

Focus: Public broadcasting in Germany

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Provision of information

Thoughts on an overdue reform of public service broadcasting in Germany

Abstract: Public service broadcasting in Germany has entered a crisis of legitimation that puts its very future in jeopardy. Taking an external view, this paper reminds the reader of public service broadcasting's statutory purpose: as a source of reliable information and of relevant advice, education and entertainment. It is a crisis born of the ossification of its structures and the difficulty of recognizing its public service profile. This forms the background for this discussion of a potential reform comprising four measures: composing the supervisory committees based on competence and independence; a means-based scale for the license fee; keeping programming free from advertising; and reducing the number of channels. To finish, the paper considers how such reforms could be implemented and the opportunities and risks this would present for society.

Keywords: journalistic independence, corporatism, crisis of legitimacy, media policy, public service broadcasting, oligarchization, license fees, populism, scope of programming, environmental crisis, freedom from advertising

Translation: Sophie Costella

Public service broadcasting is increasingly caught in the crossfire of criticism that even extends to calls for its abolition – and has been for some time now. Policymakers are especially likely to voice tough criticism, apparently believing that public service broadcasting could stand in the way of their election. That cannot be a reason not to voice justified criticism – but such criticism is often triggered merely by missteps on the part of its leading figures or gaffes in programming

(cf. DEUTSCHER BUNDESTAG 2022). As a result, discourse based in solidarity rarely moves beyond day-to-day issues.

This paper thus begins with a reminder of the fundamental principles of public service broadcasting – its original idea, the realization of which determines its legitimacy. When and why was public service broadcasting established in Germany? What makes it different from other forms of broadcasting organization? What is its purpose and under which conditions can this best be fulfilled? The paper then goes on to discuss what needs to change in the state of public service broadcasting if it is to achieve its goal and secure its legitimacy. This discussion will be based around four key aspects: *supervisory committees*, *license fees*, *advertising*, and *scope of programming*. I will then consider how such changes can be implemented and the opportunities and risks a deep-rooted reform of public service broadcasting would bring with it.

1. Basic principles

In the period 1933 to 1945, the National Socialist regime abused broadcasting as a tool of racist and war-mongering propaganda. This was made easier by the *Gleichschaltung* [coordination] of the commercial radio companies in the hands of the state, which was established as a form of organization during the Weimar Republic. To counter this, after 1945, the Western occupying powers introduced public service broadcasting in their zones modelled on the British Broadcasting Corporation (BBC). German media policymakers like Hans Bredow also played a role in adapting the centralist BBC model to Germany's federal structures.¹¹ The key difference between public service broadcasting and private/commercial media – alongside the funding model of a mandatory license fee for all – is the programming mandate set out in law:

»The role of public service broadcasting is to promote the formation of opinion and to serve democracy. This mandate under constitutional law gives public service broadcasting a direction, against which the broadcasters must allow their programming to be measured. The basic provision mandate comprises information, education and culture, as well as entertainment and sport. In addition, public service broadcasting must do justice to the principle of internal pluralism.« (GERMAN BUNDESTAG 2009: 4)

Although broadcasting in Germany is the responsibility of the individual states and the laws regarding it (may) vary between the 16 states, they largely agree on the programming mandate:

»The specifications on programming design include an obligation to provide the truth, taking different views into account in a balanced and appropriate way across the

11 Cf. detailed depiction in BAUSCH 1980: 9-238.

programming as a whole, ensuring that programming does not one-sidedly serve one party or worldview, adhering to the requirement for journalistic fairness, diversity of opinion throughout programming [...] etc.« (DONGES 2013)

Key terms like *public service mandate*, *internal pluralism*, *duty of truth*, and *fairness* indicate the purpose of this form of media organization, on the implementation of which the long-term legitimacy and existence of public service broadcasting depends.

The duty of *fairness* and *truth* (more precisely: *truthfulness* or *accuracy*, cf. Pöttker 2017) relates to qualities of the information distributed by public service broadcasters in itself; to legal limits on the freedom of the press. Fairness corresponds to the »right to personal honor,« as set out as a limit by Art. 5 of the German Basic Law, while accuracy is a limit under civil law in the sense that the distribution of false information about people or institutions can lead to sanctions backed by the state monopoly on the use of force. Both are quality attributes of journalistic information that can be ensured by rules of the trade, such as those set out in the German Press Council's Code of Conduct, Sections 4 (»Limits of research«) and 8 (»Protection of rights of personality«) (Deutscher Presserat).

In addition to ensuring the accuracy and fairness of all the information it provides, public service broadcasting also has a legal obligation to provide *internal pluralism* across all its programming. This relates both to the *selection* of subjects on which information is provided or not provided, and to *how* it is reported on. Both are linked to the subjective experiences, interests, and perspectives of those selecting the topics and forms of presentation and, given the infinite possibilities, cannot be ensured by professional rules of the trade alone. Internal pluralism is intended to ensure that the greatest possible range of experiences, interests, and perspectives is shown, so that as little as possible remains hidden from the public: another prerequisite for the ability of highly complex societies, riddled with myriad barriers to communication, to self-regulate.

The key term *basic service* ultimately defines public service broadcasting's responsibility for ensuring that the population can rely on access to an extensive diversity of relevant and fair information – including information about possible opinions – at all times. The purpose of organizing media in a public service model is the *provision of information* as part of the general provision of public services, just like those provided by the state for other areas of life in the form of public schools, hospitals, transport links etc., regardless of their current use. It corresponds to the right of everyone, guaranteed in Art. 5 of the German Basic Law, »to inform [themselves] from generally accessible sources without impediment.«

Taking all these aspects into account, the core role of public service broadcasting is to ensure that the general public can always access a basis of reliable information that is created and offered exclusively with the professional intention

of making the world as transparent as it actually is. The fact that public service broadcasting is funded by mandatory license fees, rather than by selling products, is in line with the objective of preventing commercial influences. The principle of retaining distance from the state when it comes to funding and supervisory committees is intended to prevent (party) political influence.

What matters is that the audience can be sure that the reliable basis of information is always available, especially in situations where uncertainty is rife. Survey data from 2021, for example, shows that people really do expect public service broadcasting to fulfil this function: Across all age groups, two thirds of Germans believe that reliable sources of information will become more important in future (BREUNIG et al: 401). Two thirds also believe that reliable information is more likely to be found in public service broadcasting, while private media providers offer more entertainment (Breunig et al: 404f.). In the COVID-19 pandemic, both trust in the credibility of ARD and ZDF and levels of use (cf. ARLT et al. 2023: 4) rose significantly at the start (cf. VAN EIMEREN et al 2020) and during particularly critical phases.

This shows that viewing figures, however desirable, cannot be a key measure of the quality of public service broadcasting.¹² In addition, since public service broadcasting is funded by license fees that have to be paid by everyone, it cannot waste resources in order to serve myriad special requirements. Instead, it must concentrate effectively on its core role: providing information for the common good. Alongside the principle of reliable information, the principle of provision can also be applied to other roles of public service broadcasting, such as reliable education and advice, or high-quality entertainment.

In the discourse on the legitimacy and existence of public service broadcasters, it is essential to understand that they are not competing for the same commodity with commercial broadcasters aiming for the highest possible sales of their products. The future of public service broadcasting must not be made dependent on its current usage. What matters is that it is recognizable for its reliability, fairness, and inner diversity – that it is distinguishable from commercial channels and platforms.

2. Committees

Statutory requirements, especially when they are associated with limits on the freedom of speech and information guaranteed in Art. 5 of the German Basic Law, must be monitored to ensure that they are applied legitimately. In public service broadcasting, this role is played by the Executive Directors and by

2 Cf. also the article by Hans Peter Bull in this edition.

supervisory committees, which should be composed to reflect the plurality in society. Recent disputes have also often examined specialist expertise and commitment, which have not played a significant role as selection criteria up to now.

Looking at the existing supervisory committees, it is doubtful whether they (can) fulfil the expectations for what they can achieve. When it comes to the principle of plurality, there are complaints that the committees do not reflect society in terms of diversity of gender, age, ethnicity, religion, sexuality, East/West German origin, etc., and that it is impossible to check for representativeness because relevant demographic data on committee members is not reliably available (cf. SCHIFFER et al. 2023). But there is another plurality deficit that is even more problematic than the lack of demographic proportionality: The lists of broadcasting council members include a strikingly high number of people for whom digital addresses of other institutions are provided as sources of information. The way the supervisory committees are put together explains this: Each of the »groups in society« – including the federal and state governments, political parties, churches, associations, and trade unions – are entitled to a defined number of seats on the committees, which are usually taken by leading representatives of the organization in question. The ZDF Television Council currently includes the chairs or presidents of the following institutions, among others: Kirchenamt der EKD [ecclesiastical office of the protestant church], Paritätischer Wohlfahrtsverband Mecklenburg-Vorpommern, Diakonie Deutschland, Deutscher Caritasverband [all charities], Vereinigung der Opfer des Stalinismus [association of the victims of Stalinism], Deutsches Rotes Kreuz [German Red Cross], Arbeiterwohlfahrt Bundesverband [Workers' Welfare Association], Bundesarbeitsgemeinschaft der Immigrantverbände [Federal Working Group of Immigrant Associations], NABU Naturschutzstiftung [Nature And Biodiversity Conservation Union], and the service sector union [ver.di](#). They are joined by around 20 current or former representatives of the executives of the federal and state governments, such as Federal Minister for Families Lisa Paus and Mecklenburg-Western Pomerania's Finance Minister Heiko Geue; the chair is Marlehn Thieme, President of the Welthungerhilfe charity.^[3]

This corporatist make-up may have reflected the plurality of society in the early days of public service broadcasting but, since Roberto Michels' classic work (MICHELS 1957), we have observed how parties and other organizations^[4] become set in their ways over time, increasingly focusing on their own concerns and those of their leading staff, rather than those of their members or people outside the organization. This process of *oligarchization* is currently particularly pronounced in the major churches, whose membership is shrinking rapidly. The

3 For more detail, see: <https://www.zdf.de/zdfunternehmen/zdf-fernsehrat-mitglieder-100.html>, 11 August 2023.

4 For information on trades unions in the Federal Republic of Germany, see PIRKER 1960.

student movement of the 1960s referred to the privileged class of powerful people in parties, corporations, churches etc. as the »establishment.«

Another reason why the supervisory committees of public service broadcasters do not reflect the plurality of society is that the unorganized majority of the population is not represented. The grassroots members of the organizations also play a minimal role. The functionaries in the supervisory committees are often not only out of touch, but also lack specialist expertise and commitment, because they are often required to conduct other tasks, too, and see their position on a broadcasting council as merely another prestigious form of »volunteering.« The full assembly of the ZDF Television Council is held just four times a year, with the committees responsible held directly before.⁵ The supervisory committees thus have very limited scope to observe whether and ensure that public service broadcasting is guided by the common good and providing high-quality programming in line with its mandate.

A central media institution that is responsible for the reliable availability of relevant and comprehensive information for the entire population is controlled by an elite of functionaries who also have power in many other fields. This necessarily feeds into the anti-elite aggressivity that goes hand in hand with latent anti-pluralism to form the core of populist propaganda (cf. MÜLLER 2016: 26). Considering the closed nature of the functional elite – clear to see in the broadcasting committees and is embedded in Germany's corporatist tradition (cf. VON ALEMANN/HEINZE 1979) – to be the main cause of the growing strength of populist groups is more likely to downplay the problem than explain it sufficiently. Populist movements are also on the rise in countries with a less corporatist tradition. But the conflict-averse unified voice of the German establishment, often dressed up as a principle of collegiality, does feed a populism that, combined with its critical attitude towards elites, pretends to be particularly democratic.

Not least in order to counteract these bubbles and take the wind out of the sails of populist demands for public service broadcasting to be dismantled, its supervisory committees should no longer be recruited in line with the weighting of other organizations. Instead, they should be composed not by the criteria of proportional plurality, but based on specialist expertise and personal independence. The protective claim that this is prohibitively difficult to organize can be countered, for example, by referring to the process for appointing court juries. This process in Germany is based on lists of proposals compiled by local districts, who include on them people who are interested in acting as jurors and who appear suitable for the role. Under certain conditions, these lists can be amended or rejected by either qualified majorities of the district representatives or by

5 Cf. <https://www.zdf.de/zdfunternehmen/zdf-fernsehrat-ausschuesse-100.html>, 20 August 2023.

people proposed on them. It is active professional judges who ultimately decide who makes up a jury.⁶¹

A reform like this would demand high levels of creativity and care in terms of organizational sociology. Given the goal of securing the provision of information as the basis for societal self-regulation, however, this difficulty cannot be a reason not to tackle it. To take a more general perspective, what is at stake is the retention of an institution that has become fossilized, yet is still essential for the existence of democracy, which basic social processes left untouched (cf. TRAPPE 1973).

3. License fees

Public service broadcasting is not the only institution in the provision of public services that provides its services on a statutory basis and largely funded by the general public. Roads, swimming pools, theaters, hospitals, universities, and many other facilities work on the same principles. Their purpose, too, is to meet urgent needs and be available for use as needed. We call facilities like this »public« because they are open to all potential users. With the exception of school, which is compulsory in Germany, these facilities are used on a voluntary basis. But those who do not use them still contribute to their upkeep. The contribution made does not, or not significantly, depend on whether or how much the facilities are used. When referring to the facilities operated by the state, we call this contribution *tax*.

People's willingness to pay, even if they do not use the services provided much or at all, is not least due to the fact that much of the tax is means-based. The idea that citizens with a high income contribute more to general public services in areas like transport, administration, education, health, justice, and culture than those on lower incomes is perceived as fair and therefore accepted. Questions are not asked about whether or how much an individual uses the services that are available to all. Every tax-payer helps to fund criminal justice, even if they never come into contact with it themselves. Every tax-payer contributes to building and maintaining highways, even if they do not own a car with which to drive on them. Every tax-payer contributes to state funding for opera, even if they never set foot in an opera house in their lives. If, however, income tax were *not* based on economic assets – if every household, from unemployed to millionaire, had to pay the same amount of tax – agreement with compulsory fees for public services could not be taken for granted.

It is a different story when it comes to public service broadcasting. Here, the provision of reliable information, regardless of use, is enabled by license fees that

6 Cf. for more detail: GVG (<https://www.gesetze-im-internet.de/gvg/BJNR005130950.html#BJNR005130950B-1NG000400666>, 6 November 2023), §28 – 58, »Schöffengerichte.«

are essentially the same for all households: currently EUR 55.08 per quarter. Some exemptions and discounts are available, but subject to complex requirements.¹⁷ In principle, a single parent with three children and a part-time job pays the same license fee as a childless, high-income graduate couple or even a millionaire. It is obvious that this leads to dissatisfaction, especially among voters on low incomes who rarely use public service broadcasting.

Varying the license fee based on income would be one way to counteract this legitimacy deficit. An easy way to do this would be by accessing people's tax returns. This is not quite the same as state tax collection, which would need to be backed by a system of sanctions based on the executive and judiciary's monopoly on the use of force. The next logical step, however, would be the introduction of a broadcasting tax in order to secure the provision of information. Given the history of broadcasting in Germany up to 1945, this is taboo in media policy.¹⁸ But funding public service broadcasting from general taxation need not be taboo. There is already a tax-funded (foreign) broadcasting institution that belongs to the Federal Republic of Germany's ARD group of public service broadcasters: Deutsche Welle. Another point to consider is that state universities are parallel facilities whose staff are guaranteed similar rights to journalists (freedom of arts and sciences in Article 5, Para. 3; freedom of the press in Article 5, Para. 1 of the German Basic Law). Although the impact of freedom of arts and sciences has little effect beyond a specialist audience, does the independence of university teaching staff working in tax-funded institutions not deserve at least the same scrutiny as the independence of media producers in tax-funded public service broadcasters would?

Doubts about whether public service broadcasters are sufficiently distant from the state are easier to justify based on the influence of governments and parties in the supervisory bodies than they would be based on using a small part of the total tax revenue to fund them. Today, each federal state's consent to the level of the license fee can already be used as an instrument of state influence on broadcasting – as Saxony-Anhalt's decision to break rank from the recommendations of the KEF in KEF 2020 showed.¹⁹ If political disputes over the license fee were no longer held in isolation, but as an aspect of general tax policy, this could actually be more effective at counteracting the (party) political influence of the federal states than the current funding model.

7 The explanatory leaflet lists 16 such requirements and the evidence required to claim them (www.rundfunkbeitrag.de, 3 August 2023). A case of hardship that exempts a household from the license fee is when the household income exceeds its social requirements by less than the amount of the monthly license fee.

8 This is expressed, for example, in the fact that the »Commission to Determine the Financial Requirements of the Broadcasters« (KEF), which comprises 16 experts sent by the federal states, merely issues recommendations and sets up working groups regarding the level and distribution of the license fee, but not on the collection process itself.

9 ARD, ZDF, and Deutschlandradio successfully turned to the Federal Constitutional Court in order to defend against this attempted influence (cf. ARD 2021).

When this complex model was introduced in the post-war years in order to keep the state at arm's length, ideas about the state were still shaped by experiences under the Nazi regime, including among politicians (both with and without links to broadcasting). The same can be said of how the nascent democracy dealt with freedom of the media (cf. BUCHLOH 2002), which was to be actively defended and protected. After almost 75 years of productive development of press freedom in Germany (cf. PÖTTKER 2016), broadcasting policy can now take a more sophisticated view of the situation: Germany is no longer a brutal and violent regime, but a democratic constitutional state with a separation of powers embedded in its culture (cf. GERLACH 2010).

It would also be possible, however, to vary the license fee by income without integrating it into general taxation. The fact that this is so little discussed despite its importance for the legitimation basis of public service broadcasting is another sign of the ossification of its existing structure, the core of which is now seventy years old. The role and purpose of public service broadcasting can only be met if this outdated structure is modified in order to defend its vanishing legitimacy. In relation to collecting license fees, this means exploring and adopting ways to vary the license fee based on the payer's income.

If the proper financial care is taken in its design, this need not mean a loss in the amount of license fee received by public service broadcasting. Quite the opposite: Boosting its legitimacy could potentially lead to the audience being more willing to pay and thus to an increase in resources. At the moment, the scarce resources make advertising revenue appear necessary.

4. Advertising

Together with contributions from sponsors, income from the sale of advertising slots makes up around six percent of the total budget of public service broadcasters and the state media authorities. Most of their budget of around EUR 7 billion (85%) comes from license fees from private households (ARD 2023).

Yet the relative insignificance of advertising is not reflected in the programming. Significant portions of the programming are intended to be free from advertising. For example, in line with the state media treaty, the three national radio stations have no external advertising or sponsorship – a fact that contributes significantly to their profile as reliable sources. Public service television is also free from persuasive messages after 8 pm.

However, evening programming and sports broadcasts with high viewing figures have a less serious image than they intend, as they are permeated by self-praise from sponsors. And public service programming before 8 pm is filled with advertising to the very last second – a fact that makes it appear very

untrustworthy, with almost as many messages from sponsors linked to the topics covered in journalistic programming.

Advertising breaks and sponsorship in public service programming erode its profile as a reliable provider of information. They blur the distinction between public service and commercial channels, which rely on selling as much advertising as possible at the highest possible prices and therefore cannot survive without persuasive interruptions to programming and high viewing figures. The convergence of public service and commercial programming was the subject of intense discussion in the first few years of the dual broadcasting system.¹⁰ Another contributing factor is that private channels competing with public service broadcasters, such as RTL, often also make efforts to include professional news and other professional information segments in their programming (cf. RTL 2020).

This mixing of journalistic and advertising segments in both television systems is fertile ground for skepticism over whether the persuasive style of the advertising programming environment rubs off on the journalistic segments in the audience's perception, with these journalistic segments then also being considered persuasive. The legitimacy of public service broadcasting as a guaranteed fundamental source of information depends on it being clearly and recognizably free from political and commercial special interests. Every impression of persuasive messages in the programming throws this recognizability into doubt.

A fundamental reform of public service broadcasting should therefore eliminate advertising and sponsorship in programming. This presents the question of whether and how any losses in income this would cause could be compensated – regardless of the options for varying the license fee.

5. Scope of programming

Around 70 radio stations and 20 television channels are currently squeezed out of the ARD budget (WIKIPEDIA 2023).¹¹ The large number of repeats with which these many channels are filled is just one aspect that shows how justified this disparaging phrase is. Repeats cost less than new productions, but begin to bore regular viewers in particular after a while. This is not only the case for fictional shows, such as the crime series *Tatort*, which has run for more than half a century, or series like *Großstadtrevier*, *Um Himmels Willen* or *Lindenstraße*, whose enormous back-catalogs can fill huge stretches of programming – it also goes for reportages and features, which generally become outdated more quickly than films.

10 There were initiators of the convergence hypothesis (cf. SCHATZ e.g., 1989) and critics (cf. KRÜGER 1991).

11 Ten years ago, there were just 60 radio stations (cf. STATISTA 2022).

Older products in both radio and television programming only become relevant again when they are of historical interest. Before this, regular viewers and listeners – on whom public service broadcasters rely – often see frequent repeats as a waste of time. A long interview with a former contract worker from Mozambique who, together with others from that country, is still fighting for the pay he earned and was cheated of in the DDR,^[12] was available to hear at least four times within a week in the Deutschlandfunk schedule in summer 2023. That strikes a lecturing tone and ignores the fact that the program can still be found on the broadcaster's website, together with others on the same important topic.^[13]

Tedious repeats are just one example of the quality deficiencies in the service offered by public service broadcasters, indicating how difficult it is to fund such an excess of programming. More serious are deficiencies in professional care and depth of research, which are not least linked to a lack of time on the part of the journalists involved. Even Deutschlandfunk, in contrast to its serious image, has been known to fall back on inaccurate socio-political clichés that reveal an excessively casual handling of official statistics (cf. CREMER 2023). The practice of public service broadcasters picking up on news from other media without conducting their own research, in order to save costs, is diametrically opposed to its mandate to provide information.

One way to overcome this funding issue would be to reduce the number of stations/channels and thus the administrative costs incurred. In radio in particular, the large number of specialist stations tailored to specific audiences contradicts the mandate for a general public service. In television, the competition between two general public service channels might make sense if they were to offer two alternative types of content at the same broadcast time.^[14] In addition, it would be sufficient if each public service broadcaster were to provide television programming with a regional flavor. In radio, half of the stations currently broadcasting would be sufficient. The key is fewer stations/channels, but better, e.g., when it comes to repeats, depth of research, and plurality.

6. Implementation

In assessing whether and how these reform steps can be realized, it is useful to be aware that the development of broadcasting results from the interwoven actions

12 <https://www.deutschlandfunk.de/zeitzeugen-im-gespraech-david-macou-ehem-vertragsarbeiter-in-der-ddr-dlf-f4f172c3-100.html>, 9 August 2023.

13 <https://www.deutschlandfunk.de/gastarbeiter-in-der-ddr-eine-frage-der-verantwortung-100.html>; <https://www.deutschlandfunkkultur.de/ddr-vertragsarbeiter-aus-mosambik-ich-wollte-was-von-der-100.html>, 9 August 2023.

14 There is no pluralism to be seen when both ARD and ZDF broadcast multiple similar crime series in parallel in the evening – something that happens all too often.

of three stakeholders: *media policymakers*, *broadcast journalists*, and the (potential) *audience* (cf. PÖTTKER 1991).

In the first few years after the market was opened to commercial providers, many skeptical observers feared that public service broadcasting's legitimacy would drop. Its decline has not been as fast as predicted, but it is undoubtedly there, and is now becoming an existential crisis – not least because all three stakeholders are blind to the long-term effects that their own actions have on each of the other stakeholders.

The (broadcasting) policymakers do not see that their efforts to use public service broadcasting as an instrument for image-building is more likely to lead to a loss of trust in politics and journalism; the *audience*, potentially the most powerful of the three stakeholders, has little sense that its overriding interest in entertainment will eventually lead not only to an exodus to commercial services but also to a loss in the quality of information provided by public service channels; and those responsible at the public service broadcasters often choose to ignore the fact that submitting to the assumed interests of the other two stakeholders leads to the disappearance of their own basis of legitimacy in the long term. Because the three actors act in a way that is receptive rather than reflecting on the consequences, and they therefore lack the self-regulative power of real interactions (cf. PÖTTKER 1997: 73-100), they push one another into a spiral that eventually leads public service broadcasting into legitimacy problems, against the interests of everyone involved.

Solving these problems for the long term will require self-critical insight on the part of the stakeholders into the counterproductive effects of their actions. The least action in this regard can be expected from the audience – a diffuse population that is barely aware of the power that viewing figures have to change things. The media usage behavior of many people – anchored in anthropology and caused by drives for self-preservation and propagation – appears to be dominated by attention preferences for threatening and erotic content, as reflected in the relatively consistent lists of news value factors first empirically investigated by peace researchers in the 1960s (cf. GALTUNG/RUGE 1965) and criticized to little effect. Considerations that reflect on consequences appear to play a less significant role, especially when the latter relate to the effects of an individual's own actions that are hard to understand and can only occur in connection with similar actions by many others (cf. PÖTTKER 1997).

Policymakers are more likely to have insight into reform measures that affect the provision of information and thus an essential requirement for the ability of complex democratic societies to self-regulate and thus for their stability (at least when they have the clever foresight to avoid populist demands and look beyond the next election). Structural decisions based on prudence and rationality are part of their role, within the logic of which they (can) think and develop

self-confidence. In contrast, journalists do not need to make structural decisions, but instead merely contribute to their appropriateness by communicating a great deal of accurate and important information in a comprehensible way to as many people as possible, not least those active in politics (cf. PÖTTKER 2010). Their professional self-image and self-confidence can develop accordingly.

In order to implement reform measures, it is therefore necessary to work towards collaboration between (broadcasting) policymaking, which makes the necessary decisions and creates obligations, and (media) journalism independent of this. This collaboration ensures that such decisions – including with regard to informed voters, i.e., the media audience – can be/are made transparently and in the public interest. The balance between self-confidence and understanding of others in both professions can be fundamental to this (cf. PÖTTKER 2004).

How realistic these requirements for implementation are also depends on whether public service broadcasting is willing and able to be public about its problems boldly, without obscuring them with self-adulation, while maintaining a professional distance from themselves. This is conceivable if public service broadcasting takes the professional role of providing information, of basic provision with comprehensive transparency – essential for the way individuals organize their lives and for how society self-regulates – seriously for itself as an object of its reporting.

7. Opportunities and risks

How can the reform measures discussed help to solve the problems that society currently faces? And are there any obvious risks of exacerbating these problems?

The most threatening problem in the long term, because it cannot be solved in the short term, is the environmental crisis, spearheaded by the processes of global warming and species loss. These universal problems are linked with the capitalist economy of excess, in which production is no longer dictated by what people need but, conversely, the stimulation of consumption results in growth in production that exceeds all natural limits (cf. JACKSON 2011; 2021). The realization of this puts advertising as a driver of excessive production in a negative light. Consistently ad-free public service broadcasting would not put an end to excessive and destructive production, but it would send a clear signal that there are livable alternatives to the ideology of the growth of production and opportunities for production, which was criticized by Herbert Marcuse as early as the 1960s (cf. MARCUSE 1969) but has now become largely accepted. Reducing the glut of production need not mean a loss of prosperity (cf. HERRMANN 2022).

Another serious problem in society is the falling trust in the elites that set the agenda in politics, media, the churches, sport, and other fields. Populist

movements and parties are exploiting this skepticism with anti-elite rhetoric, threatening the way parliamentary democracy works (cf. MÜLLER 2016). This could be counteracted by the provision of information cleansed of any persuasive communication, as this tempers unrealistic expectations of what the elites can achieve. Putting together supervisory committees in public service broadcasting that are less dominated by corporatist claims to power, and varying the license fee more fairly based on income, would also go further towards tackling the loss of trust in the establishment.

The third problem in this list – which does not claim to be exhaustive – is the threat to the cohesion of a society that is growing ever further apart and, as a result of immigration necessary for both economic and humanitarian reasons, more diverse and more fragmented. It is not possible, nor should it be desirable, to imagine this threatened cohesion as cultural homogeneity, in which everyone thinks and feels the same. A useful image is that of a core of unity at the heart of respected difference, as denoted by the term *intercultural integration* (cf. GEISLER 2005). This unified core is formed by the authority of the constitution and human rights, mutual understanding with the help of language mastered to a sufficient level, and knowledge of one another that traverses differences (cf. PÖTTKER 2002). The respected diversity corresponds to the target group-specific differentiation of private media in particular, e.g., by age group, level of education, musical taste, or, in the case of diaspora media in the language of origin (cf. WEBER-MENGES 2005), ethnic origin.

The task of providing information, for which public service broadcasting is responsible, is not least an *integration task* that includes supporting the necessary core of unity amongst respected diversity. It is obvious that this integration function could be fulfilled all the better if the public service production and distribution of information, as well as entertainment, education, and advice, were concentrated on fewer channels obligated to internal pluralism. Reducing the number of channels could therefore benefit the task of integration in that the license fee collected could be concentrated on those fewer channels, whose quality, including in regard to the internal pluralism of the editorial staff (cf. PÖTTKER et al. 2016), would thus be enhanced.

Which *risks* do the proposed reform measures bring with them? Given the current strategy of competing with commercial providers for viewers, there could be a fear that a drop in viewing figures would herald a loss of attention in society and thus legitimacy. Legitimacy born from the mandate to provide information does not depend on current viewing figures, however, but on the quality of the programming. As mentioned above, the competition for viewing figures results in similarity between the public service and commercial channels – the subject of discussion since the very start of the dual system (cf. SCHATZ et al. 1989). The crisis of legitimacy in public service broadcasting is crystallized in the question

of why people have to pay a license fee for something that they can get elsewhere for free.¹⁵ Given that this argument appears convincing when public service broadcasting is similar to private providers, it can be invalidated by honing the profile of the public service channels, as can be expected from the proposed reform measures.

Another risk is the loss of journalistic jobs in public service broadcasting. The reform measures mentioned do not necessarily need to cause this, but could be used as justification. Just as the stability of the license fee received must be strictly ensured if the amount paid were varied, it would be vital to ensure that, if the number of channels were reduced, the journalistic and artistic staff of the remaining programs increased, including better pay for freelancers. Supervisory boards appointed more on the basis of competence, independence, and commitment than today could monitor whether the increase in quality and clearer profile this enables actually occurred.

Whether this can be implemented is a question of determination in broadcasting policy. Where it is given a choice between clear concepts, the audience, consisting of voters, is also responsible for this. Allowing public service broadcasting to slide further into a crisis of legitimacy endangers the provision of information and thus democracy and the cohesion of society. If nothing else, what matters is strengthening an institution that enables the profession of journalism, which is system-relevant but has been thrown into crisis by digitalization, to continue to develop with as little influence as possible from political and commercial particular interests.

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15 Strictly speaking this is not the case, as the audience also pays for the commercial programming through advertising costs that are passed on in the prices of the goods they buy (cf. GEIGER 1988).

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