

The current legal framework of language promotion in Catalan local TV

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Abstract

Traditionally, linguists have attributed to the media a highly relevant paper in the process of language promotion. If we take into account that, in Catalonia, local TV has become a real social phenomenon, it is therefore necessary to think about language policy within the new framework of mass media. Despite the fact that there are some 90 local TV channels in Catalonia which have an estimated audience of 4 million people, local TV lacks on the one hand of legal regulations and in the other one is trapped by a linguistic legislation based on broadcast quotas for the Catalan language and not on the dissemination of the standard Catalan language.

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1. The changes in the communication systems and local TV: a Copernican drive

It would be mistaken to speak of local television and not stress the substantial transformation that the communication systems is currently undergoing. And note that I am referring to systems and not to media because our present and future are marked by the "process of convergence and interrelation of telecommunications, mass media and information technologies".¹

This phenomenon started in 1987 with the publication of the *Green Book on the Development of the Common Market of Telecommunication Services and Equipments*, which opened the first crack in the existing monopoly of the telecommunications services in Europe and laid the foundations for the liberalization of the telecommunications sector in Spain. Indeed, the first Spanish legal framework relating to this sector also dates from 1987,² concluding with the approval, 11 years later, of the Law 11/1998, 24 of April, on

¹ Report 1/1999, of the Consell de l'Audiovisual de Catalunya (CAC), on the changes in the legal framework for audiovisual programmes, point 1.3.

² Law 31/1987, of 18 December, regulating telecommunications.

telecommunications. This parliamentary act allowed for the complete separation of telecommunications services that until then were offered together with the telephone service and its network.³

However, in Spain, the State and the autonomous regions have different competences with respect to the legislative development of the television sector and its related technologies. It is for that reason that while article 149 of the Spanish Constitutional Law that the central government enjoys exclusive competences regarding telecommunications, article 16 of the Statute of Autonomy of Catalonia assigns the Catalan autonomous government exclusive competence with respect to the legislative development and the implementation of the radio and television broadcasting regime. In broader terms, it assigns such competence with respect to all television media within the framework of the basic norms of the State.⁴ This regulating competence has been in operation since 1996, creating a legislative policy for the audiovisual sector which has itself been forced to adapt to the same changes undergone by the telecommunications and related technologies domain.⁵

Needless to say the legislative policy (as mentioned in Report 1/1999 of the Audiovisual Council of Catalunya),⁶ was initially based on the use of a limited resource (that is, the radio frequencies), and on the public interest inherent to broadcasting as a highly relevant tool for the transformation of the public opinion. However, liberalization of the sector, jointly with increasing use of the new digital techniques in the dissemination of information, brought about a change, still in progress, from a situation characterized by a restricted number of frequencies and, therefore, channels available, to one where frequencies are multiplying. This expansion makes possible the appearance of hundreds of digital broadcasting channels on different networks (terrestrial, cable and satellite) public and private. The change from analogical to digital broadcasting also allows new forms of broadcasting to come into being, different from the traditional general-coverage channels, like the pay-per-view channels, theme-based channels and the so-called television *à la carte* in its various forms.⁷

As a result of all these intertwined processes, we have to consider at least two aspects: first, the fragmentation of the audiences and second, the irruption of the private television must lead us to reconsider the paper of the public television service.

1.1. The fragmentation of audiences

The opening to the competition and the consequent multiplication of actors have had a deep impact in the economy of the broadcasting services. The changes in the logics of dissemination of the information have provoked changes in the production logics since it has increased the necessity to give new contents to the programme plannings.

The production logics is influenced, at a first moment, by the kind of funding of the medias, that is to say, if they depend on a private company which means that funding is obtained from advertising and subscribers, or if they are semipublic: in this case, the source of funding is stable. It is also clear that the production logics responds to an analysis of the possibilities offered by the emerging markets.

³ Problematic legal areas for local television are covered in VILAR, J. et al. *La TV local de servei públic: l'univers de les televisions locals a Catalunya davant la perspectiva dels 80*. Barcelona: Diputació de Barcelona, 1988.

⁴ Preamble of Law 8/1996, of 5 July, regulating cable television programmes.

⁵ On the technical aspects involved in local television, see COSTA, P. O. et al. *Realitats i perspectives de la televisió local*. Barcelona: Diputació de Barcelona, 1992.

⁶ Point 1.2 of the CAC Report 1/1999, on the changes in the legal framework for audiovisual programmes.

⁷ Ditto, point 1.3.

One of these emerging markets arose around the local television. The proliferation of local televisions (<http://www.xtvl.org>) is a direct outcome of the success of the proximity television concept. In proximity television, production is motivated by the search for the imaginary and the social and economic activity of the local surroundings. Proximity television is therefore considered an instrument for social cohesion.

1.2. The role of public broadcasting versus the private broadcasting stations

Although local television is considered to be an instrument of social cohesion, some people think that as a result of the transformation in production logics mentioned in the previous section, the role of broadcasting as a central instrument of transformation of the public opinion is at a crucial stage. For example, Miquel de Moragas states:

«Ja a finals dels 90 es disposa de suficient experiència com per poder fer un diagnòstic sobre els resultats culturals i polítics de la generalització de les televisions privades a Europa. D'aquesta experiència en sorgeixen dos arguments centrals en la defensa del manteniment dels sistemes públics de televisió:

»En primer lloc, el lliure mercat no garanteix, suficientment, les funcions polítiques, socials i culturals que podem atribuir a la televisió a la societat moderna.

»En segon lloc, no existeix una estricta correspondència entre mercat audiovisual i les *comunitats* (lingüístiques, culturals, nacionals, entre d'altres).»⁸

In view of the consequences stressed by Miquel de Moragas, it would perhaps be useful to reframe an old debate: the one concerning the role of mass media in the promotion of the Catalan language. Apart from observations on the promotion of Catalan language via the new television and the big channels, it looks as if, with the change in the status of local television, some conceptual keys to develop it may also have changed.

2. Language policy and TV: what the laws regulate

Legal requirements regarding use of the Catalan language in the media have been brought to bear via Catalan law and by means of recommendations of varying scope on linguistic policy (Law 7/1983, of 13 April, on language normalisation in Catalonia; Law 1/1998, of 7 January, on linguistic policy <http://www.gencat.cat/llengua/legislacio>; *Declaració universal dels drets lingüístics* (Universal Declaration on linguistic rights) 1996 <http://www.egt.ie/udhr/udlr-ca.html>; among others) as well as by means of laws and regulations specifically regulating the audiovisual media (Law 8/1996, of 5 July, on audiovisual programmes transmitted by cable <http://www3.gencat.cat:81/dgrtv/ftp/clei8.pdf>; Decree 320/1996, of 1 October, regulating the legal protocols for local television by terrestrial propagation <http://www3.gencat.cat:81/dgrtv/ftp/cd320.pdf>, Law 2/2000, of 4 May, of the CAC <http://www3.gencat.cat:81/dgrtv/ftp/cleica.pdf>; *Informe Bangemann: recomanacions del consell sobre la Societat de la informació* (Bangemann Report: Recommendations by the Council on the Information Society) 1995 http://www.gencat.es/csi/pdf/cat/soc_info/basic/bangeman.pdf; among others).

The main characteristics of the process of promotion of Catalan language on television are as follows: the laws support this process; linguistic quotas are established for TV programmes and, finally, laws indicate sanctions in case of failure to fulfil the established quotas.

⁸ Miquel de Moragas Spa "Els serveis públics de comunicació a la Societat de la Informació. De la desregulació a la necessitat de justificar la legitimitat de la televisió pública" (July 2000).

2.1. The support to the process of language promotion

In general, and in relation to the promotion of the Catalan language, the laws and recommendations to which we have already alluded reveal an underlying philosophy of protection, promotion, diffusion and standardization of the language, as well as of support for linguistic pluralism. With regards to this general philosophy, the main principles are stated in the following laws:

Decree 320/1996, of 1 October, on local television by terrestrial propagation: Under heading 1, article 3, subsection *h*), the Decree expresses as a general principle in the case of local television channels that of «collaboration in normalisation of the Catalan and Aranese [Occitan] languages within their respective territorial areas, in accordance with the objectives and conditions laid down by Law 7/1983, of 13 April, for linguistic normalisation in Catalonia».

Law 8/1996, of 5 July, regulating audiovisual programmes transmitted by cable. This Law stipulates the setting up of the Consell de l'Audiovisual de Catalunya (CAC) and in chapter IV, article 12.4, the CAC is specifically defined as «supporting the process of linguistic normalisation».

2.2. Specification of broadcasting quotas in Catalan language

Establishing broadcasting quotas means going a step beyond the general philosophy of support for the Catalan language and contributing to the process of linguistic standardization. The specific indications on the linguistic quotas are based on the fact that Catalan is the language proper to any television belonging to the Catalan regional government or local authorities.⁹ According to this principle, the following quotas have been settled down:

50% of own production (whatever its nature) and the other services offered by any television in Catalonia must be in Catalan language, no matter the regime of management of the organization (public, private or semipublic), in agreement with the Law 1/1998, of January 7, of language policy.

As regards movies, television series or documentaries dubbed or subtitled in a language different from the original language, these must be available, at least, dubbed and subtitled into Catalan language. This is clearly established in laws 8/1996 and 1/1998, as well as in Decree 320/1996.

2.3. Sanctioning regime

The third main requirement of the Catalan linguistic laws relating to the television sector is that they establish a set of sanctions. In particular, Law 8/1996, of July 5, on the regulation of the audiovisual programmes distributed by cable, establishes infractions by failure to fulfill the regulated linguistic quotas. This same sanctioning ordinance is adopted in the legal ordinances for local televisions broadcasting by means of terrestrial waves. In agreement with Law 8/1996 a specific institution was also created to maintain fulfilment of the norms relative to the use of the Catalan language:¹⁰ the Audiovisual Council of Catalonia (CAC) <http://www.audiovisualcat.net>.

However, the daily working experience of the CAC as well as the changes the sector has undergone have made it necessary to redefine its nature, functions and goals. This is why the Law 2/2000, of May 4, on the Audiovisual Council of Catalonia was approved. In article 10 e) the role of the CAC regarding the Catalan language is reformulated and one of its main

⁹ Article 2.2 of Law 1/1998, of 7 January, on linguistic policy.

¹⁰ Chapter IV, of Law 8/1996, of the 5 July, regulating audiovisual programming transmitted by cable.

functions is described as "to watch over the linguistic and cultural pluralism in the audiovisual system of Catalonia and, especially, the fulfillment of the legislation relative to the preservation and normalization of Catalan language and culture, as well as that of Aranese.

In conclusion, we can affirm that Catalan laws have established a framework that guarantees the presence of Catalan language in the mass media. What they do not guarantee is the quality of the language used. In spite of the declaration of intentions that lead us to suppose that the CAC supports the process of linguistic normalization, the truth is that from its creation, the institution has not issued any opinion, decision or study making reference to a proactive attitude to the normalization of Catalan language, something which is far more important than merely broadcasting in Catalan language.

3. Legal framework of the local television

As already stated in section one, the State has the exclusive competence on telecommunications whereas the Generalitat has competence for legislative development and the application of the ordinances for all kind of television within the framework of the basic norms laid down by the State. Accordingly, the Generalitat, by virtue of Decree 320/1996, of October 1, started the process of allocation of concessions for the management of municipal and private local television services by terrestrial waves. This process consists of two phases: tendering and allocation.

The first stage ended in April 1997 while the second one is still pending resolution. The reason for the delay is that Central Government has not yet provisionally reserved the wave bands for Catalonia making it impossible for the Catalan government to allocate frequencies. All local televisions that are already broadcasting at the moment are therefore in an 'illegal' situation, or perhaps it would be better to say an 'al-legal' one.

Taking this into account, on April 6, 1998, the government of Catalonia lodged a administrative appeal against Central government, since the lack of planning for new channels licences prevents the Generalitat from exercising its own competences in the case of the granting of licences for the management of public-service local television by terrestrial waves. At the time of writing, this appeal is still pending resolution.

In addition to all this, at the beginning of 2002 a new debate about local television took place: on the substitution of analogical by digital technology. Joan Recasens, professor of Administration Law at the University of Barcelona provides the keys to understand the consequences of this process of change in an article published in the magazine *Insert TV* : <http://www.xarxabcn.net/tlc/html/butlleti.htm>:

«Fonamentalment, el procés es presenta com de simple substitució tecnològica, de manera que no afecta el règim jurídic de les diferents modalitats televisives ni dels drets o potestats que els operadors puguin tenir. Però la lectura del Pla i del Reglament demostra que això no és així.

»Aquest és també el model que considera el Reglament tècnic de prestació de servei. La gestió de la televisió digital terrestre serà mitjançant gestió directa de l'ens públic de RTVE o de les comunitats autònomes i, mitjançant gestió indirecta, per operadors privats, d'acord amb la Llei de televisió privada, amb independència que l'àmbit de cobertura sigui estatal, autonòmic o local.

»Res no es diu de la Llei de televisions locals, ni del dret dels municipis a gestionar la seva televisió, ni de la sort dels operadors privats locals que, havent presentat la sol·licitud que

preveu el Decret 320/1996 de la Generalitat sobre televisions locals, encara estan esperant la concessió.

»La digitalització intenta ser un nou pas cap a la marginació legal de les televisions locals i del paper dels ajuntaments que culminaria amb aquesta proposta on es bandeja el municipi com a àmbit de prestació de la televisió local».¹¹

The proposal to which Joan Recasens refers was drafted by the Directorate General of Media of the Catalan government, and establishes in a much more specific way than previously what the main concerns and goals of the Catalan Administration are regarding the distribution of television channels in Catalonia once terrestrial digital television is definitively implanted.

«La Direcció General proposa quatre nivells o xarxes de cobertura, seguint un criteri de territorialitat: l'estatal, l'autonòmica, la local regional i la local comarcal. Així la unitat territorial més petita que té en compte és la comarca i, per tant, elimina la possibilitat que hi hagi televisions de cobertura municipal, apel·lant a possibles problemes de saturació de l'espectre i a la lògica comercial i del mercat que no permetria que aquestes televisions poguessin subsistir».¹²

It seems that opting for quality, in addition to revealing a certain conception of linguistic normalization, requires a stable framework in terms of the legal environment of local TV. And it is indeed this stability which local television currently lacks.

There are almost 90 local TV in Catalonia, of which 38 belong to the Xarxa of Catalan Local Televisions, an association which represents most of the stronger local TV projects and brings together the local TV stations of Barcelona, Tarragona, Lleida, Girona, Sabadell, Tarrassa, Vilafranca del Penedès, Granollers, Badalona, Mataró, Reus, Vilanova, and Gavà among others. Of these 38 televisions, 17 are private, 9 public and 7 are mixed. The television stations affiliate to the Xarxa alone have an estimated potential audience of 4 million viewers. We have also to take into account that almost 100% of the television stations in the Xarxa fulfill amply the linguistic broadcasting quotas established by the law, although unlike the great broadcasting companies of Catalonia, the vast majority do not provide for the quality of the language.¹³ What is therefore the role of local televisions in the process of linguistic normalization and why is their role so important?

4. The role of mass media in the process of language policy

4.1. The process of language policy in the media: a matter of quota

In December 1999, the Conference on Language and Mass Media took place at the University of Lleida (UdL). This congress was organized within the framework of the Masters Degree in Studies in Catalan Applied Linguistics (1995-2000) of the Department of Catalan Philology of the UdL. The main objective of the congress was, according to Imma Creus, Joan Julià i Sílvia Romero:

¹¹ Insert TV, revista d'informació trimestral de Televisions Locals de Catalunya, [Barcelona] (2002), no. 1, page 3.

¹² Ditto, page 2.

¹³ JARDÍ, B. Proposta de llibre d'estil per a Gavà Televisió. Barcelona, 2002 (unpublished).

«crear un espai de debat col·lectiu a l'entorn d'un tema que, cada cop més, esdevé un referent cabdal per al procés de normalització de la llengua catalana: el paper dels mitjans de comunicació en la difusió d'un model de llengua estàndard». ¹⁴

The keynote speaker of the opening session was Mr. Lluís Jou, director general for Language Policy of the Generalitat de Catalunya, who submitted the lecture intitled "The Oxygen of Language", in which he stated what follows:

«Ara per ara, els filòlegs estan preocupats pel nivell de qualitat de la llengua catalana que empren molts ciutadans tant en les seves comunicacions formals com en les informals. La pèrdua d'expressions genuïnes, una certa perversió a la fonètica i a la prosòdia, o la simplificació sintàctica i semàntica, a molts els semblen greus. I ho són. Però cal tenir en compte que totes les llengües d'Europa estan sotmeses a fenòmens similars. (...)

»D'altra banda, els sociolingüistes, tot i que reconeixen grans avenços pel que fa al coneixement del català per part de tota la població i en la seva presència en molts sectors, com són el llibre, la ràdio, la televisió, l'administració, la publicitat, la premsa i tants d'altres, estan preocupats per la marginació a la qual està sotmesa encara la llengua catalana en molts àmbits de la vida pública i la dificultat de produir un canvi lingüístic a favor del català. La preocupació és justificada, però cal recordar que el català avança clarament i que cap altra llengua que hagi patit l'agressió i la marginació que va patir la nostra ha mostrat tanta vitalitat i tanta força per retrobar espais d'ús com la nostra i que en aquest sentit, com en tants d'altres, el model català és únic.

»En els dos aspectes esmentats, la qualitat de la llengua i la seva extensió social, els mitjans de comunicació hi tenen un paper fonamental. Fonamental en la transmissió i aprenentatge del català i, a més, essencial en la difusió i foment del seu ús públic i privat». ¹⁵

Lluís Jou is aware of the voices of alarm regarding the quality of Catalan language coming from philologists and over the spreading of social use of Catalan language coming from sociolinguists. And he also stated that journalists and other language professionals should be responsible for preventing Catalan language becoming a dialect.

The Directorate General for Language Policy is not the only authority responsible for language policy on mass media. The General Language Policy Plan approved on March 6, 1995 refers to two other directorates general and to one secretariat general dealing with the process of linguistic normalization in the mass media: the Directorate General of Cultural Promotion, the Directorate General of Radio and Television (now Directorate General of Media) and the Secretariat General for Sports.

The General Plan for Language Policy establishes the goals, directives, actions and forecasts of results relating to language policy processes for the period 1994-2004. Chapter IV, section 3, states the goals and actions regarding the mass media and cultural industries. The specific goals for radio and television are those drafted in points 325 and 326. None of these goals and actions deal with the quality of the language.

"The Oxygen of Language" makes clear to some extent that there are several different approaches to the concept of language policy and therefore to the role that mass media in general and local medias in particular must have within this process. The Philological Section of the Institute of Catalan Studies has also given its own opinion on language promotion and

¹⁴ CREUS, I.; JULIÀ, J.; ROMERO, S. (eds.). *Llengua i mitjans de comunicació*. Lleida: Pagès Editors, 2000, page 5.

¹⁵ Ditto, pages. 10-11.

linguistic normalization, whether in terms of quotas, or - of full extension of social use regarding both extent and quality.

4.2. The process of language promotion in the media: the role of the standard language

The Philological Section of the Institute of Catalan Studies <http://www.iec.es/inici.htm> approved on September 21, 1990, the statement entitled The Catalan language and the mass media. The statement begins with the defence of a common and legitimized variety of the language, i.e. the standard language, which allows the unity of Catalan language.

«Totes les llengües de cultura són identificades per una modalitat comuna, que, a través d'una certa abstracció, permet als seus parlants expressar-s'hi amb espontaneïtat i amb comoditat, per tal que aquesta és la modalitat apresada a les escoles, divulgada a través dels mitjans de comunicació de massa, emprada en els afers públics i conreada per literats i científics. Aquesta és la modalitat legitimada de la llengua i tothom pot emparar-se'n i identificar-s'hi, per més que ja no s'hi recullin trets locals no pertanyents a l'estructura essencial del sistema. Això vol dir, doncs, que fins a un cert punt, en els nivells formals de l'expressió i de la comunicació tothom renuncia a determinades formes particulars de llenguatge, en benefici de la unitat de la comunitat parlant. La modalitat esmentada és de tots, i ensems no coincideix completament amb el parlar de cadascun dels qui se'n valen com a llengua pròpia. Aquesta modalitat és sancionada per la normativa gramatical i lexicogràfica, la qual es basa en la història literària, la dialectologia i el desplegament de la cultura».¹⁶

In the third point of the declaration it is explained that when the time came to establish a policy of language promotion and linguistic normalisation —a policy which, it states, obviously has to entrust the chiefs of mass communications media and the educators with an important role in the process— there was an outbreak, for what are described as non-scientific reasons, of particularist tendencies and urges to simplify regarding the language question, which consequently led to an acceleration in the process of language replacement.

In keeping with the general spirit of the declaration, the Philological Section articulates a concept of linguistic normalisation which is strictly linked to the diffusion of the standard language and the extension of its use, that is to say, a language quality model. As well as attributing the mass communications media a very relevant role in its diffusion. On the other hand, the Philological Section declarations do not clear any of the institutions, organisations and groups involved in the process of linguistic normalisation of their share of responsibility. In fact at the end of point 7 it states: «Tots els qui han assumit alguna responsabilitat en les tasques de desenvolupament i de normalització de la llengua s'han de sentir, doncs, interpel·lats per aquesta realitat i han d'obrar en conseqüència».¹⁷

5. Conclusions

The positions deriving from the legislative and philosophical statements of the Catalan Government and from the declaration of the Philological Section of the Institut d'Estudis Catalans serve to illustrate two different ways of interpreting one and the same question: The process of language promotion and linguistic normalisation of the Catalan language in the mass media. The governmental and legal interpretation of language promotion stands or falls on the question of percentage quotas. In contrast, the 1990 declaration of the Philological Section entails more. The fact is, if language promotion is taken to mean the full

¹⁶ Philological Section of l'Institut d'Estudis Catalans. *La llengua i els mitjans de comunicació de massa*. Barcelona: IEC, 1991, page 3.

¹⁷ Ditto, page 6.

implantation of the standard, then the strategies for linguistic normalisation on the local television scene need to be rethought.

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