

Television in Germany

Eli M. Noam

Do not quote without permission of the author.  
c 1990. Columbia Institute for Tele-Information

Columbia Institute for Tele-Information  
Graduate School of Business  
809 Uris Hall  
Columbia University  
New York, New York 10027  
(212) 854-4222

## 6: Germany

Considering Germany's legacy of an apolitical and PTT- dominated broadcasting system during the Weimar years and a totalitarian system during the Hitler period, the modern German public broadcast system has evolved well in many respects. The public broadcasting system is structurally superior to those of most European countries, because its decentralization provides a greater diversity of approaches to broadcasting and a certain rivalry in performance and quality. The legal status of German broadcasting is more independent than that of the BBC, over which the British government has retained a variety of important residual powers. In practice, however, the German institutions are heavily politicized along party lines. This problem is the cancer that has weakened the system's independence and legitimacy. The absence of institutional self-reform, together with the ascendancy of the highly concentrated publishing industry and the cable construction strategy of the telephone monopoly, led to a limited opening of broadcasting to private interests.

### History

German broadcasting has been dominated by the state from its early days. This did not happen by itself; control had to be established. It is therefore instructive to look in some detail at how state domination was accomplished, even in a democratic society.

The 1872 Telegraph Law and its 1908 amendment provided that "electrical telegraph facilities, which distribute information without metallic wires, may be erected and operated only with the permission of the state." When the technology of radio transmission became available, the powerful postal and telecommunication administration, the Reichspost, immediately laid claim to its monopolization. World War I demonstrated the importance of wireless technology. During the war, many soldiers were trained as military radio operators, and some of them participated in the democratic revolution of November 1918. Rebellious military units established their own radio transmission network. The Social Democratic government that came to power sought stability and acceptance and quickly re-established the wireless monopoly. But many former military signalmen became enthusiastic radio amateurs. In a chronicle of his family's firm, Georg Siemens writes about the consternation of the Reichspost at the prospect of electronic communications outside of its control: "The Deutsche Reichspost . . . was aghast: what about the telegraph privilege of the Reich? Its mood was of a mother hen which had hatched chicks and which was now excitedly clucking, scurrying back and forth . . ." (1957, p. 92).

The Reichspost was aided by the absence, throughout the Weimar Republic, of a constitutional provision for broadcasting; therefore, policy could be determined by a complex system of regulations, decrees, and concessions. The scene was dominated

by Hans Bredow, originally a director of Telefunken, the radio cartel company of the two electric industry giants AEG and Siemens & Halske. In 1919 Bredow moved from the private sector into government service and assumed responsibility at the Reichspost for broadcast matters.

Under his tutelage, the Reichspost exercised a highly restrictive regime. It required the licensing of every single broadcast receiver, as well as approval for every receiver type sold to the public. For years, it granted licenses to only three companies, Telefunken, Lorenz, and Hutch, arguing that foreign equipment would make it impossible to prevent individuals from listening to "unauthorized" parts of the spectrum, thus violating the secrecy of communications. Only trustworthy and approved German manufacturers were allowed to produce receivers. Firms had to meet financial and personal conditions, ostensibly to assure production of adequate quality. Every set had to receive an official stamp of approval. When the Ministry of Finance argued that the exclusivity of the three closely linked firms could lead to monopolization and higher prices, the technical office of the Reichspost claimed that only particularly sophisticated firms could meet its strict technical criteria. Soon afterward, the three firms, free of competition, merged their radio set interests.

Similarly strict rules applied for the mere reception of radio broadcasting, but they were widely ignored by the amateurs. The Reichspost became adamant about establishing control over



"unregulated reception," claiming that a receiver could be rebuilt into a transmitter. In 1924, it obtained a government decree to deal with unauthorized radio listening, based on the public emergency provision of the Weimar Constitution. It was accompanied by an explanation by the minister of posts:

The number of secret wireless facilities is steadily increasing. The existence of such facilities seriously endangers the security of the state and of the public order, because they provide revolutionary circles with the opportunity to create a comprehensive secret communication network, which in cases of peril can seriously endanger the execution of appropriate action of the constitutional government. The government departments involved are unanimously of the conviction that the present legal regulations are not sufficient for the necessary protection of broadcast facilities. The Reichsminister of Posts is of the opinion that the existing conditions in the wireless sector already represents a disturbance and an endangerment of the public safety and order [Lerg, 1980, pp. 99-100].

The decree made the unauthorized reception of radio signals a criminal offense, punishable with prison and large fines. Law enforcement and the Reichspost officials could enter and search for unauthorized radio receivers in any suspected dwelling without a search warrant. The draconian measures were sought and applauded by the three-firm set manufacturing cartel.

During the same period, the principle of payment for radio reception was established. The purpose of payment was not primarily to establish funding for broadcasting, but to help the state treasury and to demonstrate that radio reception was a privilege and not a right.

Initially, Germany was divided into nine broadcast regions. Private business interests received licenses for a concessionary regional monopoly. They also had the right to sell or rent receivers. They initially received 60 percent of the license fees collected in their territory, though this was reduced in the following years unilaterally to 60.5 percent by 1931.

The umbrella State Broadcasting Corporation RRG (Reichs-Rundfunk-Gesellschaft) was positioned above the regional companies and was financed by mandatory contributions from the regional companies. The RRG received all profits above 10 percent (later 8 percent) from most regional broadcasters.

For all practical purposes the Reichspost became the regulatory commission for broadcasting. For example, in 1924 it permitted advertising in broadcasting, provided that it was in "moderate amount and in the most cautious form" and that the Reichspost's own advertising agency was used. Total advertising revenue, however, was small.

The Reichspost was not the only part of the state with claims to control over broadcasting. From the beginning the Ministry of the Interior, in charge of internal security, was adamant about its desire to prevent independent news and

political programs from being broadcast. To make this less blatant, it arranged for the establishment of the "Corporation for Book and Press," which later became DRADAG, the news service provider, which was independent from government only in the most nominal terms. The Ministry of the Interior held a 51 percent share, and the German press association held the rest. Thus, news broadcasting was provided by an organization dominated by the highly political Ministry of the Interior. The regional companies were left with entertainment, culture, and education, but no politics.

The government also held direct ownership shares in the regional broadcast companies themselves. The Reichspost had a 17 percent share in each, and DRADAG and a quasi-official umbrella program supplier, the Deutschstunde, each held another 17 percent. The remaining 49 percent was held by private investors. Furthermore, the Reichspost had a 50 percent share in the Deutschstunde. Thus, the Reichspost, together with the Ministry of the Interior, had a voting control over all regional companies.

The federal states became strongly opposed to this concentration in the hands of the central government and demanded participation. After bitter negotiations, they received the minor rights to establish "supervisory committees," which were shared jointly by the state governments and the Reichs Ministry of the Interior.

Bredow was unrelenting in his efforts to further increase

the Reichspost's influence through administrative means. (Only in 1926, three years after the commencement of regular broadcasting, did the German parliament have a chance to consider broadcast issues.) For example, studio equipment of the original companies and other technical facilities had to be operated by postal employees, but they were purchased and paid for by the companies themselves.

Next, Bredow began to exercise control directly. He became chairman of the administrative board of the RRG. He left his civil service position and was appointed to serve as the broadcast commissioner of the Minister of the Reichspost. Although technically a private person serving a private company, in reality he was a state employee in a state company. For the Reichspost, and for Bredow personally, it had been a remarkable tour de force. After three years of ceaseless manipulation, the Reichspost was in control of broadcasting, with the private companies acting as a fig leaf. Six years later, they formally became state administrations.

In fairness, to Bredow, he sincerely believed that an important function of the Reichspost and of the RRG was to keep politics as much as possible out of the broadcasting system. Since the Weimar Republic was highly fragmented politically, the establishment of state control would allow the broadcasting system to remain as nonpartisan as possible. He hoped that preventing the regional broadcasting companies from controlling news programs would contribute to this goal. On the other hand,

this "apolitical" position reflected the statist attitudes of Prussian traditionalism, and in that sense was actually quite political.

In 1932, Germany was governed by a series of conservative governments without a parliamentary majority, based on emergency decrees. In this politically confused situation, an official of the Ministry of the Interior, Erich Scholz, began a complex set of bureaucratic intrigues to achieve a political decision in favor of full nationalization and centralization of broadcasting. Scholz, together with the German majority, had been migrating toward the political right. By 1932 he had quietly become a member of the National Socialist party. Under Chancellor Franz von Papen the government decided that the private shareholders in the regional companies had to transfer nominal control. RRG now became 51 percent owned by the Reichspost and 49 percent owned by the states. The regional companies themselves became 51 percent owned by the RRG and 49 percent owned by the states and were supervised by state commissioners. Bredow and Scholz served as commissioners over the RRG. In the following months, broadcasting institutions began dismissing leftist and Jewish employees, even before Hitler's assumption of power. A few weeks later, Hitler became chancellor. Bredow, a representative of the old order, resigned. But the broadcast institutions, shaped under his leadership for centralized state control, required little reorganization.

After 1934, several of the leaders of the previous

broadcasting system were brought to trial. The trials focused on financial improprieties and operational competence. The hearings were supposed to be "educational," but they did not proceed well because of the flimsy evidence. Bredow and his two codefendants received light prison sentences and fines, but the case was so weak that an appellate court, hearing the case in 1937, set aside parts of the judgments, a highly unusual occurrence in a political trial at the time.

Until 1932, no Nazi leader had ever spoken on German radio (Diller, 1980). Although Hitler was a major candidate for Reichs-President in early 1932, he was denied access. After 1933, broadcasting became a major instrument of Nazi propaganda, with Hitler's speeches being constantly broadcast while all other spokesmen were silenced.<sup>1</sup> To increase the reach of radio, an inexpensive "Volksempfänger" (people's receiver) was designed and produced. It was designed to receive mostly German stations. (During the war, listening to enemy broadcasts became a major crime.)

Bureaucratic disputes about control of broadcasting occurred throughout the twelve years of the Nazi regime (Roß, 1986). At the end of 1933, state control remained, but Reichspost control, patiently accumulated by Bredow, was terminated in one fell swoop and transferred to the newly established Propaganda Ministry of Goebbels. Goebbels thereby got his hands on over 55 percent of the Reichspost's license fees for receiving sets. These funds were disposed of for other propaganda activities as well and were

the major financial source for his operations. Radio advertising was prohibited in 1936.

After the Allied victory, German broadcasting was completely revamped by the occupying powers, each influenced by its own broadcast tradition and by a desire to provide a system for a reeducation of Germany. British views were shaped by the BBC model, which was centralized and de facto independent from the state. Particularly influential in conceiving a new model for Germany was the BBC veteran Hugh Greene (Tracey, 1982). Myths to the contrary, the United States did not strive to export its own domestic model of commercial broadcasting; media based on commercial advertising in a totally destroyed country with rationed consumer goods would have made little sense. The United States instead favored a BBC-like model, but more decentralized in the American tradition. The French were willing to follow the British and the Americans because they judged their own system of close relations between state and broadcasting to be an inappropriate model for Germany. The Soviet Union, on the other hand, created broadcasting as an instrument of the new socialist regime it was setting up in its occupation zone. All the Allies agreed that the pre-1933 broadcast system was undesirable.

In seeking new forms of organization the Western Allies disagreed with German politicians of virtually all democratic parties, who basically wanted to return to the Weimar system of state radio control, though with control wielded this time by democratic forces. The British and American occupation

administrations, in contrast, wished broadcasting to be not merely a voice of the democratic state, but also an independent factor within a democracy. For the new democratic German politicians these concepts were alien, and their acceptance required massive allied pressure on some German state parliaments, sometimes under protest. General Clay, the US, military governor, who became greatly admired by Germans, wrote in 1950 about his efforts on behalf of press and broadcasting freedom: "The German inability to truly comprehend democratic freedoms has not shown itself as much in any other area, except perhaps that of the school reforms. It seemed to be impossible to reach legislation in which the press was not left to the good or bad graces of the ruling power" (Bausch, 1980, p. 22). In some cases the Allies simply decreed the new system. During this time, Hans Bredow reemerged and played, to his credit, a constructive role in popularizing the new concept.

The Allies were also determined to eliminate the Deutsche Post's role in technical transmission services and to give these services instead directly to the broadcasters. The occupation forces also wanted to have only minimal governmental representation on the administrative boards and to include participation of societal interest groups. They were only partly successful in achieving these goals. In the British zone, in particular, state politicians retained considerable influence in the establishment of a huge, centralized broadcast institution, the North-West German Radio NWDR, which the British were setting



up. In the American zone, broadcasting was overseen by a more decentralized system of several institutions. Most significantly, the West German federal government, which was soon established, received no role in broadcasting; the power of the states over broadcasting continues to be jealously guarded to this day (Bausch, 1980) and is unique within Europe. A discussion of East German (GDR) broadcasting is provided later in the chapter.

Among the most active advocates for the status quo ante were the officials of the Deutsche Post, who actually claimed some form of redress as victims of the Third Reich, since the Nazis had taken their authority over broadcasting. Referring to the still intact Telecommunications Facilities Law of 1928, they laid claim to their old right of broadcasting, and particularly its lucrative broadcast license fee.

As soon as the post offices were reopened after the war, the Post began collecting radio license fees again. In Bavaria, it returned only 25 percent of the license fees to Radio Munich and kept 75 percent in return for operating the transmission and collecting the fees. In 1946, the Deutsche Post went a step further and proposed a reorganization of broadcasting, with state-controlled program companies but with Post "responsibility" for the operation of the studios for reasons of "uniformity of technology." The Deutsche Post maintained its claim to fees not only for program transmission, but also for the program trade between studios.

The Post petitioned the military governments to revoke the broadcasting authority of the newly formed states in its own favor. The postal unions were mobilized, opposing a transfer of broadcasting as a "manipulation of private capitalist interests." The postal unions also demanded that the entire management of broadcasting be controlled by the postal administration.

The postal officials next brought in Bredow, asking him to provide a supportive expert memorandum to the Allied authorities. Bredow, a man with far broader horizons than his former colleagues, told them that a connection of broadcasting with the postal system would be superior in purely operational terms, but that the question was more one of politics than of technical operation. The postal administration was unavoidably centralized, and if it controlled broadcasting, then broadcasting would also become centralized. Bredow commented, "Whoever controls the transmitters also practically controls broadcasting. Without transmitters, the best programs are useless. After the experiences of recent years, it is conceivable that, in future central administrations [of the Post] an authoritarian spirit will again predominate which would then affect broadcasting" (Bausch, 1980, p. 29).

In rear-guard action during late 1947, the head of the Deutsche Post demanded at least compensation for the "expropriation." But General Clay was unpersuaded. He directed the postal authorities in his zone to transfer the transmitters and studios to their respective state governments within three

weeks. Compensation was not mentioned. Since its foundation in 1490, the postal system had never been rebuffed in such unequivocal fashion by a governmental authority, and it never has since (Noam, 1991).

Thus the role of the post in broadcasting came to an end. Or so it seemed, for a short time. But the Bundespost, succeeding the Deutsche Post when the Federal Republic was established in 1949, continued to dispute the financial arrangements concerning the viewer license fees and never gave up in its efforts to regain its authority over broadcasting. In 1961, the German Constitutional Court gave it the right to new broadcast transmission, while leaving the existing transmitters to the states. Since then, all new transmitters have been controlled by the Bundespost.

### Television Institutions

The first German experimental television broadcasts of still pictures were undertaken in 1929. In the Third Reich, control over the emerging television medium became subject to bureaucratic dispute. Goebbels, the minister of propaganda, was in charge of radio broadcasting. But in 1934 Hitler was persuaded television should be controlled by Hermann Göring, the minister of aviation and a rival of Goebbels, on the flimsy grounds that television broadcasting touched issues of aviation communications. Only later did Goebbels receive a role in television.

Television began operating in Germany in March 1935. Two months later, TV broadcasts from the station "Paul Nipkow" commenced for five hours daily, receiving wide attention during the 1936 Olympic Games held in Berlin. It used a 180-line system. In 1937 a 441-line standard was established. During World War II, television development came to a standstill.<sup>2</sup>

Experimental television broadcasting resumed after the war. On Christmas Day of 1952, NWDR commenced regular TV broadcasting. In 1954, a loose arrangement of the regional broadcast institutions under the name ARD (Arbeitsgemeinschaft der Rundfunkanstalten Deutschlands, or Working Group of German Broadcast Institutions) began operating the joint "first" channel.

Radio advertising has existed since 1948. Given the financial difficulties at the time that advertising was first proposed, there were no strong objections. Television advertising, however, was more controversial when it began in 1956. It was limited to a few blocks in the early evening, none of which interrupt a program.

In 1959, Chancellor Adenauer and the majority Christian Democratic party proposed the creation of a second German television channel that would operate under central government authority rather than under states control, via a licensed private law institution, Deutschland Fernsehen, with private program providers and advertising support. The states, including the Christian Democratic ones, rallied in opposition. Two

explosive issues, the nature of federalism and the role of commercial television, were raised in one action and created a national constitutional crisis. The Federal Constitutional Court ruled in favor of the states, which soon thereafter set up their own second channel, ZDF.

This "First Broadcast Decision" of the Constitutional Court was followed by several more cases. Together they established a remarkable assertion of judicial power into the quasi-legislative area, and their significance extends far beyond the subject matter of broadcasting.

Whereas each state maintains jurisdiction over the structure of broadcasting in its territory, broadcast regulation must be consistent with Article 5 of the Germany Basic Law (Grundgesetz), the equivalent of the US First Amendment, which states:

Everyone has the right to freely express and disseminate his opinion by speech, writing, and pictures, and to freely inform himself from generally accessible sources. Freedom of the press and freedom of reporting by broadcast and film are guaranteed. There shall be no censorship [emphasis supplied].

However, the German Constitutional Court interpreted in 1971 this "broadcast freedom" narrowly:

As a result of development in television technology, broadcasting has become one of the most powerful means of mass

communications which, because of its wide-reaching effect and possibilities as well as the danger of misuse for one-sided propagandizing, cannot be left to the free play of market forces [BVerfGE, 1971].

Broadcast freedom must therefore serve society as a whole (Witteman, 1983).

The nine West German public broadcasting institutions are roughly but not completely analogous to the federalist structure of the country. The absorption of the German Democratic Republic will modify this structure somewhat. Several of these institutions cover more than one state, and one state is served by two institutions, one of which also serves another state. These irregularities resulted from the Allied occupation zones after World War II that led to the establishment of broadcast service areas whose territories have remained the same ever since, even if political boundaries have not. The exception is the northwest German system that had covered the entire British occupation zone, which was split into several components (Kleinsteuber et al., 1986).

Additional participants in the German broadcasting system are the federal government's Deutschlandfunk and the Deutsche Welle. The Deutsche Welle provides long-distance international broadcasting. The Deutschlandfunk was aimed, in theory, at East Germany and nearby European countries, but also has a presence with West German audiences, operating an FM frequency whose low

signal range suggests that it is a de facto domestic broadcaster. Also part of the broadcast system has been the American-controlled station RIAS (Radio in the American Sector) in Berlin, with semi-independent status and broadcasts in German (including, since 1989, television), unlike the U.S., British, French, and Canadian military stations AFN, BFN, FFB, and CFN, which are set apart from the civilian broadcasters.

German broadcasters collaborate in a variety of ways. In particular, they jointly provide the first German television channel. Programs are provided according to a complex formula, with the individual stations transmitting regional programs in certain time windows. ARD, the umbrella organization of the collaboration, is relatively weak. Feature films are centrally acquired, which serves to reduce the competition for rights. The regional stations also operate, separately or in a small group, another set of channels, known as the "Third Program," intended for regional broadcasts but increasingly becoming supraregional (Bullinger, 1987).

The vertical integration of the broadcasting institutions into film production is strong. Most German films are prefinanced by the television institutions, establishing public broadcast institutions as the patron of the film industry. In addition, the broadcasters own the major film production studios directly. Bavaria, the largest studio, is 75 percent owned indirectly by the two public broadcasting authorities, WDR and SDR. Studio Hamburg, the second largest, is owned by the

northern German broadcast authority, NDR, through a subsidiary. The second channel, ZDF, in contrast, obtains most of its programs from independent producers, though it has a smaller production studio in Munich (Riva).

In the broadcast institutions the central person is the director general (intendant), who is supervised by a general broadcasting advisory council and a smaller but more important administrative board. The broadcasting advisory boards are composed of parliamentary (i.e., party) representatives, in addition to representatives of socially relevant groups, mostly aligned with one of the political parties. Attempts at interference in political programs are frequent. The intendants, though often professional journalists or media experts, have increasingly included political types (Kleinsteuber et al., 1986, p. 60). But the process can also become a two-way street, when the representatives of the parties in broadcasting become the representatives of broadcasting in the parties (Martin Bullinger, communication).

The second German television program channel, ZDF, was created in 1961 through a compact of the German Länder that followed the previously mentioned constitutional crisis.<sup>3</sup> Born in controversy and poverty, in 1985 it was able to afford Europe's largest, most modern, and most expensive broadcast center, located in Mainz, the birthplace of Western printing.

The party "proporz" system has been part of ZDF's reality, too. When the institution was established, the various party



representatives agreed that the intendant would be appointed by the Christian Democrats, with the further proviso that he would be a Catholic. In return, the centrist Free Democrat party was allotted the administrative director's position. The program director was also a Christian Democrat party member, and the editor-in-chief was a Social Democrat "sympathizer," though not a party member. Similar party proportionality exists further down the management ranks. Most of these positions are already filled before the appointment of the intendant, who must then work with a management team that is predetermined by party representatives. Appointments to most jobs, including clerical, editorial, and foreign correspondent positions, are similarly affected by party affiliations. A good number of positions are filled by former press officers of the party organizations.

The supervisory board of ZDF consists of a large number of representatives of pluralist interest groups, various federal states, the federal government, and the political parties. Also represented are nongovernmental groups such as churches, trade unions, employers' associations, farmers, craftworkers, newspaper publishers, and journalists. Many of the "nongovernmental" groups are, in fact, party affiliated and together form powerful caucuses. Some of the most influential political figures of the states are members of the supervisory boards of the ZDF, including the German Foreign Minister, Hans-Dietrich Genscher, and several state prime ministers.

One intendant, the respected Klaus von Bismarck of the West

German broadcast institution WDR, commented on his experience:

I've come to realize that where the professional politicians [on the governing boards] are concerned the party political balance of power is in the final analysis decisive. To assume anything else would put idealistic gloss on the situation. What does this mean? . . . A pressure of these parties, in practice above all of the party groups in the Land Diets on the members of the broadcasting bodies has grown in intensity . . . as a result, the freedom of the majority of these members, who depend on party support, to take decisions that are in the best interests of broadcasting is strictly limited . . . [Grosser, 1979, p. 132].

Disillusionment was also expressed by Klaus Simon, an editor of the southwest German broadcasting institution:

I regard the belief that representatives of the socially relevant forces will treat the common interest as more important than the interest of their own group as a superstition — I know of only few exceptions to this rule. I regard as a nightmare the idea the Farmer's Union should appoint the editor of the Agricultural Programme or the Trade Union should appoint the person responsible for programmes dealing with social problems [Grosser, 1979, p. 133].

In the aggregate, the institutions of German public broadcasting provide some of the world's best television,

particularly in the areas of the documentary and the performing arts. Quality is particularly high in areas that the influence of party loyalty has not penetrated. And even on political issues, there has been independence, when the intendant was strong. Efforts are made to air programs for minorities, special interests, and the millions of foreign workers in Germany (though far below these groups' numerical share in the population during the major viewing hours). With its decentralized structure of professional and well-financed institutions, the German system works quite well in many respects and has been a strong force for democracy.

#### The Long March to Private Television

The politicization of the broadcast system is partly due to restrictiveness. If more outlets existed, control over each would probably be less important. As in Italy, the emergence of private television in Germany was partly due to the inability of the existing system to reform itself and expand. For a long time the existing institutions were too tightly balanced to permit a meaningful expansion within the established structure. The decision-making process was not geared toward change, partly because of the complexities of the federalist structure and partly because of the split between the left and the right on the issue. The absorption of East Germany adds new dimensions to complexity. This situation may well continue despite the complex legal framework that was established to assimilate the new

private and public participants. German broadcasting is hence an unstable system in the sense that smooth transitions are not easily achieved.

Advertising on German public television is limited to twenty minutes per channel each day and is not permitted after 8 P.M. or on Sundays.<sup>4</sup> Even though rates kept rising, there has been substantial excess demand for advertising time. Using the United Kingdom as a model, it was clear that private television would be profitable, and various interests sought to establish private channels. But it took twenty-five years of agitation before this finally happened. In 1961 the German Constitutional Court struck down Chancellor Konrad Adenauer's private television, because it was sponsored by the central government. In 1964, when the states' nascent ZDF television was in financial difficulties, the publishers' association offered to take it over. As a result of the publishers' barrage, two government panels were established in 1964 to investigate the media, including the noted academics Arnold Gehlen and Ernst Joachim Mestmäcker (Mestmäcker, 1978).

Private television obtained its first legal foothold in the small state of Saarland. Saarland had an arrangement that dated back to its special postwar status and permitted the French "peripheral" commercial broadcaster Europe-1 to transmit French language radio and later TV programs. In 1967, in a remarkable legislative coup, a new media law was introduced and voted on in three readings in rapid succession during the Six-Day War in the Middle East, which absorbed public attention. It was later

disclosed that the private broadcast company was to be controlled by the three major political parties, which held 58 percent of the shares, with the remainder held by several important banks and publishers. In effect, the three major political parties were about to establish a private television company in whose profits they would directly participate. The use of parliamentary powers by party organizations created such an uproar that the state government became too embarrassed to act. One applicant, the free broadcasting corporation (FRAG), demanded an affirmative decision by the state government and went to court to obtain it. Thirteen years later (!), in 1981, the federal constitutional court decided the case against the plaintiff in its landmark FRAG (or third broadcasting) decision.

In 1972, another major battle took place in the state of Bavaria when the conservative Christian Socialist Union party introduced a bill that sought to increase the legislature's representation on the broadcasting council, thus increasing the degree of authority that the state would have over future private broadcasting. After the law was passed by the state government, the liberal Free Democratic party organized a citizen's movement and public opposition. The group collected signatures of more than 10 percent of the state's citizens, enough to put a plebiscite on the ballot, an unusual event in Bavaria. The plebiscite proposed that broadcasting be entirely operated by public institutions under safeguards from government or parliamentary domination. In light of the public outpouring

of support, the Christian Socialists relented and accepted most of the plebiscite terms. The compromised proposal was overwhelmingly approved.

After the 1967 Saar debacle, it took ten years for serious advocacy for private broadcasting to rise again. Christian Schwarz-Schilling, the Christian Democratic party's media spokesman in the federal parliament, began to speak strongly in favor of private broadcasting as a supplement to the public service system. The Christian Democrats also argued for the participation of private firms in several cable pilot projects that were being planned. These proposals were fiercely opposed by the Social Democrats. The Free Democrats took a centrist position by opposing commercial over-the-air broadcasting but advocating the establishment of a new set of regional public broadband cable institutions that would supervise private program providers.

In 1981, the German Constitutional Court finally struck down the heart of the 1967 Saarland media law that had permitted private broadcasting under certain conditions. The court established that private broadcasting as such was constitutional, provided that the proper legal framework was set up. Specifically, private program suppliers could receive a broadcast license if the channel was "internally pluralistic" by providing a diversity of opinions in its programs, and if it was supervised by an institution similar to public broadcast councils, which include various socially relevant interest groups. Also

acceptable was an "externally pluralistic" model, where overall balance was achieved through the multiplicity of channels containing unbalanced programming (Bachof et al., 1983). This decision was highly significant, and it established the constitutional parameters for any reform and media liberalization by the states. All the subsequently drafted state media laws were based on these principles. The first of these laws was that of the state of Lower Saxony, passed in 1984. The state of Rheinland-Palatinate followed with legislation on cable television that permitted private programs, supervised by an independent public state broadcasting commission.

As the tide began to shift, the Social Democrats started to modify their opposition. The signals were given by Peter Glotz, who had significant influence as the party's media expert as well as, later on, being its secretary general. Glotz pragmatically argued that any change in the communications field requires cooperation across the political spectrum rather than the pushing through of a plan by a majority:

The left must understand that the Federal Republic of Germany cannot be considered an isolated island. Capital moves across borders, and whoever wishes to simply block the capital utilization will sooner or later be outmaneuvered. Therefore, in the second half of the 1980s neither the ramming through nor the blockading strategy are sensible. . . . A stubborn anti-capitalism, whose major goal is that media entrepreneurs should not make any money, would be in

the coming phase ahead of us as damaging as a blind overreliance on the new technology [Glotz, 1983, p. 24].

Glotz did not continue in this vein, but his opening was picked up in 1984, when his party colleague Klaus von Dohnanyi, the Lord Mayor of Hamburg, proposed allowing private media under public supervision. Hamburg's role in the change was not coincidental. The city-state had been West Germany's media capital; with its harbor in decline, it wanted to link its economic future with the health of its media industry. Munich had been promoting itself as a rival media center, and Hamburg could not afford to fall behind.

In 1985, the national congress of the Social Democrats party narrowly approved the basic outlines of Dohnanyi's position. The Social Democrats' concern thereupon shifted to internal pluralism and to the prevention of a "dual monopoly" of both print and television media on national and local levels by newspaper publishers.

Represented by Wolfgang Hoffmann-Riem, a noted legal media scholar, the Social Democratic deputies in the Bundespost challenged the law passed by Lower Saxony in 1984, and in November 1986 the German Constitutional Court ruled on the case in its Fourth Broadcast decision. Although the earlier FRAG decision required public broadcasting institutions to assure diversity, commercial broadcasting was not required to be quite as balanced as the public broadcasters. The 1986 decision gave private interests greater flexibility, but also emphasized that



public broadcast institutions were the key elements in the system and that they were responsible for assuring external pluralism in programs. Consequently, it established an obligation of the states to assure their technical, organizational, and especially financial integrity (Hoffmann-Riem and Starck, 1987).

After five years of wrangling among the states, an important agreement was reached in 1987 on the basic framework of private television, cable television, and DBS. The states undertook to tolerate each other's private broadcasting, to establish universal programming principles for such broadcasts, and to monitor the quality of TV advertising. The compact also permits the prime ministers to raise advertising time, which gives them a considerable level of power (Bullinger, communication).

In time, all states passed comprehensive media laws. One approach, adopted by Baden-Württemberg and Bavaria, was to permit local and regional private broadcasting. Lower Saxony and Hessen permit statewide but not local or regional stations. Nordrhein-Westfalen separates advertising and distribution from program provision, which is undertaken by an organization encompassing all socially relevant forces. In Bavaria, private broadcasters have been placed under the legal umbrella of the existing public institution. Several of the state laws require external pluralism and others, internal pluralism. All require overall balance (Wolfgang Hoffmann-Riem, communication). Each state established a Media Agency (Medienanstalt) to regulate private broadcasting and award licenses. These Anstalten are

financed by a slight increase in the TV license fee of viewers. Lower Saxony awarded Germany's first private radio license in 1985 to FFN, a consortium of eighty-three publishers. Other states followed. A checkered private broadcast system emerged, creating some legal, technical, and commercial problems given the medium's characteristics of propagation beyond state borders and the national aspects of consumer markets. It is therefore not surprising that large media firms have advocated national media laws as application of federal commercial laws. But absent such changes, Germany has a unique system of decentralized broadcast regulation.

#### Cable Television and the Breakdown of the Traditional System

Traditional telecommunications law in Germany was based upon several dichotomies: between the states and the central government, between broadcasting and telecommunications, and between content and transmission. This system was unable to deal with cable television and the changes in its wake.

Cable television in Germany is less rooted in private initiatives than in the efforts of the monopoly telecommunications administration Deutsche Bundespost to promote, design, finance, and construct it. Its pro-cabling policy led to sharp criticism that it created technical and economic realities—"Sachzwänge"—that tended to predetermine media policy.

Master antenna cable systems have long existed in Germany,

usually with a capacity of about five channels. Efforts to establish private cablecasting started in 1970, when the tiny cooperative Senne TV began operating over the master antenna systems, using a small studio in an apartment house in Bielefeld. The studio was almost immediately shut down by the authorities, who labeled it an impermissible private broadcast facility and a "danger to public safety." Soon thereafter the Bundespost became increasingly interested in expanding its activities into broadband cable television. In 1971, the Bundespost prepared a cable television study that aimed at defining a uniform technology. The first Bundespost cable networks were set up on a trial basis in Nuremberg and Hamburg, and without an existing regulatory or political framework. For example, the Bundespost did not consult the states on matters of standard setting, although standards of channel capacity directly affect media policy (Scherer, 1985).

In 1974, the Bundespost decided on regulations concerning the technical standards for community antennas. These included its right to force private community antenna systems to use the Bundespost's broadband links if their facilities crossed public rights of way.

In the same year the government established a blue-ribbon commission (known as the KtK) headed by Professor Eberhard Witte, who a decade later also played the leading role in opening up the monopoly in German telecommunications. The Christian Democratic opposition strongly criticized this as an attempt to

establish government control over new forms of media and as a denial of role for the private sector. Ironically, the KtK report contained the proposal and structure that made the introduction of private media possible. Issued in December 1975, the report recommended that several cable pilot projects be established and that cable network operations be separated from control over programming. The report also recommended the establishment of electronic mail, videotex, and telefax service (KtK, 1976). These proposals led to the introduction, after years of political debates, of prototype cable projects in Munich, Ludwigshafen, Berlin, and Dortmund, all of which required model legislation as well as the creation of a system of program supply that would allow the projects to be readily expanded into a nationwide system.

The federal cabinet approved much of the KtK report in a forty-page position paper and also strongly supported the Bundespost's assertion of monopoly, by claiming that cable distribution and videotex were under the jurisdiction of the federal government.

In 1977, five years after the Bundespost began its cable television activities, it finally asked its own administrative council for regular authorization. The states protested vehemently, but the Bundespost went ahead anyway and embarked on the extensive cabling of eleven cities. However, the federal cabinet, under the leadership of Chancellor Helmut Schmidt (at the time an opponent of almost every form of television), decided

two years later to stop the Bundespost in its tracks. But the cabinet decision permitted the Bundespost to supply cable service where there was an "acute public demand," such as in areas with poor over-the-air reception or in historical areas where TV antennas were prohibited. The Bundespost, left with such a loophole, came up with a very generous criteria for "acute public demand."

Critics of the Bundespost's pro-cabling policy correctly anticipated its impact on private television. With over-the-air broadcasting, only public television was shown and initiatives for private broadcasting could be rejected. But spectrum scarcity would not be persuasive with multichannel cable systems. It was therefore likely that the various states, in particular the conservative ones, would license some cable channels for private program provision. This development was opposed by the political left, which feared the social impact of commercial television on German society and on the electoral process. Many rightists, too, were apprehensive about the implications. Still others feared that the cabling of Germany would prove an uneconomical investment; a study by Eberhard Witte reduced that particular concern (Witte, 1984).

Many of the critics were placed in an intellectual quandary, because they normally supported the desirability of a telecommunications monopoly, but now experienced the exercise of its power. The opposite was also true: some proponents of telecommunication liberalization became supporters of a

Bundespost activism in cable television in order to promote private media.

With the pilot projects slowly on the way to realization, the Social Democrats' strategy shifted from opposition on policy grounds to a go-slow position that stressed the superiority of future optical fiber over the existing coaxial copper lines.<sup>5</sup> Partly as a result, the federal government approved in 1981 a futuristic concept of the postal ministry to wire eventually all of Germany with fiber-optic broadband cable. This led to the introduction of the Bundespost's BIGFON development project only one month later.

In the same year the cabinet also decided to appoint the special Inquiry Commission, chaired by Christian Schwarz-Schilling, to investigate new information and communications technologies. From the beginning this commission was highly politicized along ideological, jurisdictional, and party lines. The federal states refused to cooperate. While the commission was working, the federal government changed to Christian Democrat, and Schwarz-Schilling became federal minister of posts and telecommunications. The commission disbanded in disarray with an interim report and numerous dissenting views.

Schwarz-Schilling, an advocate of private television, gave high priority to cable development in order to advance the new multichannel medium, to increase the influence of his ministry by giving it new areas to develop, and to create an opportunity for the Bundespost to play a significant role in technological

development and employment creation.

Satellite reception can serve as an alternative to cable television. Until mid-1985, it was not permissible to receive satellite broadcast signals without a license by the Bundespost, and such permission was not given for use in satellite master television antenna (SMATV) systems. In 1985 this policy was liberalized under certain circumstances.

The cable pilot projects established models for organized German cable television. In 1984, the prime ministers of the states agreed on a framework for feeding programs into cable, based on the Ludwigshafen model, and the two major broadcasting channels began to cooperate with the cable pilots.

The Ludwigshafen project began operations on January 1, 1984, almost eight years after the basic decision of the federal cabinet. It had taken all this time of intense political debate and technological preparation to provide the legal basis for a service that had been offered by amateurs in Bielefeld in 1970. In 1986, it moved from trial project to regular operation.

The pilot project in the city of Dortmund was a trial for a more public and less commercially oriented concept of cable. It emphasized its "open" access channel and included a large number of imported public broadcasting channels as well as community-generated programs. Progress in cabling was being made steadily.

In 1988, 11.7 million homes were passed by cable, with some 40 percent of them (4.6 million households, about 17 percent of the population) actually connected. Almost all of those received

satellite-fed programs. Growth in subscriptions accelerated when more of the actual cabling and marketing was left to private firms. In 1987, the Bundespost established fifty-five regional mixed public and private cable service companies (RKS) (Logica, 1987).

The first Bundespost high-power direct broadcast satellite SAT-1 was launched in 1987 and failed almost immediately. Sat-2 was successfully launched in 1989. Allocation of its five transponders was highly controversial. After prolonged wrangling among the states, the two public broadcasters (ARD and ZDF) received channels for their satellite programs 1-Plus and 3-Sat, and the private Sat-1 and RTL-Plus received two others. A fifth channel is allocated to a third private broadcaster. The next generation DBS system is planned to have twenty broadcast transponders (Engler, 1990, p. A116).

TV-SAT2 utilizes the D2-MAC transmission standard for its five transponders. However, competition from the PAL compatible Kopernikus satellite, the lack of readily available receivers, and the refusal of TV-SAT's broadcasters to pay the Bundespost Telecom's rental fee because of low viewership have dampened the prospects for success of the D2-MAC standard and TV-SAT2 itself.

Another form of video delivery that changed the scene is videocassette recordings. In the mid-1970s the blue-ribbon KtK commission overlooked the explosive effect that VCRs would have. Ten years later there were more than 10 million recorders in German households. In 1984, rental of cassettes overtook theater



viewing in terms of revenue. Soon there were more than four thousand videotheks plus about 2000 bookstores and gas stations that offered cassettes (Hoffmann-Riem, communication).

### Private Program Ventures

As Germany was wired up by the Bundespost and as the legal and institutional status of programming control was resolved in the various states, actual program provision became at last a concrete issue. To understand the various subsequent activities, one must recognize the extraordinary concentration of the German publishing industry. The big four firms in German media and publishing are the Axel Springer group; Burda, the southern German firm of a divided family; the Bauer group, another family firm; and Bertelsmann, which in turn controls the media giant Gruner & Jahr and is owned by the Mohn family.

In Germany many large publishers are not (yet) the relatively centrist and anonymous corporate managers that they tend to be in America. They are shaped by their founders or their heirs. Springer was a vocal conservative, keeping the idea of German reunification alive, and a bête noire of the left. Burda and Bauer are also distinctly conservative family-run businesses. German Social Democrats have no difficulty recognizing that these publishers are not on their side.

Bertelsmann, the largest publishing firm, is more centrist and corporate. Starting out as a provincial publisher of hymn books, the firm now owns numerous book and magazine publishers,

book clubs, the filmmaker Ufa (historically a big name in German movie production), record companies, software houses, and cable program channels. It had \$7.2 billion in 1989 revenues. Reinhard Mohn and his family own 89 percent of the firm during their lifetimes, and it will later pass to the nonprofit Bertelsmann Foundation (Protzman, 1989). Bertelsmann has expanded sharply in the U.S. media markets by acquiring Bantam, Doubleday, RCA Records, printing plants, and various magazines. US operations accounted for 29 percent of Bertelsmann's 1989 revenues of \$7.2 billion.

Axel Caesar Springer was a powerful, controversial, and conservative figure in German public life. Shortly before his death in 1985, 49 percent of his holding company was offered to the public for subscription. This was the first time that a major German media firm was traded on the stock exchange. The stocks were triply oversubscribed and rose within the first day of issuance by almost 100 percent. (The price had been set far too low by the cautious Deutsche Bank.) Of the shares, 10 percent were acquired by the influential film dealer Leo Kirch, who subsequently increased his holding to 26 percent. The remaining 51 percent of stock was shared in almost equal parts by Springer family interests, as well as by Burda. Thus, the Springer firm came to be partly controlled by three of the most powerful media entities in Germany. In 1988, Axel Springer Verlag A.G. became one of the first German corporations to face the prospect of a hostile takeover, when Kirch and Burda

bid—unsuccessfully—for full control.

Kirch, who had the foresight to invest in film rights since the 1960s, has a virtual lock on German film distribution. Most foreign producers and distributors transact only through his Beta and Taurus companies. His movie rights have been estimated as worth almost \$2 billion. From distribution, Kirch expanded into production, both directly and through coproduction consortia with Seydoux and TF1 in France, Berlusconi in Italy, and American interests. One of his more interesting production activities is Unitel, which records major artistic performances for future broadcasting. Kirch also moved into distribution through video and book clubs, and most important, through satellite channels. After several reorganizations, Kirch holds a major share, about 55 percent, in SAT-1, one of two major private German channels. (PKS, which holds 40 percent of SAT-1, is controlled by Kirch and his allied DG Bank.) He is a major supplier of programming for SAT-1, for a long time at nominal prices in order to nurse the channel to profitability, which it reached in 1990. He also established a pay-TV channel (Teleclub) in Switzerland and Germany, eventually merging it with Canal-Plus and Bertelsman interests into Premiere. Kirch's son also controls another satellite channel, Pro 7. Kirch also tried to enter print publishing through direct and indirect acquisition of 26 percent of Springer, but was rebuffed from taking control by the Springer family. Kirch outpaced the slower Springer, Burda, and Bauer media giants and established himself with Bertelsmann—both rival

and partner—as Germany's most dynamic media presence (Ahrens, 1990).

These publishing interests and others formed in 1983 the commercial television venture SAT-1, on the air since 1985. SAT-1's structure was of a mind-boggling complexity reminiscent of that of the Holy Roman Empire. It can best be described as a publishers' consortium of partners, some of whom, in turn, were joint ventures of others. Some of the owners were also programmers, sharing the same frequency and programs within allocated time slots. Initially, the major owners were the movie distributor, PKS (with the strong involvement of Kirch), which held 40 percent of the stock, several large publishers with a combined share of 40 percent, and the publishers' news channels APF (Aktuell Presse Fernsehen), with 20 percent. Almost immediately, Bertelsmann, one of the founding participants, switched to an alliance with the rival Luxembourg CLT for the RTL-Plus channel and was consequently forced out of SAT-1. Medium-sized shares in APF were held by the large publishing houses Springer, Burda, Bauer, and Holtzbrinck, among others. There was also a small amount of participation (less than 2 percent of shares) by dozens of other publishers. Eventually, Kirch acquired control with 55 percent.

The programming independence of the partners quickly led to problems. In effect, the organizations providing programs created positive and negative externalities for each other by reducing or increasing viewership for the channel. Because of

lack of coordination, the same actor sometimes appeared on the same evening on several different programs. Occasionally, the partners also competed against each other in program acquisition, thus increasing cost. Because the complex time formulas had to be negotiated among a large number of parties, it was difficult for SAT-1 programming to respond flexibly to an event requiring program modifications. SAT-1 operates out of Mainz, also ZDF's headquarters city. Eventually the structure and ownership were simplified. By that time, it was no longer necessary for publishing industry to present a united front.

SAT-1's major competitor is RTL-Plus, delivered since 1985 by satellite and increasingly also terrestrially. The channel operated by a partnership of the Luxembourg private broadcast monopolist CLT (and its broadcast arm RTL) with Bertelsmann, which was subsequently joined by fellow publishers WAZ, Burda, and FAZ, as well as the huge Deutsche Bank. It operates primarily out of Cologne and Munich. CLT's ownership, in turn, is highly complex, and includes numerous French and Belgian economic and governmental interests. RTL is an experienced broadcasting organization with wide audience recognition and access to the European Broadcast Union's international feeds, which helped the new channel.

3-SAT, another satellite programming channel, is a joint venture, of the second German television channel, ZDF, the Austrian Broadcasting Corporation, ORF, and the Swiss Broadcasting Corporation, SRG.

ARD, too, established a satellite-distributed television channel, 1-Plus, also in collaboration with the public broadcast institutions of Switzerland and Austria. It has operated since 1986.

As more channels became available, the typical cable viewer could receive (just among public channels) the two major networks ARD and ZDF, several third programs from the regional institutions, the public 3-Sat and 1-Plus; plus public stations from neighboring countries such as Switzerland or Austria. This can come to eight or more public channels. In terms of presence, therefore, public television is alive, well, and more diverse than ever from the viewers' perspective. The commercial channels usually carried are RTL-Plus and SAT-1. Other television channels often carried on cable include Schleswig Holstein's Eureka, Lower Saxony's Impulse TV, Tele-5 (a rock music channel owned by Tele München, CLT, and Berlusconi), Pro-7, and the United Kingdom's Sky Television. Public access, or "open channel," programs are rarely used. Because of their low advertising revenues, local channels have often failed (Tonnemacher, 1987).

Both SAT-1 and RTL-Plus were initially delivered by cable operators via satellite transmission (RTL was also beaming from Luxembourg into a corner of Germany). However, both were also increasingly awarded terrestrial frequencies by the various state media agencies (Anstalten) in charge of private broadcasting; license awards were usually based on preventing discrepancy in

the viewing options of cabled and noncabled areas. But this policy also led to increased concentration of program supply and made de facto SAT-1 and RTL-Plus into regular national channels.

Faced with program competition, the mighty ZDF fell for a time to fourth place in ratings (17 percent) among cabled homes, behind ARD (22 percent), RTL plus (20 percent) and Sat-1 (17.1 percent) (Ahrens, 1989, p. 12). Informational programming especially suffered audience declines because of the added entertainment-value options available (Woldt, 1989, p. 7). Subsequently, ZDF recovered to 21 percent. (For the entire population, ARD and ZDF's audiences were 33 percent and 32 percent, respectively; RTL had 10 percent, Sat-1 had 8 percent, and the ARD's third channels 11 percent.) Pay TV was started in 1986 on a trial basis, operated by Teleclub, a joint venture of Kirch (Beta-film), Bertelsmann/Ufa, and Springer, and eventually Kirch controlled the channel. Undaunted, Bertelsmann combined in 1990 with Canal Plus to form the Premiere pay-TV channel. The two pay channels merged, and Bertelsmann ended up with Kirch and Springer as partners (Glenn, 1990, p. 4).

#### Broadcasting in East Germany

Until the 1990 unification of the two Germanies, the broadcast system in the German Democratic Republic was radically different from that of the Federal Republic of Germany. After World War II, East German radio service was swiftly established by the occupying Soviet forces. The Democratic Radio was established already in May 1945 (Fuchs, 1986, p.B113), and continued after

In 1952, radio and television were placed under the State Committee for Radio Broadcasting and the State Committee for Television, both subject to the Council of Ministers. Transmission and technical services, on the other hand, were under the aegis of the PTT, Deutsche Post. What made the structure in the German Democratic Republic unusual in comparison to other East European countries was the degree of control exercised by the PTT over the administrative committees.

In 1952, regular television transmission was established in East Berlin, making the GDR one of the first European countries to begin operating a public channel, mostly in order to keep up with the Federal Republic of Germany. By 1955, about 15 hours of programming were available per week to the 0.1 percent of the population that owned television receivers. But in 1987, most households had a television. In 1969 a second channel, DDR2, was launched. There were three regional studios (Gerber, 1990). The radio system had five national channels and twelve regional windows. GDR broadcasting was a massive apparatus -- over 1,000 state radio dramatists and musicians alone were employed (Task Force, 1990, p.53).

East Germans, along with the Eastern Bloc, chose a variant of the French SECAM color-TV standard, partly in order to differentiate compatibility from West Germany and its PAL system. But there was no way to prevent the population from tuning in to West German and West Berlin broadcasting. Partly for that reason, television ownership was high among East Germans in



comparison to the rest of Eastern Europe, well in the 90 percent range. There was also a good amount of cabling (Logica, 1987, p.65)

In the transformation from Stalinism to democratic statehood during 1989 and 1990, changes in broadcasting were at first primarily cosmetic. In early 1990 the Fernsehen der DDR was renamed Deutscher Fernsehfunk (DFF); its former Communist (SED) head of operations was ousted and jailed in a purge (Ahrens, Feb. 1990). The Department of Agitation and Propaganda of the SED Politburo became the Department of Media Policy and Information. However, most of the remaining bureaucratic personnel remained in place.

Commercial advertising was introduced for financial reasons. Like in most Eastern European countries, there already had been advertising for state products and services (Kleinwächter, 1990, p.221). Now, restrictions on commercial advertising were modeled on EC regulations. For example, the daily commercial time was 30 minutes, and there were restrictions on the promotion of alcohol and tobacco. An advertising booking agency was sought; West Germany's ARD and ZDF offered to negotiate the deal on behalf of the DFF, but instead the firm "Informacion and Publicite" was chosen, a subsidiary of Luxembourg's CLT.

Programming content began to change, too, and Western-style investigative reporting appeared as the Propaganda Department of the Central Committee of the ruling SED was forced to relinquish its role as censor. But the broadcast institutions' primary

thrust of activities centered on protecting the members of its discredited huge bureaucracy who clung to their positions (Task Force, 1990, p.53).

In general, the pre-unification reform period saw little cooperation and long-range planning between the East and West broadcasting, particularly in comparison to the more rapid pace of general economic and political integration and of telecommunications. Efforts to reform the East's broadcasting system were initiated by the East's coalition government, without substantial input from the West. While the East's actions did serve to bring the broadcast media out of its state-owned and party-controlled status, the broadcast institutions themselves were a conservative force in this process.

With only limited success in initiating major institutional reform, a vacuum existed that both public and private interests in the West rushed to fill.

In the print media West German media firms vied for control of the new market with the four largest publishers pressing the East German government for exclusive rights.

The public media were no less active, despite cautioning against the process of "media colonialism" toward the GDR's market (Ahrens, 1990, p.5). West Germans eagerly looked to the East as a means of expanding market share and acquiring additional terrestrial channels, most easily obtained by co-opting existing East German channels, rather than investing in the costly process of upgrading outmoded equipment and

facilities, and working with inexperienced (and intransigent) eastern management.

Several competing visions of the role of East German television began to emerge during the reform period. The West German media institutions, particularly ARD and ZDF, looked to incorporate the DFF as a public broadcasting station into the West German public structure either as coequal with ZDF and ARD and in a mirror image of its federated structure (the proposal supported by DFF), or to have one or both of the DFF channels merge with one of the West German public stations (a solution highly unpopular with DFF). Another possibility discussed was the phasing-out of DFF entirely, to be replaced by a new public broadcasting organization, essentially in competition with ARD and ZDF, but situated in Berlin, and with a mandate to focus on East German issues. A further option, proposed by private interests such as SAT-1, was to incorporate DFF within the existing West German broadcasting structure, and thereby free more terrestrial channels for West German private broadcast use (Intermedia, 1990). Yet another proposal recommended the continued operation of DFF in conjunction with the development of one or two East German private channels to operate in a dual private-public system.

## CHAPTER 8

1. In the last ten apocalyptic months of the regime, Hitler spoke only once to the German people.
2. The Reichspost and the RRG, however, used the Eiffel Tower in Paris during the Occupation to broadcast temporary transmissions.
3. ZDF, in contrast to the ARD stations, had no authorization for radio broadcasting. After exerting significant pressure, it received it in 1990.
4. There was no advertising on the third channel until the broadcast authority in Hesse, the state most opposed to commercial television at the time, began to carry it in order to undercut the potential advertising market for future private systems. This led to the curious spectacle that the political left advocated more advertising on public television, whereas the right opposed it.
5. In 1981, the Germany Monopoly Commission criticized the Bundespost's cable equipment procurement and development practices that were channeled through a working group of nine manufacturers: "The manufacturers that are included in the working group obtained through their participation a significant development advantage over manufacturers that are not involved" (Monopolkommission, 1981, p. 34). Following an order from the Federal Cartel Office, foreign producers and other German producers were allowed access to the catalogue of standards. The Monopoly Commission also noted that "concerning [master antenna] systems that are to be newly erected, the result is that the DBP has left for itself many of the

Monopoly Commission also noted that "concerning [master antenna] systems that are to be newly erected, the result is that the DBP has left for itself many of the profitable projects, while it gives permits when conditions are unfavorable" (Monopolkommission, 1981, p. 64).

CHAPTER 6

Ahrens, Wilfried. 1989. No More Free Lunch. Television Business International, September, p. 12.

Ahrens, Willfried. 1990. Racing for Partners in the Other Germany. Television Broadcasting International, February, pp.4-5.

\_\_\_\_\_. 1990. The Vision of Leo Kirch, Internationalist. Television Business International, May, pp. 80-86.

Bachof, O., R. Breuer, H. Ehmke, J. A. Frowein, W. Grewe, and P. Haberle. 1983. Archiv des öffentlichen Rechts. Tübingen: J. C. B. Mohr. July.

Bausch, Hans. 1980. Rundfunk in Deutschland (Baud 3). Munich: Deutscher Taschenbuch Verlag GmbH.

Behrmann, Hannes. 1990. Mit Bruechen: Wie weiter im DDR-Rundfunk?. Kirche und Rundfunk. Nr.40, May 23.

Bullinger, Martin. 1980. Kommunikationsfreiheit im Strukturwandel derb Telekommunication. Baden-Baden: Nomos-Verlagsgesellschaft.

\_\_\_\_\_. 1987. Koordination im Öffentlich-

rechtlichen Rundfunk. Mainz: Zweites Deutsches Fernsehen.

BVerfGE. 1961. Judgement of February 22. 12 BVerfGE 205  
(1962).

\_\_\_\_\_. 1971. Judgement of July 27. 31 BVerfGE 314 (1972).

Das Bild. 1990. Mehr Werbung in ARD and ZDF? Eastern Europe:  
Please Stand By, Washington:GPO, p. 1.

Diller, Ansgar. 1980. Rundfunkpolitik in Dritten Reich.  
Munich: Deutscher Taschenbuch Verlag.

DTV. 1980. Rundfunkpolitik: Nach 1945, vols. 3, 4. Munich.

Engler, Jörg. 1990. Das Rundfunksystem der Bundespublic  
Deutschlands. In Internationales Handbuch für Rundfunk und  
Fernsehen, Hans-Bredow-Institut. Hamburg and Baden-Baden:  
Nomos, pp. A56-A91.

Fuchs, Gerhard. 1986. Die Geschichtliche Entwicklung des  
Rundfunks (Horfunks) in der Deutschen Demokratischen  
Republik. In Internationales Handbuch für Rundfunk und  
Fernsehen, Hans-Bredow-Institut. Baden-Baden: Nomos,  
pp. B113-B116.

GDR: New Media Policy Issues. 1990. Intermedia, vol. 18,  
no. 3, June/July, pp. 7-8. 222 [?]

Gerber, Volker. 1990. Das Rundfunksystem der Deutschen  
Demokratischen Republik, In Internationales handbuch für  
Rundfunk und Fernsehen, Hans-Bredow-Institut. Baden-Baden:  
Nomos, pp. A92-A107.

Glenn, Adam. 1990. German Pay TV Merger Improves Remaining  
Service's Survival Odds. Broadcasting Abroad, April, p. 4.

Glötz, Peter. 1983. Unpublished position paper.

Grosser, Alfred. 1979. From Democratic Showcase to Party  
Domination. In Television and Political Life, ed. Anthony  
Smith. London: Macmillan, pp. 114-141.

Hans-Bredow-Institut Für Rundfunk und Fernsehen. 1990. In  
Internationales Handbuch für Rundfunk und Fernsehen. Baden-  
Baden and Hamburg: Nomos.

Hoffmann-Riem, Wolfgang and Christian Starck. 1987. Das  
Niedersächsische Rundfunkgesetz vor dem  
Bundesverfassungsgericht. Baden-Baden: Nomos.

Kleinsteuber, Hans J., Denis McQuail, and Karen Siune, eds. 1986.  
Electronic Media and Politics in Western Europe.



Frankfurt and New York: Campus Verlag.

Kleinwachter, Wolfgang. Rundfunkwerbung in der DDR.

KtK (Commission for Development of Telecommunications Systems).

1976. Telecommunications Repast. Bonn: Federal Ministry of Posts and Telecommunications.

Lerg, Winfried B. 1980. Rundfunkpolitik in der Weimarer Republik. Munich: Deutscher Taschenbuch Verlag.

Logica Consultancy, Ltd. 1987. Television Broadcasting in Europe: Toward the 1990s. London, p. 61.

Media Perspektiven. 1990. April, pp. 211-218.

Mestmäcker, Ernst-Joachim. 1978. Medienkonzentration und Meinungsvielfalt. Baden-Baden: Nomos.

Monopolkommission. 1981. Die Rolle der Deutschen Bundespost im Fernmeldewesen. Baden-Baden: Nomos.

Noam, Eli. 1991. Telecommunications in Europe. Forthcoming.

Paulu, Burton. 1974. Radio and Television Broadcasting in Eastern Europe. Minneapolis: University of Minnesota Press.

Protzman, Ferdinand. 1989. An Imposing Rival for Would-Be Time-Warner. New York Times, April 3, sec. 4, p. 8.

Ratzke, Dietrich. 1982. Handbuch der neuen Medien. Stuttgart: Deutsche Verlagsanstalt.

Roß, Dieter. 1986. Der Rundfunk in Deutschland: Entwicklungen-Strukturen-Probleme. In Internationales Handbuch für Rundfunk und Fernsehen, Hans-Bredow-Institut. Hamburg and Baden-Baden: Nomos, pp. B56-B66.

Scherer, Joachim. 1985. Fernmeldepolitik als Medienpolitik. Media Perspektiven, March, p. 166.

Siemens, Georg. 1957. Geschichte des Hauses Siemens. Grieburg and Munich: Karl Alber.

Task Force on Telecommunications and Broadcasting in Eastern Europe. 1990. Please Stand By, U.S. Department of State. Advisory Committee on International Communication. Spring.

Tonnemacher, Jan. 1987. Telecommunications and the Mass Media in West Germany. VDI/VDE Technologiezentrum Informationstechnik GmbH.

Tracey, Michael, 1982. Das unerreichbare Wunschbild: ein Versuch

Über Hugh Greene und die Neugründung des Rundfunks in  
Westdeutschland nach 1945. Cologne: Kohlhammer.

Witte, Eberhard, 1984. Neue Fernsehnetze im Medienmarkt: Die  
Amortisationsfähigkeit von Breitbandverteilsystems.  
Heidelberg: Decker. vol. 130S.

Witteman, Christopher. 1983. West German Television Law: An  
Argument for Media as Instrument of Self Government. The  
Hastings International and Comparative Law Review,  
7(1):145,210.

Woldt, Runar. 1989. The Growth of Cable TV. Media Bulletin,  
March, p. 7.