

PRE-CONDITIONS FOR PRESS FREEDOM IN GERMANY

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Freedom House placed press freedom in Germany at position sixteen in its 2007 index, behind Jamaica (position fifteen), but still very high on the list of 195 countries (Freedom House 2008). On the index compiled by Reporters Without Borders (RSF), German press freedom comes in twentieth in the world (just behind Trinidad and Tobago at position nineteen) with quite a positive score (5.75 – Eritrea, the last country on the list, has a score of 114.75. See Reporters Without Borders 2008). Hence, all is well and nothing to worry about? Of course, compared to media in other regions of the world, the German media enjoy high independence from state and government influence, and journalists work mostly without fear of harassment. However, we do think that even in Germany there is cause for some concern regarding press freedom, especially when looking at structural factors, not just independence from state interference.

There have been some recent improvements regarding legislation (in 2006, a freedom of information act was implemented), but also drawbacks regarding jurisdiction (courts have increasingly placed privacy rights above the right to publish certain information, not just with regard to celebrities' gossip) and law enforcement (in recent years and in several cases, newsrooms have been searched for journalists' materials and sources, and the German secret service has monitored e-mails and journalists' telephone connections). An increasing concern is the dominance of economic objectives in media organizations (cost reduction and profit maximization) which result in an orientation towards mass markets, a lack of resources for journalistic work, and a growing dependence of media outlets and journalists on commercial considerations.

Regarding the structural conditions for press freedom in Germany, the Second World War was an important break for the German media system. Up until then, journalism was dominated by an opinionated press with newspapers owned by parties, unions and churches. Censorship had been the rule, off and on, for most of the time, except for the years of the Weimar Republic

between 1918 and 1932. After World War II, the West German media system was completely re-organized with an independent press system and a public service broadcasting system. In former East Germany, the media remained under state and ruling party control until 1989. Today, the overarching political paradigm regarding the media in Germany is still a corporatist approach with the ideal that media content should reflect the diversity of society. But the political sphere is losing ground in comparison to the economic objectives, and market oriented approaches tend to prevail. Concentration processes are ubiquitous and the broadcasting market is about to change fundamentally.

Historical Development

The current structure of the German information media system has been formed by several distinct historical events (see for example Stöber 2005). Based on technical advancements (Gutenberg's invention of the printing press and the inauguration of the postal service) as well as social achievements (discovery of new continents, increase of trade relations) in the early modern era, newspapers were established (Braudel 1990: 122–67, 223–39, 390–428). In the aftermath of the 30-year-war in the seventeenth century, periodicals started to become available for a wider public, the so-called *Avisen* or *Relationen*. In these times, publication intervals were reduced from half-yearly to four times a week until the eighteenth century.

In the seventeenth and eighteenth century, the emergence of international trade and a citizen class that was better educated furthered the culture of newspaper reading. Enlightenment emphasized educational information and the 'coffeehouse' and 'salon' traditions made political exchange popular. At the same time, censorship by church and state was established. The main intention of the state was to not cause trouble in foreign politics with any statements in the newspapers. Further objectives of censorship were maintaining the reputation of the state and the inner freedom of states or cities (Stöber 2005: 108–10). The interest of the church was to guarantee that only the opinion of the church was published. In the nineteenth century (1819), the 'Bundespressegesetz' (German law for the press) was enacted. It stated that any publication of less than twenty sheets (320 pages) had to be approved before publication, which meant a massive repression of press freedom. An indirect inhibition of a free press market was the so-called '*Intelligenzblätter*' (public advertisers). These state-owned newspapers had, by law, a monopoly on advertising in each region they were published, and civil servants had to subscribe to them.

In the following one and a half centuries, press freedom and censorship had a checkered history. With the new press law of 3 March 1848, in the context of the 'Märzrevolution', some important changes came about: press freedom was guaranteed. Newspapers, journals, booklets, wall newspapers and caricatures were no longer censored. But the revolution failed and in 1854 the press law was changed again. The central component was that publishers and printers needed to apply for a licence. They had to deposit a bond, publish the name of the responsible editor in the flag, and deposit a copy with the authorities. In 1874 the law was liberalized (press law) (Stöber 2005: 143–7). In World War I, under the state of war, censorship and instructions for the press were yet again installed. The basis for the restrictions was the declaration of the war. After the war in 1918, the law of 1874 was applied again.

In the Weimar Republic (1918–32), a strong tradition of the party press developed. There were three types:

1. Newspapers which sided with one party
2. Newspapers which founded a party
3. Newspapers which belonged to a party – political parties, unions, church and so on.

In the time of the Nazis (1933–45), newspapers had to publish so called government announcements; the 'Ermächtigungsgesetz' abolished the freedom of the press and expression (Stöber: 149–52).

In the years 1946–9, the press was licensed by the Allied Forces. During national-socialism, Jewish and Communist publishers were murdered or left the country, while others struggled to regain their publication rights. On the other hand, publishers who had sided with the Nazis, or at least continued to publish newspapers under them, were not granted printing licenses by the Allied Forces. Thus, in this vacuum, new publishers emerged. The Allied Forces (especially the British Government) (see Stöber 2005: 255 and Koszyk 1999: 44–6) tried to implement a party press again, but in fact since 1949 the party press has not recovered in West Germany. Instead, the press (officially) followed the Anglo-Saxon model of neutrality and separation of fact and opinion. In East Germany, on the contrary, there was a continuance of the party press. In the 1950s, 60 per cent of the press in the GDR was held by the ruling party SED. That increased in 1988 to 91 per cent (Stöber 2005: 255; Dussel 2004: 198–205; Holzweissig 1999: 574–99).

After the reunification in 1990 and 1991, the 'Treuhandanstalt' (governmental privatization fund) maintained the East German press structure with its large district party newspapers and sold thirteen of the fourteen regional SED-newspapers to West German press companies. One effect of that is that there are still, today, regional monopolies in the East German newspaper market mostly run by West German publishing companies.

Legal Regulations

Press freedom, freedom of expression and the right to publish any opinion are guaranteed today by the German constitution. However, there are legal exceptions that limit press freedom. Restrictions apply especially to reporting about current criminal investigations, endangering national security, protection of children and youth, and agitating for violence and Naziism. Furthermore, privacy rights and commercial laws can be weighed against press freedom in civil lawsuits. In principle, the constitutional rights are weighed against each other. Usually, freedom of expression is held highly by German courts, but rulings of the Constitutional Court tend to favour privacy rights over press freedom, especially when there is no 'public relevance' to the reported information, such as private information about non-political celebrities. Defining the line of when an item is of public interest or not is an ongoing debate.

A clear exception to freedom of expression unique to German law is the prohibition of using or publishing Nazi propaganda and Nazi symbols. Constructed in the aftermath of the Second World War, this prohibition has been strictly implemented by German courts and has never been seriously questioned.

A positive development towards widening the legal provisions for press freedom has been the enactment of the 'Freedom of Information Act' in January 2006 (Bundesministerium der Justiz 2006). For the first time in Germany, this law awards all citizens (not just journalists, as was the case until 2006) the right to access information from administrative authorities on the

German federal level. However, only nine of the sixteen German states have so far adopted similar laws regarding the state authorities. Large states such as Lower Saxony, Bavaria, Baden-Württemberg and Saxony have no Freedom of Information law yet; the Saxony state parliament has even voted against it.

There are some regulatory measures which are supposed to enhance plurality and media freedom. One is the subsidy for periodical print media distribution (newspapers and periodical magazines with a majority of editorial content, regardless of their views, are granted lower distribution prices by the postal service; since privatization of the postal service in 1995, the state subsidizes the cost with tax revenues, see Bundesministerium der Finanzen 2007). Another measure is the reduced value added tax, which is applied to printed periodicals.

A further legal measure is the law on fixed prices for print products (books, newspapers, magazines) which was enacted in 2002 and which replaced the contractual arrangements between publishers and booksellers that had existed earlier (Buchpreisbindungsgesetz 2002). The law determines that printed products have to be sold to final customers at the copy price fixed by the publishers; rebates for intermediate dealers are also restricted. The law is supposed to facilitate the publication of books with small circulations by guaranteeing a certain margin to the publisher and thus allowing for a 'mixed calculation' of co-financing low-circulation books with bestsellers. In addition, the law is supposed to preserve smaller bookstores and newspaper vendors (thus ensuring availability and access to print media even in rural areas) by guaranteeing that they can sell books at the same price as a large competitor. Indeed, these measures have preserved to some degree a very disperse structure of small bookstores until recently. Nevertheless, large bookstore chains have in recent years expanded drastically and dominate the market with their advantage of better buying prices and larger selections. The fixed book price law alone could not prevent the rapid concentration of ownership among bookstores as well as book-, magazine- and newspaper publishers. In any case, the law has been contested by the Commission of the European Union and is repeatedly under scrutiny for deterring competition, especially since the fixed book price regulation was abolished in Switzerland in 2007.

A popular demand when discussing freedom of the press is that journalists or 'the media' should use their freedom more responsibly. Therefore, in order to avoid legislation interfering with the independence of media organizations, German print media founded a self-regulatory body in 1956, the Deutsche Presserat (press council). It has no legislative powers and is a voluntary, independent council comprised of 28 members representing publishers associations and journalists' unions. The council has established a code of conduct which lists ethical standards journalists should adopt (Deutscher Presserat 2006). Anyone can submit complaints regarding perceived breaches of this code. The council discusses these complaints and, in case they are considered justified, can issue either a 'disapproval' or a 'rebuke'. Most German newspapers have committed to publishing rebukes concerning their reporting, but the newspaper which is most often reprimanded, Springer's tabloid *Bild*, never publishes its rebukes, and there are no other consequences, since self-regulation is voluntary. In 2007, the German press council discussed 328 complaints, of which it dismissed 135; the rest were sanctioned with disapprovals and rebukes. The complaints most often involved 'lack of care in research', followed by 'lack of respect for privacy' (Deutscher Presserat 2008). Recently, the German press council's structure has been criticized, especially the fact that it consists of media representatives (publishers and

journalists) only and that its hearings are not public. A different council including citizens and scientists has been demanded (see Desgranges and Wassink in Baum et al. 2005: 79–88), but there are no concrete plans yet for such an alternative council.

Criminal investigations and surveillance

A current issue of some concern to publishers and journalists is the increasing use of investigations and surveillances by authorities and private companies, mainly with the aim of uncovering sources who revealed secret information to journalists, and thus hindering investigative and critical reporting.

Editing rooms can be searched when journalists or editors are sued for ‘disclosing secrets’. In 2006 and 2007 there were two cases (see for example epd Medien 2007; Schmitz 2006) in which this was done; both cases involved renowned journals (*Cicero*, *Stern*) and were, in different ways, related to Islamist terrorist investigations and the actions of the government in this context.

The question was whether publishing those secrets constitutes a crime. According to German law, ‘disclosing secret information’ is an offence which, however, is completed the moment a person discloses this secret to another person, for example a journalist. The courts do not agree on the question of whether the journalist who then publishes the information is attributing to the crime since he himself is not actually disclosing the secret. The authorities who ordered that the editing rooms be searched on these grounds were accused of having used this legal ‘loophole’ to make the searches possible, and that the true reason was to find out who the sources were – which, under German law, the journalists do not have to disclose (protection of sources is guaranteed in the constitution). In both cases, the final decisions by the Constitutional Court are still pending.

In addition to those cases of actual investigations in newsrooms, a number of cases of illegal monitoring of telecommunications data have recently become public. The German secret service (Bundesnachrichtendienst, BND) has continuously monitored e-mails of journalists in order to uncover their sources in the context of conflict and terrorism. In 2006, a parliamentary commission was established which investigated these actions by the secret service and which published a report confirming that these illegal data evaluations had actually taken place (Schäfer 2006). Despite the public stir and promises by the President of the secret service, Ernst Uhlrau, to abstain from the practice of observing journalists’ e-mails and other communications, in April 2008 it was revealed that a department of the BND had continued to do so all along. After the report in 2006, the BND monitored the e-mails of a German Afghanistan correspondent, including her private e-mails and her communication with the Afghan trade minister Amin Farhang, which was especially criticized since Farhang was considered a friend to Germany and there was no suspicion of contacts with terrorists (Richter 2008; Müller-Neuhof 2008; Hanfeld 2008; Schuler 2008).

Commercial companies apparently also use modern communication technologies to observe their employees – and their contacts with journalists. In May 2008, it was revealed that top managers of the formerly state-owned, now privatized telecommunications provider Deutsche Telekom¹ had allegedly monitored their managers’ communications, including e-mail and mobile phone contacts for years, especially contact with journalists, in order to find ‘leaks’ that revealed internal information about the company to journalists and the public (Heuzeroth

2008; spiegel online 2008; zdf heute.de 2008). At the time this chapter was written, the cases were still pending. This case is especially worrisome because, since January 2008, Telekom has been officially ordered by the German government to store all telecommunications data (e-mail, telephone, mobile phone connections) for six months for potential criminal investigations.²

With regard to press freedom, there are concerns that the current laws regarding disclosure of secrets and treason and security and surveillance have increasingly been used by authorities to hinder investigative and critical reporting. In addition, there has been illegal abuse of modern technologies to observe journalists and their sources, by both the state secret service and private companies. Mainly, the protection of sources has been made more difficult and thus the chances of finding out about grievances have been reduced. In this context, it may appear worrisome that the German federal ministers agreed in June 2008 on a law to allow the police to search computers online without the 'target' knowing (tagesschau.de 2008; Decker 2008).³

These decisions raise fears that, despite its being guaranteed in the constitution, press freedom is endangered by the political situation and economic interests. A lively public debate on this topic, however, shows that press freedom is a highly regarded value in Germany. This was not always the case, as the development of broadcasting in Germany shows.

Economic structures

The dual broadcasting system: Public service in the age of marketization

Broadcasting in the aftermath of World War II

The German broadcasting system has been shaped until today by the decisions of the Allied Forces in post-war Germany as a reaction to the Nazi experience. The idea of state distance and support of pluralism regarding ownership as well as content have been influencing German media policy until today.

When Germany capitulated in 1945 and the Allied Forces had taken over power, they made a clear cut in the German media system. The Allies took over all media and only journalists who were not suspect regarding National Socialism were allowed to publish under the Allies' censorship. During the first years after World War II, radio played a special role as this was the easiest way for the Allies to disseminate information and anti-Nazi re-education during the occupation. Paper was not always available and the distribution of newspapers was a great problem in destroyed Germany. But there were 'Volksempfänger' in many German households, the relatively cheap radio receivers with a low range of frequencies which Goebbels' Nazi propaganda officials had implemented to agitate Germans, especially during the war. The Nazis had treated as treason the listening to foreign radio stations like the BBC World Service in order to increase the efficiency of their radio propaganda and lies about the situation at the war front.

After this experience, the victorious powers in the three western zones decided to restructure the German broadcasting (= radio) system in a way that guaranteed decentralization and freedom of direct state influence. This was, of course, different in the Soviet zone, where broadcasting was also denazified, but where the state kept broadcasting centralized and exerted direct influence. In the western zones, the US-Army founded Radio Frankfurt, Radio Stuttgart, Radio München and Radio Bremen in their sector, the French founded Südwestfunk in Baden-Baden and the British the Nordwestdeutscher Rundfunk in Hamburg and Cologne

for the British sector. In 1948 and 1949 the Allies handed over the radio stations to German authorities after having imposed a new broadcasting system.⁴ The discussion about the best system had a clear result: The French model was considered inappropriate because of its state influence and centralization. The US-American radio system with its commercial stations did not have a chance because the German economy was too weak to finance radio by advertising and it was doubtful if this would be changing in the near future. Thus the British BBC became the model for post-war German radio and later TV: a public service broadcasting system, financed by mandatory fees but, unlike the BBC, decentralized. There was no central radio station broadcasting to the whole country at that time.

Public service broadcasting

The public service stations (*Rundfunkanstalten*) were established in regions, broadcasting from and for these regions, mainly oriented on the federal states (*Bundesländer*).⁵ Today, the states are still in charge of the broadcasting policy, not the federal German government. The one exception was in 1953, when the federal German government founded the Deutsche Welle (DW) as the German world service. The only national radio station followed in 1962: The Deutschlandfunk (DLF) was supposed to inform German speaking people in Eastern Europe about politics and culture in Western Germany, especially focusing on East Germany, the DDR ('Deutsche Demokratische Republik'/'German Democratic Republic'). In 1950 the public service stations (PSBs) founded a common body, the Arbeitsgemeinschaft öffentlich-rechtlicher Rundfunkanstalten der Bundesrepublik Deutschland (ARD), which became relevant when the first PSB TV channel Deutsches Fernsehen (later Erstes Deutsches Fernsehen/Das Erste) started broadcasting in 1953. ARD and Das Erste were and still are a co-operation of the regional PSB-stations.

The public service broadcasting stations are regulated by two bodies: The broadcasting council (Rundfunkrat), which consists of relevant groups of the German society (*gesellschaftlich relevante Gruppen*), representing the public and supervising programming and content, and the administrative council (Verwaltungsrat), which is elected by the broadcasting council and supervises finances. The Chief Executive of the public service broadcaster, the *Intendant*, is elected and controlled by the broadcasting council together with the administrative council.⁶

A law on the level of the states appoints the representatives of the relevant groups of society. These groups are, for example, unions, employer organizations, religious groups (Christian and Jewish), farmers, artists, migrants, disabled, cultural groups, youth and sports organizations but also political parties represented in the federal state governments. This is often criticized not only for the political party appointments but also as the representatives of other groups are often related to political parties. Thus the ruling party (or parties) in a federal state often dominates the broadcasting council as well as the administrative council (see Schrag 2007: 187).

The idea of nominating representatives of relevant groups of society for the regulative bodies of public service broadcasting reflects the demand for internal pluralism within the PSB stations, which is considered important not only on the organizational level but also on the content level. This is secured in the Federal Law on Public and Private Broadcasting (Rundfunkstaatsvertrag 2006: § 11), which defines the mandate of public broadcasters as follows:

(2) Public Service Broadcasting has to give a comprehensive overview on international, European, national and regional events in all relevant areas of life within its services...Its programme has to serve information, education, advice and entertainment. It has to offer contributions especially on culture.

(3) In fulfilling its task Public Service Broadcasting has to account for the principles of objectivity and impartiality in reporting, for the plurality of opinions as well as the fair balance of offers and channels.⁷

The 'fair balance of offers and channels' was discussed only a few years after the ARD had started the first German TV channel. Konrad Adenauer, of the conservative party CDU (Christian Democratic Union) and chancellor since 1949 was not satisfied with the TV channel, particularly the way they reported about German politics (see Schrag 2007: 177). Thus he intended to found a second TV channel which would be, however, privately organized. The federal German government was to hold 51 per cent, the federal states 49 per cent of the Deutschland Fernsehen GmbH (German TV Ltd.). The federal states refused to take part in the project and the opposition party, the SPD (*Social Democrats*) took legal action at the Constitutional Court. In a fundamental decision in 1961, the first of nine decisions, the constitutional court pointed out that broadcasting has to be organized without direct state influence⁸ or a majority influence of one societal group because of its societal task as opinion former and that broadcasting is a matter of culture. The latter is relevant as the states are in charge of cultural policy. 'Adenauer-TV' was thus incompatible with the German constitution in regard to two criteria: absence of state influence and regional organization. Private broadcasting, the Constitutional Court said, is currently impossible because of a shortage of frequencies and other means of distribution. The reaction of the federal states was to found another national public service television channel, the *Zweites Deutsches Fernsehen* (ZDF), which started broadcasting in 1963.

The dual system of public and private broadcasting

It was again conservative politicians who in the late 1970s started a discussion on whether the public service broadcasters were sufficiently politically balanced. The ARD, especially, was blamed for left-wing oriented reporting. At that time, the nine ARD stations offered numerous radio channels, usually three or four per station, a co-operative national TV channel, as well as regional TV channels from most state-based stations (*Das Dritte*/'The Third'). The ZDF still offered one national TV channel.

The conflict led to another fundamental decision on broadcasting by the Constitutional Court. In 1981, the judges decided that broadcasting was an individual right. This meant that everybody would have the right to offer broadcasting, to have a radio or TV station. With the new technologies – cable and satellite – there was no reason left to prohibit private broadcasting as there was no more shortage of frequencies. Starting in 1982 in Mannheim-Ludwigshafen, then in Berlin, Munich and Dortmund, a new kind of technical distribution was tested in small pilot projects: cable TV, for the first time with the participation of private broadcasters. In 1984 RTLplus started to broadcast from Luxemburg, the home of RTL Radio, but for the German TV market.⁹ One year later SAT.1, the former cable pilot project participant PKS from Mannheim-Ludwigshafen, started to broadcast with new investments from several newspaper publishers.¹⁰ RTL and SAT.1 are now the core

channels of the two big families of private TV stations in Germany. Today RTL is part of the RTL Group, the majority of which is owned by Bertelsmann. In Germany, the RTL Group operates three comprehensive channels (RTL, VOX, RTLII), a news channel (n-tv), a children's channel (superRTL), four special interest channels (RTLshop, RTLcrime, RTL Living, Passion) and the Internet operator RTLinteractive.¹¹ Today, Sat.1 is part of the ProSiebenSat.1 Group, which operates free and pay TV in thirteen countries. In Germany, it operates the comprehensive channels Sat.1, ProSieben and Kabel 1 as well as the news channel N24, the call TV channel 9Live and the video-on-demand portal Maxdome.¹²

In the early 1980s, the states with conservative governments started to found regulatory bodies (*Landesmedienanstalten*) for private broadcasting that are in charge of licensing and controlling private broadcasting, as well as designing broadcasting laws, which differ in each state. The SPD-opposition in Lower Saxony rejected the new broadcasting law and went to the Constitutional Court, which in 1986 established private and public broadcasting with different tasks in the media system. Public broadcasters are now still financed by obligatory fees in addition to having limited opportunities to sell advertising time, sponsoring and syndication.¹³ In return for the fees, PSB-stations have to fulfil the criteria of internal pluralism, guarantee the basic supply of information ('*Grundversorgung*¹⁴'), cover minority topics and report in a balanced way and pluralistically.

The fees are collected by the *Gebühreneinzugszentrale* (GEZ), a collection agency owned by the PSBs, in order to guarantee the absence of state intervention. From €17.03 the ARD receives €5.04 for radio and €6.90 for TV, the ZDF gets €4.39, DeutschlandRadio (the former Deutschlandfunk) gets €0.37 and the private broadcasting authorities *Landesmedienanstalten* get €0.32 per month and household.¹⁵

Private broadcasters are, however, according to the Constitutional Court, part of the concept of external pluralism. Not a single station alone has to guarantee the pluralism of voices and content but all private broadcasters together. Nevertheless, the Constitutional Court did not leave external pluralism to a free market but demanded a control of monopolies for the private broadcasting market, which led to the founding of KEK, *Kommission zur Ermittlung der Konzentration im Medienbereich* (Commission for the Investigation of Concentration in the Media). Another special trait of German private television regulations are the obligations regarding content, for example national private TV channels may be obliged to broadcast regional programmes for half an hour per day, or give a minimum of broadcasting time to a company independent of the owners of the TV channel in order to support the plurality of content. These obligations depend on the private broadcasting authorities, *Landesmedienanstalten*, of the federal state in which the channel is licensed, even if it is a national private TV channel.

Moreover, in some federal states local open channels for TV and radio were founded to promote media literacy and access for every interested citizen. States with a Social Democrat government were especially in favour of these open channels.

More TV channels were founded in the early years of the dual (PSB and private commercial) broadcasting system but they remained on a national level and were usually distributed by cable and satellite. It was not until recent digitalization that television became less expensive and the distribution became easier so that numerous new channels were founded, especially those with a special interest concept. Recently, private local television became commercially interesting and some stations were licensed.

Private radio in Germany

Radio developed in a different way. It is not economically necessary to broadcast on a national level and there are still no private national radio channels on the relevant FM band. Due to the fact that broadcasting is regulated on a federal state basis, the German radio landscape today is very heterogeneous. In Schleswig-Holstein and Lower Saxony, for example, commercial radio is only allowed on the state level, not on a local level. Neither state is densely populated so that around 1990, when private broadcasting was introduced, media policy assumed that the local advertising markets were too small to finance local broadcasting and that another competitor would harm the local newspaper market. In Lower Saxony, in addition to state-wide commercial radio stations, non-commercial local radio stations as well as several non-commercial local TV stations were licensed. They are financed partly by the private broadcasting authorities (Landesmedienanstalten), partly by donations, and have to offer several hours of open channel. This open channel idea also plays an important but disputed role in North Rhine-Westphalia, where commercial radio stations have to offer two hours per day to interested citizens who can broadcast whatever they want, as long as it is not against the penal law. Usually the open programmes get the low-audience slots in the evening. In densely populated North Rhine-Westphalia the then SPD-government invented a special radio model, trying to integrate local content plurality, social responsibility and the interests of the strong regional newspaper publishers who were afraid of having to share their local advertising market with a radio competitor. The authorities license only one radio station per area, which can be a town or small rural area. The *Betreibergesellschaft*, the operating company, is in charge of the economic side of the radio station and is often controlled by local or regional newspaper publishers. The *Veranstaltergemeinschaft*, the host community, is in charge of the programme and is the employer of the journalists. Only the editor-in-chief has to be accepted by the *Betreibergesellschaft*. The *Veranstaltergemeinschaft* is led by a committee of relevant social groups, like the broadcasting councils of PSB stations. The problem with this two-column model is that the *Betreibergesellschaft* works much more professionally than the voluntary *Veranstaltergemeinschaft* and over time several changes have been made in favour of the *Betreibergesellschaften*. Berlin, in contrast, favoured a market liberal model with minimum obligations for the licensees. The result is a highly competitive and continuously changing radio market. In most federal states in Germany, private radio usually has to fulfil content obligations such as a minimum of local information or a short news programme every hour. Nevertheless, almost all studies examining the content of private commercial radio broadcasters state that the content regarding information is only marginal compared to music, advertising and small talk from the presenters (see for example Vowe and Wolling 2004).

The transformation of East German broadcasters into reunified Germany

In the early 1990s, the privatization of broadcasting was, in terms of the TV market, a fact. With regard to the private radio market, it was planned in all federal states but realized in only some. Public service broadcasters reacted to the new private radio stations with further formatting (especially Adult Contemporary, Contemporary Hit Radio and news formats), and to private TV by planning new special interest channels and PSB co-operations (see ARD 2008a).¹⁶ The West German broadcasting system had still not totally transformed into a dual system when, in 1990/91, East German radio and television had to be integrated in a reunified Germany. Up

to then the GDR had operated two TV channels as well as several radio channels¹⁷ designed according to the Soviet model. In line with the socialist state ideology, the media system was centralized and biased towards the government, for example the Socialist Party (SED, Sozialistische Einheitspartei Deutschlands). This media system was, of course, incompatible with democratic concepts. During the negotiations for the Unification Treaty, it was agreed that the West German broadcasting system should be the model for reunified Germany. The East German TV channels DDR1 and DDR2, having just been renamed as DFF1 and DFF2,¹⁸ stopped broadcasting in December 1990 (DFF1) and December 1991 (DFF2). Two radio stations were integrated into the new PSB stations in the new eastern states: Deutschlandsender¹⁹ was transferred into Deutschlandsender Kultur and became the twin channel of Deutschlandfunk, which broadcasts from Cologne, offering comprehensive information, while Deutschlandsender Kultur from Berlin focused on cultural topics.²⁰ The other East German radio channel, which was not closed down after the reunification, was DT 64, the GDR youth channel, which was renamed as *Sputnik* and integrated into the new PSB Mitteldeutscher Rundfunk (MDR) broadcasting for Saxony, Saxony-Anhalt and Thuringia. The other PSB station which was founded after difficult negotiations between the new East German states of Berlin and Brandenburg was Ostdeutscher Rundfunk Brandenburg (ORB) for Brandenburg. Berlin continued with Sender Freies Berlin (SFB) until in 2003 ORB and SFB merged to form Rundfunk Berlin Brandenburg (RBB). Mecklenburg-Western Pomerania is covered by Norddeutscher Rundfunk (NDR). The private radio scene in the Eastern states today is as heterogeneous as in the Western states.

This transformation process was also conflict-riddled because there was a surplus of staff in East German broadcasting²¹ and the journalists had been socialized in a communist society. From one month to another they had to follow the role model of journalism in a democratic society; later it was discovered that a considerable number of East German journalists had co-operated with the Ministry of State Security, the *Stasi*, spying on their colleagues and interviewees. Up to today, journalists have had to resign because of new information about *Stasi*-activities, which often comes to light as they advance in the hierarchy.

Current challenges: Broadcasting and the Internet

The recent dispute over the German public broadcast fees between the EU-Commission and the private broadcasters on the one hand and the German states and the public broadcasters on the other hand (Ridder 2006), is a good example of differing views on how to guarantee independence of the state and, moreover, show how this discussion is used to pursue economic interests. In Germany, the broadcast fees are determined by state-independent commissions and collected by an independent agency, the *Gebühreneinzugszentrale*, GEZ, which belongs to the public broadcasting stations. EU-Commissioner Neelie Kroes made the accusation that the German broadcast fees must be considered as state subsidies which hinder competition. As a somewhat paradoxical remedy, Kroes wanted the state governments rather than the state-independent regulatory bodies to decide about the licensing of new channels and broadcasting activities, for example expansion into the Internet. In December 2006, a compromise was found between the Commission and the German states: the regulatory bodies would remain in charge, but the states gained more involvement in the decisions than they had before.

There has been, to date, no decision made about the fees themselves – the question whether they constitute a state subsidy or not has not been clarified. The question behind this conflict is

also whether the fees are necessary to make an independent pluralistic TV programme possible or whether economic liberty supports (external) pluralism in the media market. The German government is currently planning to change the model of raising the fees, but a new model would have to be endorsed by the EU Commission – which may start the discussion anew.

The big current conflict in German broadcasting is the question of how far the public broadcasters should develop their Internet activities. According to the States Treaty on Broadcasting in Unified Germany (*Staatsvertrag über den Rundfunk im vereinten Deutschland*), public service broadcasters are allowed to use all new technologies concerning production and distribution of new forms of broadcasting. Nevertheless, private broadcasters as well as printed press publishers claim that the mandatory PSB-fees do not allow for the financing of Internet activities, but only traditional radio and television. The largest regional newspaper publisher, the WAZ (*Westdeutsche Allgemeine Zeitung*), however, started an online co-operation in 2008 with Westdeutscher Rundfunk (WDR), the big PSB in North Rhine-Westphalia. *Der Westen* is an internet portal for the western region which offers TV reports on regional topics produced by the WDR for its own regular TV programme (see WDR 2008). The co-operation between WAZ and WDR is limited to one year for the time being. Not just media journalists are now discussing whether both are still independent enough to criticize each other, or in other words: whether pluralism is endangered and whether WDR should finance the TV reports with broadcasting fees which are then offered on *Der Westen*-online portal, owned by the rich publisher WAZ. The WDR broadcasting council speculated that WAZ wanted to bridge the period until their own regional TV channel for the Ruhr region, which is already licensed, starts broadcasting with cheap WDR video distributions. The WDR would thus finance a new competitor (see Lilienthal 2008). The WDR/WAZ co-operation is only a start – other public service broadcasters have started negotiations with publishers (Lilienthal 2008).

However, what most publishers and private broadcasters dislike is not this kind of co-operation as such, although some assume that the PSB were only trying to improve their negotiating position in the conflict with private broadcasters on the PSB's own Internet activities (see Lilienthal 2008). The real point is the PSB's own Internet portals and the question of what they should be allowed to offer. The Association of Private Broadcasters and Telemedia, Verein Privater Rundfunk und Telemedien e.V. (VPRT), are critical of the fact that the Internet portals of ARD and ZDF have, in their view, become a comprehensive informational offer which goes beyond the PSB's public mandate according to the State Broadcasting Treaty, the '*Rundfunkstaatsvertrag*'. The VPRT claims that the online activities of ARD and ZDF are not covered by the 0.75 per cent of the broadcasting fee meant for online activities, but are much more expensive. Only information directly connected to the PSB's output should be allowed online, according to the VPRT (see VPRT 2008). ZDF and ARD offer a comprehensive and free of charge video on demand via Internet since 2007 and 2008, respectively. They publish information and entertainment, fictional and non-fictional programmes but also offer additional interactive and multimedia elements adequate for the online medium. To meet half way, the ZDF decided in spring 2008 to offer programmes in their online programme archive *Mediathek* (video-on-demand) for a limited time only, to renounce advertising, games and external service partners, such as hotel bookings and route planners, and to apply a three-step test to evaluate the public value of a definite content (see epd Medien 2008a). The conflict created a situation of fierce competition on a new media market regarding the Internet and mobile communication

as well, and has been carried on throughout the negotiations on the twelfth change of the State Broadcasting Treaty, '12. Rundfunkänderungsvertrag', which was still under discussion when this article was written. Actually, the conflict is not about public service broadcasting but about public service Internet and whether it is necessary to offer information on the basis of internal pluralism on the Internet. When media-use changes in the direction of online and mobile media, PSB, limited to the traditional TV and radio distribution, would no longer be able to reach its audience. Steffen Range and Roland Schweins (2007) found, in their study on how the Internet changes journalism, that journalistic content, sponsoring and advertising are usually mixed, even in Internet spin-offs of serious political print magazines and newspapers. In this respect, an economically independent online portal for comprehensive information seems crucial.

Print Media: Increasing concentration and regional monopolization

Print media in Germany are generally private-commercially owned and much less regulated than the broadcast media. There are a high number of magazine titles (ca. 20,000) on the German market, of which 902 general interest magazines and 1,172 trade magazines are registered with the circulation monitoring agency IVW (Verband Deutscher Zeitschriftenverleger 2008). In contrast to the newspaper market, however, the weekly and monthly illustrated magazine market is highly concentrated and divided among four big publishing houses (Bauer, Springer, Burda, Gruner + Jahr (Bertelsmann) which publish about 61 per cent of the magazine circulation in Germany (Vogel 2002).

In the daily newspaper market,²² due to relatively strict merger control, a relative diversity still exists with 352 newspaper publishing companies (Bundesverband Deutscher Zeitungsverleger (BDZV) 2008). German merger control laws have so far prevented a high concentration as, for example, on the US-newspaper market. Economic concentration has increased nevertheless. A closer look reveals that, on a local level, regional monopolies have emerged in many German regions. This is most apparent in the former East German states where the structure of large newspapers (formerly owned by the central party SED) catering to a large area was adopted after reunification, but also in many West German counties where there is only one regional newspaper or, if several competing newspapers still exist, they often belong to the same company. As a result, there is often only one source for local information.²³ Another unique feature of the German newspaper market is the co-operation of regional newspapers regarding national and international news. Many local newspapers only produce local news themselves and syndicate the national and international coverage, and often even the complete layout, from larger newspapers. Thus, the 350 newspaper publishers only publish 136 complete papers with their own international, national and local news, and several of these are owned by the same company. In fact, there are less than 70 publishing companies left who own the majority of shares in full-service newspapers.

In 1976, the German parliament passed a special regulation applicable only to print media within the merger control law. It lowered the threshold for a mandatory approval of a merger or acquisition (25 million Euro gross income instead of the 500 million Euro volume below which a merger does not have to be approved in other business sectors) and set limits on the market share that a publishing company may have (Heinrich 2001). The law was a reaction to the acquisitions of other newspapers by the *Westdeutsche Allgemeine Zeitung* (WAZ) in the Ruhr Area in the 1970s. As a consequence, acquisitions slowed down in the 1980s and 1990s, but

have picked up again considerably since the alleged economic struggles of newspapers in the late 1990s. In Cologne, M. Dumont Schauberg, publisher of the *Kölner Stadt-Anzeiger*, bought the competing *Kölnische Rundschau* and now owns both daily newspapers and a daily tabloid in the city of Cologne as well as the *Mitteldeutsche Zeitung*, a large newspaper in former East Germany. The sale was approved by the authorities at the time with Dumont reasoning that by saving the competing paper from bankruptcy they were actually safeguarding plurality, an argument which had already been used by the publishers of the WAZ when they bought competing newspapers in the Ruhr Area. Both WAZ and Dumont, as well as the Axel Springer AG, which, in addition to the large tabloid *Bild-Zeitung* (circulation ca. 4 million), owns several daily newspapers in northern Germany, Hamburg and Berlin, promised to keep the newsrooms of their newspapers strictly separate and give them editorial autonomy. In the long run, however, this principle has been eroded more and more. WAZ-newspapers have common newsrooms for certain topics such as local sports; the Springer-newspapers *Die Welt* and *Morgenpost* have merged their newsrooms in Berlin (Axel Springer Verlag 2001). In an ambience of regional monopolization and the absence of competition, newspapers have fewer incentives to report critically and disclose grievances.

In Berlin in 2004, however, when Holtzbrinck planned to buy the daily newspaper *Berliner Zeitung* from Gruner & Jahr (who had bought the former communist party newspaper in East Berlin from the trust fund) the federal merger control authority would not go along with the internal-plurality argument. Holtzbrinck already owned another large (West-)Berlin newspaper, the *Tagesspiegel*. The authorities would only allow the purchase if Holtzbrinck sold the *Tagesspiegel*, because with both newspapers they would acquire a 61.4 per cent market share among subscription newspapers (not counting the tabloid *Bild* from Springer). Holtzbrinck first sold the *Tagesspiegel* to a former Holtzbrinck manager, a deal which was not accepted by the merger control authorities. Finally, Holtzbrinck was not allowed to buy the *Berliner Zeitung* (see, for example, *Die Welt* 2004). This case shows that the German merger control is still guided by the objective of safeguarding external pluralism of newspaper ownership. It also shows, however, that in doing so they might find themselves between a rock and a hard place: subsequently, in 2005 the *Berliner Zeitung* was sold to a foreign investor, the British private equity fund Mecom headed by David Montgomery. Mecom did not yet own any newspapers in Berlin, thus the merger control law did not apply. Mecom has since prescribed harsh austerity measures and high profit margins to the *Berliner Zeitung*; the current manager is also the editor-in-chief (a mingling of economic and editorial responsibilities unusual in German publishing houses) and many editorial staff members and managers were laid off or have left in dissent (Roether 2005; epd Medien 2008b; Meier 2008).

As these examples show, both the regional concentration processes and the increasing investment of foreign and non-publishing investors enhance the dominance of economic values in publishing companies; cost reduction and profit maximization have become the dominant goals and have pushed aside public values, such as providing diverse and well researched information.

Resources, working conditions and outsourcing of journalism

On an institutional and individual level, limitations for diversity and independent reporting are caused by the declining resources for journalistic work. With profit maximization being the main

objective of media organizations, cost reduction and efficiency are striven for. When balancing expenditures and revenues, advertisements and distribution bring in the revenues, but reporters and editors only cost money. The quality they may (or may not) produce can, contrary to other goods, only be judged on the basis of expectations of the future performance and is much more difficult to evaluate for the consumer. Thus, a decline in quality is not immediately punished by the readers but is, rather, a long term process. This makes it possible for publishers to regard costs for editorial staff as a flexible lot. In addition, the traditionally high intrinsic motivation of journalists who simply work harder in order to complete the newspaper when they have to do the work with fewer people, contributes to the opportunities for cost reductions in the newsrooms.

One trend in Germany has been the 'outsourcing' of editorial staff²⁴ (Verband Deutscher Zeitschriftenverleger 2004; Gehringer 2007). The *Rhein-Zeitung* in Koblenz was one of the first newspapers to implement this practice in 1995: entire newsrooms were laid off, urged to found an independent company and then given a budget to 'sell' the editorial content to the newspaper as self-employed freelancers – with a smaller staff, lower salaries (by circumventing the union tariffs) and no job-, unemployment- or retirement-security. Meanwhile, almost all of the eighteen local editing rooms were outsourced. The declared goal of publisher Waltherpeter Twer was to reduce staff costs by thirty per cent. Many regional newspaper publishers have since followed this example. An especially drastic case was the *Münstersche Zeitung* which is owned by the Dortmund-based publisher Lensing-Wolff. After outsourcing the newsroom there, Lensing had a parallel newsroom erected with new (younger and cheaper) staff. When they were ready to start in January 2007, Lensing, from one day to the next, took the 'order' to produce the newspaper away from the 'old' staff and gave the contract to the new newsroom.

Under such circumstances, journalistic autonomy is under great pressure. With few and usually underpaid jobs for journalists, they have a weak stance against their publishers. Editorial autonomy, once held high in Germany (and in the 1970s achieved in the form of statutes in many large newspapers which granted the journalists autonomy towards the publishers and which have since been abolished almost everywhere)²⁵ has been neglected in favour of a market-liberal approach granting press freedom mainly to those who own the media outlets.

It seems that the Internet could bring about change in that it provides easy access to anyone. However, the lack of resources for journalism on the Internet has raised fears that journalistic content on the Internet cannot be financed in the long run.

Social and cultural influences

As can be seen while looking at these developments, political, economic, historical and cultural influences are very much interwoven. With regard to cultural and social aspects of the German media system and plurality, we would like to point out only one example here.

In 2005, 7.2 million of the 82 million inhabitants in Germany were foreigners and an additional 10 per cent of German citizens had a 'migration background'. Approximately 3.3 million people in Germany declared to be followers of an Islamic religion (see Statistisches Bundesamt 2006). Even the larger minorities are under-represented as journalists, presenters, or in terms of content and programming catering to them in German information media.

Part of the reason is the German immigration laws (or the lack thereof) which make it difficult for even second generation foreigners to adopt German citizenship (in 2005, only 117,241

foreigners acquired German citizenship). Not being German citizens weakens the minorities' position with regard to demanding better representation in politics as well as in the media.

Conclusion

The press and other media can act largely independently from state and government influence. German legislation safeguards this independence and the jurisdiction has usually regarded freedom of the press highly. But freedom of the press in Germany is mainly seen as a commercial freedom, largely disregarding economic pressures which potentially inhibit free, pluralistic information and opinion forming. As the examples have shown, concentration of ownership is increasing in the print media market, where growing regional monopolies have formed and in many areas, local and regional information is only available from one source. In the broadcasting sector, which is also highly concentrated, a shift towards emphasizing economic objectives can also be observed, especially in the private-commercial media, which are gaining ground in terms of viewers, especially among young people. The dominance of market mechanisms in the media may allow for institutional media freedom, but it puts individual journalistic freedoms increasingly under pressure because of a lack of resources for investigative reporting, journalistic autonomy and precarious working conditions. With regard to media legislation, there have been some favourable (freedom of information act) and some less favourable developments (legalization of online searches, data retention). In the political realm, the EU deregulation policies have been very influential – ironically, by trying to lift (perceived) state influence on the media market, such measures actually pose a threat to press freedom and plurality because they challenge the diversity approach of public service media and endanger the possibilities for representation, access and participation by societal groups without buying power or lobbying influence.

Notes

1. Deutsche Telekom is the largest telecommunications provider in Germany and one of the largest in Europe. It was privatized in 1990 but the federal state of Germany still owns 14.83 per cent of the shares (September 2007), another 16.87 per cent are held by the state-owned KfW-Bank. Telekom generated a gross income of 2.5 billion Euros in 2007 and employs 242,000 people worldwide (Deutsche Telekom AG 2008).
2. The so called telecommunications data retention act is based on an EU regulation demanding the storage of telecommunications connection data for the purpose of criminal investigations and terrorism prevention. However, trade organizations have already claimed interest in the data, for example the music industry has voiced the opinion that the data could be used to track down copyright offenders. This in turn raises fears that the usage of the data, once generated and stored, could go far beyond terrorism investigations. The German law which is currently contested in the supreme court and not yet enacted (while the data is already being stored regardless, just in case), goes beyond the EU regulation in that it would allow usage of the data for all criminal investigations, not just 'severe crime' (heise online 2007; Rath 2007; spiegel online 2007).
3. The law on online searches still has to be approved by the parliament, which is expected for November 2008. In February 2008, the Supreme Court had rejected a previous proposal which it considered not constitutional. The online searches are supposed to be conducted online by implementing a Trojan virus on the 'targets' computer.

4. The western Allies finally handed over broadcasting to German authorities by signing a treaty called 'Deutschlandvertrag' in 1955.
5. These were the stations founded in 1948/49: the Bayerischer Rundfunk (BR) in Munich for Bavaria, the Hessischer Rundfunk (HR) in Frankfurt/Main for Hesse, Radio Bremen (RB) in and for Bremen, the Süddeutscher Rundfunk (SDR) in Stuttgart for Baden-Württemberg, the Südwestfunk (SWF) in Baden-Baden for Rhineland-Palatinate and northern Baden-Württemberg and the Nordwestdeutscher Rundfunk (NWDR) in Hamburg and Cologne for Lower Saxony, Schleswig-Holstein and North Rhine-Westphalia. The NWDR was soon divided into NDR in Hamburg for Hamburg, Lower Saxony and Schleswig-Holstein and the WDR in Cologne for North Rhine-Westphalia. The Saarländischer Rundfunk (SR) in Saarbrücken for Saarland was founded in 1957 after the Saar-region had become German again after a referendum. In Berlin, which was still occupied by the United States, Great Britain, France and the Soviet Union, a conflict between Great Britain and the Soviet Union led to a four-year shut down of the Berliner Rundfunk, which had been under Soviet administration albeit being situated in the British sector. In 1957 the Soviets handed over the *Haus des Berliner Rundfunks*, the traditional building of the Berlin radio stations, to the German mayor of Berlin after a four year siege by the British army. The Sender Freies Berlin (SFB) moved into the *Haus des Berliner Rundfunks* and the Soviets started a new Berliner Rundfunk in the Soviet sector. The US Information Agency had already started the Radio im Amerikanischen Sektor (RIAS) in 1945.
6. The tasks as well as the composition of the broadcasting and administrative councils differ from state to state depending on the different broadcasting laws within the federal states.
7. Translated by the author
8. Nevertheless, the German government was still in charge of offering technical distribution facilities for broadcasting. This has since been privatized.
9. In 1988 RTLplus moved to Cologne where they are still situated.
10. SAT.1 started to broadcast from Mainz, not far away from Mannheim-Ludwigshafen, and later moved to Berlin.
11. Moreover, the RTL Group owns twenty radio stations, TV/film content producers (UFA, Grundy), an important film distributor (Universum) and TV and film studios (UFA, CBC) – apart from numerous TV stations in nine other countries (see RTL-Group 2008).
12. ProSiebenSat.1 has undergone several changes of ownership after the media empire of Leo Kirch broke down in 2002 due to financial problems. Axel-Springer-Verlag, a major German print publisher, was involved in ProSiebenSat.1 as well, owning twelve per cent. The majority of Pro7Sat.1 was bought by US investor Haim Saban. In 2005, Saban attempted to sell the majority of shares to Springer, but the deal was prevented by the German merger control authority (*Kartellamt*) on the grounds that Springer, being the publisher of the largest German tabloid newspaper *Bild* with a circulation of 4 million issues per day, would control too large a share of the mass news market. In 2007 ProSiebenSat.1 merged with SBS Broadcasting Group.
13. The ARD, for example, is financed to 80 per cent by fees, three per cent by advertising and eighteen per cent by syndication, sponsoring and other sources (see ARD 2008b). ZDF is financed 85 per cent by fees, 9 per cent by advertising and six per cent by syndication, sponsoring and so on (see ZDF 2008).
14. The term '*Grundversorgung*'/'basic supply' was first invented by the Constitutional Court in its decision on broadcasting in 1987.
15. The amount of the mandatory PSB fee is set by the KEF, *Kommission zur Ermittlung des Finanzbedarfs der Rundfunkanstalten* (Commission for the Determination of the Financial Requirements of Public

- Broadcasters). It has to be approved by the federal states, which has led to conflicts in the past years, because the federal state governments did not accept the legally binding proposal of the KEF.
16. TV channels in co-operation with ARD and ZDF: arte since 1992 – cultural channel in co-operation with arte France, 3SAT since 1993 – news, society, culture in co-operation with the Austrian PSB ORF and the Swiss PSB SRG, Phoenix since 1997 – news and documentation channel, KiKa since 1997 – children’s channel and several digital channels (theatre, culture, documentaries, usually secondary broadcast).
 17. In the 1980s there were two TV stations, DDR 1 and DDR2, and six radio channels: Radio DDR1, Radio DDR2, Berliner Rundfunk, Stimme der DDR (formerly Deutschlandsender meant to broadcast for West Germany), the youth channel DT 64 and Radio Berlin International as the East German World Service.
 18. The frequencies of DFF1 and DFF2 (Deutscher Fernsehfunk) were taken over by West German PSB channels.
 19. Deutschlandsender had been called *Stimme der DDR* (Voice of the GDR) up to the breakdown of the GDR and was supposed to inform West Germans about the GDR.
 20. Deutschlandsender Kultur has since been renamed as DeutschlandRadio Kultur and the co-operation between the two channels is called DeutschlandRadio.
 21. About 10,000 staff members of East German radio and TV were dismissed during the reunification process.
 22. Newspapers are still a main source of information in Germany, especially for local and regional information. In 2007, 301 newspaper copies were sold per 1000 inhabitants on an average day; that is about half as many as in Norway (601), but close to twice as many as in France (156) and Poland (139). Readership, however, is declining, especially among young people. In 2007, only 43.7 per cent of German residents between twenty and twenty nine years of age read a newspaper regularly, in 1997, almost 60 per cent in that age group did (Bundesverband Deutscher Zeitungsverleger, BDZV 2008).
 23. Local radio stations often do not offer substantial information on local topics because many have reduced information to a minimum.
 24. According to a survey conducted by the German magazine publishers’ association VDZ in 2004, about 40 per cent of magazine publishers have outsourced at least some of their editorial staff.
 25. As of 2006, the journalists’ union dju lists only nine newspapers left with such a statute, ironically among them the Rhein-Zeitung, which has outsourced all its editors, and the Berliner Zeitung, which implemented a statute in 2006 but where, under Montgomery, the editing staff’s autonomy is especially under pressure (Gerloff and Schneidewind 2006).

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