

Media Capture: Germany

Esra Unutmaz

Institute of European Studies, Marmara University

PCE7005.1: Media Economics and Management

Prof. Dr. Sabahat İmre Ersoy

02.02.2022

Abstract

This paper focuses on the search for the examples and possibilities of media capture in Germany. It aims to understand while learning and expanding on Germany in all its aspects. Germany's media system have the edge over other countries regarding its numerous results in many reports like European University Institute, Transparency International, and Reporters Without Borders since it has a media legislation that protects it from being monopolized or captured. In addition, the only finding of capture is the possible tendencies that can happen in the future. The problem of Germany is its federal system that causes concentration in local ownerships. Despite that, there is no serious media capture in Germany.

Key Words: Germany, Media Capture, Pluralism, Monopoly, Turkey, Concentration

Introduction

Media capture has been and still is a problem that media and consumers face today, so it is crucial to understand its nature and how it functions. The term or its meaning had been around for the longest, but it was given a widely used definition by Alina Mungiu-Pippidi, who is a political scientist. In this paper, the potentiality of captured media in Germany will be examined. The paper will begin with a description of the term media capture and its history comprehensively. Afterward, a broad explanation to Germany will be given. This part will focus on Germany's political system, economy, and media structures. Since the paper is about media capture, the media part will be more detailed than others. This part will be followed by the media capture tendencies that were found in the research. Finally, a comparison between Germany and Turkey will be made in terms of their media capture.

1. Germany

Before going into exploring the possibility of media capture, one should know about the background of the country. This part of the paper will give some information about the economy, political systems, and media systems in Germany.

1.1 Political System of Germany

The Federal Republic of Germany we know today has been persuaded by the political experiences of the past since it has been a long federal tradition. Germany was first united in 1871 in the German Empire as a nation-state, and The Weimar Republic similarly had a federal system, called Reichsrat. But the system was abandoned by the National Socialists Party between 1933-1945 since dictatorship and federalism do not go hand in hand. Just like Western Germany, the Soviet zone also involved some federal elements, and this was changed by the socialist system.

Germany's current political system today is a federal parliamentary system. Only the people from the parliament (Bundestag) can be elected by the people. Even though in many

countries, the most crucial person is the president, in Germany this position belongs to the Chancellor who is the head of the government. The president, on the other hand, has a ceremonial function and is not voted by the public. The German political system contributes to the decentralization of power given that sixteen states (Länder) make up the Republic. But they are represented in the Federal Council (Bundesrat).

In the process of forming a political aim, the German political system is occupied with parties that are mentioned in the German Constitution. The state profile had been run with the coalition of Christian Democratic Union which is CDU and CSU, and Social Democratic Party (SPD). An addition to the party environment was provided with the Free Democrats Party, the Greens, and the Left (Die Linke) and during the 1990's the power of the previous parties and coalition had been reduced. With the following Bundestag elections in 2021, the political environment of Germany now consists of the SPD, the Green Party, and the FPD since they agreed to form a government. 2021 was the year of the “super election” since both states (Saxony-Anhalt, Lower Saxony, Berlin, Rhineland-Palatinate, and Baden-Württemberg) and federal elections concurred. For four years three parties settled to govern together with Olaf Scholz as Chancellor. It can be said that the balance of the government has changed, but this change is not significant in terms of media legislation.

1.2 German Economy

Germany has been using the practice of a social market economy since 1949. This type of economy aims to assure social protection while aiming for the greatest possible wealth. Therefore, the social market economy profits from the favors of the free market while also incorporating a free choice of workplace, pricing freedom, competition, and a wide range of affordable goods as well as preventing damaging things like monopolization. Hence, it is a combination of social justice and economic freedoms. The government controls the market and protects its people by the use of insurance acts with works councils. In the year 1958,

Germany established legislation regarding monopolies, but it was seen as futile and was criticized. For instance, it has proven hard to limit indirect coordination, in which people, banks, and other financial institutions accumulate "diagonal" share ownership linking a variety of ostensibly separate enterprises. Many businesses have undergone some difficulties where government-supported concentration. The appearance of major monopolistic firms was inevitable since economies of scale are enjoyed by large firms only.

Being the country that has the largest economy in Europe, Germany also ranks 4th in the world even though the Covid-19 process brought about a decline closer to 5%. The usage of state aid during the pandemic helped the government fight the economic problems. "For the pandemic year 2020, a decline in turnover of almost 12% is feared." (Holznagel & Kalbhenn, 2021). It has been noticed that the market changed into digital media. This has also resulted from the Covid-19 chapter. The media industry, developed in sectors that were not as demanded as before such as live streaming and VoD, and it grew by 3% with a turnover of €61.7 billion.

2. German Media System

German media during the rule of the Third Reich became an instrument for the Nazis. In the '80s, the media system of West Germany shifted because of the private broadcasting system. This system established in 1984 introduced people to the idea that broadcasting can also be privately owned. Since Germany was divided up until 1990, the pattern of the two different parts of the country reunited with some dissimilarities. The difference between the blocks can be classified as the Western bloc having major media centers and all the newspapers and broadcasting systems on the East side merging into the West (Julia Bösch, 2016).

Currently, Germany has a dual system that consists of both public and private (or commercial) broadcasting. For public broadcasting, the Länder has a major part. As part of its

"cultural sovereignty," the German Federal Constitution states that the Länder of the Federal Republic has sole responsibility for broadcasting. While a simple agreement interprets both broadcasting systems, these organizations are administered under a Broadcasting Council (Julia Bösch, 2016). The only slight difference is, public broadcasting is managed internally, while private media is regulated by state authorities. Currently, there are two national stations, ZDF and ARD, a radio called Deutschlandradio as well as nine local broadcasting corporations (Holznagel & Kalbhenn, 2021).

According to the research done by the PEW Research Center in 2018, it is said that six-in-ten Germans think of the media as important and trustable, and one-in-five trust the news media a lot. The German consumer in this research is divided into populist and non-populist. Furthermore, the people with populist views trust less to the media and think that media is not as important. Non-populist view on the other hand with 75% believe that news media are important, and they trust it. Main sources are shown as ARD, ZDF, and Der Spiegel and both sides (left-right) trust those media sources. The research shows that Germany is an exception because most outlets are placed in the center while in many countries there are differences on the spectrum.

2.1 Print Media

Germany has been and still is the largest in Europe and ranks fifth in the world in terms of its print market. While the amount of print press has been stable, the circulation of newspapers is decreasing (Thomaß & Horz, (n.d.)). One of the major reasons for this decline is the usage of online platforms as the news source, nevertheless, newspapers are still an essential source of information. The print sector currently feeds from the older generation where daily information was received from the newspaper since younger people are leaning towards internet-related sources.

Since Germany has a federal system, the local newspaper use is strong and has many branches. The number of national papers is low, but the usage of these channels is broad. These newspapers are Bild Zeitung, Süddeutsche Zeitung, Frankfurters Allgemeine Zeitung (FAZ for short), Die Welt, Frankfurter Rundschau (FR), and Tageszeitung (Taz). Print press in German media indicates a big degree of concentration since the market is led by few publishers (Julia Bösch, 2016). In 2008 due to the crisis, concentration levels increased and in 2016 five companies reached 42% in concentration. These 5 companies can be listed as Axel Springer SE, Südwestdeutsche Medienholding, Funke Mediengruppe, DuMont Schauberg, and lastly Madsack. Local papers take part in agenda setting even if they do not possess a link with parties (Thomaß & Horz, (n.d.)).

2.2 Radio

Radio is commonly used in Germany, and it is the most important mass media. The framework of commercial radio broadcasting emphasizes the states' sole competence and the disparities in radio regulation. The radio system is adjusted to the federal structure of Germany since the market centers around state-wide stations. "The German radio market is characterized by a plural ownership structure and a large number of local and regional radio stations." (KEK-Online, 2018). The owners consist of newspaper publishers and media groups. Nevertheless, no broadcaster reaches a market dominance relevant to media concentration law on a broad scale. The leading owners of radio stations are RTL Group, which is Bertelsmann, Axel Springer AG who invested in Sat.1 and ProSieben, and lastly Hubert Burda Media. The concentration levels for radio cannot be calculated at the country level since the market is local but on the local scale concentration levels tend to be high.

2.3 Television

Television is the most popular tool for Germany. The history of broadcasting starts with the establishment of ARD, where regional broadcasters gathered under a single roof.

After ARD, in 1961 ZDF, Zweites Deutsches Fernsehen, was created. These two channels together gave many different options regarding unique interests (Thomaß & Horz, (n.d.)). Until the introduction of privatization of the TV, the concentration of the market was quite high. With the joining of channels like RTL and Sat.1 new alternatives seen in the broadcasting domain. [IE1] Even today, groups of these two channels, which are ProSiebenSat.1 Media AG and RTL Group (owned by Bertelsmann), rule the private television market (Julia Bösch, 2016).

Public service media is funded by taxation per household and this system is the most settled system in the world. These funds are shared between the two public channels and Media Authorities. Since there are strict laws on advertising public television, like twenty minutes of advertising daily or advertising being banned on holidays and Sundays, the revenues stayed consistent (Thomaß & Horz, (n.d.)). Looking from a different perspective, during the political election, each party is given a certain amount on ARD and ZDF, on the public channels. CDU and SPU receive eight times since they are major parties and the smaller ones like The Greens, FDP, and Die Linke will be shown four times. On private television, on the other hand, screen-time can be bought through advertisement.

2.4 German Media Regulation

Die Medienanstalten, which is the Media Authorities in English, is the union of 14 authorities in Germany. The main function of the Media Authorities is regulation. The Media Authorities run independently with the relevant legislation and is not incorporated with the government. Regulation as their main focus, the Media Authorities deliver licenses for broadcasting programmes, monitor the accordance of legal apparatuses, oversee platform providers, and lastly assure plurality of ideas while averting predominant influence. The Media Authorities function with the assistance of the Interstate Broadcasting Agreement, and the state media laws. The organization is regulated by the Agreement mentioned in the

previously. The organization is steered with four important committees. These committees are ZAK (Kommission für Zulassung und Aufsicht), KEK (Kommission zur Ermittlung der Konzentration), KJM (Kommission für Jugendmedienschutz), GVK (Gesetzliche Krankenversicherung) and their duties are presented in the Media Authorities. The related ones to this paper are ZAK which is in charge of the national private broadcaster licensing, monitoring, regulating, and developing digital broadcast. The other one, KEK oversees the fulfillment of legislation and ensuring the diversified range of private television across the country. KEK is also associated to the process for licensing the operators allocating third-party slots.

3. Media Capture in Germany

This paper aims to search whether there is a possibility of capture in Germany. To find an answer to this question, an introduction to Germany and to its media system are given first in the previous parts of this paper. In this part, the term media capture will be explained in detail and some topics of media capture tendencies will be questioned.

3.1 Media Capture

The significance of the media in propagating information about politics is a provable fact. The way news is emitted in various outlets affects the public belief among many politicians, legislators, and ultimately most of the representatives. On grounds of this capability that the media has, the tendency to govern and regulate it is common in many states. This chapter of the paper aims to explain the understanding of media capture.

The media's responsibility in publicizing liability, misconduct, and overall role in publishing the truth can only be manifested with freedom and transparency. Nevertheless, governments can claim themselves as a control mechanism via ownership, finances, and regulations. That being the case, the crucial thing is to comprehend the degree of media capture and how it affects media bias. While the word "capture" was coined in the economics

profession, where the regulators become “allied with the entities they are meant to be regulating”, the term itself was adapted to the media context and was used for the first time in 2005. In this context, it meant that the media was reduced to a tool (Dragomir, 2020). “By ‘media capture’ I mean a situation in which the media have not succeeded in becoming autonomous in manifesting a will of their own, nor able to exercise their main function, notably of informing people. Instead, they have persisted in an intermediate state, with vested interests, and not just the government, using them for other purposes” (Mungiu-Pippidi, 2013).

In UNESCO’s work called “Reporting Facts: Free from Fear or Favour” so-called media capture was divided into four main components. These components can be seen as regulatory capture, control of public service media, use of state financing to control media, and ownership takeover (Dragomir, 2020). Only one, or a combination of these four elements can be observed in numerous countries with several differing examples. The capture could be from the private interests or governments, or from the private interests who are sided with the government. Nevertheless, the difference of the institute does not change the nature of the capture, which is to call the tune. Regulatory capture can be called the first step where the government steps in and takes control of the process of regulation in the media. This type of capture can happen by two different authorities, which are broadcast and competition. Another one is called control of public service media and it connotes that the government structures control the companies’ share of public funds and use this to secure their control. The use of state funding to control media is also an easy way since media itself is unprofitable without the presence of funding and advertising. Finally, the last step, ownership control is where media is bought by the state entities, businesses, and oligarch cronies.

3.2 Media Capture in Germany

3.2.1 Concentration Tendencies in Radio Sector

It was mentioned in the Media System part that radio is the most important media among German consumers. As the case may be, the prominence of the radio in German media might lead to becoming a part of the capture. According to the KEK, which is The Commission on Concentration in the Media, this might be the case in the future, hence they mention some of the factors that can initiate concentration. The most pertinent point of possible media capture in the radio context is the cross-media interrelations. Media owners that have multiple outlets at hand, like Axel Springer, also partake in the radio stations with the most audience, meaning that they will reach every Länder. Along with the big names, local publishers also participate in this takeover.

Another interesting point to consider in the radio sector is its high concentration in the marketing market. Two companies named RMS and AS&S cause a duopoly in Germany. RMS, the abbreviation of Radio Marketing Service, functions as an audio marketer and oversees the marketing of advertising and 173 private radio stations (Radio Marketing Service Page, 2021). Just like RMS, AS&S is for radio advertising and is a subsidiary of ARD. This duopoly situation can cause favoritism to some broadcasters and exclusion in others. Overall, this concentration could cause homogenization and could affect the independence of the broadcaster.

3.2.2 Cartelization Tendencies

According to KEK again, the four groups of publishing which are Axel Springer, Funke Mediengruppe, RTL Group, and Gruner+Jahr, are operating in the TV magazine market. Be that as it may, the Bundeskartellamt, which is The German Federal Cartel Office, contemplate this as an oligopoly. Nevertheless, there is no utilizing the alternative where they manipulate the consumer's choice. The next problem is related to the television advertising market where there is concentration on both sides. Groups like ProSiebenSat.1 Media SE and

RTL Deutschland built a duopoly, according to The Federal Cartel Office. KEK reports suggest that the percentage of the revenues of these two groups is 83%.

3.2.3 Lobbying Connections

Uwe Krüger is a journalist who studies media independence. In his book “Meinungsmacht. Der Einfluss von Eliten auf Leitmedien und Alpha-Journalisten” he established a model that shows media behavior through pressure groups and networks. Krüger emphasizes that the views shown on the platforms are reflecting the elite discourse. He analyzed a total number of 219 editors and found out that one in three kept contacts with the elites. Krüger also said that people from FAZ, SZ, Die Welt, Die Zeit have relations with the US and NATO. After this book, a television show on ZRD called “Die Anstalt” addressed these connections. In the show, they mentioned organizations like the Munich Security Commission, The German Marshall Fund of the United States, The Atlantic Initiative, the Federal Academy for Security Policy, and the Aspen Institute. According to the hosts of the show, these organizations are asserting their solutions to the security problems with armament and these groups include people from journalism circles. In it, people like Stefan Kornelius from Süddeutsche, the editor of Die Zeit Josef Joffe, Günther Nonnenmacher and Klaus-Dieter Frankenberger from the FAZ were shown to have multiple connections with multiple organizations. The host satirically called them “independent spirits”, and “local editions of the NATO press office”. After this certain episode aired on ZRD, “Die Anstalt” was temporarily canceled by the Hamburg Regional Court. The people mentioned in the program like Joffe, and Bittner reported the show to the district court and declared the falsehood of the connections. In the end, the Bundesgerichtshof, which is the Supreme Court of Justice, made a decision that the broadcast only contains statements of connections, and that information is correct (“Zeit“-Journalisten scheitern mit Klage gegen ZDF-Satire, 2017).

The given example tends to be seen as a breach of independence since the statements are correct, but still the show had been canceled. This could lead to the hindering of the right information for the sake of some people from the elites of the media, or some organizations. [IE2] Economic or cultural influences may go against the policies or the media's legislation. Some significant considerations deserve special attention because they may have an impact on the information offered by the media, or they can cause radical changes that can be damaging to the media's role as the fourth pillar. With the European Union Law that influences media legislation and Germany's multi-level system, the regulation is produced by state, national, supranational actors. This can also lead to the influence of some lobbyists, and private interests the same way as our example.

4. Comparison Between Turkey and Germany

On grounds of the sufficient amount of information stated in previous parts, a comparison between Germany and Turkey can be made. Additionally, to further it, some country reports from respected institutions, such as European University Institute, Transparency International, and Reporters Without Borders will be included when Turkey and Germany are compared.

European University Institute's Media Pluralism Reports strive to discover the risks for media pluralism in several countries. Their inferences are gathered through four types of categories which are fundamental protection, social inclusiveness, market plurality, and political independence. All these categories have their subgroups to reach a better understanding and a consistent result. Looking at the results, it is easily observable that the two countries are disparate. Turkey scored high risk in all four of the categories which are close to 90 percent (İnceoğlu, Sözeri, & Erbayal Filibeli, 2021). Germany, on the other hand, had results that stayed at low risk. The problem only arrived on the subject of market plurality in Germany which gave an average of 37% but going into detail, news media

concentration, online competition, and concentration, and lastly, media viability shows a range between 47 and 63% risk, which is pretty high for a country that has rather a low risk (Holznagel & Kalbhenn, 2021).

Every year RSF, which is Reporters Without Borders, publishes a report called World Press Freedom Index since 2002. With the participation of 180 countries, media freedom is evaluated through “pluralism, independence of the media, quality of legislative framework and safety of journalists.” (The World Press Freedom Index, 2021). Based on this index Germany ranks 13th. As it is one rank lower than 2020, Germany made some progress in defense of media freedom though it is not on a par with international criteria. In 2021, journalists are sometimes threatened by right-wing extremists, especially in the Covid-19 period. Turkey, however, ranked 153rd in 180. The rank was given due to Turkey’s media being 90% controlled by the government and digital media censorship getting to extraordinary levels.

Transparency International is a movement that strives to fight the unjust corruption in 180 countries while advocating transparency in all aspects of society. By exposing the institutions and linkages that facilitate corruption, Transparency International holds the powerful and corrupt accountable. To transform the current situation, TI advocates for policies. Their scoring system ranks from 0 to 100, 0 being corrupted and 100 points very clean and transparent. In their Corruption Perceptions Index (CPI) from 2021, Germany was ranked in 10th place with a score of 80. Not only being in the top 10, the country also kept its status quo from the previous years. Turkey, on the other hand ranked 96th out of 180 countries and scored 38 points on the scale of 100. Turkey’s score seems to be gradually decreasing over the years.

If the countries are compared beyond the first two points, the levels of media capture in Germany and Turkey are unmatched. Germany’s concentration can be explained due to its

federal system and local publishing/broadcasting while Turkey's concentration is close to 90% with its political purposes. Throughout history, Germany went through state capture in its Weimar Republic Period, but this changed with the change of government. Turkey, on the other hand, was swarmed with opportunist conglomerates or government people throughout history. Finally, it can be said that these two countries are different in their nature and Germany has a better place than Turkey and more improved.

Conclusion

Most of the academic literature or reports from research-based organizations have focused on the search that looks for proof of media capture in Germany and Turkey. Furthermore, the research and reports show that there is no concrete proof of media capture in Germany but tendencies of it. On account of the radio being the most used media outlet, its disposition to monopolization or capture is higher, though there has not been a breach of independence. Another tendency can be the cartelization which is again related to the two "Senderfamilien", and lastly exposed lobbying connections evoking an alert on media people, and actions taken for the show can arouse a feeling of media capture taking place. Lastly, compared to Turkey, Germany's position is in a better place.

References

- "Zeit"-Journalisten scheitern mit Klage gegen ZDF-Satire. (2017, January 10). Spiegel:
Retrieved from <https://www.spiegel.de/kultur/gesellschaft/die-anstalt-klage-zeit-journalisten-scheitern-vor-dem-bgh-a-1129417.html>
- Dragomir, M. e. (2020). M. e. Dragomir, *Reporting Facts: Free From Fear of Favour* (s. 12). UNESCO. January 2022 Retrieved from
<https://unesdoc.unesco.org/ark:/48223/pf0000375061?1=null&queryId=N-EXPLORE-a4c305f5-f444-4c7c-907c-222d788d332b>
- Güneysu, S. (2019, March 30). *RTÜK Sansürünün 8 Yıllık Bilançosu*. Cumhuriyet: Retrieved from <https://www.cumhuriyet.com.tr/haber/rtuk-sansurunun-8-yillik-bilancosu-1321372>
- Gürsel, S. (1995). Dış Borçlar. *Cumhuriyet Dönemi Türk Ansiklopedisi* (s. 473-477). içinde İstanbul: İletişim Yayınları.
- Holznagel, B., & Kalbhenn, J. C. (2021). *MPM2021*. EUI Centre For Media Pluralism and Media Freedom: Retrieved from
https://cadmus.eui.eu/bitstream/handle/1814/71947/germany_results_mpm_2021_cmpf.pdf?sequence=1&isAllowed=y
- İnceoğlu, Y., Sözeri, C., & Erbaysal Filibeli, T. (2021). *MPM2021 Results Turkey*. EUI Centre For Media Pluralism and Media Freedom: Retrieved from
https://cadmus.eui.eu/bitstream/handle/1814/71965/turkey_results_mpm_2021_cmpf.pdf?sequence=3

Julia Bösch, M.-J. M.-S. (2016). Media Ownership and Concentration in Germany. E. M.

Collaboration, *Who Owns the World's Media?: Media Concentration and Ownership Around the World* (s. 107-120).

KEK-Online. (2018). KEK: Retrived from <https://www.kek->

[online.de/fileadmin/user_upload/KEK/Publikationen/Medienkonzentrationsberichte/Schster_Konzentrationsbericht_2018/KEK_KB_2018_The_Results_at_a_Glance.pdf](https://www.kek-online.de/fileadmin/user_upload/KEK/Publikationen/Medienkonzentrationsberichte/Schster_Konzentrationsbericht_2018/KEK_KB_2018_The_Results_at_a_Glance.pdf)

Mungiu-Pippidi, A. (2013). Freedom Without Impartiality. The Vicious Circle of Media

Capture. P. G. Jakubowicz, *Media Transformations in the Post-Communist World* (s. 33-47). Lanham: Lexington Books.

Radio Marketing Service Page. (2021, December 28). Wikipedia: Retrived from

https://de.wikipedia.org/w/index.php?title=Radio_Marketing_Service&oldid=218556735

The World Press Freedom Index. (2021). RSF Reporters Without Borders: Retrived from

<https://rsf.org/en/world-press-freedom-index>

Thomaß, B., & Horz, C. (No Date). *Germany*. Media Landscapes : Retrived from

<https://medialandscapes.org/country/germany/media/print>

Yanatma, S. (2021). Advertising and Media Capture in Turkey: How Does the State Emerge

as the Largest Advertiser with the Rise of Competitive Authoritarianism? *The International Journal of Press/Politics*.