

A photograph of a person in a crowd, seen from the side, holding a smartphone up to take a picture. The person is wearing a grey sweater and a watch. The background is slightly blurred, showing other people and what appears to be a bookshelf or display case. The entire image has a blue color overlay.

Media Practice and Everyday Agency in Europe

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edition lumière

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Media Studies without Memory? Institutional, Economic and Legal Issues of Accessing Television Heritage in the Digital Age

Leif Kramp

1. Introduction

In their research, media scholars are regularly concerned with audio-visual sources and teaching, be it movies, TV shows, radio, audio recordings or multimedia content on the Internet. Audio-visual media have advanced to the position of primary objects of investigation and theory in media studies. In a media landscape characterised by a huge variety of electronic media, television as a technology, institutional setting and cultural forum (cf. Williams, 2003, Newcomb/Hirsch, 1983) still presents itself as a medium of record, monitoring, framing, priming and commenting on the conditions of increasingly mediated societies and their social and cultural transformations as well as persistencies.¹ However, in many places, researchers and lecturers who want to work with recordings and documents of television history face considerable problems in accessing the sources. Despite the highly problematic conditions of long-term preservation owing to the susceptibility of the data carriers and to rapidly changing technical standards, researchers struggle with profound obstacles to maintain a hold on archival assets. In contrast to book publications, public records, the fine arts, music or even movies – which have their own challenges when it comes to works that may be ‘orphaned’, but are at least institutionally preserved in archives – libraries and museums, television and broadcasting in general have no clearly defined focal points or mandatory rules of preservation and access with respect to archived material. Last but not least, the use and availability of materials – including the composition and exploitation of private collections of recordings – is mostly restricted on copyright-related grounds.

International cultural and media policy focused on the issue of how to deal with the audio-visual heritage for the first time when a key issue document was published by the Organization for Education, Science and Culture of

Kramp, L. (2014) ‘Media Studies without Memory? Institutional, Economic and Legal Issues of Accessing Television Heritage in the Digital Age’, pp. 227-248 in L. Kramp/N. Carpentier/A. Hepp/I. Tomanić Trivundža/H. Nieminen/R. Kunelius/T. Olsson/E. Sundin/R. Kilborn (eds.) *Media Practice and Everyday Agency in Europe*. Bremen: edition lumière.

the United Nations. With a recommendation made at its General Assembly in Belgrade on October 27, 1980 UNESCO responded to the growing discontent, especially amongst researchers, but also within the community of audio-visual media archivists, that in most states there were no reliable political arrangements – neither on a national nor on an international level – for the preservation and storage of moving image works. The “Recommendation for the Safeguarding and Preservation of Moving Images” (UNESCO, 1980) followed the three core objectives of UNESCO, which has made a strategic commitment to the promotion of democratic participation, sustainable development and cultural diversity. Three decades later, the situation relating to the management of the audio-visual media heritage must still be regarded as confusing and highly disparate: The legislations alone within Europe are strongly diverging, e.g. The European Convention for the protection of the Audiovisual Heritage (CETS No.: 183) including the Protocol on the Protection of Television Productions (CETS No.: 184) could not enter into force before 2008 when at least the minimum of only four EU member states had ratified it – nearly seven years after opening the treaty for signing. Against this background, the broadcasters’ archives remain the most important locations for the preservation and accessing of historically significant television sources. However, researchers and educators are constantly having obstacles put in their way when trying to access archived material first-hand.

The law has had a significant influence on what parts of the enormous wealth of our audio-visual heritage actually remains in the collective consciousness (cf. Nikoltchev, 2013). A lot of programming is no longer accessible because its legal (copyright) status is unclear. Most legal provisions have served to back marketing models, while the preservation of and access to our cultural heritage has remained in the shadow of lawmaking. For television works in particular, a variety of legal problems have arisen relating to digitization and to the new forms of distribution. These have already had a paralyzing effect on the work of public heritage institutions. The attempt to preserve our television heritage not only requires a major effort in the archiving and conservation of material but also the development of legal frameworks to facilitate easier access to a wide diversity of cultural products.

2. Issues relating to access: Normative, functional, strategic and operational considerations

Reflecting on the findings of her research into German television archives, media scholar Lilli Hobl came to the following conclusion: “In this country, we can only remember in fragments” (Hobl, 2005: 96)². The sometimes capricious, sometimes wailing critique of the current access options in television

archives is formulated by a television historian who – under the protection of a pseudonym – wishes to draw attention to the considerable difficulties that scholars have when dealing with television heritage in their research. This is not only a challenge for media and communication scholars who analyze media production and reception as a core field of expertise. Television and broadcasting history, as well as audio-visual media in general, have experienced – as evidence and mere recordings of mediatized society and culture – a steep increase of interest on the part of contemporary historians (cf. Roberts/Taylor, 2001; Hickethier, 2009), but also researchers from other disciplines such as cultural studies, art criticism, sociology, political economy or psychology, to name only a few that have likewise been affected by the ‘visual turn’ in social sciences and the humanities (cf. Walker/Chaplin, 1997: 3). Hobl’s experiences bear witness to the lack in corporate archives of regulated procedures for external access and the willingness to let the public have a share in the richness of the television heritage in addition to the regular broadcasting activities. Rather, they are evidence of the many types of defence strategies that archivists in broadcasting institutions employ to stave off external user requests as effectively as possible.

Therefore, according to the researcher using the pseudonym Hobl, scholars are sometimes faced with the disappointing response that the requested documents or recordings are no longer available or just cannot be found. This might spur on the researcher to more persistent efforts, but in the end frustration prevails due to the high fees charged for archival consulting services or the copying of individual programmes. Only by chance, by individual sympathies between archivist and requester or by pure luck, are researchers granted access to the protected repositories of the prime assets of audio-visual media history, Hobl connotes. A similar critique is advanced by Mike Mashon, Head of Moving Image Section at the Library of Congress, for the United States:

The film studios and television networks, which are mostly the same thing now, don’t offer you an archive. I can’t go to Fox and watch episodes of ‘21 Jump Street’. You have to go to a publicly available archive, and that tends to be the Library of Congress. Then they may have some episodes at Peabody, maybe at UCLA and a handful maybe in the MT&R [Paley Center for Media], but there are not many places you can go. The library by far has a bigger collection than anybody else. In Germany there are a lot of state broadcasters. Even the state broadcasters in Europe won’t let you in to watch shows. Some of them will, some of them won’t. [...] It’s hard to get that stuff. (cf. Kramp, 2011b: 235)

With Hobl, researching the history of television becomes an odyssey, the archive a Pandora’s box, and the archivist a Kafkaesque doorkeeper who denies the researcher access to the hidden treasures of media history – almightily and uncompromisingly (cf. Kafka, 1934: 8). Television archives have, over many years, gained the reputation of being invulnerable fortresses (cf. Oldenhege, 2000; Hecht, 2005; Ubois, 2005). As a comprehensive study of all major tel-

evision archives in the United States, Canada and Germany has shown, television broadcasters – whether they are commercial or public – operate their archival departments as production archives with the purpose of serving their own broadcasting operations (Kramp, 2011b). Television networks – including public broadcasters – do not necessarily contemplate serving cultural and public demands when it comes to programming that has already been broadcast. As for the German public broadcasters ARD and ZDF, the reasons have been set out clearly: They regard their main obligation as the maintenance and quality management of current programme activities, not in the support of cultural purposes beyond that frame of engagement, as the available funds (licence fees) do not include extended archival resources to cover external requests, especially concerning negotiations with rights holders (cf. Kramp, 2011b: 66). Access requests from third parties for archival material that come from other media representatives or from members of the audience who are interested in original footage or a single show, are diverted to the sales departments. Scholars however usually have more complex requests, need access to a variety of recordings and documents, and therefore dig deeper into the archive racks. Hence, they highly depend on direct access to the archives and professional archival (and not sale) services. Besides, they also understand their research work as part of the cultural realm as well as a public service, and in most cases do not have a budget to pay license fees as they do not act commercially.

A major hassle for scholars is the lack of universally applicable guidelines and policies that would ensure access to the television heritage in an at least reliable manner. As one of the interviewed representatives of corporate television archives, Geoffrey Hopkinson of Canada's public broadcaster CBC, notes, television archiving is far away from being an inter-institutional agreement on preserving and giving access to the heritage comparable to the library, museum and gallery structure built up a long time ago for books and art works: "Because it tends to be buried somewhere and you actually go out there digging for it." (cf. Kramp, 2011b: 236)

The fundamental question on the extent and nature of access to archived television programming assets as well as the equally rich stock of contextualising documents requires the clearest possible distinction between the interested parties. Who demands which access for what reason and with what justification are crucial questions for developing solutions in this complex problem area which is characterized by numerous economic, legal and not least strategic and pragmatic implications. Depending on the motives for access as well as important basic factors such as the institutional background and the available resources, access requests by representatives of production companies, academics, journalists or by members of the general audience are responded to in different ways by the responsible departments. From a user perspective,

access demands can be made on normative and functional levels, whereas on the supply side decisions to grant access are made on strategic and operational grounds:

On a normative level, access claims can be deduced from the high cultural value that derive from the relevance that television has for social memory in many countries as the ubiquitous everyday medium since the early 1960's (cf. Holdsworth, 2008, Kansteiner, 2007, Kramp, 2011a). From this perspective, for example, it could be argued that every television viewer has a right to access television heritage because of its importance for the cultural development and identity formation in the mediatised societies of the 20th and 21st centuries. From this point of view, the concept of a basic service – in terms of a fundamental right to information provision and opinion formation – could be expanded to already aired television programming. This would include mainly archived recordings that are managed not only in public and non-profit organizations, but also and primarily by commercial enterprises such as broadcasters and production companies. Whether this should be done for free or for a fee is a secondary concern. Besides the many individually motivated reasons for occupying oneself with television history the historical interest in it is constitutive: Dealing with television's past or with historical events as they were documented (or even staged) by TV requires genuine recordings and documents from the history of television.

On a functional level it is examined how the demand for access is justified by the function of the users and their use. Here, scholars perform an analytical and interpretative service for the general public. Attributing relevance to these functions is however an act of constant struggle, shaped by normative expectations as well as strategic and pragmatic considerations on the part of archival institutions. Thus, the privileged role of research is not a guaranteed, but a contested one in this context.

At the strategic level, largely the institutional determinants and objectives of the archive are dominant. Access to the archival assets is therefore subordinated to certain administrative requirements. Broadcasters focus their archive management, as illustrated, primarily on productive responsibilities, thus following (business) criteria of media production: Media management is oriented towards keeping up the on air operations using archive material.

Ultimately, the decision between success or failure to gain access is commonly made on the operational level. Here, normative values clash with functional claims of the users and the strategic objectives of the archives. As already argued above, not every user needs the same type of access. Also, not every type of user is granted access because of strategic issues such as business reasons. As the use of archival material – whether it is a screening, a loan or obtaining a copy – always requires and ties up institutional resources, archives have to prioritize who gets access and who does not: Broadcasters calculate

their archive budgets primarily or exclusively according to their own priorities and requirements. Therefore, access for external users is an additional burden that is not covered by the allocation of resources.

Nevertheless, the survey results give the distinct impression that non-commercial users from outside are hardly ever welcome. Above all, in the view of archivists who are already heavily burdened with obligations from the production departments, the academic clientele appears like a milestone around their neck. The study shows that scholars as well as archivists have to struggle with structural impediments that characterize broadcasting organizations: They may recognize and exercise cultural and educational responsibilities with their programming, but not in terms of providing general access to their archives.

Aleida Assmann has pointed out that archives always define themselves through “opening” and “closure”: In her analysis of different political archive functions she came to the conclusion that under totalitarian regimes archives serve as an instrument of domination and are hardly at all [??] accessible, whereas in democratic societies the archival ideal is that the public should have access to the widest possible knowledge. (cf. Assmann, 2011: 202-203). A highly restrictive managed availability of archival material need not be, however, a sole characteristic of totalitarian regimes. As is evidenced by the practice of production archives in the media industry, not only political factors play a role, but also economic and strategic factors.

The more an archive acts out of (corporate) political motives behind closed doors, the less transparent are its collection decisions, the more uncontrollable is its management, and hence the criteria which archival assets are preserved and which are dumped. The example of archives in general and television archives in particular shows that the responsibility of the archive comes with great power over a significant part of the cultural heritage. In his essay “Archive Fever”, Jacques Derrida points out the constitutive importance of archives for current democratic societies when it comes to questions of power and empowerment: “There is no political power without the control of the archive, if not of memory. Effective democratization can always be measured by this essential criterion: the participation in and the access to the archive, its constitution, and its interpretation.” (Derrida, 1996: 4)

3. Implications of broadcasters’ archiving autonomy

Despite the pivotal role of television as a medium of social self-understanding in modern democracies, there are justifiable objections to allowing general access to television archives even for researchers, whether they are affiliated stations, production companies or educational institutions:

First, given the self-management of television heritage management, the institutional self-conception of the respective institution is crucial: Broadcasters' archives are departments of independent organizations in most European countries. This is because of their organizational-legal constitution and is also applicable to public-service broadcasters. Therefore the broadcasters are allowed to limit access *ad libitum*. So they are not necessarily under an obligation to grant external users access to their archives. It is therefore at the discretion of the archive or corporate management to decide on the type and extent of access.

Second, the orientation along the production requirements means that it is not intended to serve any additional external needs. Commonly there is neither enough staff nor enough space to meet external demands, resulting in a somewhat classic tension between a 'democratic' and an inward-looking approach to meeting demands. This becomes more explosive because of the archival autonomy of the broadcasters as ultimate repositories of their television heritage. The more comprehensive the collection approach and the more extensive the collections, the more difficult become the collection management and access options: So, production archives concentrate out of sheer necessity on the demand from within concerning their own programme operation. The main objective is to maintain a working production archive as best as possible. In this context, external requests are almost inevitably regarded as a threat to the regulated workflow.

A third objection concerns the preservation duty of the archivists whose task is to ensure the integrity of their managed assets. Therefore, no self-service is permitted to users in general. Without guidance and an understanding of their organizational structures, archives are anyway unreadable for ordinary people, including researchers who are not familiar with the specificities of archival operations. User requests can complicate the business of operating the archive, especially when copies have to be made or tapes made available for playback in a secure environment.

The fourth objection relates to the legal problems of the use of archive material that is frequently accompanied by a variety of different legal restrictions and therefore may not be made available immediately. In this complex problem area the handling of orphan works whose owners are unknown is particularly problematic. Glenn Clatworthy from PBS complains that among other things the archivist is confronted by a tricky situation that leads normally to a forced lockup of the recording in question: "One of the heart craving things is when you can't find an owner to a programme, because the producer has disappeared or passed away or a company suddenly disappears. In those cases there is nothing you can do to grant access to a programme." (cited in Kramp, 2011b: 244)

4. Legal insecurities

As a free-to-air medium, television programming appears superficially as common property that, once aired, can also be freely reused. In contrast, the rights holders have an interest in claiming an equitable remuneration and the power to decide who should have access to their works. Meanwhile, lawmaking has taken into account the rapidity of media developments and has mostly adjusted the copyright laws accordingly. New laws now establish greater clarity with respect to new and formerly unknown types of use that involved high conflict potential between the authors/creators and broadcasters/production companies regarding the acquired rights. This, however, does not apply to old programming where unknown types of use have not been a part of the respective contracts. Researchers and teachers normally invoke a so-called ‘fair use’ argument, which has been adopted in legislation in several states. In the United States, the fair use doctrine allows the use of copyrighted works for critique, comment, reporting and teaching, science and research – as long as the works are not used for any commercial purposes.³

However, the work may only be published in whatsoever form if no substantial parts of the original are affected. Also, the reuse must not impair its potential commercialization (Wilson, 2005: 68). Therefore it is difficult to determine clearly whether fair use is legally applicable or not. So, according to the U.S. Copyright Office which in case of doubt advises that an agreement should be reached between users and rights holders or that use of the work in question should not be pursued, an independent assessment is generally necessary (U.S. Copyright Office 2006).

As well-meaning as the widely adopted fair use principle is committed to the idea of public service and however much the principle emphasizes the high value of protected works for educational purposes: The actual application of fair use is easily vulnerable. The scope of the regulation is unclear and it also does not protect from conflicting views, not only in cases of creative reuse, which frequently need to be settled in court. Ultimately, the confidence in the validity of fair use is a risky business, and this results in non-profit organizations harbouring genuine doubts as to whether they can enforce their claims:

The costs of negotiating the legal rights for the creative reuse of content are astronomically high. These costs mirror the costs with fair use: You either pay a lawyer to defend your fair use rights or pay a lawyer to track down permissions so you don't have to rely upon fair use rights. Either way, the creative process is a process of paying lawyers — again a privilege, or perhaps a curse, reserved for the few. (Lessig, 2004: 107)

5. Four dimensions of access

Access to television heritage understood as cultural heritage of mediatized societies is therefore subject to numerous terms and conditions that cost time, money and quite often nerves on both sides: The users' and the archivists'. This is also because there are various levels of access that come with various issues. In a report from the late 1990s, the US Library of Congress stressed four key areas regarding access to television heritage: description, consultation, reproduction, and use (Murphy, 1997: 139, see also Ubois, 2005).

Description: For researchers who want to gain an overview of the material stored in television archives to design and measure their research efforts, there are only in exceptional cases publicly accessible databases and overviews of assets in the production archives of television companies. Following the principle of self-management, the broadcasters place a significant number of limits and constraints on search options. This already prevents the first condition for the establishment of a reliable access to television history: Its searchability: "[H]ow do you find the needle in the haystack? How do you determine who has it?", says Bruce DuMont, director of the Chicago Museum of Broadcasting Communications. Since the interest of scholars is mostly topic-driven and object-based and is not geared to production logics, the search for the right archive may not only necessitate a lot of effort, but also be at high cost. Most network archives do not grant access from the outside to their databases.

Consultation: As already noted, there is also generally no guaranteed access to the broadcasters' archives. This results in severely restricted inspection options on site for external users. There are few exceptions, as the stations have no obligation to provide the public with archive material. Among the institutions surveyed, only a few archive managers declared that they could provide desks for the inspection of recordings and documents by researchers, but only during the holiday season or outside peak times such as at night or at weekends. The viewing options are also limited by the lack of an interlibrary/interarchive loan service as exists for print publications. For legal reasons the vast majority of broadcasters are not willing to release material for private or academic use, unless all rights are with the broadcaster. In most cases researchers have to travel to request an inspection of archival material on site.

Reproduction: Copies are usually made only for a fee, provided there are no legal objections against it, which in turn often prohibit a copy being made. Compensation claims are usually described as generally being too high and disproportionate. Each corporate archive is free to decide on the use of the archive and the amount of fee to be paid. The public archives in Germany for example, have rules of use that regulate the type, scope and the fees for using the archive and for the associated archival services. Commercial broadcasters mainly decide on an individual basis. The cost of making copies is usually

beyond the users' expectations, but this is explained by the effort and use of personnel on the part of the archive. However, the high charges are perceived by many researchers as a deterrent, as Canadian archivist Sam Kula notes:

[T]he prices are outrageous: For particular footage they are charging people 2,000 to 3,000 dollars a minute. Obviously, if you have a high priced staff and a lot of responsibilities so they have to hire additional staff in order to provide these kinds of services, then they have to recreate those costs. But in a lot of cases they make the prices so high because they don't want that kind of business. They don't want individuals or researchers to come into the archive and bother them for 50 dollars here and 100 dollars there. They have to write a contract with every sale, and it costs them 175 dollar simply to draft the contract, because they have to give it to a lawyer and verify that they are allowed to sell the program and clear the rights. That's what they say. (cited in Kramp, 2011b: 247)

Extensive research projects appear to be virtually impossible under these conditions. The lack of inspection options on site and the often unaffordable fees for consulting, research and duplication are detrimental to wide and deep scale studies using historical television material.

Use: Also lecturing, teaching and other types of educational work are adversely affected by the limitations on the scope of scientific use requests: Screening permits are fundamentally linked to remuneration which mostly exceeds the financial ability of teachers and educational institutions if not covered by flat-rate schemes, e.g. allowing the screening of short clips at universities. Also, the required foreign rights clarification is not usually supported by the archival institution. Hence, independent research proves to be extremely difficult and can hardly be managed by conventional users or institutions without the necessary knowledge, contacts and resources.

6. Workaround models: The state, the market and the self

Still, there are several workaround models with which researchers can find a way to pave their way to the desired sources. Alternative routes bypass corporate archives and overcome the inherent problems of overwork, legal conflicts and costs. Scholars already do have – in some countries such as the United States – exclusive access rights to some archival institutions like the Library of Congress where users have to prove that they are applying within the scope of a research project and aim to publish their research. By contrast, scholars cannot rely on the comprehensiveness of such collections as – in many countries – public institutions are normally not the central and ultimate places of collection with the right to receive or grasp actively everything that is produced, aired or streamed. In some countries, cultural institutions and representatives of academia have urged for long that legal deposit legislation should

be extended to audio-visual media. In the UK for example, the Working Party supported the position of the British Film Institute (BFI) that stressed to treat broadcasting equally compared to other parts of the cultural heritage:

In the opinion of the BFI, the national published archive should as a matter of principle include broadcast material. In its view, there is no logic in the exclusion of television production from a legal deposit system; its omission both contradicts the aim of comprehensiveness and threatens a huge and anomalous gap in the maintenance of an audio-visual national archive. Some might argue that television output has become the most vital and important part of our moving image heritage in terms of contemporary culture and historical record-keeping. (Working Party, 1998)

In the UK, the BFI itself started to collect television programming besides films with its National Archive in Berkhamsted, mostly relying on recording donations (BFI, 2014). There are several countries that have grasped at the opportunity to urge political solutions: Countries like France, Finland or Sweden enforced a legal deposit regulation that also covers broadcasting and ensures centralized preservation, as well as access for academic research (see examples in table 1). In these countries, national archival or library institutions take the lead to protect the television heritage in the “public interest”, to collect “complete record of works”, “aid research & documentation”, “conserve our national heritage”, “make works available for future generations” or to compile a “national collection” (mission statements collected by Besser/van Malsen, 2010: 3).

	Legal deposit regulation embracing television	since year
Denmark	Television broadcasts are deposited in the National Media Archive	1997
Finland	Television broadcasts are deposited in the National Audiovisual Archive	2008
France	Television broadcasts are deposited in the Institut National de l’Audiovisuel (INA)	1995
Hungary	Television broadcasts are deposited in the National Audiovisual Archive	2006
Norway	Television broadcasts are deposited in the National Library Rana	1990
Sweden	Television broadcasts are deposited in the Audiovisual Department of the National Library of Sweden (formerly in the National Archive of Recorded Sound and Moving Images)	1979
USA	Television broadcasts are deposited voluntarily in the Library of Congress for copyright protection. The LC is allowed to make recordings autonomously based on the American Television and Radio Archives Act.	1949 / 1976 (Act)

Tab. 1: Legal deposit regulation regarding broadcasting material in selected countries (own survey)

Regarding the diverse state regulations for a legal deposit of broadcast material, scientific institutions such as university archives or media centres and non-profit archives are a viable alternative to the archival structures of the broadcasting industry. Such organizations try to address – “as broad as we can”, as Dan Einstein from the UCLA Film and Television Archive puts it (cited in Kramp, 2011b: 248) – the demand of researchers and teachers for TV recordings, documents and diverse ephemera. UCLA offers e.g. a travel grant for researchers to be able to travel to Los Angeles and work on site. Another example of the Vanderbilt Television News Archive (VTNA) in Nashville, Tennessee, shows how strongly the supply of copies of archived TV news is consulted by researchers all over the world for relatively affordable fees. The VTNA has grown to an internationally frequented focal point for researchers wishing to analyse US television news. Ultimately, the university archive preceded a “boom in television archives“ (Hilderbrand, 2009: 151) involving a continual process of institutionalization of cultural heritage organizations and departments collecting the audio-visual and especially television heritage in the United States. This development was stimulated by a relaxation of copyright law for non-profit educational institutions.

In Europe, a great emphasis is put on jointly coordinated digitization initiatives: Since the early 2000s the European Union has funded projects that aim to develop an online archive portal that contains historical recordings from the great diversity of European television programming. The projects “BIRTH of TV” (2003-2005) and “Video Active” (2006-2009) were succeeded by “EUscreen” (2009-2012) and “EUscreenXL” (2013-2016) represent big steps toward a unified online platform that makes excerpts from the television programme history of several European countries available and is operated by a consortium of audio-visual archives. The reported aim of the broader initiative is that of improving access to television programming heritage for educational purposes and private use as well as for cultural heritage management. The focus is on certain topics which trace the social changes during the 20th and at the beginning of the 21st century. The partners of the consortium come from a variety of European countries, including bigger ones like the UK, France or Germany and smaller ones like Belgium, Slovenia or Switzerland. Only a small number of broadcasters are involved, e.g. from Germany only the “Deutsche Welle”, from Denmark only “Danmarks Radio”, and from Poland only “Telewizja Polska”.

Many university departments who study electronic media have set up collections themselves. Those collections are usually built by recording television programming off air: news, TV shows, films and other sorts and formats of programming. These media centres work under constant suspicion of illegality. The collections have been built up within the context of research projects bit by bit for long periods. However it is not as unproblematic and uncomplicated is

it seems to easily get access to the collections in the framework of research cooperation and without much cost. Those collections are mostly not searchable via online catalogues (as regular library collections), because of legal quibbles and objections and because the number of users is usually limited to members of the university or even members of a particular department or institute. Here, copyright restrictions are relevant: Television recordings are normally allowed for private purposes, whilst disclosure to third parties requires the consent of the copyright holder. As rights are seldom cleared in such an institutional context, resources are rare, and the required knowledge not always existent, the media centres operate in a legal grey area. This results in an uncertainty that tends to lead to restrictive regulations or even cases in which a university orders the destruction of whole collections because of lacking rights (cf. Kramp/Classen, 2010). Such cases show the latent fear of prosecution and delicate claims that prevail in this area.

Another pathway into television history – at least since the advent of the home video market – is via the commercial offerings of production companies and broadcasters. The success of marketing television productions as video rentals or sales was already apparent in the early 1990s and is now one of the essential means of re-financing programmes. In particular, old TV series, TV movies and shows as well as documentaries from the archives achieve remarkable sales. Reissued DVD or online releases are now part of the fastest growing market segment of the home video industry (cf. Blowen, 1989; Hernandez, 2003; Snider, 2004). The reduction in the costs of production and materials as well as new effective marketing and sales strategies via the Internet ensure that even small editions of a product prove not only cost-effective but also promise lucrative profits. According to Chris Anderson's 'Long Tail'-theory, the resulting diversity of releases can be explained with the economical insight that even niche products can be marketed profitably if a sufficient choice is available and easy to find for the customers (cf. Anderson, 2006: 53). The marketed programming often includes special features and bonus material such as extra footage and contextualising documents which are of special interest for researchers. These can be seen as "archival features" (Rombes, 2004: 347), whereas the contents are compiled under marketing imperatives. So researchers find themselves subordinated or at least affected by market forces that may pose unforeseen problems. The trade label 'out of print' or 'out of stock' is in this regard synonymous with the forgetfulness of the market: What cannot be purchased (anymore) inevitably has no place in the public consciousness because it is not available as a source of memory. This has already led to a market-oriented research agenda, as media scholar Henry Jenkins points out:

Whenever you discover an old show that goes into syndication or appears on a cable channel the television historians are drawn to write about it because it's the first time they have access to large numbers of episodes. We see the same thing when television shows appear on DVD:

They shape the scholarship because of the access to a broader range of material [...]. And that can be disturbing because the selection is governed by market conditions and not necessarily by the priorities a historian would have. Yet, once the scholarship is in place, it then determines what is taught and what gets remembered from different historical periods. It reinforces a particular preconception of what television was at a particular time and place. And it is very difficult to break out of that model by doing original archiving research, because most of the stuff you might want to look at might not be available. (cited in Kramp, 2011b: 257)

Jenkins' criticism relates to an important aspect of the access issue, since researchers and teachers could decide to select only readily available material. William Uricchio argued how devastating such a view on the (television) history can be:

[A] plethora of readily available evidence entails a similar but related problem concerning the researcher's historiographic assumptions. A fixation with readily available 'facts' can obscure the complexities and contradictions which help to construct a historical moment, privileging 'dead certainties' over the ambiguities of competing discourses (Uricchio, 1995: 260)

Despite the proliferation of niche markets, a narrow insight into the history of television (and therefore the history of mediatized society and culture) could be encouraged by this development – with the exclusion of the original broadcasting context. These are problematic aspects that do not weaken the importance of the market-based access model as a supplementary alternative for researchers, but show the risks when pursued exclusively. As Howard Besser from the New York University argues:

I would make the argument against the free market economists. Because I would say that there is a market for those things today but there may not be a market ten or twenty years from now. There will be a 'market failure' in the future, but by then it will be too late. So the role of a cultural institution is to maintain cultural memory for a very long time. And markets usually adjust on a ten year basis, not on a hundred year basis. (cited in Kramp, 2011b: 257)

The vitalized market for commodified television programming could have the effect that researchers preferably use readily available sources instead of bothering to travel to professional archival institutions, as Mark Quigley from the UCLA Film and Television Archive puts it:

The problem right now is that people really want the information at their fingertips on the Internet. Having to come to a facility physically is a barrier. The proliferation of something like YouTube shows that people are posting many things that were hard to find or see before with regards to copyright. That's the way the young generation likes to do research. (cited in Kramp, 2011b: 303)

Museum and library collection initiatives draw on the limits of the collection efforts of individual viewers and scientific self-supply: The demand unfulfilled by the market can to a limited extent be satisfied by measures on the part of publicly accessible institutions that have set themselves the goal of gaining access to the media heritage for the general public. This can be done with alternating themes and with a focus on specific contents, as in the Library of the Federal Agency for Civic Education in Germany whose main task is – with its range of audio-visual productions – to act as a federal public administration point for political education and training in schools, universities and professional domains and to edit and curate the broad range of available material. Also, this can be done in a wider, less thematically fixed extent as offered e.g. by the Paley Center for Media in New York. These institutions have negotiated agreements with the broadcasters and production companies to make available their in-house collections and in part through the web and special audio-visual publications. Normally, also non-profit making institutions face the challenge of high licence fees and the considerable effort in the independent rights clearance. Table 2 summarizes the four dimensions of access to the television heritage residing at different places and in various collection contexts, taking into account the respective conditions and perspectives.

	Discovery	Inspection	Reproduction	Use
Television broadcast networks' archives, both public and commercial	Networks do not typically reference footage other than their own. Research services for private and academic use are usually not provided.	Varies widely by network, heavily restrictive, but there is a trend toward online viewing.	Networks usually provide reproductions of news where all rights are with the broadcaster, but don't always own and thus can't reproduce entertainment footage.	Networks sell usage rights to their news, but do not always own (and thus cannot clear) entertainment footage. Third-party rights cannot be negotiated.
Commercial providers and monitoring companies	Commercial sources are useful for advertisements and some news; less useful for entertainment footage that is not for sale.	Higher costs, but generally fast response times. Viewing only after fee required ordering.	Reproductions are available for purchase.	Commercial providers can handle rights clearances.

	Discovery	Inspection	Reproduction	Use
University media libraries	Only a few university libraries have substantial video collections. Often heavily fragmentary. Research in collections only on site.	May require travel or in exceptional cases ordering of videotapes by mail (news programming). Access on site mostly restricted to university members or visiting fellows.	Concerns about potential liability cause university libraries usually to restrict access to and copying of video footage, though news footage can be loaned.	University libraries may provide limited assistance in exceptional cases.
Public institutions: special collections, libraries, and museums	Access to video broadcast on multiple networks, but may have less comprehensive holdings than broadcast networks. Collections are easy to discover.	Does require travel. Unrestricted access.	These organisations must carefully abide by the restrictions placed on them by owners. Usually no reproduction of archival holdings.	These organisations may provide limited assistance.
Fan clubs / private collections	Coverage is spotty, difficult to locate and to research.	Inconsistent. Depending on willingness of the collector.	Reproductions are easy and convenient but legally generally problematic.	Rights clearances by these groups/collectors unlikely.

Table 2: Dimensions of access to the television heritage. Source: Ubois, 2005; Kramp, 2011b: 261.

So in most cases, neither university nor public archives and collections nor the market itself can serve the demands of researchers comprehensively. For the foreseeable future, researchers and educators who want to use television sources depend primarily on the archives of the producers and broadcasters. Potential users are confronted with a rather daunting archive landscape – not only because of the duality of public and private broadcasters in many countries, but also because of the growing quantitative complexity of media producers.

7. An interdisciplinary agenda for paving the way into the archives

The multifarious and unpredictable problems in gaining access to the television heritage trigger great hopes for an improvement that are connected with the proceeding digitization in media heritage management. The variety of audio-visual material that is to be found online is already so beguiling that one could already have the impression of a cornucopian Web inventory of the media heritage: 'Have you noticed that kids – and many adults, too – think every article ever written and every song ever sung is on the Internet? It will not be long now before young people will grow up assuming that every TV program ever made is online, too. That's what they will expect' (Rubin, 2007). The assumption of broad availability is clearly illusory since large parts of the archival holdings have not yet been digitised. As Chuck Howell, curator at the Library of American Broadcasting, notes, the Internet only seems to be filled with immense archival resources. However, research into TV's past on the web could only be a cursory search. With the legal barriers and related restrictions, no scholar could get past the traditional way of research, i.e. to visit an archive personally and incorporate him/herself locally in the material stored there (see Howell, 2006, p. 305).

Such an extension of access via the Internet also bothers the corporate archivists, but they are largely excluded from the online strategies of the general administrations and in most cases only considered as supplier of material. Marketwise, broadcasters have successfully responded to the virtual archive movement of users and have established potent distribution models for Web TV and Video on Demand. However, filmmaker and archivist Rick Prelinger sees the recent development as a reinvigoration of the corporate taxonomy of the entertainment industry which would be geared to provide – despite the highly developed number of commercial video platforms on the Internet – almost exclusively latest and popular programming for a limited time online (Prelinger, 2007: 116). This does not constitute a more profound archive access of course.

Nonetheless, digitization makes a substantial difference because it affects corporate strategies: The more archived programming becomes digitized and can be marketed without substantial additional cost, the more attractive the provision of access appears according to the principle of the 'Long Tail'-theory. The success of home video and DVD can be seen only as the beginning of a sustainable opening of the archives via digital channels of access: In the digital media environment with its effective search and distribution instruments an expansion of access to archival assets increases also the demand of access, which in turn results in an additional broadening access to meet increased demand (cf. Anderson, 2006: 52-53). The market-based principle of supply and

demand thus also tends to support access to what was once locked-up television content because revenue makes it worthwhile to make the effort to clear rights and market former archival leftovers (cf. Kramp, 2012).

According to Mike Mashon from the US Library of Congress, this has also contributed to the relatively little research that has been done on historical television themes in comparison to other areas of media heritage (cf. Kramp, 2011b: 249). To promote the richness of television as a source for research in various disciplines, scholars from Germany – together with archivists and colleagues from a number of European countries (i.a. Austria, Luxembourg, the Netherlands and Switzerland) – created an initiative for the safeguarding of the audio-visual media heritage. Starting from a workshop, which served primarily to consolidate a common state of the controversial debate among broadcasting representatives and scholars mainly from historical disciplines and communication and media studies, the initiative has developed strategies to improve the situation for researchers and educators on various levels (cf. Classen/Großmann/Kramp, 2012; Kramp, 2013):

- To raise awareness among scholars that audio-visual sources, especially from broadcasting, are indispensable components not only for any historical-critical analysis of the media, but also for a comprehensive study of mediatized societies and cultures.
- To improve and facilitate the usability of the production archives and the collections in university media centres, e.g. through joint projects for network-based clearing houses or union online public access catalogues to make the holdings, including legal constraints, visible and approachable.
- To champion the evaluation and development of remote access possibilities with regard to digital collections for research, educational and non-profit cultural purposes.
- To canvass corporate players to acknowledge and sponsor the research and educational demand of audio-visual archival sources to improve their availability.
- To draw attention on the political level to the fact that national standards and legislation are needed in order to overcome the inconsistent archiving practice that is first and foremost geared to short-term (economic) criteria in the media industry, including reliable access and use options for research and education as well as non-commercial cultural purposes.

	Discovery	Viewing	Reproduction	Use
Strategies of the Initiative “Audio-visual Heritage” to improve access	Expansion of network-based (over-arching) clearing houses for archival databases.	Creation of remote access possibilities to digital collections for educational or non-profit purposes.	Willingness to compromise between the TV business, science and cultural institutions to improve the availability of archived television.	Improving legal certainty in the use for research, education and non-profit cultural work.

Table 3: Recommendations for archival institutions (corporate and non-profit)

A promising model of constructive cooperation between the television industry and academia was outlined by the Austrian public broadcaster ORF: Together with the University of Vienna the network opened an archival ‘field office’ on the university’s premises to enable researchers, including Bachelor and Master students, to find, watch and analyse archived recordings and documents from as early as 1955. This partnership might also be adoptable in other countries where access to the broadcasting heritage is assessed as insufficient. At least this example shows that there are realizable approaches to link with each other the legitimate concerns of scholarship on the one hand and the broadcasters on the other. In any case, scholars are challenged to articulate their demands and research interests confidently and jointly, keeping in mind the institutional determinants and resource restraints under which archivists operate.

Notes

- 1 Even in times of digital media change and the rapid rise of the Internet as a “meta-medium” (Agre, 1998), television holds its ground as the most used mass media in most parts of the world (cf. Bielby/Harrington, 2008; Truner/Tay, 2009; Kramp, 2011a).
- 2 Quotations in languages other than English have been translated by the author.
- 3 See Copyright Law of the United States of America and Related Laws Contained in Title 17 of the United States Code, Section 107.

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Biography

Dr. Leif Kramp is a media, communication and history scholar. He is the Research Coordinator of the Centre for Media, Communication and Information Research (ZeMKI) at the University of Bremen. Kramp authored and edited various books about media and journalism. Previously he has worked as a lecturer and research associate at the Macromedia University of Applied Sciences for Media and Communications in Hamburg, as a lecturer at the Hamburg Media School and as a research fellow at the Institute for Media and Communication Policy in Berlin. He is founding member of the German Initiative "Audiovisual Heritage" and of the Association of Media and Journalism Criticism (VfMJ) that publishes the online-portal VOCER.org. He also serves as a jury member for the German Initiative News Enlightenment (INA) and was an associate of the stiftung neue verantwortung in the project "Future of Journalism" (2010-2011).

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Framing China: Comparative Media Analyses of how the European and U.S. Press Represent China over Time (1990-2010)

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This study will investigate how European and American newspapers represented China in the years 1990-2010. These two decades were marked by dramatic changes in China following the economic reforms which favoured the free-market and embraced the capitalist road that led to a consolidation of China's power worldwide. This study uses 1990 as a starting point because the Tiananmen incident in 1989 caused significant damage to China's image in the Western media—damage that effected the perception of China for a long time afterwards. This led to the 1990s period during which the Chinese government gave increasing attention to global dialogue and to the importance of the international exchange of information. From here the Chinese government consciously and strategically sought to change negative images of China through the development of the concerted public diplomacy and “soft power” strategies of the 2000s. An across time study viewing these twenty years will permit us to better understand how the image of China's new economic power and increasingly assertive position in regional and international affairs was represented in the Western media, as well as how China was framed within the context of world political perception during these two decades. This study has been designed to include content analysis regarding the amount of news, news frames and news favourability of four leading national quality newspapers in Europe and U.S.A: The Times (U.K.), Le Figaro (France), SüddeutscheZeitung (Germany), and The New York Times (U.S.A). The author will use a stratified 2-designed week for the sampling of “generic frame ”analysis (one in each two years), then the samples will be divided into four phrases (five years as one category) followed up with case studies on the “issue-specific frames”(the issue that received the same interest from the four newspapers). Similarities and difference among the four newspapers will be considered as to how they shed light on the different national (political, economic, diplomatic) interests between that country and China across time. Meanwhile, the way the three European newspapers were influenced by the diplomatic relationship between the US and China will also be considered. As well as the content analysis, field studies of in-depth interviews with foreign correspondents (of selected press) located in China are combined to provide a whole picture of the complex interplay of international news productions and the ways in which the image of China is reinforced by different media arguments.

A Malleable Frame of Mind? – Framing Contests and the Public Sphere in Student Protests

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Our extant knowledge of strategic framing in social movement is largely gained through activist's discursive undertakings against opponents in promoting their frames onto the central stage, yet the anti-movement strategic counter-framing is often trivialised, especially by the authorities, and how the public sphere both enables and constrains the framing contests. To redress the tendency, this research, bolstered by a unique setting, Québec, Canada's Francophone province, profoundly marked by a history of struggle and resistance, investigates the way the alignment- or differentiation-oriented frames of contending camps in conflict emerge and evolve in the 2012 Québec student movement against tuition fee rises. The mediatised public sphere is brought back as the context for the social construction of both activist's frames and "official" counter-frames during the multi-party framing contest, through an analysis of English and French mainstream media and social media. The co-existence and constant shifts of frames are found to result from both the strategic calculation for a development of the student movement and from the resonance or dissonance previous strategies achieved. This paper is organised as follows. After the introduction, I first develop the theoretical foundations in the form of a critical literature review. The methods section presents the study site and the necessity of using media data for this research. The paper then plots the key events for both the government and student activists, and outlines the landscape of the public sphere in which contender's defensive and offensive work was launched. The discussion section focuses on the dimensions of strategic framing by the authorities and activists, as well as the shifts and co-existence of their frames. Based on the findings, this research formulates an analytical framework for framing contests in the public sphere before it concludes with the theoretical and empirical contributions and some directions for further studies.

I define my network, my network defines me: Teenager's Identity Expression through Different Social Networks

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The networks chosen by an individual somehow represent who they are (or who they would like to be), and by analysing them we can define values that describe role and position of this node in a network. Each node could be defined in terms of influence, centrality, and other metrics which are important in order to analyse even the nature of the relationships in the network between the nodes. Obviously, this is true for both the on-line and off-line world. An interesting case of individuals and social networking site users, involves teenagers (or even pre-teenagers). They devote their attention to the presentation of self and they build up relationships in order to increase their self-consciousness. The explosion in social networking sites (such as Facebook, Friendster, Twitter, Tumblr and so on) is widely regarded as an exciting opportunity for youth. Profiles have become a common mechanism for presenting one's identity on-line and creating content and networking online became a way of managing one's identity, lifestyle and social relations. The aim of the project is to analyse the kind of relationships teenagers build in different contexts and how they are defined by them. It will be done by comparing all their identities and networks, both on-line and off-line, preferably by working with a high school class of students in their first year. In this way it will be possible to obtain a multi-level analysis of a group of people which has been put together without any choice, but have somehow to relate and start networking. It will show how relationships begin to form both in the class, and off-line in all their SNS accounts, and which differences may be noticed in each student's identity depending on their social network. Another important step of the work is the individual interviews with the students in order to obtain their description of the relationships they arrange in the class (at several points in the year), a qualitative definition both for ties and nodes present in their class network. It will therefore be possible to link each social network analysis metric to a statement or a quality, which should be very useful in better understanding how identities are proposed and perceived and the meaning of the different kinds of interaction.

