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Government communication in Germany: Maintaining the fine line between information and advertising

Christina Holtz-Bacha

Although there are overarching trends that pose challenges for modern government communication, it can only be understood against the background of the specific features of the political and the media system of a certain country. Their structures and processes provide for a specific systemic environment and thus influential factors that help to explain similarities and differences of government communication among countries.

The political and the electoral systems

Germany has a parliamentary system. On the national level, only the parliament (*Bundestag*) is elected by the people. The president is the head of state but has mainly a ceremonial function and is not elected directly by the people. The most influential figure in the German political system is the chancellor who is the head of the government. The chancellor is elected by the parliament and has always been of the party that received the highest percentage of votes in the election.

The political system is dominated by parties which are mentioned in the German Constitution where they are assigned an important role in

the formation of the popular political will. In fact, the selection of electoral candidates lies almost completely in the hands of the parties. The party landscape had traditionally been dominated by the Christian Democratic Union (CDU/CSU) and the Social Democratic Party (SPD) which together garnered 80 to 90 per cent of the votes in parliamentary elections until the end of the 1980s. One of them usually formed a coalition government with the Free Democrats Party (FDP). The advent of the Greens in the early 1980s and the Left (*Die Linke*) during the 1990s reduced the power of the former big players. A grand coalition between the CDU/CSU and the SPD existed only in two terms since 1949 (1966–9 and 2005–9). With the diminishing power of the former big parties, coalitions of three parties may become the model of the future. The election of 1990 initiated the gradual decline of the big parties. For the first time, the Christian Democrats and the Social Democrats did not accumulate more than 80 per cent of the votes. Presently, the national parliament is composed of representatives from five parties.¹ Since the election in 2009, Germany has been governed by a coalition of the Christian Democrats and the Free Democrats under Chancellor Angela Merkel who has been in office since 2005.

Another distinctive feature of the German political system is federalism which provides for a decentralization of power. Some political fields (e.g. education, culture) lie completely in the legislative competence of the 16 states (*Länder*) that make up the Federal Republic. At the national level, they are represented in the Federal Council (*Bundesrat*) which participates in the federal legislation.

Germany's electoral system is a mixed-member proportional system giving each voter two votes: with the first vote, a party candidate in the constituency is elected, and the second vote is given to a party list. The number of seats a party gets in the *Bundestag* depends on the amount of second votes. During election campaigns, all parties therefore primarily try to solicit second votes while campaigning in the constituencies is mostly left to the individual candidates. Because only the Christian Democrats (CDU/CSU) and the Social Democrats (SPD) usually have a chance to win the constituency and a first vote cast for a small party therefore risks being a 'lost vote', an increasing number of voters have split their vote and given their first vote to a candidate of one of the 'big' parties and their second vote to a smaller party.

Germany's media landscape is characterized by the private press on the one side and a dual broadcasting system of public and commercial broadcasting on the other. Daily newspapers reach an overall circulation of 19.4 million issues (2010) providing for 279 issues per resident over the age of 14 (Zeitungsdichte, 2010). A daily circulation of about 3 million issues makes the tabloid *Bild-Zeitung* the most popular newspaper in the country. About a handful of nationally distributed newspapers, among them the conservative *Frankfurter Allgemeine Zeitung* and the liberal *Süddeutsche Zeitung*, are

regarded as quality newspapers and together with the political magazines *Der Spiegel* play the role of agenda setters for other media and for the political elite. The majority of the newspapers, however, have a regional or local reach. The television market is divided almost equally between the traditional public service channels and their commercial competitors. More than a hundred channels are on offer but the market is nevertheless dominated by a small number of channels. The wide choice has led to a fragmented market leaving the most popular channel with an average reach of only 12.5 per cent (in 2009, RTL and ZDF) (Zuschaueranteile, 2010). Overall, concentration is a characteristic of the newspaper and the broadcasting market, barely constrained by regulation. In almost 60 per cent of the districts, newspapers have a local monopoly (Schütz, 2009). Two conglomerates, the RTL group and the ProSiebenSat.1 Media AG, both offering several channels, dominate the commercial television market.

In general, German media enjoy a high degree of freedom, guaranteed by the Constitution and upheld by the Constitutional Court. In recent years, media freedom was occasionally compromised by attempts of the authorities to identify leaks and by disputes over privacy. According to the classification of Hallin and Mancini (2004), the German media system tends to the 'North/Central European or Democratic Corporatist Model' featuring three characteristics which 'include the simultaneous development of strong mass-circulation commercial media and media tied to political and civil groups; the coexistence of political parallelism and journalistic professionalism; and the coexistence of liberal traditions of press freedom and a tradition of strong state intervention in the media, which are seen as a social institution and not as purely private enterprises' (Hallin & Mancini, 2004, pp. 195–6). German journalists mostly adhere to a non-partisan role model that puts neutral and precise information first (Weischenberg, Malik & Scholl, 2006, p. 102).

The development of media use over the past years reflects the changes that have taken place with the introduction of digital media and the internet in particular. While the use of television has been pretty stable with an average of 220 minutes per day, radio and newspaper use have gone down to 187 and 23 minutes. Since about the mid-1990s, the use of the internet has risen steeply and reached 83 minutes in 2010 (All figures: Engel & Ridder, 2010).

The development of government communication and its legal background

The central institution for government communication in Germany is the Federal Press and Information Office (FPIO). It was established in September 1949 directly after the first parliamentary election in the newly founded

Federal Republic of Germany. At that time, barely five years after the end of the Second World War, the experience of 12 years of state-controlled media and propaganda was still fresh and overshadowed the new office for government information policy. The structures of the democratic, but unstable Weimar Republic (1918/19–1933) only partially provided a model for the organization of government communication (see Walker, 1982, pp. 79–80). During its first years, the Press and Information Office was part of the chancellery but soon developed into a separate institution. In September 1958, its director received the status of state secretary, one level below a minister, and the Press and Information Office became directly subordinate to the chancellor (see Hofsähs & Pollmann, 1981, pp. 24–5). It has the status of a supreme federal authority.

However, Germany's first chancellor, Konrad Adenauer, was dissatisfied with what appeared to him as the press' negative attitude towards the work of the government and sought better ways to organize public support for his policy. Therefore, a parallel structure was built up that was supposed to develop public relations for democracy in the wider political sphere, addressing constituencies beyond the media (Weiss, 2006, p. 100). Visible expression of the concept was the founding of the *Arbeitsgemeinschaft Demokratischer Kreise* [Consortium of Democratic Circles] (ADK) in 1951, a joint venture of political interest groups successfully engaging in public relation activities in favour of the government and also of Adenauer's Christian Democrats. The ADK was only dissolved in 1968 under pressure from the SPD when the party became a partner of the CDU/CSU in a grand coalition (Kunczik, 1999; Weiss, 2006).

From the early years of the Federal Republic, German governments, independent of their 'colour', again and again used the resources of the FPIO without keeping the government's and their parties' interests separate. That applied, for example, to opinion research for which the office concluded contracts with polling institutes at the beginning of Adenauer's chancellorship (1949–63; Kruke, 2007, pp. 74–9). Conflicts also arose over adverts in the print media and brochures that came close to or could definitely be regarded as electoral advertising. The government, however, was and continues to be forbidden from supporting party campaigns. Therefore, whenever elections were coming up and governments started campaigns pointing to their achievements during the last term, the opposition parties complained about these activities and claimed equal opportunities. The matter finally went to the Federal Constitutional Court. In its decision in 1977 (for documentation with and additional material see, *Das Urteil*, no year), the court not only acknowledged the right of the government to active public relations but also stated that government public relations is a necessity. The court argued that responsible participation of the individual citizen in the formation of the

political will should be based on the knowledge of the decisions and measures taken by the state bodies. However, the government was ordered to abstain from advertising in favour of any of the competing parties and of giving any impression of influencing public opinion to the advantage of any particular party. Government communication, it was argued, reaches its limits where electoral advertising begins.

Therefore, the court made a distinction between, on the one hand, what it called permitted communication activities of the government and on the other, inadmissible activities. At the same time, the court presented indicators which could be used to determine whether communication activities of the government take on the character of electoral advertising and are thus not permitted. These criteria included a temporal factor, the design and the frequency of these activities. If they appear close to an election, that is to say after the date of the election has been announced officially, or if the informational content is overshadowed by its advertising character, or if the activities increase closer to election day, then these factors seem to suggest the potential for electoral advertising and are therefore not permitted (Schürmann, 1992, pp. 37–8; Schütz, 2006).

In its 1977 decision, the Constitutional Court referred to the principle of democracy and particularly the equal opportunities principle established in the German Constitution (Basic Law). By using the resources of the FPIO, the government had seemingly supported the governing parties during an election campaign and thus violated the equal opportunities of the parties. In addition to the principles set forth by the Constitutional Court in the 1977 decision and again in 1983, government communication is further based upon the by-laws of the federal government and the common by-laws of the federal ministries. The first simply determines that the head of the Press and Information Office attends the meetings of the government; the latter regulate the cooperation between the government and individual ministries.

In three other decisions upon complaints against a census (1983) and in connection with a scandal concerning adulterated wine, the Constitutional Court criticized the government for its inadequate information policy and underlined the importance of governmental public relations (Vogel, 2009, pp. 114–15).

According to the laws regulating public service broadcasting, the government has only very limited rights for direct access to programming. The laws for the nine ARD corporations contain different provisions that give governments broadcast time for official statements. Some, as does the ZDF state treaty, restrict access to events such as disasters or other serious hazards for public order and safety. No similar regulations exist for commercial television. Thus, access of members of government to radio and television remains at the discretion of the media and is subject to the same selection

criteria as for other politicians, although the chancellor and the ministers enjoy an incumbent bonus because of the overall relevance of their decisions.

Political advertising is forbidden on television and radio. Television channels broadcast political advertising in the form of short spots only during election campaigns and in the last four weeks before election day. The right to obtain free airtime on the public channels or purchase advertising time on commercial television only applies to parties. Therefore, government information campaigns usually run in the print media or by way of posters, leaflets and the internet.

Against this regulatory background, government communication in Germany must be regarded as primarily serving a public relations function for the government in order to inform about and explain its decisions and thus garner legitimacy for its actions.

Today's structure of government communication

Officially, the presentation of government decisions to the public is the task of the government's spokesperson. S/he is appointed by the chancellor, holds the position of a state secretary and is also the head of the FPIO. The main tasks of the office are:

- to inform the government and the president about worldwide news
- to monitor public opinion as a basis for government decisions
- to inform the public and the media about the political activities and objectives of the government
- to provide information about Germany to other countries in cooperation with the foreign ministry
- to coordinate public relations activities of the office and of the ministries concerning activities of general political relevance
- to support German news services in Germany and in other countries.

Thus, the FPIO has three functions: a receptive function (monitoring of news and public opinion), an operative function (information of the media and the wider public at home and abroad) and a coordination function (see Müller, 2001, p. 61). Its present organization was the outcome of a restructuring process under Chancellor Gerhard Schröder during his first term (1998–2002). Among the visible innovations under Schröder was the introduction of a corporate identity for all information and public relation activities of the government and the individual ministries. It was also under Schröder that

the FPIO established an internet editorial office and launched an online information platform. The structure of the office had not been changed when Schröder's successor Angela Merkel took office in 2005. Her most important innovation was a weekly video-podcast posted on the chancellor's website and used to comment on topical issues, thus marking another step towards the modernization of government communication.

With a total of 470 employees in 2012 (370 in Berlin and 90 in Bonn), the FPIO is divided into 4 departments: Department I has administrative functions and is in charge of the technical realization of public relations activities. Department II is in charge of media monitoring and analyses German as well as foreign media. Department III takes care of the press and public relations activities and is subdivided according to political areas. Department IV has various tasks among which are interministerial coordination, opinion research and internet and (audio)visual services. In earlier years, public relations for Germany in other countries was also carried out by the office but was transferred to the Ministry of Foreign Affairs during the red-green coalition (1998–2005).

In addition to the FPIO which represents the government as a whole, the individual ministries have their own press and public relations departments. These are in charge of dealing with the more specific topics that fall within the scope of the respective ministry. To make sure that the government nevertheless speaks with one voice, the head of the FPIO is in regular contact with the spokespersons of the 14 ministries.

In 2010, the FPIO had a budget of 16 million euros for its public relations activities (Schriftliche Fragen, 2010, p. 2) (these figures include the cost of public relations and advertising activities but not salaries). The ministries have additional budgets available, with the Ministry of Labor and Social Affairs disposing of the highest amount (13 million euros) and the Ministry of Justice the lowest (91,000 euros).

In most cases, the government spokespersons and thus, the head of the FPIO, have been former journalists. In August 2010, Chancellor Merkel's spokesman Ulrich Wilhelm left his post to become the Director General of the Bavarian Broadcasting Corporation which is one of the nine public service broadcasters that make up ARD.² The position was taken over by Steffen Seibert who until then had been a news anchor for ZDF.³ Usually, the spokesperson belongs to the inner circle of the chancellor and takes part in the daily briefings in the chancellery.

The government spokesperson answers to the national press corps three times a week. Since 1949, the Bonn and Berlin⁴ correspondents are registered as an association which is called the Federal Press Conference (*Bundespressekonferenz*, BPK). Any parliamentary journalist can be a member. At present, the Federal Press Conference has more than 900 members (cf. Der Verein, 2010). The press conferences are organized by the association

and take place in its own building. Thus, the government spokesperson and the colleagues from the individual ministries as well as all politicians including the chancellor, appear before the press corps as guests of the association. This exceptional organization of the relation between the media and politicians has its roots in the Weimar Republic but was suspended as soon as the Nazi Party came into government in 1933.

The organization of press conferences by the journalists themselves has the advantage that it is not left to the discretion of the government if, when and how which media are informed. All German and foreign correspondents receive the same information. Fixed dates for the government spokesperson and the spokespersons of the ministries make sure that there is a constant flow of information from the government to the media.

According to the statutes of the Federal Press Conference, information given by politicians 'under 1' can be used by journalists as they like. Information given 'under 2' means it can be used without identification of the exact source. Finally, information given 'under 3' is confidential (Krimke, 2003). In addition to the Federal Press Conference there is an association of the foreign correspondents in Germany (VAP) that also organizes talks with politicians and other prominent guests (cf. Verein der, 2009). More than 400 VAP members have the right to participate in the press conferences organized by the Federal Press Conference.

In addition to the Federal Press Conference there are the so-called background circles. These are clubs of journalists who invite politicians or their speakers for a more informal exchange of information. The information offered in these circles is unofficial and not meant for direct publication but rather is to provide background for issues and strategies. These circles are organized according to political affiliation or type of media and can therefore also be used for strategic news management (see Pfetsch, 1998, p. 84).

The task of the FPIO is restricted to supplying information on the work of the government to the public. Political instruction and education is left to a separate institution called the Federal Agency for Civic Education (*Bundeszentrale für politische Bildung/bpb*). It was founded in 1952 and is supposed to promote awareness for democracy and participation in politics. For this objective, the Agency publishes print and online material, organizes different kinds of events on political and social issues and makes specific offers for journalists (see the Federal Agency, 2010).

Challenges for government communication

Germany's political system leads to particular challenges for government communication. Since coalition governments are the rule, communication

management always has to take into account the interests of the coalition partners. These may be diverging because, with the next election in mind, each party in a coalition tries to work on its own profile and to emphasize its specific achievements. These calculations not only pertain to national elections which are held every four years but in a federal state like Germany there is always an election close at the level of the 16 states.

In addition, the ministries have their own press and public relation departments. The regulations expressed in the common by-laws of the Federal Ministries that allow them to inform the public about their projects and at the same time oblige the FPIO to coordinate its activities with the press departments of the ministries, demonstrate the sensitivity of the relationship. Since the ministers come from the different coalition parties and are constantly in the public eye and subject to popularity polls, the public relation activities of the ministries mix with the ministers' own public relation efforts to burnish their personal image as well.

Even though the FPIO and the government spokesperson work for the whole government, their role and relevance are very much influenced by the chancellor. The spokesperson, who is the head of the office, answers directly to the chancellor, and it is the chancellor who determines who the spokesperson is and the extent of their influence. Thus, each chancellor has the chance to shape government communication in their own way. Helmut Kohl (CDU, 1982–98), for instance, marginalized the FPIO during his chancellorship due to a deep-rooted distrust of journalists and the media. The government spokesmen during his four terms were mostly kept out of the information loop. Instead Kohl let close confidants handle his media relations from the chancellery. Kohl's contempt for the FPIO and the role of the government spokesperson became evident once again when he dismissed spokesman, Peter Hausmann, who had been in office for four years, and appointed Otto Hauser four months before the 1998 parliamentary election. Because Hauser was and remained a member of parliament at the same time as being government spokesman, he encountered a credibility problem and himself became the subject of media reporting (see Lünenborg, 1999).

When Kohl's successor Gerhard Schröder took office in 1998 he made the former journalist Uwe-Karsten Heye, who had already been his spokesman as prime minister of Lower Saxony, the new head of the FPIO and thus seemed to restore its former relevance. The new government was committed to a new communication concept of dialogue with the citizens and set out to modernize government communication (see Ruhenstroth-Bauer, 2003). To ensure a common look across government, a corporate design was developed that is now used by the government, the chancellery, the ministries and the Press and Information Office for their offline and online public relations activities. The Press and Information Office was restructured and the number

of departments reduced from five to four which also went hand in hand with a decrease in personnel.

However, when the government spokesman Heye was replaced by Béla Anda in 2002, he did not achieve the same position as his predecessor who had been one of the FROGS (= Friends of Gerhard Schröder) as Schröder's close advisors were called. Rosumek (2007, p. 226) therefore pointed to a further decline in the importance of the government spokesperson that had begun under Kohl's chancellorship. Under Schröder, however, this development was also caused by his particular media skills which earned him the moniker 'media chancellor'. Klaus Bölling who had been the government spokesperson for Chancellor Helmut Schmidt (1974–82), therefore described Schröder as his own and best spokesman (cited in Rosumek, 2007, p. 223).

When Merkel's first spokesperson, Ulrich Wilhelm, was about to leave his position of government spokesperson, it became clear that he had managed to give the position back some of its earlier relevance. In addition to speaking for the government, he was part of Merkel's inner circle and also had an office in the chancellery. At the same time, he had earned the trust of the Berlin journalists. It will have to be seen whether the restored relevance of the government spokesperson and with him, the Press and Information Office was just a consequence of a special relationship or heralded a continuing trend.

During Schröder's first term the federal government moved from Bonn to Berlin. The new seat confronted all political actors with a new situation vis-à-vis the media. In the small city of Bonn, the seat of the government when the country was divided, the government quarter was in one part of the city and almost isolated, providing for a close and almost idyllic relation between journalists and politicians. The situation of the media is different in Berlin. Not only are the government buildings and those of the media more scattered across the city but, in addition to several local radio stations as well as local, regional and national television, the capital has an extremely competitive newspaper market, beyond that of any other city in Germany. The number of journalists accredited at the Bundestag has increased fourfold compared to Bonn.

These specific changes in Germany are accompanied by overall developments that require increased efforts on the part of governments to reach their citizens. Commercialization, in the sense of economic reasoning taking over in the media, has made it more difficult for politics to find room in the media and to gain attention. The trend towards individualization on the one side and the plethora of communication channels on the other leads to audience fragmentation and provides additional challenges for political communication management. These developments altogether make it even more difficult for governments to speak to citizens, particularly because they are mostly restricted to pull media.

As a consequence, the government and those responsible for its information and public relation activities will be compelled to professionalize their communication management in order to adapt to the changing environment (see Holtz-Bacha, 2007a, 2007b). Professionalization will be required at all levels and by all those involved in government communication, a development already well under way in the organization of election campaigns where professionals and strategic thinking have long been in place. However, because of the line drawn by the Federal Constitutional Court demanding a clear distinction between the information function and party advertising, the strategic possibilities of government communication in Germany remain restricted.

The temptation to constantly push the envelope and use government communication in the interests of parties and for individual politicians to increase their popularity remains high even after legal clarification. In particular, the timing of campaigns casts doubts on their purely informational character. In November 2010, Chancellor Merkel came under criticism for spending 2.8 million euros on an ad campaign with her photo, praising the work of the government and launched at the same time as her party held its 2010 convention (see, for example, Merkels PR-Kampagne, 2010).

Conclusion

Government communication is a strategic instrument at the disposal of those who are in power. In interpreting the Basic Law, the Federal Constitutional Court has declared active public relations of the government and the legislative bodies as being in the interest of citizens to allow for informed participation in the political process. While this legitimizes the information function of government communication, the Court has disapproved of any exploitation for party advertising, particularly when an election is close. Due to the German federal system with 16 states holding elections at different times, there is always an election in sight which requires government communication to show constant restraint.

However, the continuous disputes between opposition and government over the use of the FPIO and the funds allocated for government communication demonstrate the fine line between the public relations function on the one hand and advertising in favour of the governing parties on the other. In addition, in a political system where coalition governments are the rule, communication in the name of the government always risks becoming the subject of conflict among the coalition parties, the ministries and the ministers. In the interest of their own profile the ministries do much of their public relations themselves leaving the Press and Information Office

with limited influence. On the other hand, being directly subordinate to the chancellor and due to the fact that it is the head of the government who chooses the spokesperson seems to make the Office and the spokesperson a primary strategic instrument of the chancellor. However, as the cases of Helmut Kohl and Gerhard Schröder in his second term have shown, chancellors do not necessarily use them this way and thus may contribute to a further loss of relevance of the official institution for government communication. Finally, there is a tendency for 'functional PR communicators' (Rosumek, 2007, p. 226), such as the individual ministers or the chancellor, to eclipse the government spokesperson altogether, as they prefer to speak directly to the media themselves and take on the work of fashioning their image into their own hands.

Notes

- 1 The CDU/CSU is counted as one party here which is not completely correct. The CSU (Christian Social Union) only runs in the state of Bavaria while the CDU only runs in the other 15 states. In the national parliament, CDU and CSU form a single parliamentary group.
- 2 ARD stands for *Arbeitsgemeinschaft der öffentlich-rechtlichen Rundfunkanstalten der Bundesrepublik Deutschland* which is a decentrally organized consortium (literally translated: working group) of presently nine regional public service corporations offering radio and television.
- 3 ZDF stands for *Zweites Deutsches Fernsehen* and is the second German public service broadcasting corporation. It is centrally organized and only offers television.
- 4 Bonn was the seat of the parliament and the government until 1999. After the unification in 1990, the parliament decided to move back to Berlin. The move took place in 1999. Most of the ministries moved to Berlin but some stayed in Bonn.

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