, 2002; Gulyás, 1999, 2003; Mihelj & Downey, 2012). In this area, economic and social-cultural variables might explain the divergent approaches to ethnic and cultural diversity across different media systems.

Studying the direct links among different models of democracies and NRAs is still a work in progress. So far, in the search for general communication patterns and their consequences, the investigation of institutional arrangements has been important when comparing systematically different media and political systems (Voltmer, 2000; Siebert et al, 2006; Mughan & Gunther 2000; Hallin & Mancini, 2004; Snow, 1986). Preliminary work on institutional arrangements such as the budget frames and the appointment of the heads was undertaken by several scholars (Gilardi, 2001; Cukierman et al, 1992;

Bernhard, 1998; Siebert, Peterson & Schramm, 1963; Stone, 1991). Warrick Smith (1997) classifies the regulators according to their institutional independence, dividing these bodies in traditional ministerial and fully independent authorities. Geradin and Petit (2004) list a typology of regulators according to the tasks they have to perform: implementation, observation, cooperation, yet-to-be-implemented tasks.

Another approach has been undertaken by Emmanuelle Machet (2002). She looks at the appointment of heads and the funding of regulatory bodies, identifying five main models of appointment and three different models of funding:

1. Appointment by the executive: "the Northern European Model" (Anglo-Saxon and Scandinavian countries, which rely on unwritten traditions of non-interference by government);

2. Appointment by legislative: "the Central European Model" (Slovenia, Slovakia, Bulgaria, Estonia);

3. Appointment by both executive and legislative: "the French Model" (France, Romania, Poland; this system is closely linked to the political structures of these countries);

4. Appointment by the Judiciary (Portugal, Sweden);

5. Appointment by social movements and groups/civil society: "The German Model" (Germany, Belgium, Ireland).

Also, Machet (2002) presents three models of funding: through the state budget, through a percentage of licence fees or advertising revenue, and through a mixed system.

A more recent contribution is the INDIREG report ("Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive" SMART 2009/0001, 2011), which identified indicators for independence and efficient functioning of audiovisual media regulatory bodies. The outcome is an assessment of the level of independence and of the efficient functioning in five different dimensions: "status and powers", "financial autonomy", "autonomy of decision-makers", "knowledge" and "accountability and transparency". The main objective is to give an overview on the status quo of audiovisual regulators in 43 countries (Member States of the EU, candidate and potential candidate countries to the European Union, the European Free Trade Association (EFTA) countries, USA, Australia, Singapore and Japan). The INDIREG report (2011) fails in the attempt to create categories of broadcasting regulators, due to "the very specific development paths of media regulation in different countries". The authors argue that the project "turned out not to be successful, since there is no analytical necessity for regulatory settings in different countries to follow distinct patterns".

A descriptive overview on broadcasting regulation was recently published in the collective e-study Media Regulators in Europe: A cross-country Comparative Analysis (Helena Sousa et al., 2013). The research aimed at analyzing regulatory bodies from 13 European countries: Austria, Finland, France, Germany, Greece, Italy, Poland, Portugal, Spain, Switzerland, The Netherlands and the United Kingdom. Based on a theoretical model, the authors compared NRAs across Europe on nine dimensions: legal framework, functions, legitimizing/ underlying values, performance, enforcement mechanisms/ accountability, institutional organization/ composition, funding, regulation in context and ignored dimensions (such as missing critical dimensions of the model proposed by the authors).

The study in hand aims at scaling the potential for autonomy of NRAs across Europe. The series of characteristics of the two indicators I test - appointment of heads and financial settings - are presented later in the paper.

III. Consensus and majoritarian approaches to NRAs

In this section I explain why I apply Lijphart's (1999) and Hallin and Mancini´s (2004) theoretical frameworks as explanatory tools for mapping broadcasting regulators in Europe. For this purpose, I infer theoretical arguments quoted in the literature.

The links among regulatory authorities in broadcasting and features of consensus and majoritarian democracy are advanced in the normative study Comparing media systems (2004). Hallin and Mancini (2004) argue that "the differing roles the state can play as owner, regulator, and funder of the media are clearly rooted in more general differences in the role of the state in society". When exploring and classifying media systems in 18 nations within North America and Western Europe, Hallin and Mancini (2004) focus on political variables such as political history, consensus vs. majoritarian government (Lijphart, 1999), individual vs. organized pluralism, and rational-legal authority. As media variables, four dimensions were proposed: the structures of the media market, political parallelism, the development of journalistic professionalism, and the role of the state.

The authors believe that these criteria cluster together into distinct types, suggesting a threeÐfold classification of media systems. They identify a Liberal model, which prevails in AngloÐAmerican countries (Britain, the US, Canada and Ireland), characterized by commercial media and market mechanisms. By contrast, the Democratic Corporatist model, which is thought to prevail across the consensus democracies in northern Europe (Austria, Belgium, Denmark, Finland, Germany, Netherlands, Norway, Sweden and Switzerland), emphasizes the links between commercial media and organized social and political groups, within the context of an active but limited role of the state. Lastly, the Polarized Pluralist model, which they suggest typifies Mediterranean Europe (France, Greece, Italy, Portugal and Spain), integrates media into party politics, with a weaker

commercial media and a stronger role for the state. Hallin and Mancini conclude that, although the Liberal model has dominated media studies, the Polarized Pluralist model probably provides a more accurate description of journalism in many parts of the world.

In their normative study, Hallin and Mancini (2004) show that features of media systems correspond with the two dimensions of democracy in Lijphart's (1999) terms: "political system characteristics are manifested more or less directly in media structures, as for example majoritarian or consensus patterns of government are reflected in the organization of public broadcasting institutions". The authors present four basic models of governance of public broadcasting that by approximation may frame the political control over NRAs. In the government model public broadcasting is controlled directly by the government or by the political majority (Western Europe, Greece, Portugal and Spain). Here, directors of public broadcasting are appointed by Parliament, not directly by the government, "but this in the end gives the majority party effective control" (Hallin & Mancini, 2004). The second model is the professional one, where a strong tradition developed that broadcasting should be "largely insulated from political control" and run by broadcasting professionals (UK, Canada, USA, Ireland, some Scandinavian countries). In the parliamentary or proportional representation model control over public broadcasting is divided among political parties by proportional representation (PR). Finally, in the civic or corporatist model the control of public service broadcasting is distributed among various social and political groups (Germany, Austria and Netherlands).

When accounting the three-fold classification based on the mentioned indicators, Hallin and Mancini (2004) make an important statement: "the relationships (between the variables) proposed must be considered hypotheses, given the preliminary nature of this research". Following these normative assessments, my project aims to fill the existing gap left by the limited articulations on the reflection of majoritarian and consensus patterns of government over NRAs in different media systems. For this purpose, I focus on a set of characteristics of democracy in Lijphart's (1999) terms to examine the effects of legislative provisions (such as appointment of heads and means of funding) on the independence of NRAs across Europe. Before describing in detail variables such as the independence of Central Banks, Proportional Representation (PR), and Veto Players, I present briefly Lijphart's typology of modern democracy, considered to be one of the most "innovative contributions" in comparative politics (Mainwaring, 2001).

The main argument for being "the single most influential" is that the patterns of consensus and majoritarian democracies cannot be identified beyond his original sample (Bormann, 2010). In his book Patterns of Democracy (1999), Lijphart asks the question "who governs and in whose interest in cases of disagreement" and his empirical tests provide relevant differences between majoritarian and consensus democracy in terms of power sharing. The majoritarian model features a majority cabinet, a two-party system, a disproportional system of elections, a unitary and centralized government, and unicameralism. Diametrically

opposed, consensus democracy tends toward power sharing, a broad coalition cabinet, a multi-party system, a proportional electoral system, a federal and decentralized government, and a strong bicameralism. Lijphart employs various indicators of the quality of democracy, such as voter turnout, government-voter proximity, and women's representation in parliament, concluding that consensus democracies are better, "kinder and gentler" forms of ruling than majoritarian ones (Bormann, 2010).

The degree of consensus and majoritarian democracy is measured by ten constitutional features and electoral outcomes. Factor analysis on these ten indicators in 36 different democracies yields two dimensions. The horizontal one - the executive parties (or power sharing) dimension, comprises the effective number of parliamentary parties, the frequency of single-party government, the average cabinet length, the degree of electoral disproportionality, and the interest group system. The second, vertical, federal-unitary dimension, consists of the degree of federalism, bicameralism, strength of judicial review, constitutional rigidity, and degree of central bank independence. The indicators of democratic quality are positively correlated with the degree of consensus democracy on the horizontal, i.e. the executive-parties dimension.

Lijphart´s findings have been largely criticized. One argument is that empirical typologies have difficulties in explaining causal regularities. Secondly, his sample excludes all new democracies from Eastern Europe and scholars failed in the attempt to replicate Lijphart's findings for this countries. Not only do the two dimensions of democracy not emerge in a statistical analysis of nineteen post-communist states, but the key features either lose their connection or their relationship takes the opposite direction. It is difficult to apply Lijphart's framework for the new democracies instead of established ones. The insights from the case study in Asia, Africa and Eastern Europe confirm the difficulties of applying Lijphart's typology outside the OECD world (Bormann, 2010).

IV. Accounting the Autonomy of NRAs

The connection among the institutional design of NRAs in different media systems and the configuration of political systems is narrowly analyzed in the literature. The potential for autonomy of regulators has been discussed in correlation with the independence of Central Banks (Rogoff, 1985). This issue represents a core concept in Lijphart's work on democracy, as the independence of Central Banks is highly correlated with the federal-unitary dimension (the guaranteed division of power). Lijphart (1999) argues that central banks play a crucial role in the policy process if they are strong and independent. In cases when central banks depend on the executive, the degree of independence decreases. According to Lijphart (1999), in consensus democracies central banks enjoy a higher rate of independence, while in majoritarian systems the potential for independ-

ence declines: "Giving central banks independent power is yet another way of dividing power and fits the cluster of divided-power characteristics (the second dimension) of the consensus model of democracy; central banks that are subservient to the executive fit the concentrated-power logic of majoritarian democracy" (Lijphart, 1999).

Central Banks independence comprises two elements (Alesina and Summers, 1993; Maggetti, 2007): political independence, "as the ability to select policy objectives without influence from the government", and economic independence, "the ability to use instruments of monetary policy without restrictions". The distinctions between formal (de jure) and informal (de facto) independence of different regulatory agencies are drawn by Gilardi (2001) as follows: the status of the agency head and/or management board; the relationship among the agency and politicians; the budget; the competencies delegated to the authority. Considering Lijphart´s (1999) empirical findings on the independence of Central Banks and indexing indicators for potential of autonomy of NRAs looking at the appointment procedures and budget frames, it may be hypothesized that majoritarian Polarized Pluralist countries (Hallin and Mancini, 2004) correspond with lower ratings of institutional autonomy of regulators. In opposition, due to the appointment procedures and budget frames, I estimate a higher rating of institutional autonomy in consensus Democratic Corporatist and Liberal countries. I present a more detailed argumentation later in the Discussion section.

Proportional Representation (PR) is the second key indicator that can configure the potential for autonomy of NRAs. Proportional representation (PR) divides and distributes political power among different parties in proportion to the votes they receive. Proportional Representation "is likely to be associated with multiparty systems, coalition governments (including, in many cases, broad and inclusive coalitions), and more equal executive-legislative power relations" (Lijphart, 1999). In other words, consensus democracy tends toward proportional representation (PR), while the typical electoral system of majoritarian democracy is "the single-member district plurality or majority system". I question whether the distribution of political power is reflected in the composition of the board members of NRAs and if PR influences the degree of financial autonomy of regulators.

The literature on regulation mentions two types of affiliations between the public broadcaster and the state (INDIREG, 2011). Countries such as Germany, Austria and Netherlands represent the proportionality model, where the influence of political parties and civil society groups is reflected in the governance of the public broadcaster. In the insulated public broadcaster model independent regulators are required (the UK, Ireland and the Scandinavian countries). A key argument favouring PR in the board of regulators is that "the fair representation of <socially significant groups> can guarantee a certain degree of independence from political interference, as (...) all main parties have a voice" (INDIREG, 2011). On the other side, there is an increasing risk of political constraints: politicians can be appointed in boards and "socially significant groups already have strong political alle-

giances" (INDIREG, 2011). Preliminary estimations regarding the influence of Proportional Representation (PR) on the appointment of heads and budget settings of NRAs are presented in the fifth part of the paper.

I analyze the potential for autonomy of NRAs in relation with the number of Veto Players in a polity (Hanretty, 2010). Veto Players focuses on "how many individual or collective actors need to agree in order to change the status quo" (Tsebelis, 2006). According to Lijphart (1999), the number of Veto Players and their polarisation influences the differences among presidential and parliamentary systems. In terms of regulatory issues, this means that the independence of NRAs in different political regimes is directly linked with the existence of Veto Players and influenced by the degree of ideological distance (Hanretty & Koop, 2012). In countries where political parties are polarised (consensus democracies) a higher degree of autonomy of regulators is expected, as I will emphasize in section V. Hanretty (2010) argues that where multiple Veto Players "need to agree, the match between any appointing actor and the appointed person will be looser". Consequently, in consensus democracies regulators enjoy a higher degree of autonomy due to the influence of Veto Players in NRAs 'appointment procedures. Contrary, I rate NRAs in majoritarian democracies with a lower degree of autonomy due to the influence of Veto Players in appointment procedures.

Following this line, the research in hand aims to test the interrelations among features of democratic political regimes in different media systems. At this point, I hypothesize a strong relationship between the degree of autonomy of NRAs and elements of consensus and majoritarian democracies. I am filling the existing gap left by the limited ties between broadcasting regulation and political systems, exploring whether Hallin and Mancini's hypotheses regarding the reflection of majoritarian or consensus patterns of government over broadcasting regulatory institutions can be theoretically and empirically argued.

V. Hypotheses

Hypothesis 1.

In consensus democracies the potential for autonomy of the heads of NRAs increases due to the appointment procedure. In majoritarian democracies the potential for autonomy of the heads of NRAs decreases due to the appointment procedure.

It can be predicted that political control over NRAs decreases with the number of players involved. The partisanship of nomination, representation or reproduction of political power structures in the board composition of NRAs is more likely to mirror political majorities (INDIREG, 2011). In majoritarian political systems, appointment of the governing

board of NRAs by proportional representation results in control of the political majority, even if broadcasting regulators are formally under the authority of parliament and not directly supervised by the government (Hallin & Mancini, 2004).

Hypothesis 2.

> In consensus democracies the potential for autonomy of NRAs increases due to the influence of more players regarding the budget allocation. In majoritarian democracies the potential for autonomy of NRAs decreases due to the influence of one single player regarding the budget allocation.

It can be expected that significant changes in the budget allocation for regulators indicate less institutional autonomy of heads of NRAs. A higher degree of institutional autonomy is expected in countries where there is a relative stability and continuity in allocating the budget. According to the literature consulted, political parties do not constrain regulatory bodies in countries where the parliament sets and approves the budget. Also, in countries where the budget frames is protected by legislative means, evidence suggests less political pressure on NRAs. In contrast, where external parties have a "legal influence on the level of the budget, they can undermine its operational capacity by denying its adequate financing" (INDIREG, 2011).

VI. Data and Methods

I develop comparative research on broadcasting regulation across 47 European countries, testing two variables: appointment of heads and means of funding. I expect that the examination of various regulatory systems highlights the degree of institutional autonomy of NRAs. The sample selected allows newer democracies to be contrasted with older ones. I am currently constructing a database on NRAs across Europe, collecting data from different sources such as official documents, statutes, constitution, laws, terms of reference, rules of procedures, the financial regulations. Also, this comparative study relies on a secondary evaluation of existing material that has already been produced in the countries in question. The evolution and the forms of broadcasting regulation across Europe is presented in a cross-national, cross-time, and cross-issue analysis of patterns of regulation.

To answer the proposed research questions, I triangulate different methods:

- Analysis of documents and academic literature;
- Evaluation of statistical data (EUROSTAT);
- Cross – cases comparison: legal frameworks, national regulatory structures and political systems;

- Questionnaires about political and media environments in which national regulators operate; the questionnaire will be sent to chief executives of NRAs across Europe;

- Interviews with the head members of NRAs in Europe (a representative NRA for each model of media system).

VII. Testing the Potential for Autonomy

In the recent literature on regulation, Regulatory Authorities (RAs) are presented as bodies which "develop and implement regulation, ranging from goal formulation, rule making, and standard setting, to monitoring, enforcement, adjudication, and application of sanctions and rewards" (Matthys et al., 2010). Scholars argue that NRAs have strong regulatory position and power when they take decisions on regulatory issues independently from influence from external actors, and when they are perceived by all relevant actors to be the most central, important, and influential actor for the regulation of the market at stake (Matthys et al., 2010). Power is defined as "the ability to take decisions that affect the choices and actions of other actors in order to reach certain goals (power "over" and power "to"). The hypothesis that regulatory agencies that are very autonomous towards government will have a stronger position and power accounts as a basis for understanding theoretical/normative arguments based on credibility, legitimacy, and administrative capacity of NRAs.

Autonomy is defined as the ability "to translate one's own preferences into authoritative actions, without external constraints" (Nordlinger, 1987). Verhoest (2004) has conceptualized two kinds of autonomy:

1. Autonomy at the level of decision-making competencies of the agency (management and agency policy);

2. Autonomy as the exemption of constraints on the actual use of decision-making competencies of the agency (structural, financial, legal and interventional constraints on the agency's decision-making competencies).

The distinction between de jure autonomy and de facto autonomy has been debated by several researchers. Formal autonomy (de jure) is "the product of laws and statutes prescribing the institutional design and safeguards of a regulatory body" (INDIREG, 2011). Minimum requirements of formal autonomy are:

- The agency has its own powers and responsibilities given under public law;

- It is organisationally separated from ministries;

- It neither is directly elected nor formally managed by elected officials.

De facto autonomy is defined by Hanretty (2010) as "the degree of taking day-to-day decisions without receiving and acting on the basis of instructions, threats or other inducement from politicians". Threats to de facto autonomy have been discussed in the literature as potential external constraints for NRAs (INDIREG, 2011):

1. Legislative changes to the statutory laws of the regulator
2. The actual use of formal control opportunities by elected politicians
3. Politicization of appointments
4. Alternative compliance mechanisms
5. Revolving-door and career paths
6. Independence from regulatees and other third parties

Maggetti (2007) examines the relations between formal independence, as prescribed in the statutes of agencies, and de facto independence, and explains how the two types of independence may diverge from each other. He develops five hypotheses about variations in de facto independence, testing his theoretical expectations on 16 Western European regulators, using a fuzzy-set analytical technique. First, he tests explanations about the de facto independence of agencies from politicians: formal independence, age, veto players, coordination of the economy, sectoral path dependence, and the effect of agencies' networks. Then, he test hypotheses regarding the variations in de facto independence from the regulatees. The selected cases are 16 formally independent regulatory authorities in 10 Western European countries and three sectors. Results show that "formal independence is neither a necessary nor a sufficient condition for explaining the de facto independence of agencies, and the divergence from statutory prescriptions reflects a significant range of causal conditions".

VIII. Appointment procedure

From the literature I derived the following indicators regarding the appointment procedure, which outlined my first hypothesis aimed at measuring the degree of autonomy of the heads of NRAs (Gilardi, 2001; INDIREG, 2011; Fernandez-i-Marin, Saz-Carranza & Vandendriessche, 2012):

• Nomination body
• Appointment body
• Appointment mechanism

- Veto capacity
- Term of office
- Renewability of office
- Dismissal procedure
- Eligibility
- Incompatibilities

Data is also collected on the term of office of the heads of the regulatory body (if coincides or not with the election cycle), on the renewability of appointment (limited to one or two instances), on the partisanship of nomination, representation or reproduction of political power structures in board composition, the possibilities of the appointing body to exert pressure on the appointed member, tenures and salaries. The data collected on the appointment procedure may indicate the level of control over the heads, and by approximation, over the NRAs (Fernandez-i-Marin, Saz-Carranza and Vandendriessche, 2012).

The literature on regulation does not mention a unique correct model for nomination and appointment procedure. Across Europe there are different models of appointment of heads of NRAs. For instance, countries where the Executive is predominant in the appointment procedures are Austria, Ireland and Malta. Czech Republic, Estonia, Latvia, Portugal and Greece are models with a predominance of parliament. Countries like Italy, Spain, Romania and France are models involving both parliament and the executive in the nomination and appointment procedures. In some cases, such as Bulgaria, some of German Länder, Hungary and Lithuania, civil society and relevant professional organisations are involved in nomination and appointment of heads of NRAs.

The following models of nominations exist (INDIREG, 2011):

1) Models with a predominance of the executive:
- nomination by the government and appointment by president: Austria;
- nomination by the minister and appointment by the government: Ireland;
- nomination by the prime minister and the opposition and appointment by president: Malta.

2) Models with a predominance of parliament:
- nomination by political parties and appointment by parliament: the Czech Republic;

- nomination by a parliamentary committee or by a minimum number of members of parliament and appointment by parliament: Estonia, Latvia, Portugal;

- nomination by the president of parliament and appointment by the conference of presidents of parliament: Greece.

3) Models involving both parliament and the executive

- nomination by the parliament and appointment by the president: Italy;

- nomination by the parliament and appointment by the government: Spain (CEMA);

- nomination by the parliament chambers, the government and the president and appointment by the parliament: Romania;

- nomination by the president and parliament and appointment by the president: France.

4) Models involving civil society and/or relevant professional organisations:

- nomination by one or several of the following bodies (e.g. civil society, political parties, professional associations) and appointment by parliament and president: Bulgaria, some German Länder, Hungary;

- nomination by government committees and appointment by president, parliament and professional organisations: Lithuania.

IX. Financial settings

The means of funding of NRAs represent the second key variable in my analysis and framed the second hypothesis of this study. Here, two aspects are crucial: the amount and the source of funding. Data indicate that the most common model of funding is directly from the state budgets (INDIREG, 2011). In some countries like Austria, Germany, Ireland, Italy, Lithuania and Slovenia the budgets for regulators are supplemented by licence fees, the revenues from technical fees or application fees, taxes on private broadcasters' income, donations and grants. The procedures of budget settings influence the degree of autonomy of regulators. I expect to see less institutional autonomy in cases where the budget of the regulatory authorities depends exclusively on the governments and where NRAs do not have "a maximum control of the input of resources on which they are dependent" (Baudrier, 2001).

X. Discussion and Conclusion

In this section I present some preliminary estimations regarding the potential for autonomy of NRAs, with a detailed analysis of the two variables, appointment of heads and budget settings. Further research should be done to confirm my hypotheses. The study focuses on NRAs in 47 European countries. The innovation of this project consists in introducing new data on the appointment of heads of NRAs and budget frames, using these indicators to create a proxy for the autonomy of regulators. I assess the effects of legislative provisions on the independence of NRAs in different media systems, accounting for such factors as the degree of independence of Central Banks, proportional representation and the number of veto players in the polity.

The first dimension to analyze is the potential of autonomy of NRAs measuring variables drawn from the literature (Fernandez-i-Marin, Saz-Carranza & Vandendriessche, 2012): the body responsible for the nomination and appointment, the mechanism of appointment, the possibility of vetoing the candidate, the length of the mandate, the possibility of renewal of the mandate, the dismissal procedures, the body or person with the power to dismiss and formal limitations of eligibility of candidates. According to my preliminary index of democracies, the Democratic Corporatist countries (Austria, Belgium, Denmark, Finland, Germany, Netherlands, Norway, Sweden, Switzerland) tend towards consensus features of democracy: many political parties, broad coalitions, the practice of power sharing between parties, interest groups and cultural communities. In opposition, the Liberal systems (Britain, United States, Canada, Ireland) cluster majoritarian elements such as small numbers of political parties, domination of two broad, catchall parties, the existence of a unitary public interest. Mediterranean countries (France, Greece, Italy, Portugal, Spain) have government-controlled systems that "leads to diminished credibility with audiences and sharp conflict between government and opposition" (Hallin & Mancini, 2004).

In countries such as Belgium, Cyprus, Denmark, Finland, the Netherlands, Slovenia and the UK the appointing authority is the executive body (minister/government/council of ministers). In other cases, the appointing authority is the parliament (Czech Republic, Estonia, Latvia, Portugal), socially relevant groups (Germany, Hungary) or a mix of parliament and the president (Italy, Spain, Romania, France) (INDIREG, 2011). The term of office of heads ranges between two and seven years and does not coincide with the election cycle, except for Belgium, Denmark, Estonia, Lithuania, Slovenia, Albania, Bosnia and Herzegovina, Serbia and Iceland. In Finland, Norway and Switzerland the general director has a permanent term of office. Specific rules for limiting the possibility of dismissal of NRAs heads exist in most of the European countries, excepting the case of Belgium, Denmark, Estonia, Greece, Sweden, Iceland and Luxembourg (INDIREG, 2011). The possibility for autonomy increases in cases where appointments last for a long time. The more frequent and easily

revoked heads' appointments suggest the opposite (Gilardi, 2001). Considering Lijphart´s (1999) empirical evidence on the independence of Central Banks described in section III as an indicator for potential of autonomy of NRAs, I estimate that regulators in consensus democracies enjoy a higher rate of autonomy, while in majoritarian systems the potential for autonomy declines. In other words, due to the appointment procedures I rate the Democratic Corporatist and the Liberal media systems with a higher degree of institutional autonomy. In opposition, the majoritarian Polarized Pluralist model is rated with a lower degree of institutional autonomy.

Recall from section III that the autonomy of NRAs is directly linked with the existence of Veto Players. Hanretty and Koop (2010) argue that where few Veto Players are involved in appointment of NRAs' heads "the closer the match between the ideal point of the appointing individual and that of the appointed person"; conversely, where multiple Veto Players need to reach consensus on appointments "the match between any appointing actor and the appointed person will be looser". I question whether the autonomy of NRAs is influenced by veto players such as courts or special appeal bodies (ministries or governments) that can overturn regulator's decisions (as in Belgium, the Netherlands, Norway, Liechtenstein).

In Bulgaria, Cyprus, Denmark, Finland, France, Ireland, Italy special appeal bodies have powers to give instructions to NRAs. With few exceptions, decisions taken by the regulators can be appealed to courts of law. In Estonia, Iceland (subject to certain exceptions), Germany there is no appeal procedure in place for the decisions taken by the regulator. In most of the European countries, courts do not have the power to replace the regulator´s decision with their own, but can cancel the decision and remit it back to the regulator. External appeal courts can replace regulators´ decisions in thirteen European countries: Ireland, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Slovenia, Sweden, Croatia, Former Yugoslav Republic of Macedonia, Norway and Switzerland. From these preliminary findings I estimate that NRAs in consensus democracies enjoy a higher degree of potential for autonomy due to the involvement of more veto players in appointment of heads. Contrary, the fewer veto players, the lower the rate of autonomy of regulators.

The second dimension to analyze is the financial means of NRAs that represents a relevant criterion for the autonomy potential. The most common model of funding the regulators is directly from the state budgets. The government proposes and the parliament approves. In Greece, Italy, the Netherlands, Slovenia, Spain and the UK, the budgets are only subject to the approval by government. I predict that NRAs in consensus democracies have a higher degree of institutional autonomy due to the influence of proportional representation (PR) on budget settings, while NRAs in majoritarian democracies present a lower degree of institutional autonomy due to the influence of proportional representation (PR) on the budget.

The reflection of Proportional Representation (PR) on the financial autonomy can be hypothesized based on Lijphart´s (1999) findings regarding the allocation of state budgets. He demonstrates that the proportional allocation of public funds can be based "on the strenghts that the several segments have demonstrated in the PR elections". Where external parties have legal influence on the budget, they may exert pressure to get politically motivated decisions and to undermine NRAs' operational capacity through inadequate financing. The greater the influence of a single player regarding the budget allocation, the more likely it is to be used to punish or reward the body to generate politically motivated decisions (INDIREG, 2011). To sum up, considering Proportional Representation (PR) an indicator for the financial autonomy of NRAs, I rate the Democratic Corporatist and the Liberal media systems with a higher degree of institutional autonomy. In opposition, I predict a lower degree of institutional autonomy in the case of the Polarized Pluralist model.

Comparing the institutional design of NRAs in the European countries is representative taking into account the potential of diversity of the audiovisual framework. Provisory analysis of the data suggest that measuring the potential for autonomy of NRAs, based on the appointment of heads and the financial means can lead to a variety of outcomes. As mentioned in the beginning of this section additional research should be done to confirm the working hypotheses, as estimations regarding the potential for autonomy of NRAs are preliminary.

As stated, the core hypothesis of this study is the strong relationship between the degree of autonomy of NRAs and countries corresponding with consensus and majoritarian features of democracy. To sum up, the objective of this research is to contribute to the debate on broadcasting regulation across Europe proposing measures for autonomy of National Regulatory Authorities (NRAs). My aim is to fill the gap left in the debate on Hallin and Mancini´s (2004) paradigm of media models and Lijphart´s (1999) extension of democracy. Provisory analysis suggests that there is a strong correlation between the degree of autonomy of NRAs and features of democratic regimes. Triangulation of different qualitative and quantitative methods indicate the differences between the various levels of autonomy of broadcasting regulators in Europe. Indexing regulatory authorities and their outcomes in decision-making processes add new dimensions for measuring the performance of government institutions.

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