CS2. Country case studies on critical junctures in the media transformation process in Four Domains of Potential ROs (2000—2020)

The aim of the second case study is to provide analysis of risks and opportunities concerning the diachronic changes in four domains defined by the project in the 21st century.

Excerpt:

GERMANY

Critical Junctures in the media transformation process

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Executive Summary

Case Study 2 combines an analysis of key political and social changes with an overview of evolutions and possible junctures connected to risks and opportunities in the four domains of interest to the MEDIAdelcom project: Legal and ethical regulation, journalism, media usage and media-related competencies. Overarching trends in the German case include various long-lasting effects of the historical juncture of German reunification as well as internationally widespread issues associated to digitalization, changing patterns of media usage, challenging market conditions particularly for print publishers and decreasing trust in the media. While many of these changes can be interpreted as threats to a relatively well-established and balanced media system, there are also hints of opportunities to be seen. Towards the end of the 20-year time frame, the Covid pandemic and its effects leave a number of open questions, as it is still too early to evaluate the longevity of the risks imposed by the economic and social effects of the disease.

1. Introduction

The Federal Republic of Germany is the European Union's largest member state with just above 83 million inhabitants. While some minority languages such as Danish in the very North or Sorbian in some areas of Eastern Germany have official status, German is the only official language in most of the territory. According to census data, other languages than German are predominantly used in 3.9 million of Germany's 40.5 million households, mostly Turkish, Russian, Arabic, and English (Statistisches Bundesamt, 2021). At 3.3 billion Euros in 2020, Germany has the largest GDP in the EU, although per capita GDP is higher in a number of member states such as Ireland, the Nordic countries, and neighboring Luxembourg, the Netherlands, Belgium, and Austria. The media system, discussed in more detail in the following chapters, can be characterized by a strong position of the public broadcasters with about equal shares of public and private broadcasters in the tv user market, and by a traditionally very relevant regional press. The shift towards online media has confronted private publishers with steep declines in revenues and the complicated task to monetarize online activities, although there are signals that online revenues are increasingly able to replace the losses in the print market. The country has constantly been ranked among the top 25 and mostly the top 20 of the World Press Freedom Index of Reporters without Borders, but while it retained rank 13 in the 2021 edition, it was downgraded from a "good" to just "satisfactory" situation due to increasing violence against journalists – particularly in the context of demonstrations, mostly against Covid-related measures. In terms of pluralism, Germany is in an overall favorable position, at least compared to other European countries: In the general ranking of the Media Pluralism Report, newly introduced in the 2022 edition, Germany ranks first overall with a total risk rating of 20 per cent, and is the only country associated with a very low risk for media pluralism, with the same rating for each

of the four areas of that analysis: Fundamental protection, market plurality, political independence, and social inclusiveness (CMPF, 2022).

Relevant change in German society in the time frame 2000 through 2020 will be divided into six subcategories for the purpose if this overview: Structural, strategic/diplomatic, political, social, economic and technological.

The main critical juncture relevant to most of these fields and in particular **social and political structures** is still German reunification. Albeit formal reunification – legally correct the accession of Eastern German federal states (*Länder*) to the Federal Republic of Germany – dates back to 1990, ongoing processes of restructuring and adaption have shaped the early 2000s and are still socially and politically relevant today. A key change to the political system of the Federal Republic resulting from reunification only occurred in 1999, when most federal political institutions including parliament, chancellor and most ministries moved from Bonn to Berlin. This change has been widely perceived as more than a physical change of the seat of governmental institutions, but rather a change in political culture: The move from the small, almost provincial city of Bonn to Germany's largest city has introduced a faster pace into the political system and also into political media coverage, but is also often associated with a problematic proximity of political and journalistic elites (Hachmeister, 2007; Kramp & Weichert, 2010). To take the media situation as an example, only one regional newspaper had its main office in Bonn, while Berlin hosts a multitude of media companies, including the headquarters of the Springer publishing house and the central editorial offices of its titles *Bild* and *Welt*. The latter were actively moved to Berlin after reunification, as was the central office of the German Press Agency *dpa*.

Despite this new interest in the re-united capital of the re-united republic, Germany's administration is still much less centralized than that of other European countries: Key top-level institutions have always been spread throughout the Federal Republic, such as the constitutional court and the federal court of justice in Karlsruhe, the central bank in Frankfurt/Main and a number of institutions including the federal audit authority still situated in Bonn. Several federal institutions have been newly founded in or relocated to the "new" German *Länder* in the East, but there is still a misrepresentation of Eastern Germans in top-level positions in these institutions (Bluhm & Jacobs, 2016; Lengfeld, 2019) – a deficit that may receive even more interest after Eastern-born Angela Merkel's chancellorship came to an end in 2021. Economically and financially, much of Eastern Germany has still not achieved Helmut Kohl's promising vision of creating "landscapes in bloom": Collective wage agreements as well as pensions still officially differentiate a higher Western from a lower Eastern level; cost of life is also still lower, a consequence at least partly from the exodus of (mainly young and skilled) citizens from East to West. A specific financial aid program for the Eastern *Länder* expired in 2019. Finally, election results differ considerably between citizens in old and new federal states: While more Eastern Germans abstain from general elections, those who do vote have increasingly moved from the conservative and social-democrat parties to left- and, more recently, right-wing options (Völkl, 2020).

Only fully sovereign in international matters after the Two Plus Four Agreement of 1990, the time after reunification has also brought a reconfiguration of the German **role in international politics**. When the social democratic government of Gerhard Schröder with his Green party foreign minister Joschka Fischer agreed to a German military participation in the NATO-led intervention in the Kosovo war, it sent German soldiers into combat missions for the first time since World War II. The German military was restructured in order to be able to participate in international missions far outside German or NATO territory, and the large-scale participation in the international presence in Afghanistan with a number of casualties led to intensive debates about the international role of Germany in the 21st century, as well as the role of the German military – conscription was suspended in 2011 – within German society. In 2004, reflecting the

country's growing influence in international diplomacy, Germany declared its goal to receive a permanent seat in the UN Security Council.

Politically, the past 20 years have brought about a lot more change than Angela Merkel's 16 years as head of government might suggest to a casual observer. The "Bonn republic" had been characterised by two major parties (one conservative and one social democratic) and one (the liberal party) or two (the Green party entered parliament in the 1980s) small parties that were sometimes struggling to reach the five per cent electoral threshold. Consequently, the "old" Federal Republic had been governed by two-party coalitions through most of its history, most frequently either conservative-liberal or social democratic-liberal. Reunification brought about a party to the left of the social democrats, first as a successor to the socialist party of the German Democratic Republic with a strong focus in the East. The first governing coalition including the Green party in 1998 under Gerhard Schröder's social democrats further marked the end of the old party system. More recently, the right-wing AfD has secured significant votership and presence in both the federal and many *Länder* parliaments. So far, it was unable to transfer this to a participation in any of the governments, because none of the other parliamentary parties accept cooperation.[56]

These trends in the party system also brought about the end of the traditional division between major and minor parties: The "grand coalition" of conservatives and social democrats backing Angela Merkel's last government after the elections of 2017 only combined 53.4 per cent of votes. Olaf Scholz's new federal government is the first based on a three-party parliamentary majority in more than 60 years, and his Green and liberal partners together have more seats in parliament than Scholz's SPD. Polls during part of the electoral campaign even suggested a realistic chance for the Green party of naming the new chancellor, clearly marking the end of the two-party dominance of social democrats and conservatives in federal politics. These changes are even more visible – and often interpreted as precents for the federal level – in *Länder* parliaments, where the left party has been part of various governments in the Eastern German *Länder* as well as in Bremen, and even leads the government of Thuringia since 2014. South-Western Baden-Württemberg is the first to have a prime minister belonging to the Green party, governing since 2011 and re-elected in 2016 and 2021.

Socially, reforms to the social security system introduced by the Schröder government may have helped German economic competitiveness on a global market, but at the cost of growing polarization through cuts to unemployment benefits and pensions – especially for the younger generations. When the hosting of the football world cup in 2006 inspired short-lived hopes for an informed and inclusive "new patriotism", questions of identity, belonging, and acceptance of different social, religious, and ethnic groups have been discussed more aggressively in later years (Bala, 2021). At the same time and throughout different social groups, trust in political and social institutions and agreements – sometimes scientific reasoning and facts themselves – has vanished in different, sometimes numerically significant groups of the population. The word "Wutbürger" (literally: citizen of anger) was coined in 2010, describing an older, established citizen who lost trust in political decision-making and resorted to loud protest (Rucht, 2021). Since then, radical groups and citizens who identify themselves as members of the "middle of society" have made contact in different protest movements and are sometimes difficult to differentiate. Examples are the xenophobic Pegida protests beginning in 2014 or the more recent "Querdenker" movement that combines protest against Covid measures (or even accepting the

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[56] The only short-lived exception was the election of liberal-party politician Thomas Kemmerich as prime minister of the state of Thuringia based on conservative, liberal and AfD votes in 2020, partly as a result of AfD parliamentarians' strategic voting in the secret ballot. However, his acceptance of the result was perceived as a major scandal even in Kemmerich's own party, leading to his resignation two days after his election. In any case, the election was not based on a formal coalition with the AfD and would not have brought AfD politicians into government. Finally, government was formed under left party politician Bodo Ramelow.

existence of the virus) with a general distrust in institutions, elites, and sometimes democracy itself (Koos, 2021).

Germany was also haunted by new terrorist threats and attacks such as the series of xenophobic murders conducted by the so-called NSU after 2000, a group that murdered nine migrants and a police officer and committed many more assaults. The series of attacks could only be explained after two of the main terrorists had committed suicide; the xenophobic motivation came as a shock to German society since the attacks and murders had been interpreted as violent conflict within migrant communities and presented as such by most media. Other deadly terrorist attacks with a xenophobic, antisemitic or racist motivation occurred in Munich in 2016, Halle (Saale) in 2019 and Hanau in 2020. Furthermore, conservative politician and district president Walter Lübcke was murdered by a far-right extremist in 2019, a political murder motivated by Lübcke's defense of German migration policy in 2015; the attack was interpreted as a result of an increasingly violent rhetoric in right-wing, xenophobic and anti-migration networks. Terrorist attacks with an Islamist background have also occurred, the most serious one being the attack on a Christmas market in Berlin in 2016, when an attacker used a stolen truck to run into visitors.

Economically, and beyond the already mentioned social security reforms of the early 2000s, Germany has profited from the economic upturn before the Covid-19 pandemic more clearly than many of its neighbors, resulting in growing tax income. A political preference for austerity has resulted in the addition of a "debt brake" to the constitution that further limits governmental competencies to take out loans, both on the federal and lower administrative levels. At the same time, aging infrastructure and needs for ecological restructuring in areas such as energy production, industry or traffic require huge investments. Hard coal mining, together with steel production a cornerstone of German industry for more than a century and particularly important in the Ruhr and Saar areas in Western Germany, has terminated with the last mine being closed in 2018; brown coal with huge open-cast mines in the Rhineland and Eastern German Lausitz is scheduled to be phased out until 2038; both dates mark a critical juncture for affected regions, with huge needs of economic, social, and even cultural restructuring. Particularly brown coal production has also seen huge protests against both the continued use of that resource and ongoing destruction of nature and villages in the process of enlarging open-cast mines. Nuclear energy use is being phased out after decades of fierce political conflict about risks of the technology and options for permanent disposal of nuclear waste; originally a left-wing and particularly Green demand, the end of nuclear power had been agreed upon under the social democrat and green government of Gerhard Schröder, partially overruled by Angela Merkel's second conservative-liberal government in 2010 and renegotiated by the same government after the nuclear disaster in Fukushima in 2011. The last German nuclear power plants were scheduled to seize production in 2022, but after prolonged discussion on energy security after Russia's invasion of Ukraine and shortened supplies of energy sources, this date was postponed by several months. Following a decision by chancellor Olaf Scholz, the three remaining reactors are now scheduled to function until mid-April 2023. Beyond energy production, broadband internet is another huge infrastructure-related debate with a clear impact on distribution of information and chances for a digital economy. With its past preference for the use of existing copper cables into homes, with optical fiber only being used to link distribution stations (fiber to the curb/FTTC), formerly state-owned German Telecom has allegedly slowed the proliferation of fast connections in an attempt to secure its market against new competitors, especially in rural areas. Also, mobile networks have been criticized for being fragmentary and slow in many areas outside the larger cities, again hindering the development of online services and platforms.

In terms of sources and data, the first German case study has shown a relatively favorable situation, with some limitations mostly with regards not to the four domains of interest, but rather

the mapping of the academic field and its financial situation. Also, there are risks concerning the future continuity particularly of print concentration monitoring that may or may not realize. Nevertheless, the case study has also shown the complexity added by the size of the market and especially the federal and decentralized system. The dilemma to be solved in this case study is between covering all major changes and critical junctures on the one hand and the desirable depth of information in all four domains on the other hand: Much more could often be said about the different aspects of the domains, but at the expense of a good overview of the situation. The focus on "what's new" also explains a certain difference between the regulation and journalism domain on the one hand and the competencies and media usage domain on the other hand. While the first two are marked by sometimes very visible junctures (e.g., new laws, groundbreaking court rulings, changes in major media outlets, or trends in journalism), the latter are, at least in the German case, more prone to long-term developments less marked by identifiable junctures and sometimes developing over even more than the 20 years this study is focused on. To both validate the selections and evaluations made and add specialists' insights into certain fields, three expert interviews were conducted: With Klaus Meier, professor of journalism at KU Eichstätt-Ingolstadt and chair of the German Communication Association DGPuK; Tobias Gostomzyk, professor of media law at TU Dortmund University; and Thomas Rathgeb, head of Baden-Württemberg's media authority's section of media competency, youth protection and research, who is also one of the two directors of the mpfs (media-pedagogical research network of South-Western Germany, www.mpfs.de). Looking at change in the media system from these specialist perspectives, all three experts identified digitalization not only as a general trend affecting the media, but also as a driving force for very specific risks and opportunities in legal regulation, the media market and journalists' work reality, and media usage and competencies. Details can be found in the respective sub-chapters of this study.

As could be expected for a federal state that is also closely associated to the democratic-corporatist model, a common theme of the following chapters is the strong influence of a large number of political, but also corporate and social agents. There is a complex system of interests and interest groups shaping today's media system, consisting of different political, economic, institutional and societal agents, often cross-related and also influenced by each other (Jarren & Donges, 2004; Kamps, 2016). For example, the protestant and catholic churches are represented in public broadcasters' control bodies, but also run their own media activities with news agencies or journalism training offers; the Social Democrat Party is not only an important actor in media politics and, again, broadcasters' control bodies, but it also owns a media holding that mostly holds minority shares in regional newspaper publishers (Reffken, 2007). Private publishers and their associations try to influence political decision-making on market and advertisement regulation and have repeatedly tried to limit public broadcasters' online activities through both political and legal action. Nevertheless, organized interest-groups not only exert influence in their particular interest, but also through institutional and topical alliances. For example, the Press Council is not only a cooperation of journalists' and publishers' associations – obvious opponents in wage and salary negotiations –, it is also looking back at a number of political alliances with other media organizations to influence political decision-making, particularly with regards to surveillance regulation affecting media and journalists (Deutscher Presserat, 2021a).

2. Risks and opportunities of legal and ethical regulation

2.1. Development and agency of change

The legal situation with regards to the media has still to be seen in light of the negative experience during the Nazi regime and shortcomings in previous German states, although guarantees for fundamental rights and principles such as limited direct state influence while upholding market concentration regulations had to be developed and in fact fought for during the early years of the Federal Republic. In post-war Western Germany, the allies exerted considerable influence on the formation of the legal framework for the media, effectively exporting regulation principles from established democracies: While allied press regulation differed in the American, French and British zones (Pürer, 2015, pp. 50-53), the British model of public service broadcasting was adopted, though in a variant based on several regional broadcasters (Pürer, 2015, pp. 109-113). In contrast to the Western Allies' push for autonomous media and limited state influence, the media in Eastern Germany were restructured under Soviet influence, mainly aimed at defending socialism under strict political and party control (Beck, 2018, pp. 381-383; Holzweißig, 1997), leading to a period of dramatic change in Eastern German journalism after reunification (Haller & Mükke, 2010; Machill et al., 2010b).

In retrospective, the Constitutional Court of the Federal Republic of Germany had a key role not only in safeguarding fundamental rights, but also in protecting and guaranteeing the development of the public broadcasters and the modern system of public and private broadcasting. Since the public broadcasters are organized as independent bodies, yet controlled and influenced by interest groups often oriented to political parties or representatives of parties themselves, this area has seen numerous attempts of political stakeholders to either exert influence on content or shape the legal framework and particularly the financing mechanisms according to political interests, leading to a number of relevant rulings by the constitutional courts. Apart from attempts of political influence, a key legal conflict of the past decades can be identified between public broadcasting and private publishers – interestingly print and online publishers more notably than private broadcasting companies –, over the scope of the publicly funded offer of journalistic, cultural and entertainment products. The broadcasting fee, a monthly amount of more than 17 Euros per household since a 2013 reform that abolished the previous per-device system, is controversial with parts of the population, several political stakeholders and some private media companies alike. Nevertheless, it has been confirmed as legal both by the Constitutional Court and – with regards to EU competition legislation – by the European Court of Justice.

Overall, Germany is widely perceived as an example of functioning rule of law: In the World Justice Project's 2021 rule of law index, the country ranks 5th globally and in the global top ten in seven of the eight factors analyzed (WPJ, 2021).

2.2. Freedom of expression

Freedom of expression is guaranteed to anyone in article 5 of the *Grundgesetz* (Basic Law for the Federal Republic of Germany, the German constitution), which also explicitly rules out state measures of censorship, and calls for guaranteeing media freedom. The article states that these guarantees can be restricted by general laws, provisions for protecting the young and protecting personal honor, and the aforementioned laws do exist and function to limit freedom of expression. Nevertheless, the constitutional court has developed a strong position for freedom of expression already early in its existence: It has established that freedom of expression was not only relevant as an individual freedom, but "plainly constitutive" for a democratic society – a ruling from 1958 (the "Lüth"-case) has since been the foundation of this perspective; any legal limitation has to abide to the idea behind the fundamental right, and the provision is not only

valid in relations between citizen and state, but even in private law (Stamm, 2001) – the Lüth case was about a call to boycott a film by a director who had produced antisemitic material during the Nazi rule; his company's civil case against this call to boycott voiced by Erich Lüth was first accepted by courts, but finally dismissed by the constitutional court on the grounds of Lüth's freedom of expression. While the guarantee to freedom of expression affects all thematic areas, it has received special appreciation when politically or socially relevant topics are concerned: It will more regularly be regarded higher than other legal objectives when questions of public interest are discussed (Hong, 2020). While limitations to freedom of expression need to be non-discriminatory towards specific opinions, the constitutional court did accept one exception to be made: In the so-called *Wunsiedel*-decision of 2009, a legal provision against incitement of hatred based on "approval or glamorizing" of national socialist rule was accepted as a legitimate exception in the light of German history and the genesis of the *Grundgesetz* (Hong, 2010). A major case involving the ECtHR was its ruling in 2004 on the publication of photos of Caroline of Monaco/Hannover in her private life, overthrowing longstanding jurisdiction of the German constitutional court that had allowed greater freedom of (photo) coverage even of private situations when personalities of contemporary history were involved. This ruling had a huge impact especially on tabloid journalism (Gersdorf, 2005; Stürner, 2005).

Guaranteed under the same article as freedom of expression, the constitutional protection of freedom of the press and broadcasting serves society's need for information and debate, and the constitutional court has defined safeguards for both areas with varying degrees of detail. The court has described the role and importance of an independent and pluralistic press already in the so-called *Spiegel* case of 1966, which also led to legal safeguards against concentration in press ownership. In broadcasting, the court sees a stronger state responsibility to provide the public with a functioning and pluralistic offering, reflected in a series of court rulings ("Rundfunk-Entscheidungen", literally "broadcast rulings") on competencies, provisions and developments in the broadcasting sector. Some of these rulings have become cornerstones of the German broadcasting system, including a "guarantee for development" for public broadcasters that allows them to extend their activities beyond traditional broadcasting technologies (Beck, 2018, pp. 233-289). While online media have not explicitly been mentioned here, journalistic online services are often included in a more general "media freedom" even in court rulings, resulting in the same level of protection at least for online mass media (Fechner, 2021, pp. 48-49). The legal framework on broadcasting has to be agreed on by the *Länder* in an agreement labeled "Rundfunkstaatsvertrag" (interstate agreement on broadcasting) that was updated several times and officially included "telemedia" after 2007. In 2020, it was replaced by a new "Medienstaatsvertrag" (interstate agreement on media) to reflect changes in media technology and to include regulations for "media intermediaries" like news aggregators, online networks or search providers (Liesem, 2020).

Regarding the discussion on strategic lawsuits against public participation (SLAPPs), in an interview for this project, Tobias Gostomzyk pointed out that a clear definition of what needs to be considered a SLAPP versus legitimately defending one's legal interests is missing, but that settling disbalances between the two parties involved has to be seen as a more promising strategy compared to relying only on specific procedural rules. Analyzing media lawyer's and publisher's strategies based on interviews with both sides, Gostomzyk and Moßbrucker (2019) also describe a relevant phenomenon besides the question of SLAPPs: They see a widespread use of communicative strategies by lawyers to pre-emptively influence future media coverage, without resorting to actual lawsuits. At the same time, the authors identify a tendency of most publishers to avoid lawsuits and the associated risks where possible, a trend that may impede further evolution of press legislation through cases decided by high courts. Among 53 rulings of the Federal Court of Justice relevant for press freedom (excluding those regarding questions of media market concentration) between 2008 and 2018, 31 were taken with the involvement –

and often based on appeals by – only three large publishers (Gostomzyk, 2018). While these three (Springer, Burda, and Spiegel) are associated with the relatively "risky" areas of tabloid and investigative journalism, they also have the financial means for prolonged lawsuits. For most other publishers, the financial risks seem to often outweigh a small legal clarification regarding a past publication. This reluctance of appealing to higher courts is seen as a risk for the further development of relevant case law since suing lawyers can often chose lower courts with a history of strict rulings against the media, a situation not fundamentally changed by a reform taking effect in 2021 (Jürgens, 2020). When publishers do not appeal to the Court of Justice or the Constitutional Court – even when these have a more "media-friendly" history – such strict rulings of lower courts can have lasting effects for the whole industry (Gostomzyk & Moßbrucker, 2019, pp. 13-15).

Defamation is punishable as a criminal offence under a set of legal regulations in the criminal code (§§185 et seqq., also §90 and until recently §103, see below) and penalties include impris-onment of up to two years.[57] While the scale of punishable acts and statements is comparably broad, its practical importance is limited as it is only prosecuted upon complaint and even then consideration in light of constitutional rights rarely leads to sentences; especially opinions are protected extensively. In addition to these general remarks, shorter limitation periods apply in cases where the expression was published in the press (Gaede, 2020; Tellenbach, 2010).

While **disinformation** as such is not generally punishable, regulations on incitement of hatred or against propaganda for anti-constitutional organizations could be applied in these specific cases; denial of the holocaust can also be punished. A critical juncture of the legal framework in reaction to new media structures was the introduction of a law regulating punishable content in online networks, including hate speech and – in some cases – disinformation. The Network Enforcement Act or NetzDG, first introduced in 2017 and changed in 2021 imposes new duties on social networks aimed at reporting and deleting such punishable content. The law was criti-cized for setting incentives to overblocking of content and thus implementing a private infra-structure to censor content, while the debate also acknowledged the need for transparent regu-latory mechanisms against hate-speech (Eifert, 2018). Evaluations of practical implications point to an increase of content deletions by online platforms based on their own "community standards" as a means to avoid proceedings under the NetzDG, leading to a situation were con-tent not targeted by the law is frequently blocked; in addition, compatibility of this legal frame-work with planned EU regulation is questionable (Liesching et al., 2021), so the law may turn out as a comparably short episode of national legislation.

Protection of personal data now follows the framework of the EU General Data Protection Regulation. The exceptions for journalistic media of article 85 GDPR have been implemented, but are harder to track in comparison to the previous situation: Formerly integrated in a single federal law on data protection, a previous change of competencies between federal level and *Länder* now required legislative action by the *Länder* on different levels, leading to a situation where the exceptions for the media can be found in joint broadcasting regulation as well as the 16 press laws, with certain differences for the different media types (stricter rules in broadcast-ing) as well as between press laws (Cornils, 2018). Although motivation for discussions among legal and data protection experts, the relatively wide and effective privilege for journalism has

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[57] §90 StGB (systematically not in the section on defamation, but subversion) describes a special norm for public slander of the president of the federal republic with a maximum penalty of five years. It is only prosecut-ed upon approval of the president and is of minor practical importance so far, but still a risk that makes prose-cution dependent from the president's personality (Tellenbach, 2010). §103 StGB included similar special provisions in protection of foreign heads of state and other dignitaries; it was repealed in 2018 after Recep Tayyip Erdogan had demanded prosecution of satirist Jan Böhmermann under this law, incidentally for a poem designed to showcase the limits of freedom of speech.

been mostly preserved, to the effect that the legal changes of 2018 have, from the point of view of journalistic practice, not changed much (DJV, 2018).

Copyright law *(Urheberrechtsgesetz, UrHG)* includes a number of exceptions, some of which explicitly in view of journalistic coverage. Some official publications are exempt from copyright (§5 UrHG), and specific regulations allow using copyrighted material for topical journalistic coverage (§50 UrHG, also §48 for use of public speeches), also newspaper and broadcasted articles and comments can be used in other journalistic media, either completely with liability to pay costs, or in smaller parts free of charge in order to produce press reviews (§49 UrHG). Copyright cannot impede a publication if the copyrighted work only represents a small detail (§57 UrHG) in the total coverage or when a work of art is permanently in a public space (e.g., buildings and sculptures in public streets, §59 UrHG). A relevant debate concerning copyright law and media freedom evolved around the so-called "Afghanistan papers": A newspaper had published classified documents about the military situation in Afghanistan (originally meant for parliamentarians), and the ministry of defense tried to prohibit this publication based on copyright laws concerning these reports; after involving the European Court of Justice, the Federal Court of Justice denied such a claim (Hauck, 2020).

2.3. Freedom of information

Freedom of information is also guaranteed in article 5 of the *Grundgesetz*: Everybody has the right to receive publicly available information, an explicit provision in reaction to the situation before 1945, when listening to foreign radio was massively persecuted (Fechner, 2021, p. 42). But freedom of information as such does not imply a right to information that is not publicly available, such as information held by the government or authorities. While representatives of the media have a privileged right to information from state authorities codified in each of the press laws of the *Länder* (Fricke, 2017b), a newer development is the implementation of freedom of information acts in recent years, granting access to public authorities' documents (Fricke, 2017a). The applicable law for federal institutions has been introduced in 2005, allowing citizens – representatives of the media included – access to information in public institutions. For journalists, this right was a welcome addition to their existing information privilege, because it allows for access to actual documents, not just oral or written answers to their questions. Brandenburg and Berlin were the first *Länder* to introduce similar laws applicable to their public bodies already in 1998 and 1999, followed by most other *Länder* during the 2000s and 2010s; as of 2021, Bavaria, Lower Saxony und Saxony still lacked such laws (Netzwerk Recherche, 2021), resulting in a more limited set of research tools for journalists.[58] But even where freedom of information acts are in place, particularly with regard to the federal version of the law, practitioners criticize an administrative culture of slowing and complicating requests or outright denial of information based on – real or alleged – necessities of state, security, copyright and data protection; at the same time, journalists and their media companies may not be using the tool to its full potential and with the necessary persistence to legally enforce their claims (Redelfs, 2007, 2016; Semsrott, 2016).

Based on provisions of media freedoms, journalistic information-gathering and processing as well as auxiliary activities in media companies are protected. **Journalistic sources are protected** through both legal regulations (such as a privilege of non-disclosure in court proceedings) and constitutional court rulings. Beyond the aforementioned *Spiegel* case, a more recent example is the *Cicero* case of 2007, in which the Cicero magazine's editorial office and its author's private home were searched, and material was confiscated in suspicion that the journalist had assisted a public servant in betraying state secrets. While the court ruled in favor of the

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[58] A law for Saxony has been accepted in the state's parliament in July 2022 and will take effect in 2023.

magazine and the journalist, it was criticized that the same legal mechanism had been exploited by the authorities in numerous cases (Prantl, 2007). A new law (discussed by Stefanopoulou, 2012) was passed in 2012 to formally decriminalize journalists for using such data.

Protection of whistleblowers themselves and their channels of communication is subject to political debate, the directive on whistleblower protection of the European Union being overdue to be translated into German law, although it may be combined with new protection also for whistleblowing beyond violations of EU law (Tinnefeld, 2020). One ECtHR ruling against Germany with regard to whistleblowing (Heinisch vs Germany) has been widely discussed, but was not dealing with whistleblowing to the media or the public, but rather a case of labor law where an employee of a nursing home was dismissed after whistleblowing to the authorities (Ulber, 2011).

Trade secrets are protected and have been regulated with a new law in 2019 that includes specific exceptions for media coverage, especially in case of publicly relevant deficits in a company's actions (Brost & Wolsing, 2019). Trade and business secrets also play a role in denied requests for information to public authorities (based on freedom of information acts or journalistic information privilege), but courts have repeatedly confirmed that public interest can justify both the disclosure of such information to the media and its publication (Branahl, 2019, pp. 19-25 and 187-189).

Beyond legal requirements to disclose **media ownership** to broadcasting authorities and to the public through imprint regulations codified in the press laws, media ownership is monitored and reported effectively by the media authorities' Commission to Evaluate Concentration in the Media (KEK – Kommission zur Ermittlung der Konzentration im Medienbereich). While the main purpose of the commission is to gather and analyze data with the aim of safeguarding pluralism in private broadcasting, it is taking other media into account in order to cover cross-media ownership. The commission publishes in-depth reports every few years and it runs an online media database containing detailed ownership data.

2.4. Accountability System

2.4.1. Development and agency of change

Media accountability in Germany has been described as comparably well-developed, both in terms of existence of media accountability instruments and in terms of efficacy of these instruments. The country ranks fourth out of 30 countries (on par with Austria) in the Media Accountability Index developed in the context of the European Handbook of Media Accountability (Eberwein et al., 2018). This situation draws from different factors in the frames of media accountability, but must be seen in the normative context of non-interference of the state in matters of the media after the pre-1945 experience: When the conservative Adenauer government planned to introduce federal legislation on press content that was interpreted as overly repressive by both the industry and foreign observers, the foundation of the Press Council as the central institutionalized body of professional accountability by publishers and journalists in 1956 was a signal to take press conduct into the profession's and the industry's own hands – and a successful one, since the planned legislation was never introduced (Baum, 2010). While the council had a predominantly political role in the first years of its existence – trying to influence legislation in the interest of the media –, it has since shifted its focus to work on complaints on press conduct, a role shaped by an increase in complaints as well as reluctance of some publishers to follow council decisions in recent years. The comparably strong role of journalistic meta-coverage – journalistic content on journalism and the media industry itself –, even though sometimes criticized for being not critical enough towards colleagues, can be seen in a similar tradition of processing journalistic topics publicly and without state interference. A more recent

trend towards media accountability activities of specific media organizations is related to increased demands for transparency in journalistic work and waning trust in the media in parts of the population: Ombudspersons, organizational codes of conduct, and blogs on the details of journalistic work are an attempt to explain the internal proceedings and get into contact with the audience in order to (re)gain trust.

2.4.2. Existing media accountability instruments and evaluation of their effectiveness

The Global Handbook of Media Accountability places Germany in the professional model of media accountability, with diverse accountability instruments on both professional and organizational levels (Fengler, 2022). In spite of this diversity and some trends towards new forms of media accountability on the organizational level, there is also frequent criticism regarding everyday relevance: „[…] the potency of most MAIs has been stagnating in the past decade at a comparatively high level" (Eberwein & Brinkmann, 2022, p. 127).

The aforementioned *Medienstaatsvertrag* of 2020 has also brought a relevant change in the area of institutionalized complaints bodies: Conventionally, the system was comprised of the non-statutory Press Council on the one hand, relevant for printed news media as well as – since 2009 – online activities of their publishers (Beck, 2018, pp. 148-152), and statutory bodies for public service (*Rundfunkrat* for regionally organized public broadcasters cooperating in ARD, *Fernsehrat* for nationwide public television ZDF, *Hörfunkrat* for nationwide public radio Deutschlandradio) and private broadcasting (*Landesmedienanstalten,* media authorities) on the other hand. The perceived gap for purely online news media was closed with the introduction of the *Medienstaatsvertrag* by tasking the media authorities with control of such media outlets, but allowing them to opt into admission to the procedures of the Press Council instead (Deutscher Presserat, 2022). While this option can be interpreted as a way towards more distance from otherwise statutory control (Lent, 2020), it may also reinforce longstanding criticism of the press council's "lack of teeth" or lack of robustness in its decisions and the implementation of its rulings (Niggemeier, 2020, 2021a). At the same time, the beginning of media authorities' activities in the field has seen criticism for a lack of transparency in what kinds of websites are being monitored, and which criteria are being applied (Niggemeier, 2021b; Sterz, 2021). In any case, the new regulation forces online-only media to decide between legally binding statutory control or – in this case allegedly – voluntary professional self-regulation. At least for these outlets, this new situation blurs the otherwise clear differentiation between professional and political accountability.

In the realm of **professional accountability**, the Press Council and its Code of Ethics play a central role. The council has seen a strong trend towards higher numbers of complaints between 2000 and 2020: It rose beyond 500 in 2000, beyond 1000 in 2009 (when online publications of print publishers were added), beyond 2000 for the first time in 2014 and almost doubled in 2020 to 4058 cases – the latter development being mainly due to many complaints about few specific articles, reporting about Covid-19 and also a high share of complaints about media not regulated by the Press Council. Relative to the population, the high number of complaints from 2020 corresponds to 4.9 complaints per 100.000 inhabitants. However, the number of cases reported to have been analyzed in the complaints commission rose from 185 in 2000 to a peak of 1139 in 2015 and has since stabilized (530 in 2020) on a lower level – 0.6 cases per 100.000. The most frequent ground for appeal has repeatedly been a perceived lack of journalistic diligence. Also, articles that appeared online are brought to the press council's attention more frequently than printed ones in recent years (Deutscher Presserat, 2001, 2007, 2015, 2021b). In line with the aforementioned criticism concerning the impact of the council's decisions, the most recent report also shows that among 224 public reprovals – the most severe sanction at the council's disposal – voiced between 2014 and 2020, more than one fourth (62) has not been published by the offending publication; admittedly, a more optimistic position

would stress that almost three quarters were in fact brought to the attention of the affected publications' readers.

Beyond the numbers, major professional and public discourse about the normative content of the code of conduct occurred about the question of disclosing the nationality of suspects and criminals in crime reporting – incited mainly by the attacks on women on New Year's Eve 2015/16. The press council finally decided to keep the rule of non-discrimination unchanged, but changed a corresponding guideline to the effect that nationality can already be reported in case of a public interest (Arendt et al., 2017; Deutscher Presserat, 2017; Haarhoff, 2020). Research indicates that both possible strategies have opposing effects on trust in different parts of the audience: Journalists can improve trust in xenophobic individuals by naming nationality, but will simultaneously jeopardize trust by non-xenophobic users (Kunst, 2021). The codex was originally adopted in 1973 as a collection of preceding decisions of the press council (Pöttker, 2013) and consist of 16 sections amended with more specific guidelines, one of which stipulating the obligation to publish reprovals voiced by the Press Council. While a large share of the rules can be found in other European codes of ethics (Kreutler, 2010), a rather unusual section prohibits unnecessarily sensationalist coverage of medical topics when it could incite unjustified hopes or fears in patients. There are no special provisions for online publications except for a guideline that corrections in online publications shall be linked to the original piece.

Support for the provisions of the code of ethics among German journalists has been shown to be strong, with a certain openness for situational adaptions (Ramaprasad et al., 2019; Wyss & Dingerkus, 2019) – which may in fact reflect the weighting between conflicting interests that is also described in the code. The actual rules are mostly well-known by the journalists (Liesem & Singer, 2017), but a study into curricula of German-language journalism and communication courses (in Germany as well as in Austria in Switzerland) has shown that less than half of them integrate a more profound discussion of journalism and communication ethics (Krainer et al., 2020).

On an **organizational level**, instruments of external and internal editorial transparency have seen a rise in interest (Meier & Reimer, 2011), fueled by new online forms of interaction but also as a means to counter declining trust in journalism (Bastian & Fengler, 2016; Funck, 2016; Meier, 2017; Uth, 2021). This trend is also seen and discussed by practitioners: Annette Milz (2017) of the trade journal *medium magazine* has described the rise of "postfactual" perceptions of reality as a major disruption for journalism in her annual column looking back at 2016. She identifies transparency in journalistic work as one of the major measures against this trend. Major newsrooms like *Süddeutsche Zeitung* ("transparency blog: how we work") or public broadcaster ARD's news brand *Tagesschau* have established editorial blogs specifically to explain and discuss editorial decisions and react to criticism about decisions of news selection and presentation. Obviously, accountability instruments on a company or newsroom-level require additional commitment and cannot be found with all companies active in the field, and they are sometimes a reaction to specific incidents or developments. A notable example is the specific set of guidelines ("Standards") by news magazine *Der Spiegel*[59], developed in 2020 explicitly as a reaction to the scandal around its former famous reporter Claas Relotius having forged a large number of reportages. In addition to this set of rules, *Der Spiegel* has also introduced an ombudscouncil, a variety of the ombudsperson (also often called reader advocate or reader ambassador) that has seen a certain rise in popularity with media companies in recent years. Anton Sahlender of regional daily Main-Post is one of the most visible ombudspersons; he has repeatedly explained the concepts' advantages from a practical perspective, but also discusses reasons why media companies are slow to adopt this instrument (e.g., Sahlender, 2019). An association of ombudspersons (https://vdmo.clubdesk.com), founded in 2012, presently lists 16 member

[59] https://gruppe.spiegel.de/journalismus/die-spiegel-standards

companies. The overall trend towards additional accountability instruments installed by single publishers could mean that media companies, faced with new channels of criticism and requests for transparent work, conclude that measures on the professional level of a joint, institutional-ized council and code of conduct do not suffice.

Ongoing discourse on journalistic conduct and performance also take place in specific sections on media journalism – "journalism journalism" about news and developments in the profession and the industry (Malik, 2004) – which can be found in quality newspapers such as *Süddeutsche Zeitung*, *Frankfurter Allgemeine Zeitung* or *taz* as well as specific radio and tv magazines by the public broadcasters. Despite bringing developments in the field to the attention of a general public, these activities have seen criticism for self-referentiality, cautious reporting in order not to harm other members of the profession or economic interests, or even focusing more on questions of entertainment programs than journalism (Beuthner & Weichert, 2005; Pointner, 2010). This criticism applies less to specific trade journals that do not discuss questions of journalistic conduct for a general audience (e.g., the two journalist associations/unions distrib-ute their magazines to their members).

In addition, a wide range of formats is now available online, ranging from specialized blogs such as *Übermedien* or watchblog *Bildblog,* both co-founded by media journalist Stefan Niggemeier, to scientific initiatives that try to bridge research and journalism practice (such as the *European Journalism Observatory EJO*). While such forms are clearly more detached from the large media companies than "media journalism", they still rely strongly on actors with some professional and/or academic interest in the field. If **public accountability** is understood to include and activate members of the audience (Fengler, 2012), the field is still missing institutionalization (e.g., through audience associations) and is mostly confined to spontaneous topical discourse on social media platforms, notably twitter, but has recently gained relevance particularly regarding questions of diversity, minorities, and gender in the media.

Political accountability is most relevant in the established structures of co-regulation in the broadcasting sector already mentioned above, where statutory monitoring and complaints bodies represent different social groups based on legally – and thus politically – defined rules of which groups are to be included. This basic construct applies to both the broadcasting (in the regional ARD broadcasters), television (ZDF) and radio (Deutschlandradio) councils of public broadcasting and the *Landesmedienanstalten* competent in the area of private broadcasting. The number of institutions in this area – 25 in total –, but also differences in internal procedures (a practical insight can be found in Übermedien, 2017) and reporting complicate the presentation of quantitative trends. Generally, the number of complaints received and processed by these bodies appears to be significantly lower than in the case of the press council, arguably also because the procedure is less known to the general public. For example, the television council competent for nationwide tv channel ZDF has received 86 complaints in 2020 (0.1 per 100.000 inhabitants) and discussed 27 in the council, an unusually high number comparable to the peak in the Press Council's work in the same year. In 2019, 44 complaints were received and 12 discussed (ZDF Fernsehrat, 2020). In contrast to some other European countries, a statutory ombudsperson for the media sector does not exist.

International accountability does not play a significant role in the relatively well-developed German system, but Germany invests in accountability abroad via international media devel-opment activities (DW Academie, 2018; Erich Brost Institute for International Journalism, 2017). What may however be interpreted as a case of importing principles and instruments of media accountability is the situation in the former GDR after reunification. While the press council simply notes that it has extended its responsibility to the „new" federal states after October 3, 1990 (Deutscher Presserat, 2021a), available research is limited to changes in role

perceptions of Eastern German journalists, obviously brought about by the end of strict party control (Adesiyan, 2010; Jeschke et al., 2010; Mayer, 2010).

3. Risks and opportunities of journalism domain

3.1. Development and agency of change

The overarching juncture of German reunification also plays a role for the media system, where the division is still visible today. After 1990, the largest newspapers were quickly sold by the *Treuhandanstalt*, a trust agency tasked with privatization of formerly state-owned companies, to publishers from Western Germany, rendering newly founded papers without a chance of economic success and leading to a situation of high press concentration. This process has been criticized for not obeying to the same rules as established press concentration regulation in the West of the country (Machill et al., 2010a; Pürer, 2015, pp. 64-67). The nationwide press – newspapers like *Süddeutsche Zeitung* or *Frankfurter Allgemeine Zeitung* or weekly news magazine *Der Spiegel* – have only reached minimal circulation in the new federal states. Public broadcasters in the East were established with expertise and executive managers from Western Germany. Eastern-born Germans are still minorities as media executives, journalists and even journalism trainees (Mükke, 2021). A look at major trends on the national level will often need further analysis that takes this specific background into account.

Two major developments with several junctures each have shaped the environment for journalistic production in Germany during the past 20 years: The discussion on future and financing of the public broadcasting system, and the ongoing crisis of the print market.

While public broadcasting is legally guaranteed by decisions of the constitutional court (see 0) and the basis for the dual system of public and private broadcasters, the future of the system, its financing and its online activities have been heavily debated. Although an independent commission evaluates financial needs of the public broadcasters to recommend changes to the monthly broadcasting fees, the final decision on such changes has to be taken unanimously by the 16 federal states. This procedure has seen constitutional court rulings twice in the past 20 years: In 2007, the court ruled that a political decision to increase the fee by less than the commission's recommendation in 2004 was unconstitutional (Jungheim, 2008), and in 2021 it decided that a single federal state cannot veto a change to the fee by simply denying consent as Saxonia had done in 2020 (Cornils & Dietrich, 2021). In 2013, the system was changed from being a device-based license fee to a household-based fee in a move to adapt it to new media usage patterns such as video and audio streaming, but also to simplify fee calculation and avoid fraud with non-licensed devices. Private publishers have fiercely criticized increased online activities of public broadcasters as well as the amount of fees itself, voicing their refusal both through publishers' associations and their newspapers' editorial output (Löblich, 2011; Maier & Dogruel, 2016). To protect private media from public competition online, public broadcasters have to concentrate their online activities on audiovisual instead of purely text content as to not offer an "online newspaper" (Hölig & Hasebrink, 2018). With a similar intention, the public broadcasters have to perform 3-step public value tests for their offers. Also, they had to delete ("depublish") most content from their online media centers after seven days, a regulation that became less strict in 2019 (Thieme, 2021, pp. 62-65). Taking these more recent legal adaptions and court decisions into account, the "dual system" of coexisting public and private broadcasters seems stable for the foreseeable future. Still, the decline of traditional linear broadcasting as such represents the biggest uncertainty for this part of the media market.

The second field of dramatic market change is the ongoing crisis of print publishers. While peak circulation of newspapers in Western Germany occurred already in the first half of the 1980s,

the crisis has intensified after the end of the dot-com boom at the beginning of our century. Between 2000 and 2020, daily newspapers have lost about half of their circulation; moreover, they have also lost two thirds of their income from advertisement (Röper, 2020). In 2003, daily newspapers still received the lion's share of all advertisement revenues, but in 2020 they have fallen behind television and even magazines (ZAW, 2021b). In 2010, debates on strategies of combining print and online, staying in touch with younger user groups and monetarization of online content were ubiquitous, with a special focus on the structurally important regional newspapers (Friedrichsen, 2010). Market concentration grew considerably, although starting from a relatively low level in a market traditionally shaped by many small and medium-sized publishers. While cuts in editorial budgets where already common in the late 2000s, 2012 became a symbolic year when the nationally relevant *Financial Times Germany* was discontinued while *Frankfurter Rundschau* was saved as a title, but lost its editorial independence; in the same year, one of the two major national players on the market for news agencies, *dpd*, also went bankrupt (Leder, 2013). Recently, the crisis of local newspapers reached a new level: Consolidations of editorial capacities had been common for years, but affected mainly smaller players in areas with more than one regional newspaper. In 2020, the first regional monopoly holder decided to close down its local offices to work with a centralized structure, making the affected municipalities and counties the first without the editorial structure of a local newspaper (Röper, 2020). When a county with only one regional newspaper was still seen as somewhat of an exception labeled "Einzeitungskreis" or "one newspaper county" (Beck, 2018, pp. 160-168; Meyn, 2001, pp. 81-84) twenty years ago, the "no newspaper county" is quickly becoming a possibility in 2020. In an interview for this study, Klaus Meier identifies a lack of professional local reporting in many regions as one of the main risks that developed during the 2000–2020 time frame. In contrast to a still very lively national media landscape, he sees a possible need for alternative forms of financing local and regional coverage.

Print publishers have reacted to the crisis in different ways: Beyond cost cuts, online activities were strengthened, but have so far been unable to make up for the losses in the print market, also because a relatively low share of users is prepared to pay for online news (Newman, 2021). This may be seen as surprising since most of the printed circulation is still sold through subscriptions, a model that was still viable even for young adults at the beginning of our 20-year time frame (Rinsdorf, 2003), but that is increasingly depending on older generations of readers still true to their printed newspaper. Today, the age structure for editorial "newspaper" content outside print is at least three-fold, with e-papers being most popular with middle-aged readers, podcasts with young adults and online news with an age group in between the two. Overall, this variety of products means that publishers do in fact reach all age groups with their content through different channels – a situation that many publishers' executives perceive as an opportunity in 2022, despite the risk of further decline in printed circulation (BDZV, 2022).

As a symbol of the shift from printed paper to content distribution in different forms, the (former) newspaper publishers' association BDZV decided to keep the abbreviation in 2019, but changed its meaning to become the "association of digital and newspaper publishers" (BDZV, 2019). But the print crisis and risks associated with a shift to new markets have had a marked influence on the debate on subsidies for private media companies: When publishers have long concentrated their lobbying on favorable market conditions such as soft antitrust laws, indirect financial subsidies through reduced VAT rates on their products, protection from competition by publicly funded broadcasters or favorable copyright laws[60] (Brinkmann, 2018), direct state subsidies have appeared on the agenda in the context of the Covid pandemic. However, plans for federal subsidies for newspaper delivery or digital innovation were finally cancelled by the old

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[60] The biggest discussion revolved especially around Google's use of "snippets" from newspaper articles, bringing with it a dilemma between remuneration for the use of these snippets and the economic value of site visits they can generate.

federal government after criticism from different actors (Buschow, 2021). Beyond such measures, others have long argued for developing models of financing journalistic output from alternative sources such as foundations (Weichert, 2013).

3.2. Market conditions

The print market in 2021 consists of 338 daily and weekly newspapers (BDZV, 2021), a decline from 369 in 2010 and 388 in 2000. Due to content cooperation, the number of editorial units is markedly lower: For 2015, data shows 126 editorial units producing a total of 352 newspapers for 329 publishers (KEK, 2018, pp. 110-117), corresponding to 0.4 newspaper titles and publishers per 100.000 inhabitants. The number of magazine titles for a general public is constantly rising due to increased specialization for smaller, fragmented target groups: It has reached 1596 in 2017, up from 1449 in 2010 and 1178 in 2001. At the same time, the total sold circulation went down from a peak in 2002 at 126 million per issue to 88.8 million in 2017 (KEK, 2018, pp. 152-160). In television, the number of (mostly special interest) channels is also rising. In 2018, it reached 223 nationwide channels[61], including 21 public service channels (incl. foreign broadcaster Deutsche Welle) and 159 private special-interest channels, 88 of which in pay-tv, which has seen rising acceptance (KEK, 2018, pp. 63-65). 71 public and 288 private radio stations were broadcasting in 2017, most of the latter in the form of private local or regional radio stations – there are only 20 private nationwide stations (KEK, 2018, pp. 81-85).

The net advertisement income of the media was 23.76 billion Euros in 2020, down from 25.02 billion in 2019 (ZAW, 2021a).[62] Differentiating between journalistic and non-journalistic media is difficult, but following the categories used for the statistics, 7.3 billion Euros were received in print (including newspapers, magazines, journals, and online publications of print products), 4.9 billion in video (4 billion in linear tv and 0.9 billion in streaming), and 778 million Euros in radio. Online accounted for 9.95 billion Euros, but this number includes revenues of international platforms (Möbus & Heffler, 2021b).

The television market is described as a "double duopoly" in terms of viewership (Beck, 2018, pp. 274-280; KEK, 2018, pp. 63-77): Public and private broadcasters each reach about half of the market (46.7 per cent for public television), and inside the two realms of public and private broadcasting, there are two major groups each with ARD and ZDF in public and RTL and ProSiebenSat1 in private broadcasting. Only 12.3 per cent of the viewers' market go to private broadcasters other than the major groups. In print, the ten largest publishing companies occupied 55.9 per cent of the newspaper market in 2000 (Röper, 2000), 58.1 per cent in 2010 (Röper, 2010), and 61.6 per cent in 2018.[63] Nevertheless, only the two biggest players (publishing group Stuttgarter Zeitung, Rheinpfalz, Südwest Presse at 11.5 per cent and Axel Springer at 11.1 per cent, data from 2020) slightly exceed ten per cent of market share (Röper, 2020).[64] In magazines, the five biggest publishing houses constantly combine more than 60 per cent of the market, with market leader Bauer now covering more than 20 per cent (Vogel, 2020). In private radio, the legal situation is different depending on *Bundesländer* regulation, but overall major

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[61] The number excludes private regional TV channels, but includes the programs of the nine regional public broadcasters. The latter can be received nationwide through most forms of distribution.

[62] The methodology for net income has changed in 2018, making comparisons with previous data invalid. Data on gross spending based on advertisement list prices shows an all-time peak of 32.6 billion Euros in 2019 before declining due to Covid effects in 2020 (Möbus & Heffler, 2020, 2021a). For the methodological differences and implications especially for cross-country comparisons, see Seufert (2012).

[63] After a long time of growing concentration, 2020 brought a decline to 57.5 per cent after publishing house DuMont sold several newspapers to investors from outside the publishing business (Röper, 2020).

[64] Springer has divested considerably especially from regional newspapers in the past years, concentrating on national titles *Die Welt* and *Bild* as well as online and tv activities. In 2012, Springer was still the clear newspaper market leader with a share of 18.8 per cent.

private television RTL and a number of print publishers such as Springer, Burda, Bauer, and Madsack, occupy a strong position in this market. Since public radio stations serve 55.5 per cent of the total listeners' market, even the biggest private player RTL only covers 6.8 per cent of that market (KEK, 2018, pp. 79-99).

A number of companies combine activities in different markets, some of the most notable being Bertelsmann (RTL group and Gruner+Jahr publishing house[65]), Springer (radio and online assets, as well as their own magazine and TV activities under the print brands *Welt* and *Bild*), Bauer, Burda (both with print and radio and some TV activities), and *Der Spiegel* with its print, online, and TV productions (KEK, 2022a).

Foreign investors play a rather minor role on the German market and are mostly relevant as shareholders in otherwise German-dominated companies, such as KKR's share in the Springer publishing house (KEK, 2022b). The same investor's control of Munich-based television group Leonine (KEK, 2022d), active also in licensing and production, is rather unusual. RTL Group, while originally Luxembourgish in name and still registered in Luxembourg, is controlled by German Bertelsmann Group (KEK, 2022c). The second big player in private broadcasting, Pro7Sat1, has seen foreign investment in the past (including KKR), but is now mostly owned by diverse small shareholders (KEK, 2022e). In the print sector, an attempt by Norwegian publisher Schibstedt to establish a free daily in Cologne resulted in the so-called "newspaper war of Cologne" from 1999 to 2001: The two German publishing houses that had previously dominated the local market launched their own free newspapers only to prevent the foreign investor to succeed with their free model; two days after Schipstedt's decision to close their newspaper down, the German publishers' free papers also seized to exist (Haller, 2009; Prinzing, 2008).

While negligible as economic players, Russian media such as Sputnik or a German-language edition of RT have increased their activities since the Russian invasion of Crimea. Mostly through online channels, they offer content that resonates with citizens who distrust the perceived mainstream of German media, focusing on right-wing political views, representing Europe as in decay, and obviously presenting Russian activities as justified (Stratievski, 2016). In February 2022, the media authorities' joint commission tasked with admission and control decided that RT was lacking the necessary license for its German program, prohibiting its further distribution (Die Medienanstalten, 2022).

3.3. Public service media

Besides the broadcasting fees as public broadcasters' main funding mechanism, other sources of income include advertisement – limited both in extent and time of day, and only in some public programs –, and licensing of self-produced material. The broadcasting fees resulted in 8.11 billion Euros in 2020, up from 7.55 billion in 2010 and 7.12 billion in 2005 (ARD ZDF Deutschlandradio Beitragsservice & GEZ, 2021). Out of this sum, 5.7 billion Euros were received by the regionally organized public broadcasters that cooperate in ARD (regional radio and television plus common nationwide tv channels), 2 billion Euros by nationwide television ZDF, and 232 million Euros by nationwide public radio *Deutschlandradio*. The media authorities regulating and monitoring private broadcasting are also funded from the fee, and received a total of 153 million Euros (ARD ZDF Deutschlandradio Beitragsservice, 2020). Public broadcasters' mission is not limited to information, but includes entertainment and cultural programs as well, including niche interests that would be hard to finance privately. The fee-based system itself and the relatively high amount have been criticized from different perspectives, including private publishers that have an interest in limiting the scope of publicly funded content. On the other hand,

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[65] While both were already owned by Bertelsmann before, Bertelsmann decided to merge the two companies in 2021.

there have also been heated discussions about an extension of the public financing system to economically challenging areas of private publishing, most notably local journalism (Brinkmann, 2018, pp. 513-522; Frühbrod, 2019).

3.4. Production conditions

Online and multiplatform journalism has hugely changed journalistic production routines and also the required skillsets over the past 20 years, from online storytelling to new forms of user interaction and the impact of intermediary platforms such as social networks or search providers (for a retrospect see Nuernbergk & Neuberger, 2018).

Foreign correspondence has been in decline for several years; a recent study describes replacing of fixed-contract traditional correspondents by freelancers, cuts in wages and travel cost budgets, and a retreat from countries not deemed in the centre of interest (Engelhardt, 2022, pp. 28-44). The trend towards freelance correspondents can also be seen in the formation of weltreporter.net, a network of more than 40 freelancers reporting from more than 160 countries.[66] While definite numbers are missing, a 2007 estimate of about 875 German correspondents worldwide (Lönnendonker, 2008) cannot be upheld after cuts in editorial budgets as well as editorial space for foreign correspondence. Nevertheless, some private national publishers and tv networks as well as the German press agency dpa still have networks of foreign correspondents, although their information on scope of the network and type of employment is sometimes inconclusive (Engelhardt, 2022, p. 30). While public broadcasters are also cutting costs and prestigious special programs, they are continuing to maintain relatively large networks: For 2018, ARD alone reported a total of 44 television and 56 radio correspondents in 32 foreign studios, while ZDF had 18 foreign studios (KEK, 2018, p. 286).

Despite or even as a reaction to financial pressure on journalistic work, several initiatives and projects focusing on investigative journalism have been founded: *Initiative Nachrichtenaufklärung*, started in 1997, is presenting an annual shortlist of neglected news that were verified in university seminars on journalistic research (Haarkötter & Nieland, 2018). *Netzwerk Recherche* was founded in 2001, it is a professional association for journalistic investigation focusing on networking and training on research techniques (Netzwerk Recherche, 2016). Non-profit research newsroom *Correctiv* started in 2014 (Lilienthal, 2017). Furthermore, traditional news organizations have started to join forces for investigative projects, most notably a long-term cooperation of public broadcasters *WDR* and *NDR* with daily newspaper *Süddeutsche Zeitung*. The group has published many key investigative stories since 2014 and was involved in the international Panama Papers and Paradise Papers investigations, but it has also seen criticism for the competitive advantage a private paper may enjoy from cooperating with publicly funded broadcasters (Hanfeld, 2015).

3.5. Agency of journalists

The labor market for journalists has shrunk considerably, from an estimated 54 000 full-time journalists in 1993 to 48 000 in 2005 and 41 250 in 2015 (Steindl et al., 2017; Weischenberg et al., 2006). Contrary to audience usage and revenues, newspapers still employ (on fixed contracts or as free-lancers) the largest number of journalists in Germany, mainly due to their presence in regional and local markets. An estimated 11 150 journalists in newspapers, 8350 in magazines and 3000 in free weeklies (financed exclusively through advertising) make up 54 per cent of the journalistic labor market. 4850 (12 per cent) work in television, compared to 5800 (14 per cent) in radio – again due to an important component of regional and local coverage. 16

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[66] For freelancers in particular, the target market is German-language media, not necessarily German media.

per cent of journalists work as online journalists, mostly for online editions of established print or broadcast media (4750 journalists; 1700 work for exclusively online media), and the remaining 1650 (4 per cent) work in news agencies (Steindl et al., 2017). While newspapers are still the most relevant employer for journalists, the number of jobs in this field has declined; by contrast, online journalism now guarantees employment for more journalists than radio or television broadcasting. The difficulties of the print market also show in payment: A journalist association's study into the professional situation of freelancers has shown that those mostly working for print newspapers earn the least, less than half of those mostly working for public broadcasters (DJV, 2014).

3.6. Working conditions

Unemployment figures for journalists have frequently been above 4000 in recent years (Werner, 2018), but are difficult to interpret since many previously employed journalists will resort to freelance work instead of registering unemployed. Nevertheless, based on survey data, a majority of 82.4 per cent of journalists are employed full-time (74.5 per cent) or part-time (7.9 per cent), mostly in open-ended contracts with 7.3 per cent of contracts being temporary (Lauerer et al., 2019).

Studies into job satisfaction have repeatedly found high satisfaction, although a more detailed analysis shows that this is mostly based on professional activities as such while journalists are often unsatisfied with workload, training, and career opportunities (Steffan, 2015).

Journalists and the media have been a major target of some of the new populist and sometimes radical groups described in chapter 1. Although the profession enjoyed limited prestige and a low level of trust even around 2010, the skepticism or outright hostility voiced under the "Lügenpresse" claim[67] have developed into a specific risk for journalism (Beiler & Kiesler, 2018). Not only is it difficult to enter into an argumentative discourse with people openly rejecting the use of journalistic media; the hate against these media and its representatives has also generated an unseen wave of serious threats or physical attacks on journalists (Papendick et al., 2020) – a development so severe that Germany's rating was downgraded from 'good' to 'fairly good' in the latest press freedom index by Reporters without Borders (RSF, 2021).

3.7. Intra-organizational diversity of human resources

Based on most recent survey data, 40 per cent of German journalists are women (Dietrich-Gsenger & Seethaler, 2019), a slight increase in comparison to 37 per cent in an earlier study from 2005 (Weischenberg et al., 2006). Women are underrepresented in editorial management positions and generally in newspapers and news agencies (Dietrich-Gsenger & Seethaler, 2019). Looking at academic education in journalism and communication, there is a clear trend towards more women in the field: 57.8 per cent of journalism and communication students were female in the winter term 2000/2001, 66.5 per cent in 2010/11, and already 71.1 per cent in the 2020/21 term, with shares for degrees earned following suit (Statistisches Bundesamt, 2022a, 2022b).

German journalists are, on average, 46 years old, with the largest age group of 40 per cent being 50 years and older, while journalists younger than 29 years only make up 7 per cent of professionals. In terms of educational status, 75 per cent have finished studies on BA or MA level (or comparable) or even hold a PhD, while only three per cent do not possess a university-entrance diploma. Politically, the average journalist declares him- or herself moderately left of center (Dietrich-Gsenger & Seethaler, 2019).

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[67] Literally the „lying press", an old propaganda term also heavily used by the National Socialists.

Representative data on cultural background of journalists is still missing, but estimates for different regions and media types see shares of only one to three per cent of all journalistic employees to have a migration background (Horz & Boytchev, 2020; Pöttker et al., 2016), compared to 25 per cent in the general population. While the newer investigation found 6.4 per cent of editors-in-chief to have a migration background, most of these were from neighboring and all from EU countries. Following statistics on journalism and communication students, non-German nationals made up 7.8 per cent in 2000, 10.1 per cent in 2010, and 8.4 per cent in 2020, with the share in degrees being below 10 per cent in each of these years (Statistisches Bundesamt, 2022a, 2022b). It has to be noted that these statistics analyze only nationality, not cultural background in a broader sense.

3.8. Journalistic competencies, education and training

Since access to the journalistic profession is free and unregulated, there is no obligatory education and training program to be followed in order to work in the field. Studies into journalists' educational background do show a trend towards academic education (66 per cent of journalists in 2005, 75 per cent in 2014/15). Also, more journalists (44 per cent compared to 31 per cent in the earlier survey) had studied university programs in the area of communication and journalism (Dietrich-Gsenger & Seethaler, 2019; Weischenberg et al., 2006). This trend seems to counter the older notion of widespread underrating of journalism-specific education within the profession (Kopper, 2003). As Klaus Meier explains in the interview for this project, training programs have adopted a focus on digital journalism and cross-media approaches as an accepted standard since at least 2010, including data-driven techniques in journalistic research. For the future, he mainly expects new developments and both potentials and risks in AI-assisted journalism.

While a focus on digital research and production skills in training programs shapes future journalists' skills, the recent generation does not always feel well-prepared: A study into habits of journalistic research in an online environment found that working journalists do not feel well-trained for online research and do not tend to believe that online research possibilities improve their journalistic output (Sievert & Preppner, 2020). Surveying journalism students and young journalists in the first ten years of their career, Gossel (2019) found that respondents wished for a more intensive training mostly in technical, management, and entrepreneurial skills, although a majority also saw normative risks when journalists act as entrepreneurs with their own business interests, especially with regards to the journalistic role of controlling political, economic and societal actors.

3.9. Professional culture and role perception

According to studies into role perceptions, journalists in Germany mostly adhere to the three roles of "reporting things as they are", being an impartial observer, and analysing current affairs, all of which received more than 80 per cent approval in the Worlds of Journalism study (Hanitzsch & Lauerer, 2019). This combination of roles has only gotten stronger compared to earlier studies (Hanitzsch & Lauerer, 2019; Weischenberg et al., 2006). From a global perspective, German journalists are also the only Western respondents with considerable appreciation of an educator role (27 per cent), while an accommodative role of providing advice, orientation, and also entertaining and interesting content is widespread among several central European and Nordic countries (Hanitzsch et al., 2019). The role of controlling and criticising politics and power is significantly less accepted by German journalists (36 per cent) compared to their colleagues from Austria and Switzerland (Hanitzsch & Lauerer, 2019). All in all, the famous quote of the late news anchor Hanns Joachim Friedrichs mentioned by Hanitzsch and Lauerer still characterizes a journalistic identity many modern German journalists approve: "Keeping

the distance, not making oneself common with a cause, even a good one, staying cool when dealing with catastrophes without being cold."

As mentioned in the introduction, the move of the German capital from Bonn to Berlin is often associated with a change in relations between political power and journalistic observers, possibly initiating a shift towards greater proximity between the two at least in coverage of federal politics and possibly also major companies. Forums of professional exchange have already been mentioned in chapter 2.4.2 since discourse on professional roles and accountability is often interconnected. It can be found in diverse settings from meta-journalism and trade journals to journalists' associations and trade unions, and also includes physical congresses such as the Munich Media Days or numerous journalism awards ceremonies.

4. Risks and opportunities of media usage patterns domain

4.1. Development and agency of change

The main change in the structure of media usage during the past 20 years was obviously initialized by the advent of internet use by large proportions of the population. While the availability of fast broadband internet through landline or mobile connections in rural areas is still subject to criticism (Spellerberg, 2021), the number of broadband landline connections for Germany's 40.6 million households has reached 36.1 million in 2020, almost 19 times more than in 2001 (Bundesnetzagentur, 2021a). The infrastructure has transported 76 billion gigabytes of data in 2020 – this was 3800 times more data than in 2001 (0.01 million gigabytes) and more than twice the amount of 2017 (VATM, 2021).

Beyond internet access as such, mobile phones have become ubiquitous since the beginning of the 2000s, when the number of active sim cards more than doubled from 23.5 million in 1999 to 48.25 million in 2000. In 2006, there were more active sim cards than inhabitants, and growth has slowed down significantly due to market saturation at about 110 million active contracts between 2008 and 2015. In the past few years, the number of active sim cards was on the rise again, this time due to "machine to machine" communication, not personally used telephone services. It has reached 150 million in 2020 (Bundesnetzagentur, 2021b).

Beyond the technical aspects, these developments result in a dramatic change of resources and skills required from citizens who want to participate in public reasoning, with an obvious risk of increasing the gap between those familiar with digital techniques and those who are not. As Thomas Rathgeb points out in an interview for this study, access and knowledge on how to use digital media is not only required for relevant forms of communication or news consumption, but also for participation in public proceedings – consequently, he describes qualification opportunities for different social groups to enable such media use not as an optional, but a necessary field of action for the different actors in the field.

4.2. Agency of media-users and analysts

Data from longitudinal analysis shows that the daily time budget for media use has stopped to rise in 2005 at 9:15 hours of daily usage and even decreased since then to 8:08 hours in the last edition of the survey in 2020. While this seems to imply that new media offers need to displace other media, there is still an opportunity of being used simultaneously with others – concurrent use of several media at once has increased considerably in recent years, especially with the young, with the effect that the average German dedicates 9:27 hours per day to separate media in only 8:08 hours of time (Breunig et al., 2020b). Longitudinal research has also shown differences based on both age and generation: While television and radio are the most relevant media

types to users born before 1980, with television generally growing in relevance later in life, those born after 1980 are much more oriented towards online media and also mobile internet use – about 40 per cent of their daily media time is used for online media, compared to less than 25 per cent for the older generations (Best & Engel, 2016). Gender-based differences play a minor role in publications on media usage and seem to decline over time: While men still report more interest in political topics, the difference to women is shrinking and other factors such as educational background and age have stronger effects (Breunig et al., 2020b). Already in 1999, relatively slight differences in tv and radio preferences were interpreted as results of differences in daily routines of men and women that were widespread in older generations – and expected to diminish with more comparable daily routines among younger men and women (van Eimeren & Oehmichen, 1999).

The overarching juncture of German reunification is also still visible in media usage 30 years later. On average, Germans in the East spend 24 additional minutes per day on media use, but online media use and smartphones as devices play a smaller role than among Germans in the West. And while less Eastern Germans evaluate public television positively (trustworthy, independent, entertaining), a higher share is using YouTube clips for information (Frey-Vor et al., 2021).

As described in case study 1, data on media usage is generated by and involving the different interests of media companies, advertisers, regulators, and researchers, including a methodological discourse of academic and industry analysts.

4.3. Access to news and other media content

During the first two decades of the century, internet use has increased from 37 per cent of the population aged 14 and above in 2001 to 88 per cent in 2020, with nearly 100 per cent in all age groups younger than 49 (Initiative D21, 2021). Access to linear television is also still very common: 95 per cent of all households receive television, a share that has seen some decline since its peak of 97.1 per cent in 2015. More than 40 per cent of tv households have more than one device, and the most common ways of distribution are satellite and cable with more than 43 per cent each; IPTV (10.1 per cent) is already more relevant than terrestrial antenna at 6.7 per cent. At the same time, traditional tv sets are becoming less relevant for most age groups' video use as other devices such as smartphones and tablets gain importance (Die Medienanstalten, 2021b).

The interstate agreement on media (*Medienstaatsvertrag*) includes a number of provisions for barrier-free access of broadcast and online content. While private broadcasters' activities in this area are monitored by the media authorities since 2013 (in addition to a mandatory reporting every three years), it is public broadcasters in particular that invest heavily in special broadcast and online services such as subtitles, in-screen sign language translations, audio descriptions for movies and, increasingly, special offers in simple German (Puffer, 2021). The two largest private broadcasting groups achieved 17 per cent (RTL, about 4 daily hours per channel) and 27 per cent (ProSiebenSat1, about 6.5 daily hours per channel) of subtitled program during the last monitoring period in 2020, and the latter group has also started its first program with sign language translation (Die Medienanstalten, 2021a). Survey data on media users with different types of impairments show that linear television is the most important media type for all groups but the visually impaired (who still use it only little less than radio), not only regarding usage time, but also social participation. A majority of respondents was content with barrier-free access options, with the lowest scores for hearing-impaired respondents: 56 per cent of them were content – more so with public service offers (77 per cent) than private ones (36 per cent, Adrian et al., 2017).

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4.4. Relevance of news media

On the actor-level of personal media usage, different types of media are competing for generally interested users: Almost every German (99 per cent) consumes at least some media content on a daily basis (Kupferschmitt & Müller, 2020). But while television and radio broadcasters are facing new video and audio competition especially targeting the younger generations (Egger et al., 2021), the trend for newspaper and magazine publishers – both printed and in online versions of their products – is even more alarming: Video and audio are now offered by new competitors, but they have been used on a daily basis by more than 80 per cent of the adult population consistently through the first two decades of the 21st century; streaming has replaced some linear broadcasting, but not total video use.[68] Daily text use, on the other hand, has dropped from 69 per cent of the population in 2005 to only 47 per cent in 2020 – and this decline has not only heavily affected printed texts, but even online texts reached less users on a daily basis in 2020 than five years ago (Kupferschmitt & Müller, 2020; Breunig et al., 2020b). While there is a shift in video and audio markets, the revolution in media use is happening elsewhere: An ever-smaller proportion of the population has a habit of reading news every day. Still, in 2019-2021 there were more than 26 million Germans above 14 years of age who said that there is a subscription for a printed newspaper in their household (VuMA, 2021).[69] In 2019, daily newspapers had a total reach 57.9 per cent of the population – taking into account that one issue/subscription can be used by several readers –, down from 63.2 per cent in 2014 and 71.4 per cent in 2009 (KEK, 2018, p. 113).

While internet use includes more than online media use – e.g., personal communication, shopping or gaming –, online media use is actually the most relevant component for German internet users, and online news articles reach about as many users on a daily basis as video and music streaming (Beisch & Koch, 2021). As a source of news, the internet has gained relevance and caught up to television as a main news source, resulting in a tie between both media for the first time in 2021 (Hölig & Hasebrink, 2021).

4.5. Trust in media

At 53 per cent of Germans mostly trusting the news, Germany is in the upper mid-tier compared to other European countries, but with significantly lower trust levels among parts of the younger generation and very clearly among supporters of the political right (Newman, 2021; Hölig & Hasebrink, 2021) – the basis of the already mentioned "lying press" debate. Despite the economic crisis and wanning usage of text media, most participants in a survey (86 per cent) ascribe "socially relevant content" and "competent content production" (83 per cent, together with public radio) mostly to newspapers and magazines, and print media also rank second in "credible content" (80 percent) after public radio (84 per cent) and before public television (78 per cent); by comparison, private television and online video portals are regarded as mostly credible by only 35 and 37 per cent (Breunig et al., 2020b). Results from the digital news report on trust in specific brands are largely comparable (Hölig & Hasebrink, 2021). A longitudinal study into trust in the media actually shows a marked increase of trust and a decrease of media-cynicism during the first year of the Covid pandemic in 2020. Comparing the earliest to the most recent available data, a stronger polarization is becoming obvious: The share of undecided participants decreased from 63 per cent in 2008 to only 28 per cent in 2020, but both the share

[68] As Klaus Meier points out, streaming portals like Netflix have also started a new dynamic for established broadcasters' non-linear programming offers.

[69] The most recent analysis from 2021 also asked for subscriptions in digital form, which another 4.7 million claim to have in their household.

of people who rather or totally trust the media and the share of those who rather or totally distrust them has almost doubled (Jakobs et al., 2021).

Even in the light of these relatively favorable numbers, media skepticism is a relevant research topic. Focusing on citizens skeptical of the media, research has shown that the phenomenon actually covers a variety of personal views, political orientations, and life situations, and that only some of the citizens who declare themselves skeptical do not trust the media at all and, consequently, avoid using such media. Doubt, especially concerning economic and political autonomy, is far more prevalent in diverse groups of citizens (Blöbaum et al., 2020).

Citizens with a migration background generally put more trust in German media than those without. However, trust seems to decline the longer immigrants live in Germany, and migrants' children born in Germany show the lowest level of trust overall. Also, among citizens with a Turkish background – the most sizeable group –, distrust in German (as well as Turkish) media is particularly widespread: 31.8 per cent report not to trust the German media at all (Tonassi et al., 2020). In summary, a non-migrant Western German perspective – shared by many politicians, journalists and economic decision-makers – is at risk of missing more subtle trends in media usage and trust.

5. Risks and opportunities of media related competencies domain

5.1. Development and agency of change

Media competencies, while a multifaceted term in specialist discussion, has seen broader discourse from two main perspectives during the past 20 years: With regards to technical competencies in using and also producing new and particularly digital media, and as a competency to distinguish trustworthy news sources from biased content, propaganda, and fake news.

Angela Merkel has – involuntarily – coined the main catchphrase connected to individual technical user skills in using digital technology, but also use (or lack thereof) of new technologies in daily life and public administration: In a press conference in 2013, she said the internet was "uncharted territory for all of us" ("für uns alle Neuland"). Although meant in a more specific context of online surveillance, the phrase incited heated discussion (Waleczek, 2013) and *#neuland* became a symbol for frustration of the more digitally connected with the state of digitalization in Germany. While Germany is evaluated slightly above the EU average in terms of overall digitalization (European Commission, 2021) and also the population is moderately open towards the new technologies (Störk-Biber et al., 2020), progress is evaluated very negatively: In a survey among 500 decision-makers from politics, administration and economy, 89 per cent saw severe deficits and only middling chances of catching up, and this evaluation was mainly down to deficits in state administration. Moreover, 57 per cent of the population believed the federal government was not or insufficiently competent with regards to digitalization (European Center for Digital Competitiveness, 2020). Data protection considerations, commonly seen as a motivation for skepticism towards digitalization in sensitive areas such as health care, seem to be regarded more critically in light of the recent pandemic (Acatech / Körber Foundation, 2021).

5.2. Overview of media related competencies in policy documents

It is probably necessary to differentiate between general public discourse on media-related competencies, which is widely concentrating on technical and interpretative skills in media usage, and specialists' discourse. The latter may be as broad as Gapski's definition of eleven

elements of the topic, including technical, psychological, legal and ethical perspectives on media competencies (Gapski, 2001). Finally, for formal education, the competencies relevant to country-wide agreements and curricula defined on federal state level are in focus (see 5.3).

Perhaps in contrast to negative feelings towards the state of digitalization in Germany, the question of technical media competence training has been taken up by actors such as the media authorities of the federal states relatively early, although the technological focus has naturally shifted over time. For example, the media authority (LfM) of North Rhine-Westphalia – still called broadcast authority (LfR) until 2002 – has already named media competencies as a core field of agency in its program for the future of the media in 2001 (LfR, 2001): In this publication, the agency described a shift of its activities from a traditional focus on audiovisual media towards media convergence, back then still interpreted as a convergence of "tv, radio, internet and telephone", and activities focused on research and training programs to be applied in preschools and schools. Twenty years later, the institution's activities can be divided in assistance in media production (e.g., in local citizen media or student radios) and media consumption. The latter field of action is focused on digital media and risks such as cyber mobbing or extensive media use, but diversified in terms of target groups with offers for youth, parents, and teachers (LfM, 2020).

5.3. Information about the media literacy programs in formal and/or in non-formal education

The discourse on school education has seen a similar development from technological skills in the early 2000s (e.g., e-learning) to interpretative ones in the context of the newer participatory functions of the web 2.0 (Herzig et al., 2010). Despite a political consensus to better integrate media competencies at schools – with federal states agreeing on common educational goals, the federal level funding better equipment, and institutions like public broadcasters offering additional programs (Puffer, 2019) –, there is still criticism. Since matters of education including the actual curricula are a *Länder* competency, the country-wide agreement on school students' media competencies is translated to 16 specific strategies. Additionally, individual schools have some freedom on how to practically integrate these frameworks into their teaching reality. Commonly, the competency goals are tackled by integrating media education across all or most school subjects. The alternative of adding a specific subject on media education to the curriculum is still an exception mostly found in pilot projects.

Using the largest federal state of North Rhine-Westphalia as an example, it has translated the agreement on standards of "competencies in a digital world" to a binding "media competence frame" that defines six areas of competencies[70]: usage and application (active and passive media use), information and research (finding and critically evaluating information), communication and cooperation (rules of effective and safe communication), production and presentation (knowing and using possibilities of media production), analysis and reflection (reflecting both media offers and individual usage habits), problem solving and modelling (basic programming skills, reflection of algorithms, automatization, etc.). While the framework includes definitions of skills to be achieved at specific moments in an educational career, there is no individual subject of media competencies. Instead, the curricula and also textbooks and others materials for existing school subjects (languages, science, etc.) are adapted to include the defined competencies.

While differences exist between the educational systems of the different *Länder,* Thomas Rathgeb considers the concepts set up by individual schools – and also the technical and staff resources that schools can dedicate to media education – to be the more relevant factor. In the

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[70] https://medienkompetenzrahmen.nrw/fileadmin/pdf/LVR_ZMB_MKR_Broschuere.pdf

interview for this project, he emphasized the importance of specialization and continuous training of media educators.

International comparisons rank German school students' media skills in the mid-tier, while digital infrastructure and amount of teaching in the area is comparably poor (Eickelmann et al., 2019; OECD, 2021).

5.4. Actors and agents of media related competencies: risks and opportunities

While school children with their curricular obligations represent a major target group for media literacy efforts, there is a considerable number of initiatives and offers for different target groups. The media literacy database of the Federal Agency for Civic Education[71] includes a total of 250 entries in areas reaching from computer and online competencies or social media to film, audio, and print media production – for children and school students, but also groups like parents, disabled children and adults, or immigrants. In an attempt to promote further practically-oriented projects with a scientific background, the Federal Ministry of Education and Research has founded a research framework for projects that promise to help identifying and combating fake news (BMBF, 2022).

5.5. Assessment of media related competencies among citizens

The already described shift towards risks associated with online media links the area of usage skills in education to competencies in evaluating news sources in the general population. These have come into focus in connection with the Brexit referendum or the election of Donald Trump and fears that campaigning techniques associated with these events may be adapted by populist movements in Germany. In 2016, the Society for the German Language chose "postfaktisch" (post-factual) as the word of the year, the English term *fake news* was widely adopted into German about the same time (Appel, 2019), and the „lying press" accusation is also related. This discourse has only started to inspire more research into media literacy of adults, but studies show clear deficits in considerable parts of the population: For the state of Saxonia, 21 per cent of respondents know little or very little about the media and journalism – e.g., 17 per cent believe that most media are owned by the state, and 25 per cent say that journalists may only report about a minister after the ministry's approval (Bigl & Schubert, 2021). Another much discussed study has shown that many adults in Germany have problems to tell news from opinion articles, adverts or outright disinformation, see conflicts of interest, or answer basic questions on how journalism and the media work; 46 per cent of all respondents received low or very low overall scores, and besides differences based on age or education, also supporters of the AfD achieved lower scores than supporters of other major political parties (Meßmer et al., 2021). While the risk is clearly identified here, it remains an open question how such competencies can be improved in age groups that have already left formal education.

The mixed situation of increased activities in the area and widespread criticism and discontent with the state of user competencies in Germany are also reflected in internationally comparative research. In the most recent issue of the Media Literacy Index from 2021, Germany ranks 8th out of 35 analyzed European countries, but with a negative trend: The country was relegated from the first cluster of best-performing countries to the second one (Lessenski, 2021). The Media Pluralism Monitor sees a decidedly low risk for Germany in the area of media literacy, but the evaluation is mostly based on the existence of legal provisions for projects and training

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[71] https://www.bpb.de/lernen/digitale-bildung/medienpaedagogik/medienkompetenz-datenbank/

programs particularly by the media authorities, not efficacy of these measures (Holznagel & Kalbhenn, 2020).

6. Analytical conclusions

A decisive question for the analysis of critical junctures in the media and in society at large is simply when to label a change as such: How do we know a juncture, a critical one even, when we see one? Magnitude of change surely helps: Revolutions, changes to state borders, economic breakdowns or booms are certainly likely to turn out as junctures. Also, time helps: How decisive, how critical a juncture may have been becomes clearer after a while, when time has told if the event in question induced a sustainable change. In our case, the German reunification represents an obvious critical juncture for the country, and even if it occurred ten years before the 2000–2020 time frame, it clearly continued to show its effects well into the 21st century. But during these 20 years, a cursory look at the German case could long have resulted in a diagnosis of great stability: Political stability, on the one hand, with a single chancellor being re-elected three times to serve four full terms; and, on the other hand, economic stability and strength at least from the time the social reforms of the Schröder government took effect. However, a closer look at the time frame shows a number of significant changes: To name examples from different fields, the rise of smaller parties and a relevant right-wing populist movement, the end of nuclear energy or coal mining, the advent of digitalization in private, public and economic daily life, or the intensive debate on how to deal with migrants and refugees all mark important moments for the German case. In terms of international relations, the country seems to struggle to find a balance between international and particularly European integration and cooperation on the one hand and sole decision-making on the other hand: Examples can be found in military and security policy, the reaction to the euro crisis, or the 2015 decisions on migration. But maybe time will finally appoint the Covid pandemic as the main juncture of the first two decades of the 21st century – not only as a major crisis, but as a catalyst for social division that affected the very basic agreements of political decision-making, economic activity, and social discourse: Fact-based and socially inclusive reasoning.

From a mostly stable and well-established situation like the one described above, risks almost automatically outweigh opportunities. From a pessimist point of view, one could point out a number of risks: The established party system has changed significantly, requiring larger coalitions with potentially less long-term stability. Political representation of right-wing populism now sustainably passes electoral thresholds in federal and Länder elections. Social elites appear to be helpless upon realizing that it has become hard to reach certain groups with facts and arguments. And the media system itself is struggling with different problems in a time it would urgently be needed to reconcile diverging interests and worldviews: Public broadcasting sees itself under pressure from private media companies (asking to defund the public competition) and politicians (trying to exert political influence). Major publishers ignore decisions of established mechanisms of self-regulation. Print journalism, especially the important regional press, is under economic pressure upon massive losses in both the reader and advertisement market – and excellent journalism does not tend to emerge from worsening working conditions in shrunk and insufficiently diverse editorial offices, let alone in an atmosphere of growing hostility against journalists in parts of the population. Media users did not resort to less, but different media use, with fragmented special interest offers in online services they sometimes lack the competency and experience to fully understand and master. And these are just some of the most glaring risks.

But such a point of view is at risk by itself – the risk of overlooking the assets the system can still count on: The public broadcasting system is probably the best-funded one in the world, and

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with all its problems, it still delivers services adapted for different interests, regions, and abilities, an offer that not least allows private broadcasters to enjoy more freedom in their programming. While public broadcasters in several European countries come under increasing pressures of direct government influence or substantial financial cuts (affecting even the old role model of the German system, the BBC), anyone who tried the same in Germany finally had the constitutional court to deal with. The newspaper market, although affected by market concentration and severe losses of readers and advertisement revenues, still consists of hundreds of titles and delivers local coverage to most all municipalities. Furthermore, publishers finally claim to see a path to replace print revenues gone for good by different digital offers, just now when the economic turbulences of the pandemic are still present.[72] And while "everything digital" is widely considered inadequate in the German public discourse, international comparisons actually show that the country is probably doing better both in terms of infrastructure and competencies. Research even suggests that trust in the media is higher than elsewhere and actually growing in parts of the population – initiatives towards more transparency and openness for dialogue may in fact show positive effects here.

German society, politics, and media system are obviously not without conflicts. What the system could count on, for a long time, is that different interest groups of agents would find ways to balance diverging interests, and that conflict between different groups in one area did not exclude cooperation in another. The decisive question for German society and the media as the central system of societal deliberation will be this: Can those who lost trust in institutions, science, even verifiable facts be re-integrated to overcome the divisions caused by different factors – Covid first and foremost, but also mistakes in moderating re-unification, in communicating social change and in the representation of different social groups in the past three decades? And, most importantly: Can it be done without giving away the very core of a liberal, open, free society that wants to solve issues through fact-based reasoning?

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[72] Obviously, economic uncertainty has grown again in 2022, underlining the risks associated to this already cautiously optimistic outlook.

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