Public Service and Individual Rights: Striking the balance between order, development and freedom of speech in China

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Abstract

This article argues that China’s public service broadcasting (PSB) policy has been motivated more by the pragmatic ends of securing social stability and cohesion than by moral or humane concerns for the development of citizens. Actual PSB policy focused predominantly on a narrowly defined ‘basic cultural right’ of access to broadcast media and on social equalization between urban and rural access to broadcast networks. Other values of PSB, including high-quality programming, independence and impartiality, are still marginalized. The continuation of consensus on the authoritarian political model and the prioritization of social order and collective rights over individual political and civil rights has restricted the scope of the policy. The lack of consensus on the substance of the public interest undermines any meaningful political construction of PSB. The long-term implications of PSB policy depend on the legitimation of the discourse of individual rights and equality, and on recognition of the broadcast media’s role in independently serving the public and common good and of the State’s obligation to respect individuals as citizens having equal and unalienable rights.

Keywords

Public Service, Media Freedom, Public Interest, Chinese Media, Human Rights, Social Order
Introduction

The ‘cultural public service’ policy recently introduced by the Chinese government has prompted renewed discussions on the public service functions of broadcasters in China. The contentiousness and ambiguity of the public service concept and the lack of coherent models of public service broadcasting (PSB) poses hard questions regarding the aims and principles of PSB policy in the Chinese social and political context. Answering them is essential to framing a meaningful critique that may help us understand the role of PSB in China and its implications for the lives of Chinese citizens and for the limitation of State power.

This article approaches these questions from two perspectives, the normative and the historical. It will first compare the Chinese normative concept of PSB with one typical of liberal democracy, unpacking both their differences and commonalities. It will ask which values and functions of PSB are privileged or neglected in the Chinese discussion by those who hold power. Normative conceptualization is essential, as the destiny of social organizations is determined by the character of the dominant discourse, which prefers norms and values differentially (Hall, 1993; Tracey, 1998; Sparks, 1998). The comparison to liberal democracy as benchmark is justified by the broad agreement in political theory on the basic principles of liberalism (see Buckler, 2010).

Next, a historical perspective will be taken up to inquire into the origins and actual evolution of Chinese PSB policy, posing the fundamental questions: why did PSB in China evolve into its current form? and how well does this form match the normative justifications for it proffered to the public? The historical approach is particularly pertinent given the self-reinforcing and evolutionary features of public policy-making in China (Chin, 2011).

The Call for Public Service

In China, the mandate to develop nationwide public service broadcasting originated with the State. In September 2006, the State Council published its Outline of Cultural Development for the Eleventh Five-Year Plan. This important policy document
championed ‘cultural public service’ (CPS) as the key objective of culture building in the subsequent five years – the first time the government had explicitly referred to this concept. Public service broadcasting (PSB) makes part of the CPS project.

Although the Chinese academic literature on PSB goes back to 1980 (see Guo, 1998; Hu, 1980; Hu et al., 2008; Xia, 1988; Zhang, 1992; Zhao, 1998), the surge of publications on the subject did not happen until 2007, after the official announcement of the CPS policy (Hu, Wang et al., 2008). This literature falls into two primary categories: (1) reviews of the evolution of PSB in foreign countries, and (2) articles purporting to define ‘public interest’ and ‘public service’, and to construct a PSB concept compatible with the Chinese social and political context. This latter aspect is extremely important given that PSB in China is in its infancy.

Since PSB was first created in Britain in the 1920s, no single universal definition of it has emerged, and relatively few coherent models are available (Humphreys, 1994; Tunstall, 2010). Three main normative functions are generally assigned to PSB in Western Europe’s liberal democratic social context: Politically it serves the needs of democracy through the independent and impartial coverage of news and current affairs. Culturally it sets and maintains high programming standards and contributes to the national cultural resources, eschewing profitable fare of the ‘lowest common denominator’. Socially it promotes inclusion, binding together diverse groups in society (Curran and Seaton, 2003: 402; Broadcasting Research Unit in Debrett, 2009; Harrison and Woods, 2001).

The substantive normative reasoning justifying the functions of PSB relies on its relation to the ‘public interest’ (PI), a presupposed common welfare of the community or ‘common good’ over and above the interests of particular individuals (Feintuch and Varney, 2008; van Culemburg and McQuail, 2003). The substance of PI remains highly contested and subject to capture and reinterpretation, inasmuch as the values in question are inseparable from those involved in democracy and the good society (Dahlgren, 2000; Freeman, 2007; Hargrave and Shaw, 2009; McQuail 1992). Interpretations of PI range from scepticism about its very existence, through equation of it to the national interest in certain circumstances, to the common good ‘assessed in context’ (Hargrave and Shaw, 2009:44). The contested nature of PI has vividly transpired most recently in the Chinese context.
Defining the Public Interest: Principle, substance and procedure

European legal and media-studies theories tend to identify citizenship in the liberal-democratic theory as the fundamental basis for discovering the normative principle of the public interest in such societies. According to Marshall, ‘Citizenship is a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed’ (2009[1952]:150). Citizenship is closely intertwined with human rights, as historically they shared roots in liberal individualism (Nash, 2009). ‘Civil’ citizenship includes ‘the rights necessary for individual freedom’; ‘political’ citizenship implies ‘the right to participate in the exercise of political power’; ‘social’ citizenship ranges ‘from the right to a modicum of economic welfare and security to the right to share … in the social heritage and to live the life of a civilized being according to [prevailing] standards’ (2009[1952]:148). ‘Cultural’ citizenship enables one to ‘take part in cultural life; enjoy the benefits of scientific progress and its applications’ (Article 15, ICESCR). Striking a balance between citizens’ individual rights and self-interest, and their social responsibilities and civic virtues, such as participation in the political process, tolerance of differences, and a sense of justice, is also stressed as essential to citizenship, for its contribution to the health and stability of democratic regimes (Born and Prosser, 2001; Kymlicka and Norman, 1994: 3353). Citizenship is key to discovering the principles of PI, first, because it features both common good and shared identity, and equal individual rights and obligations; and second, because it unifies the public domain, and its formal legal status provides a starting point for debates over exactly which rights and obligations are to be given recognition and therefore political existence (Born and Prosser, 2001; Dahlgren, 2000; Feintuch and Varney, 2008:108; Morgan and Yeung, 2007; Murdock, 2000; Ranson and Stewart, 1989).

The Chinese academic debate on PI has achieved little consensus either on principle or in spirit, regardless of the approach taken. Xiao (2009) identified ten different viewpoints in theorizing the concept, concluding that none of them are ‘better’ or ‘more persuasive’ than the others. Xiao and other like-minded academics have suggested to concentrate on inventing legitimate procedures for involving all interested parties and opinions in deciding collectively the substance of PI – procedures such as public hearings – rather than attempting to finalise a comprehensive definition \emph{a priori}. The latter would contribute little to resolving
practical problems. This reliance on deliberation and dialogue is supported by academics in both China and Europe (see Morgan and Young, 2007:36-37).

Citizenship, however, is not deployed in China to serve as the basis for the normative conceptualization of PI, due to its contestedness in the Chinese political context. First, both Chinese officials and academics tend to prefer words like ‘the People’ or ‘individual’ instead of ‘citizen’. ‘The People’ is a politically restrictive and exclusive category in China, its membership is not fixed but changeable according to the interpretations of politicians (Kean, 2001), unlike ‘citizen’, a legal concept which establishes the equality of all Chinese nationals before the law (Article 33, Chinese Constitution, 1982). The Constitution also provides that ‘all power in the People’s Republic of China [PRC] belongs to the People’ (Article 2, Chinese Constitution, 1982). Peng Zhen, the Vice-Chairman of the 1982 Constitutional Revision Commission in his report to the National People’s Congress (NPC), the national legislature, stressed that ‘freedoms and rights in an absolute sense subject to no restrictions whatsoever have never existed in the world. […] Only when the democratic rights and fundamental interests of the majority of people are ensured and extended will it be possible for the freedoms and rights of individual citizens to be effectively ensured and fully realized’ (Peng, 1982). Even liberalism accepts that individual freedoms and rights are not absolute, and may be limited to prevent harm to others and to protect the general welfare; however, its principle is respect for the equality and autonomy of all citizens, and the ‘general welfare’ is a universal value shared by all, not just some individuals (Swift, 2004). By conceptualizing persons in competing guises – ‘the People’ and ‘citizens’ – Chinese law and policy actually militate against the constitutional protection of equal individual rights from violation by the ‘majority’, even in the spirit of socialism.

Historically, the individualizing concept of citizenship has been spurned in the PRC as ‘antithetical to the socialist goal of mass mobilization, class struggle, and collectivism’ (Kean, 2001:3). Article 51 of the Chinese Constitution of 1982 states, ‘The exercise by citizens of the PRC of their freedoms and rights may not infringe upon the interests of the state, of society and of the collective, or upon the lawful freedoms and rights of other citizens’. This clause justifies subordinating the individual citizen’s liberty, autonomy and rights to the tyranny of the majority at best, and at worst, to Party-state dictatorship when the latter monopolies the interpretation of majoritarian interests. One consequence of this collectivist bias is that official
deployment of the word ‘citizen’ has been confined to the campaign to improve the ‘civic virtue’ of the people so as to meet the needs of the market economy (Nathan, 1989). In recent years, the concept of citizenship has attracted growing attention in Chinese academic and public debates alongside the renewed call for political reform at the top and public participation in politics at the bottom (see Yang, 2008).

The Constitution of the PRC indeed speaks the language of the public interest, and the term regularly appears in legal provisions without definition, even though nearly every law enacted by the NPC and its Standing Committee has utilised it (Han, 2005). There have been no juridical interpretations of ‘public interest’, either. This ambiguity gives discretionary power to the authorities to interpret ‘public interest’ in ways that *invade and deprive* individuals of their rights (Ren and Ji, 2005). It is unsurprising, then, that so few studies have been done on the relation between broadcasting and the public interest in China.

Three approaches to the public interest current in public forums will now be identified and summarized. The ruling Chinese Communist Party (CCP), with its one-Party authoritarian mode of governance, assert the identity of the interests of the Party-state, of society and of the people, whence Party- and governmental policies necessarily reflect the public interest’. Peng Zhen in the above-mentioned report to the NPC claimed that ‘as ours is a Socialist country, the interests of the State and society are in basic accord with the citizens’ personal interests’ (Peng, 1982). This statement subsumes individual, public and State interests under one comprehensive doctrine. However, both Europe’s and China’s own recent histories prove that such a claim is untenable, and it has also been contested by many Chinese academics (He, 2007; Xiao, 2009; Xiong & Zhu, 2005). In 2004, the CCP’s role as representative of the fundamental interests of the broad majority of citizens was inscribed in the Chinese Constitution as the result of an amendment to its Preamble incorporating the ‘important thought’ of the Three Represents.

The public interest, as defined by the Party-state, assigns to the Chinese cultural sector the duty to ‘protect, realize and develop the basic cultural rights of ordinary people’; to ‘develop the nation’s moral, intellectual, scientific and cultural standards’; and to ‘build up a wealthy and strong, democratic and harmonious modern Socialist country’; aims which ‘reflect the public desire and the superiority of China’s socialist system’ (*zhongbanfa*, 2007, No. 21). Some Chinese intellectuals concede the key role
of the State in protecting the public from harm caused by private interest groups. In their view, the major weaknesses of US-style commercial broadcasting are its depoliticization, corruption by public relations firms and their amoral methods, subservience to advertisers, and close working relationship with private interest groups (Li, 2008; Wang, 2008). In general, both the Western European public broadcasting and US commercial broadcasting are seen as pervaded by the rhetoric of ‘liberal’ values, yet increasingly dominated by profit- and rent-seeking motives at odds with their claims to serve the public interest (Xu, 2008). The Chinese people, academics argue, require instead a fair government protecting all members of society equally (Pan, 2008).

Indeed, all Chinese constitutions since 1954 have stressed the role of the State as the safeguard and realisation of the public interest (Han, 2005). This proposition differs little from the general expectation in democratic societies for the State to pursue the public interest on behalf of its citizens by providing necessary regulatory frameworks and material resources to enable its members to pursue a better life and to safeguard the common good (Buckler, 2010; Gearty, 2007; Swift, 2004). Instead, the Party has historically considered its Socialist ideology to place it above and beyond the Constitution, and it is this that has justified the Party-state’s intervention into every area of life.

Other Chinese academics are concerned with the pragmatic questions of PI: how to apply it, in what context, and for what purpose. From their perspective, substantive definition is less important than developing procedures for its articulation, its representation in public policy, and for identifying who ought to participate in making policy in the public interest. They suggest that PI in the media sector can be constructed only through rational public discussion, under public scrutiny. These scholars concede the legitimacy of governmental coordination of social activities and public order, but misgive governmental discretion and unaccountability in interpreting PI. Neither government nor media are ‘owners’ or ‘arbiters’ of the public interest; but the public may confer on them rights of implementation (Luo and Liu, 2006; Xia 2005). The formation of the public interest depends on the formation of a modern public: citizens who can discuss and act upon issues and events affecting their interests (Xia, 2005).
These strictures resonate, given that the Head of State is not popularly elected, that the CCP is a political power superior to State authority, and is intolerant of dissenting voices (Esary, 2006). The Party ideologically controls the government’s media policy-making (Chin, 2011); thus, it is difficult to see how the government could be able or willing to defend the public interest from the Party’s political interference, still pervasive in the media’s day-to-day operations. The legitimacy even of the judiciary to vindicate the public interest is questionable, because of concerns over its lack of independence. One concludes that a feasible way of realizing the public interest would be resort to a public hearing procedure involving the administration, the judiciary and the public (Xiao, 2009).

**Defining PSB’s Normative Functions: Striking a balance between freedom of speech, development and social stability**

As no consensus has been reached concerning who should define the public interest, so likewise no consensus currently exists regarding the normative qualities of PSB in the Chinese social context (Hu et al., 2008). Chinese academics resist replicating the Western model, maintaining that China should learn from the West, but be creative in adapting and implementing their models to accord with Chinese social conditions (Shi and Zhou, 2006:15). Chinese academics support PSB for its symbolic importance to a diverse society pursuing democracy, transparency, fairness, and minority rights (Yuan and Xian, 2006); for contributing to a balanced media ecology amid intensified media commercialization (Guo, 2006; Zhang, 2008); for its facilitation of exchange and dialogue between government and society, reducing social tensions; and for its role in developing democracy, the rule of law, and the market economy (Yuan and Xian, 2006). Discussions converge on PSB’s non-profit and public interest-serving purposes, and on its social and cultural products of education, enlightenment, moral critique, quality information, defence of minorities, and national cohesion (Shi and Zhang 2007, Shi and Zhou, 2006; Yang, 2008; Yuan and Xian, 2006). Some go farther and suggest that PSB needs to be publicly owned, independent of interest groups, universally accessible, socially responsible and impartial, and facilitative of the formation of a free, open and equal public sphere that fosters public participatory consciousness for the democratization of society (Shi and Zhou, 2006; Shi and Zhang,
Qi Yongfeng, a policy-maker on the State Council’s National Development and Reform Commission (NDRC) agrees with his academic counterparts on the educational and social functions of PSB, but differs on institutional independence and the media’s role in upholding citizens’ civil and political rights (Qi, 2006). According to Qi, the media’s degree of freedom and priority of rights and responsibilities are determined by the developmental stage of society. China’s situation as a transitional society requires stricter supervision of the media as a precaution against chaotic social upheaval resulting in economic and other losses. Media needs to concentrate on their social responsibilities to improve cultural, scientific and moral standards, to create channels for citizens to publicly and orderly participate in the processes of governance, and to facilitate social consensus supporting reform and institutional innovation and reconcile competing interests (Qi, 2006:21, emphasis added). Qi’s formula marginalizes impartiality and independence in PSB, prioritizing the values of social solidarity.

Coming from a high official, Qi’s reasoning exposes the profound differences between Chinese and Western assumptions about the relationship between State power and individual rights and about the values that might justify political freedom for PSB. Liberal democracy recognizes media freedom as an ‘instrumental freedom’ that promotes the values and ends of FoS on behalf of everyone (Barendt, 2007: 422-4; Gibbons, 1998). While liberal states reserve the right to impose restrictions on FoS for reasons of national security or to maintain public order, the formal approach is ‘no prior restraint’. FoS is paramount for securing individual liberty, discovering truth, participating in a democratic political process, holding authority accountable, and promoting individual development and fulfilment (Emerson, 1977; Gibbons, 1998; Greenawalt, 1980; Perry, 1984). The justification for independent means of discovering truth rests on three principles: a refusal to accept the infallibility of authority; the utility of exposing accepted facts and received opinions to criticism; and a conviction that rational discussion yields better judgments (Emerson, 1977:740-1).

Chinese philosophy, by contrast, has traditionally been elitist and paternalistic, holding that rulers and elites are best situated to discern the common good, and are entitled to rule by their superior moral wisdom or technical knowledge. The Chinese people have traditionally accepted authority because it ‘embodied’ truth (Ci Jiwei, 2007).

Liberalism preconceives the State as neutral arbiter and presupposes a social contract whereby individuals precede the State and are entitled to choose society’s normative agenda, which the State enforces, or to pursue individual normative agendas without State interference. Moreover, ‘governments derive their just powers from the consent of the governed’ and should be accountable to the people (Greenawalt, 1980: 674; Peerenboom, 2006; Williams, 1971). Because people reasonably disagree about the common good, a procedural mechanism (viz. elections) for resolution is set up. The legitimacy of the Chinese government is rooted not in procedures and contracts, but in its capacity to preserve the peace and impose order (Shue, 2004). The dominant academic discourse since 1989, which might be styled ‘neo-conservatism’, champions a powerful central authority guaranteeing stability during a socioeconomic transition, directed by the CCP’s wise politicians, ‘to achieve effective modernization, fair distribution, political order, and national security’ (Chen, 1997; Nathan, 2008:33). Grave doubts as to the feasibility of liberal democracy in China heavily influence official policy still (Chen, 1997; Nathan, 2008; SohuNews, 2008).

Liberalism regards FoS as a deontological value intrinsic to the autonomous subject which develops more reflective and mature individuals. To achieve self-development, the mind must first be free, even if its exercise may be inimical to the welfare of society (Barendt, 2007; Greenawalt, 1980; Perry, 1984). In contrast, the Chinese constitution conceives of rights as granted by the State. Liberalism also prioritizes first-generation civil and political rights over second- and third-generation economic, social and cultural rights, and collective or group rights (Freeman, 2002); in China, as elsewhere in the developing world, the discourse of a collective right of development predominates. The Party-state upholds subsistence as the primary right from which all others derive (Li and Wei, 2011; Peerenboom, 2006; Potter, 2003). The 2009 National Human Rights Action Plan of China (2009-2010), published by the State Council, underlines that ‘while respecting the universal principles of human rights, the Chinese government, in light of the basic realities of China, gives priority to the protection of the people’s rights to subsistence and development’ (IOS, 2009).

From a liberal perspective, the media provide the most important institutional
channels for exchanging information and opinion between individuals and groups; functioning as a Fourth Estate checking government’s actions. Since ‘any restrictions on the media’s ability to communicate will broadly tend to interfere with speech’, media must be independent of the State (Gibbson, 1996:21). In the Chinese context, the dominant discourses – an elitist philosophical tradition, the conception of governance as maintenance of harmony and social stability, and the privileging of the right to development – underpin an authoritarian and paternalistic media whose remit is to mould public opinion to perceive the Party-state as performing and legitimate; to ‘enlighten’ the public in morality and virtue; and to mobilize support for the State’s socioeconomic reform agenda. Coercive information control and asymmetrical information dissemination are routinely deployed to these ends (see Zhang, 2009).

Qi also reflects the Party-state’s inconsistent attitudes towards FoS and social order. Coercive information control has become a barrier to national integration (see Zhang, 2009), and ‘long-term structural stability’ depends on the incorporation of different interests into the political system under the control of the Party (Weng Jiemin et al., 1996 in Chen, 1997:606). FoS could function as ‘a form of social control that strikes a balance in society between stability and movement, thereby allowing for necessary change without resort to violence, contributing to social stability’ (Emerson, 1977:742-3). The denial of any chance to present their interests may itself drive people to rise up against existing institutions. ‘Thus, liberty of expression, though often productive of divisiveness, may contribute to social stability’ (Greenawalt, 1980:673). It is not surprising that Qi advocated strict supervision of the media to prevent social upheaval while stressing their social responsibility to reconcile conflicts and channel citizen participation in governance, but in a ‘public and orderly’ fashion.

Qi also foregrounds the main characteristics of China’s development strategies since the 1980s, especially the privileging of economic growth and efficiency. In China economic development needs not contribute to human development; suppression of individual civil and political rights is justified by the necessity to facilitate economic development and foreign investment. In contrast, a human development approach aims to enhance individuals’ opportunities for education, health care, employment, and economic and political freedom (Hamm, 2001). FoS is a ‘cornerstone’ right enabling these other rights and opportunities, and the free flow of information is key for an effective interaction between the State and society. Both are requisite to human
Whose interests are served by privileging social order and economic development over individual rights? and, Is such a state of affairs just? If unjust, it would be legitimate to challenge it (Freeman, 2002:62). In China, the media’s role is structured according to the Party-state’s priorities: first and foremost, they must serve the CCP’s interests, protecting its legitimacy and capacity to govern; secondly, they must serve the ‘collective or national interest’ as defined by the Party-state; thirdly, they are required to serve the marketplace to sustain economic capacity; fourthly, they may serve individual cultural and social rights; finally, they are permitted to enable individual FoS and facilitate political participation only insofar as this does not interfere with the higher priorities. Nevertheless, channelling the public and orderly expression of opinion is necessary to achieve the first two priorities. Like Qi, officials within the CCP’s Propaganda Department do not discount the importance of public opinion for policy change; public opinion does influence policy agendas and affect the success of policy implementation (see Chin, 2011). Given the failure of coercive information control to reconcile ethnic conflicts or palliate social grievances, the media is increasingly seen as an instrument of social modulation. A certain degree of freedom of information and opinion conserves social cohesion and enables a more efficient policy process.

It follows that FoS in China is not protected as a fundamental right conducing to the intrinsic value of developing human beings who are more reflective and mature because their minds are free. Authoritarianism implies a preference for hierarchical relations characterized by dominance and submission; countervailing control of power requires a capacity to transcend the ‘law and order’ mentality the powerful exploit to justify their rule, and, standing outside, to generate and apply an independent morality. The rise of the autonomous self and the decline of conformity serve such ends (Lane, 1972:72-73). The Party-state, however, perceives individual Chinese not as citizens who take part in democratic governance informed by a free press, but as obedient receivers of messages (Lee, 2005:122). Indeed, Chinese law forbids radio and television stations to be set up except by the State’s broadcasting administrative departments (Article 10, Broadcasting Administrative Regulation). Public opinion and the flow of information must be managed to ensure criticism of the Party does not impairs its capacity to govern effectively. Historically, democracy and press freedom in China have not been valued as ends in themselves, but as means to national
modernization, even at the expense of individual autonomy or democratic citizenship (Lee, 2005).

The Chinese government has shown some willingness to relax the suppression of civil liberties (ChinaDaily, 2011; Huan & Chen, 2008; Tsang, 2009; Yang, 2008). The Constitution was amended in 2004 to provide that the ‘state respects and protects human rights’. Such protection thus becomes an obligation incumbent upon the State (Li and Wei, 2011:18). In 2007 the government revised the country’s development strategy away from economic development alone toward the Harmonious Society, and ‘efficient, human-oriented, comprehensive, coordinated and sustainable scientific development’ (CCP, 2007). In 2009, it announced the National Human Rights Action Plan, ‘the coordinated development of economic, social and cultural rights as well as civil and political rights, and the balanced development of individual and collective rights’ (IOS, 2009; Li and Wei, 2011:18; CCPLRO, 2008). The plan pledges to develop the civil and political rights to: 1) be informed of government affairs; 2) participate orderly in political affairs at all levels and sectors; 3) be heard (through development of the press and publication industries and protection of journalists’ rights); and 4) to oversee (through improving mechanisms of restraint and supervision) (IOS, 2009). It is unclear how far the Action Plan will be implemented or what mechanisms will be instituted to realize them.

At the international level, the NPC’s ratification in 2001 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), binds the PRC legally to the obligations enshrined therein. In 2005 the UN Committee on Economic, Social and Cultural Rights (CESCR) published its concluding observations on China’s implementation of ICESCR (E/C.12/1/Add.107, 13 May 2005), highlighting its concerns over income inequalities between rich and poor and urban and rural areas, and over adequate standards of living. It urged the Chinese government to allow freedom of information, that all Chinese may take part in cultural life and enjoy the benefits and applications of scientific progress (ibid.).

The emergence of the CPS and PSB policies are embedded in China’s social, political and legal context of the last decade. The following sections examine these policies and their historical origins, and inquire how far PSB policy has responded to the broader issues hereinbefore discussed of the relationship between state power, development and individual rights.
Public Service Policy: Equalization, universal coverage and protection of cultural rights

The development of PSB is integrated with the nationwide construction of a cultural public service system. The notion of CPS first appeared in the CCP’s 2005 recommendation document submitted to the State Council (CCP, 2005), and was officially adopted by the State Council in its 2006 Outline of Cultural Development during the Eleventh Five-Year Plan (State Council and CCP, 2006).

CPS is intended by the Party to ‘enrich the people’s spiritual [and] cultural life and establish a harmonious society’. Launched to ease the inter-regional and urban-rural socioeconomic development gaps, the social welfare system crisis, the lack of the rule of law, the deterioration of morality and trust, and corruption, the Harmonious Society aspires to ‘human-based individual comprehensive development’, ‘social justice’, ‘sharing of the fruits of reform by all people’, ‘formation of the rule of law and democracy’, and ‘the correct management of the relationship between development and stability in order to maintain social unity’ (CCP, 2005; zhongfa, 2006). The national construction of CPS is thus informed by the policy goals of social equalization – universal coverage and equal access – through public funding provision, and protection of basic cultural rights and needs of the Chinese people, in particular low-income and other vulnerable groups (Wen, 2007; zhongfa, 2006; zhongbanfa, 2007). The Party-state defines cultural rights as rights to education, science and culture; and to enjoy the benefits of cultural life, take part in cultural activities, and carry on cultural creation (CCP, 2008: 172). Basic cultural rights are rights of access to TV, radio, books and newspapers (State Council and CCP, 2006). Measures prioritizing cultural resources allocation to minority groups and rural areas and enhancing the ‘production and provision of public cultural products’ have been introduced. CPS is planned and funded by the government, and provided through public cultural institutions such as libraries, museums, and television and radio stations (State Council and CCP, 2006; zhongbanfa, 2007).

CPS policies show no indication that the government is preparing to set up a ‘public service’ broadcaster. The news media are still considered an important ideological battlefield, and their State ownership and duties to the CCP continue. Units producing and distributing televised drama, entertainment and sport content, as well as the news media’s advertising, distribution, printing, transmission-network and sales departments are all excluded from the CPS, defined instead as the ‘cultural industry’,
which is allowed mixed ownership in order to strengthen competition and efficiency (CCP and State Council, 2005; State Council and CCP, 2006). The government pays or subsidizes these private concerns to produce high-quality, inexpensive cultural public service products (zhongbanfa, 2007). Given the ongoing political dependency of the news media, and the separation of cultural content production from the public service system, it is an open question what core public service the broadcast media in China will provide?

Government policy documents refer to PSB predominately as ‘universal coverage’ and ‘equal access’. According to Yang Mingpin, Deputy Director of Development and Research at SARFT, the State Council’s department for broadcast policy and regulation, who participated in the drafting of these documents, PSB will address the urban-rural development gap by focussing first on universalizing basic broadcasting service in rural areas, while enhancing programming and service quality in urban areas. Broadcasting services are divided into two types: basic and non-basic, and implemented separately in towns and countryside. Terrestrial broadcasting is a basic public service; its infrastructure is state-funded and free to the whole nation. Cable television is non-basic, and available in urban and some rural areas. Satellite broadcasting is a restricted public service, provided free to rural villages with electricity (Yang, 2009a, 2009b).

State spending on universal coverage and equal access has focussed overwhelmingly on the Connected Village Project (CVP) to reach rural areas. Between 1998 and 2009 central and local governments spent a total of 10 billion yuan on CVP, bringing access to approximately 100 million rural inhabitants; nevertheless, as of 2009 11.61% of the rural population (some 40 million) had no access of any kind (Yang, 2009a: 127). Despite the successes, problems of infrastructure, funding and corruption have reduced CVP’s effectiveness (Author removed, 2011).

Television programming, which is supposed to lie at the heart of PSB, is classified neither basic nor non-basic and is funded entirely by advertising. In fact, no television broadcaster in China is supported purely by public funds (see Table 1). At the provincial level government subsidies amount to 10% of broadcaster revenue; at the city and township level 11%; at national level 22.3% (Yang, 2009b:129).

Table 1: Income of Chinese Broadcasters in 2009 (billions, yuan, %)
Currently broadcasters’ not-for-profit production is financed by commercial revenues through internal cross-subsidies. This is prey to two weaknesses: 1) implementation of public service responsibilities is endangered, as investment depends on the attitudes of the broadcasters making the decisions; and 2) equalization of access is endangered, as broadcasters differ in economic power and investment ability (Yang, 2009a; Zhang, 2008b:127). According to 2008 data, entertainment content dominated provincial networks, while programming dedicated to rural areas, children, minorities and women represented a very low percentage. Yang concluded that ‘although China’s broadcasters are defined as public service, the public service features of their contents are not visible’ (2009a:128). Yet the 2008 SARFT policy placed special emphasis on establishing a PSB regulatory framework defining and mandating its objectives, service standards, infrastructure and assessment (Gangbanfabanzi, 2008, no. 63).

The funding of public service programming is also an arena of dispute. Broadcasters believe funding should come from the governmentiii, despite some of them making substantial profits in monopolized local markets; they also complain the CCP already requires central- and provincial-level broadcasting networks to produce propaganda and informational programming, cutting into profit margins and leaving little incentive for additional public service (Zhang, 2008b). National policymakers reply that both government and broadcasters ought to contribute funding. The proposal of using State funding to hire or subsidize private production companies to provide public service content is an uneasy option: its implementation would pose huge challenges to government administrators, broadcasters and the production industry, all of whom manifestly lack transparency and accountability. In 2009, the Vice-Director of SARFT, Zhang Haitao, revealed that China’s Ministry of Finance is researching a ‘cultural public service system financial protection mechanism’, a solution that would be both compatible with Chinese reality and comprehensive and sustainable.

**Antecedents of Public Service: Commercialization and Socialist Spiritual Civilization**
While the terms ‘public service’ and ‘public broadcasting’ did not typically appear in conjunction with the State-owned media prior to 2005, the early years of China’s broadcasting history nevertheless did create a foundation for contemporary CPS initiatives. The Party-state’s own definition of propaganda (xuanchuan) imbued the media with social, political and educational functions, represented by educational television stations and the science and educational channels of the Chinese national broadcaster CCTV (Yuan and Xian, 2006).

The shift from State funding to finance by commercial advertising began in 1979, and became ubiquitous after 1992 (Mao, 2009). This led to commercialization of content and a dramatic decline in its social and educational value. Another consequence was neglect of the rural broadcasting system (Zhou, 2006). In response, the Party launched a large-scale Spiritual Civilization project during three successive Five-Year Plans for Economic and Social Development (1991-2005), which endeavoured to uplift civic virtue (CCP, 1996). The civilizing of rural areas was among several important policy goals (CCP, 1998); a 2002 State Council policy circular decried an ‘impoverished’ cultural life, widespread ‘decadent ideas’ and ‘pornography, gambling and drugs’, and illegal religious activities that undermined local authorities in the countryside. Grassroots cultivation became important for policy dissemination, the connexion of the Party-state with the populace, and public virtue (Guofaban [2002] No.7). Remedies included increasing investment in impoverished areas, constructing infrastructure, expanding national and provincial broadcasting channel coverage, and enlisting the cultural industry to reinvest some of its commercial profits in State ideological programmes and other cultural activities (CCP, 1996; Guofa, 1991, No. 31). The government also announced a rise in national and local public funding for cultural institutions, tax incentives and economic support for culture production, and encouragement of social investments (Guofa, 1996, No.37; Caiyuzhi, 1996, No.469; Zhu, 2001).

The pre-2005 Spiritual Civilization building project focussed on broadcasting coverage and specifically on coverage of the countryside (Zhou, 2006: 46). Two projects were conceived: CVP, which targeted rural regions and was launched in 1998; and the Tibet-Xinjiang Project (TXP), targeted at sub-national regions with high concentrations of national ethnic minorities, launched in 2000. Both projects focussed on the construction and maintenance of infrastructure, and the transmission of existing national, provincial and regional channels (Zhou, 2006: 47). Since 2006
infrastructure- and coverage expansion in the countryside has gradually shifted from the discourse of Spiritual Civilization, aimed at countervailing commercialization, to ‘public service’ emphasizing urban-rural equalization and protection of ‘basic’ rights. Despite such changes, this is largely a continuation of initiatives begun almost 20 years ago.

Nevertheless, the Spiritual Civilization to public service re-conceptualization reflected a considerable revision of the official ideology on the roles of media and individuals. Media are no longer conceived merely as instruments of the Party-state, but also as serving a ‘public interest’, despite the fact that the Party still monopolizes its interpretation. The Chinese people are conceived no longer as a passive audience, but now as citizens having rights protected by international law, if not by the Chinese constitution. This shift may indicate the beginning of a new relationship between political authority and the individual, who as citizen is to be empowered at the Party-state’s expense.

**Conclusion**

This article has sought to identify the aims and principles PSB policy in China, and its implications for the cultural, social and political lives of individual Chinese, and for the limitation and control of the Party-state’s power.

From the normative perspective, the basic principles underpinning PSB in Western liberal democracies entail serving the ‘public interest’, for instance enhancing and developing political, civil, social and cultural citizenship. In the Chinese context the substance of the public interest is subject to arbitrary interpretation by the Party-state, apt to be contested by rival camps of academics, and tends to be narrowed down by commercialized, government-controlled broadcasters. The lack of consensus undermines any meaningful political construction of PSB in China, and a fair and legitimate procedure of deliberation is urged by Chinese academics as a pressing need in determining what the public interest is.

By asserting that the interests of the Party-state, society and the individual are identical, the CCP at present claims entitlement to privilege its own version of the public interest, which prioritizes the values of national wealth creation, national strength and social harmony; the propagation of the Party’s own moral, intellectual and scientific standards; and the promotion of a narrowly defined basic cultural right.
Individual political and civil rights, such as FoS and participation in political affairs, are not regarded as making any part of the public interest. Such depoliticization of PI is exacerbated by the de-emphasis of individual equality, and the subordination of individual liberty to collective and state interests in the Chinese constitution, as well as by the government’s practice of implementing collective rights to subsistence and development ahead of civil and political rights.

Nevertheless, the revision of China’s development strategy from economic growth to human development, and the Party-state’s willingness to concede some civil liberties, partly in response to the pressures of its legal obligations to the international human rights treaties it has committed itself to, may conduce to improved protection of individual rights, even if economic, social and cultural rights continue to have priority. It is within this fluid context between maintaining an old order and developing a new social relationship between political authority and the individual citizen, that the discourse of cultural rights and public service first appeared in official policy documents. In consequence, growing academic and public interest is being given to the functions of PSB and its possible future in China.

Actual PSB policy continues to be motivated predominantly by a narrowly defined basic cultural right and an emphasis on social equalization between urban and rural access to broadcasting networks. Other values of PSB, including high-quality programming, universal accessibility to content, independence and impartiality, are still marginalized, if not ignored. Marketization, corruption, and local disparities in infrastructure, funding and consumption power also pose significant challenges to the national government’s capacity to afford even the very limited rights promised to the Chinese public. The conceptual changes of PSB policy from Socialist Spiritual Civilization to ‘cultural public service’ may be justified by its somewhat enlarged purposes; what is still in question is why the substance and scope of the policy remain basically unchanged after 20 years? We are obliged to raise the question of how far the Chinese Party-state genuinely supports the popular demand for public service broadcasting.

The development path of Chinese cultural public service and its embedded PSB is reminiscent of the early history of the first PSB, the British Broadcasting Corporation (BBC), created in the divided British society of the 1920s. History shows remarkable similarities but also differences. The notion of cultural public service in Britain was
first inspired by a sense of moral purpose and social duty in meeting the educational and cultural needs of the working classes, but also by the pragmatic and instrumental political purpose of ‘civilizing the masses’ as ‘a means of alleviating the strain and hostility between classes in a deeply divided society’, and ‘a means of incorporating the working classes within the existing social and political order, and thus preventing the threat of revolt from below’ (see Scannell, 2000:55-56). The ideals of the BBC as a public service included serving the public interest, social unity and national pride. The role of the BBC as a public forum independent of the State developed slowly and in tandem with the long battle for a fully democratic representational system and the introduction of limited competition in the broadcasting sector (Scannell, 2000). The politicization of the public interest concept was crucial to this process. In the Chinese context, the broadly similar project is motivated more by the purely pragmatic end of social stability and cohesion than by moral or humane concerns for the development of citizens, as the lack of investment in high-quality public service programming has demonstrated. Indeed, the marginalization of individual self-development and autonomy, and the continued support amongst political and intellectual elites for an authoritarian Party-state, cast serious doubt on the future possibilities of realizing in China a genuine PSB serving the needs of democracy, culture, and social inclusion.

Certainly the long-term implications of the Chinese public service project and policy depends on the legitimation of the discourse of individual rights and equality, and on recognition of the broadcast media’s role in serving the public and common good, and the State’s obligation to respect individuals as citizens having equal and unalienable rights. As with all Chinese public policy-making, the development of PSB and relevant governmental policy will be a long, incremental process. The future of Chinese PSB is uncertain, but at least the wind of individual rights and equality is blowing.
Endnotes

1 Personal interviews with a Chinese official and an academic in Beijing, February 2010
2 Personal interview with the president of a Chinese media group, May 2010.

References:


York.


Lane, (1972)


**Policies and Regulations**

CCP (1996) Resolution on Several Important Questions Concerning Strengthening Socialist Spiritual Civilization Construction.


CCP and State Council (2005) Several Views Concerning Deepening Cultural System Reform.


