

Debate

Barbara Thomaß

»Defend the institutions!«

Public service media safeguard democracy

Abstract: Expectations for the reform of public service broadcasting in Germany are enormous. Just as great, if not greater, is the need to meet these expectations – and the motivation to achieve this is more than high. There is a real danger of failing to meet these excessive expectations and a process of ailing setting in, with changes in political majorities in the states possible. So far, only two minister presidents have publicly stated their support for considering a merger of ARD and ZDF, while others advocate a reduction in the license fee (given current rates of inflation, a freeze would have the same effect) on an almost daily basis. When even an ARD director states that public service broadcasting does not need to »continue in its current constitution and scope« (BUHROW 2022), it becomes imperative that we scrutinize what exactly reform would mean. It has become commonplace for discussion of reform to mean budget cuts. Other areas of society (infrastructure, railways, health, social care) have shown us how spending cuts dressed up as discourse on reform have led to a wide range of problems. If reforms are to do more than just produce ideas for savings, the background to the calls for and will to reform needs to be examined.

Keywords: public service media, democracy, funding, independence, platformization

Since it has become common practice – sometimes ironically – to state the position or role from which an opinion on the aforementioned reform debate is given, the same will be done here: I write as an academic with expertise based on more than 30 years of research into public service media in international comparison

and experience as a member first of the Television Council and then of the Administrative Council of ZDF.

Among the many voices that have spoken in this ongoing debate, I would like to mention the calls by Carsten Brosda, Hamburg's Senator of Culture and Media, for a future concept that would answer the fundamental questions on what the broadcasters contribute to our democratic society and form the basis for deriving specific steps in the reform process (HARTUNG 2023b).

It is impossible to answer the question of what public service media does without making normative reference to the democratic quality of our society. The Federal Constitutional Court has repeated and updated this multiple times with regard to the communication landscape of today and tomorrow. One clear and highly topical recent example is its reasoning for the ruling on the State Treaty on Funding for Broadcasting [Rundfunkfinanzierungsstaatsvertrag], in which it noted the recent uncertainty regarding the credibility of sources and valuations, writing: »Given this development, the significance of the mandate assigned to license fee-funded broadcasting – to present reality in an unadulterated way through authentic, carefully researched information that differentiates between facts and opinions and not to place the sensational in the foreground, but instead to form a counterweight that safeguards diversity and offers guidance – is growing« (BVerfG 2021).

A comparison with other European countries is a useful way to judge the performance of public service media with regard to these requirements in Germany. The Media for Democracy Monitor (TRAPPEL/TOMAZ 2021) compares the state of democracy in connection with the performance and strength of public service media in eighteen countries based on numerous indicators. We can conclude that countries in which the public service media have a comparably strong position in the media landscape perform better with regard to the overarching dimensions of freedom/information, equality/interest mediation, and control/watchdog than countries in which public service media reach only a small proportion of viewers and hold a weaker position (THOMASS et al. 2022).¹¹ The data puts Germany among the group of leading nations, along with Denmark, Finland, the United Kingdom, and Sweden (HORZ-ISHAK/THOMASS 2022).

If we take as our starting point this finding that public service media provide the service expected of them by the Federal Constitutional Court at least comparatively satisfactorily, we can ask the question of which conditions and structures allow them to do this. Where deficits and problems are identified, that also means that these should not be remedied by destroying the structures that safeguarded the services up to this point.

1 For more information on the methods and indicators of the Media for Democracy Monitor, cf. TRAPPEL/TOMAZ 2022.

The public service media in Germany are a strong system – both in terms of viewer acceptance and regarding how they are funded. The license fee is one of the highest in the EU, both per household and, given the large number of fee-paying households, in total. Often seen as a problem – »too expensive« –, this can also be seen from the other perspective as a strength: There is enough money in the system for productions, cultural activities, qualified staff, a global network of correspondents, good working conditions, etc., which all together can create an attractive program.

When it comes to viewer acceptance, public service broadcasters in Germany also rank in the top third in a comparison of European countries (THOMASS et al. 2022: 192). The main news programs of ARD and ZDF are regularly quoted as the most-trusted news brands (HÖLIG et al. 2022). Comparing this strong positioning with the relevant democracy indices shows at least a correlation that we can also interpret as causality in the study named above.

Another strength of public service media in Germany is the way its independence is secured through its structures. With several layers of legal safeguards protecting its independence, public service broadcasting is in a unique position in Europe. Hardly any other EU country has a construct of public broadcasting that is so consistently designed to create distance from the state and business. This is also safeguarded by the multi-stage process of determining funding by the Kommission zur Überprüfung und Ermittlung des Finanzbedarfs der Rundfunkanstalten [Commission for Examining and Determining the Funding Needs of Broadcasters] (KEF) and the state parliaments, which is the only one of its kind in the world. Combining expertise and federal structures, the process also carries with it a certain risk of blockage, as was seen in the controversy surrounding the latest increase in the license fee. Yet the federal system of broadcasters, which is currently coming under harsh criticism regarding its multiple structures, is also unique in the world in its ability to provide such a unique diversity of content and perspectives that meets the normative imperative of a diverse media landscape. Yet within this diversity, there is also unwanted replication.

The construct of representing »groups relevant in society« in the media means that program monitoring also depicts a diversity of perspectives and societal points of view that is not seen in other systems to such an extent.

All this could and should be improved in order to ensure more efficient use of resources, more competent monitoring, depiction of a more diverse range of societal points of view, the involvement of staff and creative minds, innovation, and many other aspects that need to be developed through debate in society. And, in the last few weeks and months especially, various problems have become apparent that could impede better fulfilment of this function.

The events at rbb in particular uncovered a lack of supervision – an impression that was only consolidated over the weeks and months that followed.

Problems at the broadcasters are faced with deficits in supervision. Key examples of these problems at broadcasters include resources being wasted through multiple structures, a lack of financial sensitivity, and accusations of biased reporting, a lack of journalistic independence, excessive political influence, possible business transactions with relatives, salaries, side income and pension reserve, an excessive number of directors, too much centrality (Degeto), too little centrality (human resources), too many (radio) channels, too many repeats, cost-cutting measures in the schedule, not enough services that appeal to every group in the population, too many online activities, too little appeal to the young population who predominantly use online media, too little innovation, too much gender politics and woke programming...

If one were to dissect all these suggested problems and accusations, one would find a large number of contradictions. With different interests at work, the various actors all enter the heated debate with criticism that has been building up for years. The accusations made of the committee supervision can be summarized more briefly with the words ›failure of monitoring‹ and ›lack of expertise.‹

More detailed consideration reveals a problem with the actors: The deficiencies in the committee supervision are no different or greater than those at other large organizations (one notable example being the exhaust scandal at vw) – they are merely, entirely justifiably, the subject of fiercer debate. The central question is, who can organize the change process to improve the situation? The committees depend on policymakers; the directors cannot organize their own supervision; the states defend their own competencies, despite their limited options for exercising them; the federal government is unable to act. Who can untangle this Gordian knot? Given the impenetrability, it is no wonder that so much buck-passing goes on. Now, the Future Council is supposed to cut the knot.

All sides tend to quote the necessity of a stable license fee as a core requirement for any changes in the system of public service media. The many and diverse contributions and opinions in this vein mean that one option for securing the institution becomes taboo from the offset: an appropriate and modest increase in the license fee that, given inflation, wage increases and television-specific price rises, becomes necessary if the role assigned by the states is to be fulfilled. The funding debate is held ahead of the content-related debate – before there is even a hint of a consensus on how the public service media of the future should look.

From the point of view of these efforts to reduce the license fee – and freezing it amounts to the same thing given the conditions described –, the proposals to close small channels like SR and RB, or thinking aloud about ›merging‹ ARD and ZDF, are certainly logical. Yet there must be some doubt about whether this would solve the aforementioned problems in the system.

The reform proposals made in the past can be divided into process-related and material solutions. Does the focus lie on the procedure for potential reform

(round table, commission of experts, etc.) or are specific suggestions made for the problems named? In addition, it is also important to distinguish whether the spotlight is on the immediate crisis, which needs to be combatted with new rules and standards, or whether future-oriented solutions for safeguarding public service media are the focus.

Optimizing administrative structures, as presented by mdr Director Karola Wille, aims to streamline processes within ARD (they had already been initiated before the rbb scandal) and targets the myriad calls to minimize costs and prevent duplicate structures. ARD is currently conducting comprehensive administrative reform that involves harmonizing and standardizing all nine ARD branches, as well as Deutschlandradio and Deutsche Welle, with SAP-supported business processes (HARTUNG 2023a). By no fault of its own, ARD is an unwieldy construct due to the necessity of working consensually. The harsh public debate has now provided a great deal of pressure and motivation to drive the aforementioned processes forward.

A lot has been written about how to improve supervision and its structures. This now needs to be developed further: more experts in the committees (HAIN/RÖSNER 2022), more advanced training and expertise for the committees, strengthening committee monitoring with better-equipped committee offices and their options for buying in external expertise, harmonization of standards for committee monitoring.

If we focus reforms and therefore solutions not only on the issues named above, but also on problems of democratic communication that emerge from a media landscape that results from the unrestrained globalization of media communication, this presents different questions.

The lack of regulation is the key factor that has presented us with a communication landscape that Pfetsch et al. once described as »dissonant public spheres« (PFETSCH et al. 2018). It is this dissonance – more than mere disharmony, but instead the danger of a democracy-threatening inability to conduct discourse in society and a heterogenization that dissolves societal cohesion – that motivated the Federal Constitutional Court to issue the warning above.

It is important to note that the causes of the poor quality of democratic discourse and the apparently unbridgeable differences in opinion are too deep-seated to be resolved by a working media system alone. Yet it is just as important to note here that – see above – media that are the responsibility of society, publicly financed, and publicly monitored play an essential role in maintaining these qualities.

Furthermore, it must be considered that, in recent years, we have observed a constant increase in the media time budget and the proportion of the household budget spent on media on an individual level, as well as an increase in turnover on the media market. This makes the media market a growth market on both

the supply and demand sides. Yet is it said that a key pillar of the media system is shrinking?

We know that the platformization of media communication brings with it the threat of further developments and dangers, such as manipulated digital election campaign communication, algorithm-controlled polarization and aggressive communication behavior in the digital communication infrastructures, and the way that algorithms that serve the corporate goals of commercially active intermediaries like Facebook and Google influence the selection and processing of information.

Taking the position that public service media is more important than ever for maintaining democratic discourses, I believe that two things need to happen first and foremost: Public acceptance of the broadcasters needs to be increased, and the taboo that states that the license fee must not be increased needs to be broken. In the first case, all political actors carry a great responsibility – including the broadcasters themselves, of course. But while protective fire is still holding off all unjustified accusations, all acknowledgements that we need public service broadcasting are trite. We need diverse voices to emphasize how we benefit from public service media and why it is important. The previous arguments count here, and new ones are welcome.

In analyzing what is driving the de-democratization observed in many countries, the renowned Carnegie Institute comes to the conclusion that democracies are also being hollowed out because conservative (not anti-democratic!) forces are undermining the democratic institutions (CAROTHERS/PRESS 2022). In his polemic »On Tyranny: Twenty Lessons from the Twentieth Century,« written against the background of the rise of Trumpism, Timothy Snyder calls on people to »Defend institutions! ... Institutions don't protect themselves. They go down like dominoes unless each is defended from the beginning« (SNYDER 2021: 13). It is not possible to both defend and work on shrinkage processes at the same time.

Defending public service media also means equipping them with the funding they need. The Federal Constitutional Court has spelled out their highly diverse role. With society increasingly fragmented, citizens and media users need a more diverse range of services. These services, which need to account for the required democratic, social, and cultural needs, must be able to assert themselves in competition with other services. Otherwise, they will become marginalized in the long term. This competition also benefits those who do not receive the public service programming, as these services serve as benchmarks for the commercial broadcasters and prevent their services from falling to an unacceptable level (EISENEGGER/UDRIS 2018).

The role that the institutions must play if they are to enhance their relevance and acceptance in democratic society is large and challenging. Information services must once again reach younger people and groups who have no real contact

with public service broadcasters; debates in society need to be reflected from all fields, as well as culture, education, and science; presence on all platforms must be increased and the platform strategy expanded. This, in turn, demands strong, Europe-wide partners, including from civil society, allowing transparency, communication, and participation to be organized. The difference between the services of public service broadcasters and private, commercial providers needs to become clearly visible. All these activities and attractive services require competent, qualified staff who, given the current shortage of specialist staff, will only be attracted by good pay.

Given the debate about reforming the system of public service media and efforts to maintain it in an effective form, it is vital that consensus is reached on the following questions: Which functions should public service media fulfil? What are the problems that are currently preventing them from fulfilling these functions? What is causing this? How can these causes be remedied?

Actors in media policymaking must not be put off by the funding required. Reducing the funding provided for these enormous communicative tasks might resolve the acceptance problem in the short term, but it will exacerbate it in the long term. And the problem will become impossible to solve if the political pressure is permanently maintained or even increased through rhetorical delegitimization of the broadcasters.

Society as a whole benefits from public service media services that are essential for public discourse in our democracy. Media policymakers therefore need to fulfil the funding guarantee decided by the Federal Constitutional Court and ensure that there are sufficient funds to fulfill and further develop the mandate. Before the reforming zeal that the media policymakers in the state chancelleries display in pursuing their cost-cutting agenda gets out of hand, it is crucial that the roadmap for the future called for by Carsten Brosda is in place, responding to fundamental questions on the contribution the broadcasters make to our democratic society.

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