Centralization vs. Federalism: Implications and Responses

Political and legal parameters

There are few countries in the EU with such a weak regional structure as the UK and it is frequently argued that England lacks traditions of political and cultural regionalism. English regionalism has therefore been described as ‘the dog that never barked’ (Harvie 1991). Harvey and Robins (1994: 46–7) observe: ‘The absence of strong regional institutions – the contrast with the German Länder is the obvious one – is likely to make regional devolution at best a hesitant and difficult process.’ Germany, by contrast, after World War Two became a Federal Republic, finalized in the Constitution that came into effect on 23 May 1949. This established that the Länder were given large degrees of autonomy. Since legislation for broadcasting was not yet put in place and the Bund was used to centralize broadcasting coordination as pursued in the Weimar Republic, Adenauer aimed to set up a broadcaster controlled from Bonn. Following a Länder complaint, the Federal Constitutional Court, however, made absolutely clear that the sole responsibility for broadcasting rests with the Länder and that this applies even to national television (BVerfGE 12, 205). The Court reaffirmed this status in the following ruling (BVerfGE 31, 314) and went on to strengthen it in the future. Apart from the legal framework, in Germany the key forces which determined the (federal) structure of the broadcasting system as well as the functioning of the individual broadcasting organizations are political in nature, linking broadcasting and Länder politics. This sometimes becomes apparent in Standortpolitik-related issues such as the allocation of terrestrial television frequencies and interference in the licence-fee settlement process by Steinbrück and Stoiber. These two formative German features, the legislative preservation of a federal...
broadcasting structure and a high level of politicization, are not so apparent in the UK. This is particularly evident in England.

In 1927, after the recommendation of the Crawford Committee, the BBC became a public corporation that should act as ‘Trustee for the national interest’ (Report 1926: 14). The BBC expanded this national character at the expense of the English regions until well into the post-war period. ITV’s regional character, by contrast, was regulated by law in the Television Act 1954 and subsequently enforced by the regulator. Despite pressures from the advertising lobby for centralization, the regional structure was maintained as long as it was commercially viable. Eventually, however, ITV could not resist the pressures of an increasingly tough market environment (Fitzwalter 2008). When competition for advertising became more fierce ITV’s regional character was dismantled, decreasing in inverse proportion to soaring competition for advertising revenues. Politically, at the same time in England, there have been various attempts to assign greater independence to the regions, most recently in the North-East, which is one of the most culturally coherent English regions, where a referendum on whether to set up an elected regional assembly was held in November 2004. It was dismissed by almost 80 per cent of the people voting. George Thomson gives a possible explanation:

You can’t make the link easily from regional or local government to regional broadcasting … I think what happened in the North-East was that there was a certain underlying pride in having their own city council and their own regional, local council. The idea of having a new regional level of government imposed on them was simply seen by them – not as it might have been in broadcasting, that a lot of bright people producing very good entertaining programmes for you to enjoy – but just another lot of bureaucrats and officials ready to put up your local taxes and all that. There’s a great argument in Britain about the future structure of government. In Scotland we’ve got quite far down the road with a Scottish parliament and the so-called Scottish executive. There’s the same thing in Wales but more weak. In both Wales and Scotland they’d rather like to see England follow the same pattern, breaking themselves up into regional assemblies. The reason is that if England remains a single entity and Scotland and Wales had separate parliaments and executives, England will dominate the system. So the English are not keen about regional government but they are very keen about regional television, about the regional quality of television, the regional character of programmes.